

**Transcription ICANN Dublin
Thursday 22 October 2015
NCSG Excom & Board & wrap-up session**

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Rafik Dammak: (Unintelligible) so this has become tradition in an ICANN meeting. And okay. Since I don't really want to moderate anymore, I'm more - I'm happy to ask Tapani as the new NCSG chair starting for tomorrow to moderate this session. So, Tapani?

Tapani Tarvainen: Thank you, Rafik. So I'm taking a little head start for officially still just not quite tourist but an NSUC member, but chairing this session I hope will not be the most strenuous thing I'll have to do in this role. It's supposed to just informal discussions so we don't have an agenda or anything. I'm just hoping people will bring up their issues.

Man: (Unintelligible)

Tapani Tarvainen: So I was just about ask who has things to say and ask, so if you have one and you are leaving early, please go ahead. Since you opened your mouth, you're the first in line.

Amr Elsadr: Thank you, Tapani. And (Marcus) and Bruce, thanks as always for having this meeting with us. Actually this is something - it's still in a work in progress, it's

something that I need to do a little more work on, but I figured it would be a good idea to you a head's up. It's about the recent board resolution on adoption of the GNSO policy and implementation working group recommendations.

I was on this working group. There was a lot of people from the GNSO on this working group and it was one of those really nice ones where, you know, everybody really saw eye to eye and there wasn't - weren't really any substantive contentious issues. We really worked together to try to get some - these new processes and try to design them in a way we felt would be conducive and helpful to both the GNSO and the ICANN board.

But I'm worried that the way the board resolution was drafted or worded it may not actually serve the purpose it was intended to. Because if you recall, the whole reason this working group came into existence was to sort of make a distinction between what was policy and what was implementation.

During the course of the work we were doing, we figured it's kind of pointless to actually try to have a clear cut definition between what is policy and what is implementation. We figured it would be a lot easier to develop these processes that would allow the board to refer some of these issues to the GNSO within - under different various circumstances and give the GNSO the flexibility to deal with these questions as they come up.

So the issue I have right now is sort of how to reconcile the processes with the principles. In the board resolution you did adopt the processes, and now they're part of the bylaws if I'm not mistaken, with three new processes, the GNSO guidance process, expedited PDP, and GNSO input process.

But the way the resolution was worded, the principles don't really seem to be very binding. And it's my personal feeling, and I believe I'm mistaken, I don't want to speak for others, but I do believe that there are others who are in the working group who see things the Sam Lanfrancoe way. It is important to

really make sure that these principles are very clearly - well they need to have a clear and definite role in how they are using how the three new processes become useful.

Because like I said, the purpose of the working group was not just to create these new processes so the GNSO has different ways of doing things, it was just sort of to make sure that, you know, when GDD staff are working on something or they're implementing a policy, a policy question comes up, they don't sort of answer that question or determine a policy, there's sort of a work flow that allow for GDD to refer this back to the GNSO and the GNSO takes it up if the board has a question.

For example on like Specification 13 last year when you sent the question to the GNSO, you were asking, you know, is this a policy issue, should we go ahead with it or should you deal with it? And so the GNSO has a way of dealing with it.

But - so there are these principles on policy development. There are these principles on implementation review teams. The way the resolution was worded is that, if I recall correctly, that, you know, the ICANN board and staff...

Bruce Tonkin: The resolution now, yes.

Amr Elsadr: Oh thanks, Bruce. So there's...

Bruce Tonkin: The resolve clause says that if it's resolved, that the CEO is directed to post for public comment the bylaw changes relating the GNSO guidance process and a GNSO expedited policy development process. So I gather what you're saying there is that you're saying the principles are not in those bylaw changes. Is that...?

Amr Elsadr: Yes but I'm saying is why I'm saying this is work in progress is because I'm not sure that the principles belong in the bylaws. I don't believe they belong in the operating procedures, not necessarily. So I don't have an answer to this question.

Bruce Tonkin: I certainly see where you're coming from. I was just reading the overall resolutions. It talks about whereas clauses, so that's whereas you produce these sort of recommendations and they cover things like principles, but then the resolution is a bit narrow, just basically just really referring to the bylaws. Whereas normally what we would do is we - I think it's just a drafting error.

I mean normally what we would do is we would approve the recommendations of this, you know, talking before in the CCWG about the process when you have bylaws changes, because normally when they - when you get a report from the GNSO, you approve the recommendations and they become ICANN policy. So ICANN policy is one thing.

And then secondly, you then say where there's bylaws changes, you know, post these bylaw changes for public comment, because there's a separate process for a bylaw change. So there's usually a two-part process, and this resolution just dealt with the second party, which is posting the bylaws.

Amr Elsadr: Because the work didn't actually develop any policy, right?

Bruce Tonkin: Yes.

Amr Elsadr: But there is a resolve clause on the principles where I think it says the ICANN board instructs staff or I think it's sort of a take into consideration the principles on policy, and then there's another resolve clause on the principles for implementation review teams.

Bruce Tonkin: Well I can only see one resolve clause.

Amr Elsadr: Okay maybe my recollection is...

Bruce Tonkin: And the rest of it's - so whereas is really just basically - the resolve clause is where you're actually directing the organization to do something. The whereas clauses are really just the context. So we mention the report as part of context, whereas here's a report, whereas you've done all this wonderful stuff, and then the resolve is where - because I usually have not read the whereas clauses, I just read the resolve. So yes, we'll have a look at that.

Amr Elsadr: Thanks. And I think I will as well and try to work with policy staff on and a few of the colleagues from the former working group and see if we can bring something more meaningful to you. But I just figured it would be helpful to give you a head's up that we have some work on that.

Bruce Tonkin: Yes if you can come back with sort of, you know, what you think the resolution needs to be or (unintelligible).

Amr Elsadr: Sure. One of the thoughts might have been to include some language in the consensus policy implementation framework of GDD. That was one of the thoughts, but we haven't really...

Bruce Tonkin: That's probably a good place for it. Yes that's a good point.

Amr Elsadr: All right thanks.

Tapani Tarvainen: Okay. Thank you for that, Amr and Bruce. Who would like to talk next? I somehow get the feeling that Rudi is ready to talk - speak, if you'd like to take the floor.

Rudi Vasnick: Thank you, Tapani. Thank you, Bruce and (Marcus) to allow us to address you on some concerns that our constituency has for awhile and we didn't see any changes, so we are insisting in trying to get this cleared out.

NPOC is now in its fifth year or work. We had a difficult period, you all know. The founder, the first chair passed away at the end of his first mandate. We had the second chair didn't end the mandate because she got another job. And that's not good for a constituency, essentially a young constituency, to be able to build on a good foundation. And I think we in the past two years now tried to put it on the rails.

We have got an increased number of members. We have clarified the mission. We have more and more it's all about non-for-profit operational concerns to the DNS, and we discovered quite a lot of issues that has to be addressed and that we want to get into the GNSO at the level that we think that there is a need for policy to be reviewed or maybe changed if it's so important.

In those four years of existence, we have been trying to grow in a way that we were able to participate in all the policy work, and I think that NPOC is represented in almost all the working groups, PDP and non-PDP working groups. We try to bring our value where we can, and based on that, we expect it having a bit more rights, if I may say, in bringing our voice at the higher level.

I mean we've got still today after four years, fifth year, we don't have any representation in the council. We have a lot of ambitious people and I have to thank my colleagues officially. I had to wait them quite late on this meeting because was a meeting with a title that was just remitted to the Executive Committee and not to the whole PC committee.

I think the time has come that we review the concept of the NCSG in the sense that we understand NCUC was the first one, then NCSG has been created as a stakeholder group, and NPOC was the last baby that came. And when we're looking to how the concept of the NCSG is today, it's really confusing for people who come to ICANN and want to collaborate.

Because we see that it's the only stakeholder group that has its individual members whole normally a stakeholder group should be the assembly of the different constituencies, like it is in many other stakeholder groups, and that would allow us to take our position in a much easier way than having to go through a mechanism where the voting of the members of the two constituencies plus the NCSG itself is giving the results we have today.

So we think that it's time to review the concept of the NCSG and create it really as a stakeholder group with two constituencies in it and having balanced representation in the working space of ICANN. And as we didn't see, we didn't get any changes done, we have been talking for awhile on this issue, I would like a chair that I can tell to my community and to my members that finally we have the opportunity for ambitious people to become a councilor and bring up the issues that we have with our - coming from our community.

So I would like to know how the board is thinking about the concept of the NCSG as we are trying to bring it forward.

Tapani Tarvainen: Thank you for that Rudi. Before I hand it over to Avri, just a little comment that I find this both a little concerned, of course as the NCSG chair, but I try to see the positive side of it. That does indicate that apparently there are lots of people who would like to do more work and are just unable to do so for some reasons that might be possible to clear away.

I'm not taking a stand on the actual solution, but there are some things I will want to do. But I have not been in the council or in the policy committee so I will at least watch closely in the future how things work out and try to seek out if the NPOC issues are being trampled on and can't be able to work there.

I also note that quite a lot of the work is possible to do - actually most of the work is done online. And I would actually like to ask you something, if you get a list of your members and the activities in the working groups because it

seems kind of hard to find. And one thing we can do is to invite them as observers in the policy committee if you (unintelligible).

Rudi Vasnick: Well maybe just a quick comment on that one. The list is available and each working group has a member list, and the SOIs define who it is. I can give you a list; that's not an issue. And saying okay that they come to the policy committee. I think we have some rules about the policy committee. There are only two people allowed to have a vote and the others are observers anyway.

So asking all members all the time to work and work and work and not getting something at the end is frustrating. Don't forget it. We are volunteers. We have to use all our working time to do the jobs too. And in that sense, we could get a better recognition of what NPOC brings to the table, then at least I could motivate my members a bit more.

Tapani Tarvainen: Of course work is the reason we are here and getting the results of the work should be the main reward. But I understand that. I appreciate the point of acknowledgement. Now Avri.

Avri Doria: Thank you. I want to start with first of all having been the one that ended up spending a year in negotiations with the new NPOC to arrive at the current charter we've got, it sort of seems a pity to go back on it since we were the only ones that followed the recommendations of the last review to actually build the structure that we've got.

It was a long year of negotiations with NPOC, and in fact we made sure that we put into the charter the ability for I think it only takes ten people to start a movement to amend the charter. So indeed, if we wanted to do that, and the way the charter is set up it's if the vote goes against, any of these votes are then reviewed by the board and a possibility on those.

We have something set up between the NCSG and the board that's very similar to what's set up between the board and the GAC in terms of if we

want to change the charter and they don't want it or they want to change the charter and we don't want it, there's a whole process set up for trying to figure that. So that mechanism exists.

Another thing about the running for the council seats, I have trouble understanding the but we don't have any seats when the members of NPOC don't run for those seats when we have full elections. The one time we did have an NPOC person run, while they didn't initially win, they eventually got the seat because someone dropped out in the ranking, so did end up with an NPOC person on the council.

No, you came in fourth and it - but in the following elections, there were not NPOC members running. So to say we're not getting seats because of the structure of NCSG seems to me sort of at least pre-factual if not counter-factual.

Stephanie Perrin: Don't forget that Sam Lanfranco ran in the election that I was in.

Avri Doria: Okay so there was - okay I did forget that. So - but I really don't understand the problem. And I also, when you're doing the working group listing if we're really going to go and start comparing how many people are in working groups, also look at the attendance figures.

Tapani Tarvainen: Okay thank you, Avri, for that historical review. And then I have (unintelligible) (Jones) next.

Joan Kerr: Thank you. I'm a new NPOC'er so learning the history is always good. I guess I come from the non-for-profit world. In my life I'm a business Maryam Bakoshibut I do run a not-for-profit and work with a lot of not-for-profits, and, you know, this is an opportunity that we're asking for to go forward. You know, you can negotiate things, as you know life changes, things changes.

When you build an organization and you start to look at what needs to happen, how do you need to put things in place, how do you build your community, and I think that's what we're asking for is an opportunity to do that. And we identified some of the issues that's associated with building. And I can't talk about the past. I can congratulate people work on it obviously, but we're looking at the future and building so that we become a solid organization. So I just wanted to say that.

Tapani Tarvainen: Okay. And Amr was next.

Amr Elsadr: Thanks. Yes I was - actually Avri covered what I was going to say in her first point. I'm not exactly sure why there - you don't have the opportunity or ability to review the NCSG structure and why you're asking the board or perhaps us to do that. Because as Avri said, in the NCSG charter there are provisions for a process to do this. So you can just - you don't need to ask anyway, you can just go ahead and do it and begin - instigate an NCSG review.

Bruce Tonkin: Can I just clarify, because I think Avri said it, but maybe I'll just restate it. So what is the minimum, like ten members?

Avri Doria: I think it was ten.

Amr Elsadr: Yes I believe it's ten members of the stakeholder group if they agree to initiate a review of the charter.

Bruce Tonkin: So it sounds like we've got, I don't know, five or so here already. Say another five and you can...

Amr Elsadr: Voting for the amendments of the charter is another matter, but to initiate the process, it's a rather low threshold. So there's really nothing preventing anyone from reviewing the NCSG. And I'm not really sure what it is you're asking us to do here. So if you could clarify that, I would appreciate it.
Thanks.

Tapani Tarvainen: Before going forward, just checking the charter it's 5% of the voting members are required for submitting a proposal to amend the charter. Five percent is not very high.

Amr Elsadr: It's probably closer to about 45 members.

Tapani Tarvainen: Anyway. Yes okay, Rudi.

Rudi Vasnick: Indeed. But first we try it the other way in the gentlemen's approach and so on. As Avri mentioned that we didn't have people running, (Sam Lanfranco) was running. (Sam Lanfranco) was not elected due to the fact that the voting mechanism that is in place today is overruling always the number of votes we have.

You have 300 individuals having each a vote. We cannot go against with 65 members in total today from our side. So that's the point. So we have been trying to look into a gentlemen's approach. It didn't work. So I was asked by members please can you give us a door to the future.

Tapani Tarvainen: Okay. Thank you, Rudi. And I have Rafik next. I missed you.

Rafik Dammak: That's okay. You want to go first. Go ahead.

Stephanie Perrin: Was that directed at me? Very good. I'm sorry, I can't see the end of the table anymore than Tapani can see me.

Stephanie Perrin for the record. Firstly, as the person that came first in the election that you're discussing, Rudi, I don't think that's a fair characterization of the election. I got a lot of votes from NPOC people, and as a fresh newbie who came in and really doesn't have any particular truck with the past, I think that's the way it should be. I think we should be able to come forward.

Personally, and I spent quite a bit of time with (Mary Lore) trying to understand what the differences are. I don't understand why there should be two different constituencies here that are so radically different. I mean NCUC is full of different stakeholders. We could go and continue to carve every couple years, you know, the radical left, the Wikipedia - Wiki Leaks and Electronic Frontier and, you know, eight others could go off and form their group.

I'm not sure that as a structural mechanism moving forward to represent civil society, that this would be a good outcome if we just little groups in the stakeholder group decided well we're big enough now, we want our own little group. I mean obviously the constitution is set up to do that, but I don't see how that benefits ICANN. We're in perpetual turmoil of picking our fellows and coming up with new groups.

A better way forward I would suggest is to figure out how to work together. Now if this is about travel funds, let's put it on the table, at the risk of being blunt.

Man: I don't think that was it.

Rudi Vasnick: No, respect.

Stephanie Perrin: Respect. Okay. Well.

Tapani Tarvainen: Okay. I have Rafik, (Marcus), (James), and (Sam Lanfranco) on the line.

Rafik Dammak: Okay thanks. Thanks, Tapani. Okay. I mean I have to get you to understand something. We are talking about votes and so on and we are ignoring something important that we don't own the members. What I observed in a different election when we have some NPOC member running but they are still a NCSG member, they got vote more than it was just from NPOC members.

So our - most of our members they really - that's my observation, though I'm engaging with them, discussing with newcomers. They don't have this, "I'm and NCUC" or "I am an NPOC." At the end, when they vote, they vote at the NCSG level. They will vote who are in the least.

I mean I have really trouble to - it's kind of we don't own them. We don't direct their vote. When we have election day, we vote for whom they want. That's election. That's what we call direct democracy here. I can understand they want representation. You can voice your policy concerns in the policy committee. You can make statement. You can participate in PDP.

Let's remember something. The GNSO Council doesn't make policy. GNSO Council manages the process. That's the important thing. For this election, nobody from your side ran, so I don't understand how you want to get there. You have to convince the members. Nobody can control how the voter -- many of those are newcomer -- how they will vote. And even in our election, no I don't think anybody write I am from NPOC, I am from NCUC. It's NCSG election here.

And I because I think Maryam can share later some stats about the checking and so on. And you will see that it's really be warned that I mean if you run you will get more than just from NPOC. So I have really trouble to understand. I can't wonder I guess that maybe you want some representation. I don't know what it is, to be honest.

However, the - I mean our members they will vote for whom they have on the list. Next year, run many candidates and see how it - what happens. Make a campaign. Explain your policy position. That's the reality. I don't think many of NCSG members know what are exactly the NPOC activities.

And something important, sometimes observe your own mailing list, because I don't see that much activities. And I'm not sure that your members are

aware about the decision you are making or what you are deciding. So that's - and maybe I am missing something but that's an observation here. So this is what I wanted to highlight. It's at NCSG level. It's NCSG members. They are voting for whom they want. We don't direct vote. We don't control members. So.

Tapani Tarvainen: Thank you, Rafik. Note that we don't have all that much time, so I'll ask everybody to be brief. But now I'll hand to (Marcus).

(Marcus Kummer): Yes thank you. I have a bit of a newcomer's view as I don't have that much history in GNSO reform and so on. But we did discuss this in what was the Structural Improvement Committee then the Organizational Effectiveness Committee is its new name that it goes by.

For those who were in Washington, D.C. intersessional in January, they sent a letter to the board basically complaining about the Westlake review that it did not address structural issues. The Structural Improvement Committee discussed this, and there I learned that part of the problem was the unhappiness within the GNSO was due to the fact that the last reform was imposed top down.

And the feeling was we don't want to repeat that mistake as a board. So if there is a reform bottom up, fine. And we actually - you may be interested to hear we had similar discussions with the Commercial Stakeholder Group. They are not happy either. So but then we said, "Well can we lock you in the room and hope you come out with white smoke comes out of the room and you're all happy with the outcome?" And their answer was no, that doesn't work.

We need to have some kind of kickoff for having this structural reform discussion. And we are looking at it through the overall structural review of the overall structures of ICANN. We look at that in the organization. But I

mean that's a really preliminary discussion whether to embark on such a structural review to look from an eagle's eye at all the structures there are.

But I tend to agree, I think a solution must come from within that people are comfortable with. If we start, as a board, imposing a solution then there will always be some unhappiness and continued complaints. But - yes, and confrontation, that in my experience usually doesn't help. But sit at the table and see where the problems are and where you can move on.

But we as a board I don't think we are willing to jump in and say, "Oh no we do it this way or do it that way." If you come forward with a solution that everybody's happy with, then we are happy as well.

Tapani Tarvainen: Thank you, (Marcus). I must echo the one point that confrontation usually doesn't make things better. And I have (James) and Klaus. And Rudi wants to make a response. Okay. Good.

Rudi Vasnick: I would like to give a response to the comments from Rafik also. And I'm going to give a Sam Lanfrancople of how frustrating it can be sometimes so that you in the board understand where the frustration starts anyway.

Each month we try to do the validation of new applications. And yesterday we did it again. We had one case, a young NGO, young people from developing country, that wants to become an NPOC member. We have our charter and definitions and requirements to become an NPOC member, and in - we have no restrictions on where the funding is coming from.

But the approval was rejected because the comment came from the fact that they were funded by government. And because we are electing or selecting or approving applications for NCSG members, because you have first to be in NCSG before you get an NPOC member. But when afterwards I was thinking back, there is an issue here.

Many of the academic world is funded by government. When I look in Europe, many of the universities get funding from government beside other funding they get. So why are they then approved? And that's where the frustration starts. That's where when you have young people willing to join and you have to tell them you can't be because you're funded by government, that's painful. And it takes me time again to try to explain that, yes, that was the reason why they were rejected. It's not pleasant.

Tapani Tarvainen: May I respond to that briefly because I was in that meeting. We did not actually reject the application, but we requested additional information. But you are correct, because it was unclear where the funding was coming from, also unclear how - if they actually understood what the interest in the DNS system. So it was not technically rejected; we asked for clarification there.

And as for the requirements in the NCSG charter for members, that would again be a process of amending the charter if need be. But then I'll hand over to (James).

(James Gannon): Thank you. So first of all I think, you know, Rudi, I will say I have no institutional bias against NPOC so I would like to think I'm relatively neutral in this discussion. Rudi, you're saying that you have a mandate from your members to do something about this and you've tried one way and it hasn't worked. So the next way is to change the charter.

So I would suggest that you need to gather your votes and start that process. I don't think any of the NCUC members around this table would object or have any issues with charter amendments being brought, and we'll discuss them and we'll see what we can agree on. That's what we all do here is collaborative multi-stakeholder process.

So on just a practical matter, the sooner you put that out to your membership and NPOC discuss and you put that out there to confirm publicly on a public mailing list that is what your members want, which is the impression that you

have at the moment, which is fantastic, then bring that. We reckon that it's around 25, which is well within your membership, and then start that process.

And then we can, in a more official manner, as opposed to these side conversations we have in hallways and arguments we have over various kind of specific issues, we can start that structural assessment on as NCSG, what do we think the best forward is. Because I think we can all agree that this gentlemen's agreement manner doesn't work, and we have to accept that and we have to move on.

So we have in our charter a more formal process for structural assessments to be done. So I recommend as quick as you can, start that formal process so that we can enter into this in a more formal manner.

Tapani Tarvainen: Thank you, (James). And I have (Sam Lanfranco), Klaus, Stephanie and Stefania and then Amr. So, (Sam Lanfranco), please. And please be brief.

(Sam Lanfranco Lanfranco): I will. Thank you. I want to address a comment that Stephanie made and I want to move from this sort of micro level to a more macro level. Speaking as myself, as I'm in NPOC, but I was brought into NPOC. I was asked to join by (Elaine) once NPOC was about a year old because the initial participation from very large organizations was passing and there was, in my view, a need to be introspective about how NPOC pursued its mission and its vision around the operational concerns of the DNS system and the not-for-profit sector.

And my first observation and comment -- and I sounded like somebody with an Irish harp with one string on it -- on this one is that my target and our constituency is that group of not-for-profit NGOs for whom they are only vaguely aware of what the operational DNS issues are with respect to what they do. They are worried about poverty, health, education, women, development, the millennium development goals, the mass of the non-for-profit civil society organizations out there.

I am less concerned with those who have a primary interest in the Internet ecosystem like the Internet society chapters and so forth. So part of the mission outreach that I see as unique to NPOC is that we have a much heavier obligation to engage in outreach to promote engagement. But the first part of that engagement has to be an engagement in understanding what the operational DNS issues are for those organizations.

And the goal is to somebody on the outside who did a serious review of ICANN's multi-stakeholder model would say that we look we've been affected by polio. We have on one side the legs are very weak and the body is not very strong. In terms of the size of the constituency, I mean if you looked -- this is a joke -- but if you looked at the Intellectual Property sector you would assume that half of the world is intellectual property lawyers, they are so well represented.

So we have a slight - our mandate has this 360-degree obligation to is that is a little different than the kind of outreach that is used in the standard ICANN outreach, which is to say you have these interests, here's a place to have your voice. Ours is we have to cultivate that first stage first. So we put a lot of time into that.

Tapani Tarvainen: Thank you, (Sam Lanfranco). Before handing over to Klaus I want to interject one minor observation, that I was very happy about what Klaus said earlier. It's nothing but trouble funding, because then my earlier suggestion that we put in more observers for you so you can have a voice in the policy committee should be helpful.

If it turns out that you are simply outvoted every time, then that's an indication of the issues. So I would like to look how it works out. But I want to have your voice there so you can speak out, see what happens and it turns out really good. Then recall them. I'll be watching over you over the year. Klaus?

Klaus Stoll: Let me suggest something which is even a little bit more radical. I've come to the conclusion personally that it was a historical mistake to put NCUC and NPOC together in one NCSG. I'm a member personally of NCUC and of NPOC for a reason. Because NCUC represents something very specific and NPOC, as (Sam Lanfranco) mentioned, is doing something very, very specific which is very, very important. It's really the DNS, the strategic use of the DNS by the nonprofit sector.

If you look at it at the end, these are two things which don't belong together in one constituency and one organization. It doesn't fit. And to the outvoting, seriously if you have one constituency where you only have organization and the other one you've got private individuals, yes, at the end you end up always 400 to 20 or something like that. And it just doesn't work.

So I don't even think it will help us in the end to try to tweak and trying to amend there and do this there. At the end, if we're having a basic difference, both have the absolute right. I like the NCUC. I like NPOC, as long as they stay in their remit and we clear that these two remits are not belong together in one organization.

Tapani Tarvainen: Thank you, Klaus. I think we are running short time but I have now Stephanie, Stefania, Amr, Bruce. I'll hand to Stephanie first.

Stephanie Perrin: I'm happy to cede to Bruce first if he wants to get a word in.

Amr Elsadr: Yes you can skip me too if we're tight on time, sorry.

Stephanie Perrin: I want to respond to two things. I don't understand the difference. There are various aspects of the Noncommercial Stakeholder world that require our attention. Public - what I would call public awareness is what you're focusing on, but it's not as if the organizations that have joined NCUC don't care about operational concerns and the ability to get a domain name.

We tend to focus more on the policy issue side, but I don't understand why these are, you know, oil and water, why we can't all get along. I just don't understand that.

The second - my second point would be responding to what Rudi gave as an example of a group that wasn't accepted. And I perceive this, coming as I do from a government background, as a fundamental risk in the multi-stakeholder model when it comes to the participation of civil society. We are going to be, or we should be, paying attention very shortly to who is coming and how they are funded.

And in my view, funding is not transparent enough. I know that my colleagues are going to strangle me here if they can reach the mic, but I think everybody should be forced to be transparent about who's paying their tickets, who's covering their participation. Then we would know who's actually being funded by the private sector, who's actually being funded by intellectual property concerns.

And to the point of the NGOs being funded by government, I'm deeply concerned about this. We have a lot of governments in the world, who fund their own NGOs. They're not NGOs, they are I don't need to give you the gory details, this is on the record. And I don't think this ICANN model is sustainable, if we don't start waking up to that reality.

So I think that this scrutinizing process and the membership is entirely appropriate and universities' funding is totally different than NGO funding. So if you want a better matrix of points to look for, I'm totally in support, but government funding has to be taken apart and analyzed. And I speak somebody who when I was in government made it my business to get funding for civil society. Thanks.

Tapani Tarvainen: Okay. Thank you. I'll hand it to Bruce next.

Bruce Tonkin: Thanks. I think one thing is I actually suggest that you do try and get the charter changed, or at least reviewed. And probably a sign of goodwill would be to have some of the people from, you know, the NCUC to agree to review it. In other words, if you only need a percent and you want to have a discussion, you've almost got enough in this room from the look of it, if you all decided that was a fair thing to do. So that might be one gesture that could be made.

Secondly, I think when you do decide to go ahead and review that charter, is might be identify a list of items to discuss, which could be the membership requirements, it could be some of the allocation of seats requirements and so on. I'm not clear, I was just trying to look at your structure at the council level. Is it divided geographically at the moment? Like can you have everybody from the U.S. or what are the restrictions?

Tapani Tarvainen: There is no formal exact division, but there's a requirement that not too many from each...

Rafik Dammak: No more than two from...

Bruce Tonkin: No more than two, okay.

Tapani Tarvainen: A maximum of two per region.

Bruce Tonkin: Yes okay. So I guess I was just using that as an example that you do have some sort of thresholds in there already. Just at the moment, you've chosen them to be geographic but there could be other ways of doing it. And you could even have a method where you say, you know, each group, NPOC and NCUC has a seat each, and the rest of are more of an at large, so that the rest of the membership - so there's lots of different ways you could cut it. I'm not trying to solve it.

But, you know, you could come up with different methods there, just as you're doing it geographically. That's a deliberate carving. You could also do it, you know, we're reserving a candidate for someone that's looking at operational concerns and we are going to reserve a candidate for the far left, whatever. And then you have the others as more at large, because you've got quite a lot of seats you can play with there. But that's just an option.

One of the things that I'm prepared to do if you did actually decide to review the charter, I'd be happy to facilitate a discussion on it. I'm used to chairing meetings and at least I'm not in either camp and could be neutral there.

Just a comment. I was just picking up on some of the comments about government sector support and I note your comment that Stephanie because I realize you've been in the government sector. Just an observation because I've had this discussion quite a bit with members of the nominating committee, particularly the chairs in the last few years.

And they've really struggled to actually find board candidates from the developing world that are not having some connection with the government. And part of the reason for that, and this is something to be aware of, is I think your comments about, you know, wanting to sort of keep private sector versus government sector, works very well in countries like Canada, Australia and the U.S. because they are predominantly private sector economies.

But in a lot of the developing world, the economy is predominantly government sector led. So it's a bit different. Like if you look at China, probably everything there somehow or another is connected to the government because it's a predominantly public sector economy. And when you're looking at a lot of the developing sectors, you know, the telco was probably government, and the ISP is probably government.

So the people that actually run the DNS infrastructure in some countries are public sector, whereas in the U.S. it's the other extreme. You know, there's

essentially no government involvement in running any of the DNS. So I think that's something you might want to be a little aware of that you need to look at this a bit more in terms of geographic diversity and cultural diversity, and the rules might need to be different or at least taken into account.

I mean I have no idea where this particular you gave is from, but just something to be aware of that the different economies have a different balance between public and private sector. It's something to be aware of there.

Tapani Tarvainen: Thank you, Bruce. Amr, did you want to speak? (Unintelligible)

Amr Elsadr: Yes, well I just wanted to make - just reflecting on what some of the folks have been saying, I wanted to make a request of perhaps of (Sam Lanfranco) or any NPOC executive committee in general, it would be helpful if you publish or have a public archive of the policy committee list, the NPOC policy committee list up on the web. I don't know if the list is publicly archived or not but there certainly isn't a web link to it.

Because a lot of the discussions you have and the decisions you make on behalf of your members happens there, and we're not exactly sure how that takes place. So it would be helpful for us to understand the context of the conversations you're - where you're coming from so we can have more helpful discussions together.

The second thing is you, (Sam Lanfranco), you were describing very eloquently and very admirably the sort of mission of NPOC and reaching out to not-for-profits who are not primarily concerned with DNS but do have a stake from their operational perspective on how well it works.

And I've had the chance to speak to Klaus on this before and I think you folks are doing some fine work on sort of like making sure that not-for-profits who were not very familiar with what happens here so they don't have the

protections they need in terms of access to their domain names. But I just don't really see how this outreach and this operational issue is any way related to GNSO council and I'm not sure - I mean in your experience have you ever seen the GNSO Council perform outreach to potential members or...?

I'm just not familiar with why you conflate the two issues of NPOC's mission and representation, and like a fixed representation in terms of management of the GNSO's PDP. Thanks.

Tapani Tarvainen: You had just a quick comment. Okay. I'll have...

(Sam Lanfranco): I preface that comment with a response to saying that I was responding to the comments of Stephanie in which she was saying she didn't understand the difference between the work agendas of the two constituencies. And I said I brought it up to the meta level. I wasn't dealing at the level that you just discussed.

Tapani Tarvainen: Okay. I have Rafik, Joan.

Man: Stefania's queue for ages.

Tapani Tarvainen: (Unintelligible)

Stefania Milan: Just a quick comment on GNSO Council representation or your instances - in both instances. I am a new incoming councilor. I'm very happy to reach out to you guys. I did it even yesterday, speaking to Klaus when I was undecided concerning the chair vote. And I intend to it also on other issues. So I'm very happy, and I'm sure I can also interpret - I mean I've heard Marilia was not sure this morning proposing that when we also had our joint meeting a couple days ago. I know Stephanie and Amr are very willing to do that.

So if it is a matter of establishing a clear connection or a more explicit connection between your instances, your agenda and the councilors, we are very happy to discuss that. That's why we have a joint policy committee, by the way.

Tapani Tarvainen: Okay. Thank you, Stefania. I have Rafik, Joan, Rudi.

Rafik Dammak: Okay. So just maybe a matter of fact that we ask you, Rudi, if you can make a list of issues and concerns that you can share at the executive committee level, the new executive committee can discuss. I mean this is a reminder that we have process and the space in NCSG to discuss about all the issues and these are the executive committee when it's regarding like the membership and so on.

And as people mentioned, that you have the process to amend the charter. So let's follow that process, the existing structure, the existing process to discuss this issue. And we are waiting for your list. So we can start. We can (unintelligible) we know what we can do and so we can start planning.

Regarding the funding for government, as Tapani explained it, we didn't reject it. We are asking for clarification because I think we remind you that when we try to accept - we are welcoming - really our criteria and standards are really low compared to other groups. I know that one member tried to join IPC and us. She joined NCSG and since she didn't get any answer from the IPC, because she was a trademark lawyer. She is an academic but she could join us more quickly than them.

We are really welcoming. We don't ask for membership fees, and we accept - just yesterday we accepted three committee foundations. So we are trying to do two divisions and to check to be sure that I mean we don't know someone trying to join us and, you know, after. Because removing is much harder than accepting. In our charter, removing is not that easy. There is a process. It takes time.

So we can try to maybe improve to clarify more the criteria, because we are learning at the executive committee about several issues. We are discovering new cases. So we can clarify that at the executive committee. We can maybe clarify as a charter, so that we have the process to do. So I just want to highlight this.

Tapani Tarvainen: Thank you, Rudi. Now Joan.

Joan Kerr: So I'm sort of an action kind of person so I'm going to go out on a limb here without consulting my executive members. So an offer is on the table from Bruce so I'm going to try to hold him to it. If we could organize a group and maybe start to have that conversation between identifying the issues and coming up with the items that needs to be discussed, and then maybe come up with a plan. And if all of you who say you support us, if we can start at least that and then see where it takes us. How's that?

Tapani Tarvainen: Thank you for the proposal, Joan. I guess if I want to confuse Rafik and Rudi, it shows I'm impartial in this I hope. Now over to Rudi.

Rudi Vasnick: Thank you, Tapani. Well to illustrate, NPOC is not opposed to NCUC or NCUC members. I think that in the time that I've been on the NCSG Executive Committee validating individual members in that only can join, but that's something that the board needs to know also. NPOC cannot, based on our charter, accept individuals. You have to be an NGO clearly. So we have a quite clear definition of restriction.

When...

Tapani Tarvainen: ...welcome to (Louis) and (Marcus) (unintelligible).

Rudi Vasnick: We have this validation. I made one objection yesterday and I mentioned that earlier also. We see that individuals if you are funded by government you can

in fact go around and say I'm getting into the structure. As an individual then it's completely different.

And on the basis of the individuals we have seen that registries and registrars have people that are interested in the work that happens in the NCSG and they join NCUC as an individual member.

I made yesterday the comment that we have to be very careful because outside world will see that also and they will say, "Hey what's going on there? You have members from that registry. You have members from that registrar. And at the end oh you're still non-commercial."

So I think that NCUC should also be taking care of the fact that you have members that could influence the positioning of NCSG in itself by having individuals coming from the business sector.

And to us as we have a very strict rule on who we can accept and that's where we are very different. Puts the focus really on only those that fits in what we have been defining as NPOC that are members and I think that's one of the issues that we also have to address and demonstrate we didn't object.

We have always approved all the individuals where sometimes I had a lot of concerns about people that I see jumping in. But okay if the rule in NCUC is you can have individuals I cannot object at the end.

Rafik Dammak: I need to respond to this quickly. You need to remind that you are yes doing approval for NCSG. It's up to you, I mean NCUC or NPOC to accept the members. We are not accepting NCUC members or NPOC members. We do very few following the NCSG charter and the criteria there.

And usually we have a lot of discussion about those cases. And we talked about yesterday. The problem is okay she says that she has non-commercial

interest and we spent so much time. We can then work on that to clarify the rules and so on. But I need to highlight we are doing the review for NCSG membership.

Tapani Tarvainen: Okay thank you for that. Before I - just a little comment. I would like to focus on issues rather than people so it might be helpful if we'd look at what kind of policy decisions, what are positions the policy committee or those members have made that are in conflict here. But we are running out of time.

Anybody has anything - so actually I'd like to have an issue come back review of the policy committee actions that you have found that have been wrong, where you have been ignored, that have been wrong decisions. I don't know if the policy committee actually has voted all that often.

Man: (Unintelligible)

Tapani Tarvainen: Yes so please issues first. Where have you been trampled on? What kind of problems, actual issues you have? It would be helpful to start there and see if that might be a better approach than to people. But we don't really have much time so if somebody has a very quick comment.

Bruce Tonkin: Yes just a very quick comment. Want to apologize because I also need to be in the CCWG meeting. Just a comment. It also seems to me that in addition to looking at charter - and you might already have this, I'm not sure - but it seems that you need some form of dispute resolution. You have one? Yeah so...

Rafik Dammak: Executive committee.

Bruce Tonkin: Yes so if people aren't happy with the particular choice of membership or something there should be some independent process that someone could appeal that to, yes.

Rafik Dammak: There is a mechanism that hasn't been used very much.

Tapani Tarvainen: It's okay. I think our time is running up. So... I guess we have to call this meeting done and that we did not agree on everything. Okay, I'll have last word for Stephanie. Be brief.

Stephanie Perrin: I'm very concerned that Rudi said it's not about travel funding, it's about respect because I don't personally see that there's a lack of respect between the two sides, at least certainly not on my side. I think that it is very troubling if this is about respect and it's maybe one of the issues that (Joe) and you should put on your list for our meeting because that's a fundamental lack of trust and a feeling that we're not taking your word seriously.

And I think we heard Amr say yes we really appreciate the work that you're doing and outreach. So let's - I don't want to go into past insults or whatever, but let's build on that goal to have more mutual trust and respect as we set up that meeting. Does that seem reasonable?

Rudi Vasnick: Insults, present insult. Amr made absolutely clear to me that that doesn't belong into the GNSO, that operational concerns don't belong into the GNSO and is not policy-making. That's what you said.

Amr Elsadr: Sorry. That was just a misrepresentation of what I said. It needs to differentiate between the GNSO and the GNSO Council. The council is the body that manages the policy development process. It's not the entire GNSO. Policy is developed in the GNSO but is developed in GNSO PP working groups, not on council. Thanks.

Tapani Tarvainen: But really I think we have to close here and I will pick one item from (unintelligible). Let's try to bring some - build some trust and respect for perpetuating our views.

Klaus Stoll: If I may jump in, I would strongly advocate for that way forward and (unintelligible) suggest to take up Bruce's offer and set up a working group to come together. Trust and respect are sometimes loaded terms but they are important. I think we discussed that also in the board. We do seem to have a trust issue in ICANN. It came also across in the DC meeting.

I remember that it was - I think it was Avri who said I trust you individually but I don't trust you guys as a group. And that is something we have to work on.

But I think this seems pragmatic way forward. Set up this group and take up (Bruce) on his offer. He has a lot of experience within the organization, much more than I have, and work towards something where everybody is - as they say in negotiations in the UN countries - equally unhappy.

Total happiness doesn't exist but a compromise is usually both sides give and take. And thank you anyway for this meeting. It was very for me informative to hear the concerns. But please build on this trust and mutual respect.

Tapani Tarvainen: I hope we all agree that building trust is the way forward and let's conclude the meeting here. Thank you very much everybody.

((Break))

Tapani Tarvainen: Do we want to continue? We have time? Okay. Okay...

((Crosstalk))

Maryam Bakoshi: Yes.

Tapani Tarvainen: So let's conclude the part with our breakfast with the board since (Max) leaving and we'll use the space and time available for NCSG/(PCEC) joint discussion.

Maryam Bakoshi: May I..

Rafik Dammak: No you tried to talk all the time, didn't get it.

Tapani Tarvainen: Stefania.

Stefania Milan: So I'm relatively new in this business and, you know, in the sense that I joined in 2012. And I always found this what I consider a relatively...

Maryam Bakoshi: I'm sorry, can we wait one second. We just want to restart the recording.

Stefania Milan: Oh, sure, sure, sure, sure.

Maryam Bakoshi: Sorry about that.

Tapani Tarvainen: An interesting observation here that talking over others is something that's very different in different cultures. I find a certain - coming from Finland, you know, talking with Americans I never get the chance to talk at all because I expect a longer pause than they do. Forgive me. I had to practice butting in when I'm talking to Americans. (Unintelligible)

And it does come as a problem as also gender issues. Women seem to (unintelligible) and it's something we should try to allow for. Ready?

Maryam Bakoshi: Yes.

Tapani Tarvainen: Okay let's resume the discussion. Whatever we have, concerns amongst ourselves, let's - Stefania start.

Stefania Milan: Stefania Milan for the record. I'm happy that we - of this opportunity of having a frank discussion now. Very informal I believe although we are on record.

And if we have to fight I'm happy to fight although I don't think it's the most productive approach probably now.

I have to say that I'm a little confused, actually very confused, and sad by what happened this morning because actually I had questions for the board. We have bigger problems I believe. For example we have a GNSO which at the moment has no chair.

And I wanted to actually trigger a response from the board about that, understand whether they are concerned, understand how they expect us to work, understand how this for example might interject and make the work on the new (unintelligible) whatever that is ahead of us because the deadlines sort of blah, blah, blah. And we didn't have the chance to do that.

I'm happy that issues are wrote up and I'm happy that things are discussed, but one I don't think this was the occasion. Two, because we really do end up looking like whining kids in front of our parents in a way. And frankly if I were the board probably I would simply dissolve the entire constituency straight away and tell people go home, do your own work, speak to each other first, and then come back.

Rudi Vasnick: We tried to (unintelligible).

Stefania Milan: Well for example, you didn't try with me, right?

Rudi Vasnick: You were not there.

Stefania Milan: When was not there? Probably but then reach out in a way. I'm also your counsellor now. I'm very happy to listen. I've always been happy to listen and frankly I don't think I represent NCUC as such. I joined NCUC because NCUC agenda overlaps with what I care about but also because I'm an individual. But I feel I represent NCSG.

So I'm very willing to, you know, start a discussion. But the fact that we monopolized the entire meeting discussing this, for me - it just puzzles me frankly.

Rudi Vasnick: Okay let me try and explain something. You know, that actually demonstrates exactly the point, what it's all about. You're talking about first of all talking with the board and parents and things like that. This is not my relationship to board people. The board and others, equals and they're not listening and I'm not listening to them and in that sense that relationship.

So the second point for me is very important that we - let's be honest. First of all I want to say it again. I think we have to face the situation there are two things that are put together which don't belong. And I think for example it is for the policy making process and for the GNSO and it's all equally if not even more important to have a (sic) operational DNS for NGOs and then for example that whole human rights debate.

The human rights debate is for example hampered by the fact that 60% of the NGOs in Europe are losing their domain name in the first three years. And this is the work we are doing. And I think we need - we really need to understand what the different roles and functions are.

I'm completely on the side of the NCUC about human rights as a subject. So I don't have a - I don't think that human rights should be a theme inside ICANN. It should underlie everything what ICANN does but it's not the topic in ICANN.

But what is equally important and fundamental - and fundamental in the sense of really the foundation of it all - is the DNS. And the DNS and the use by not-for-profit organization has basic, basic, basic problems which we demonstrated.

We did the research. We did the surveys. We're doing everything and we're the outreach and doing the alphabetization of (SSR). And this is policy-making of the crudest form but it needs to be done. And that's where we come in with respect and things like that.

And then you come into institutional problems. Look if you are set up as a group which doesn't and can't accept individual member but in the voting you are put together against the group which can accept individual members, you always will have the disadvantage.

Doesn't matter how good will the other side. And I take that people from the NCUC will vote for me or somebody from NPOC (that I) take. But the thing is in everything you are basically outnumbered.

Stefania Milan: Technical question because I'm not sure. Sorry, Stefania again for the record. Sorry to interject but I would like to know because I'm not aware of that point. As your members, how many votes do they get? So they have one vote per organization?

Tapani Tarvainen: No (unintelligible).

Stefania Milan: Or four.

Tapani Tarvainen: Yes (unintelligible).

Stefania Milan: It's weighted, right?

Rafik Dammak: Four for big members and two for small organizations.

Stefania Milan: Oh yes, like NCUC members.

Rafik Dammak: And also (unintelligible).

Tapani Tarvainen: The number is problem issue. It's also basically because and the NCUC is much bigger than NPOC. We have more organizational members in the NCUC than there are in NPOC. But...

Stefania Milan: It also spends a lot of time frankly outreaching. So probably that's where also the work has to take place, right? I actually go around. I talk to people a lot. I speak for myself but I can also interpret I guess what my colleagues do and try to recruit. And that's why we doubled I think in numbers over the last two years.

Tapani Tarvainen: Anyway, (Martin)?

(Martin): Yes (Martin) for the record. It was very - that is that NGOs (unintelligible) working digital rights and earned rights already interested specifically on human rights in the Internet. And that's the things that NCU is talking about. We are talking about how to empower NGOs in general. We're talking about an NGO that cares about city transportation, how they use DNS.

And the broad scope that we are trying to reach, they don't even - they may not even care about human rights as an issue for themselves. In that sense, the outreach that (NPOC) do to create membership is completely different because (NCC) isn't (unintelligible) by itself (unintelligible). We are dealing with human rights, and the NGOs are saying, "We want to deal with human rights in Internet."

Great. In your case we are trying to bring here people that - most of them like we said they didn't have a domain name. They didn't - or they tried to have one and they lost it because of ignorance or because they were abused. And in that sense it's not only about we are not doing enough for outreach. Of course history is momentum. History gives time.

But there's the specific challenge there that we are trying to make the NGO world in a broad scope and not only the digital NGOs - the NGOs that care about digital things - to come and be part of the DNS development.

In that sense that also want to make sure there is - there's a different challenge of NGOs that want to be part of NCUC or NPOC.

Tapani Tarvainen: Thank you (Martin). I think I have Klaus and Sam Lanfranco.

Klaus Stoll: The point is I think we're doing a Hell of a lot of outreach. I mean you have to think about in our - but we are not making, we are not actively going around recruiting all the time for NPOC because it doesn't make sense because the point is that the not-for-profits which come to our outreach events are basically - we are not going around and talking about ICANN.

We are not talking about policy-making process. We are talking about operational concerns. And then a small percentage from these validations are non-profits which participate in our events find it relevant enough to engage. To recruit the individual and say, "Join NCUC," easy.

We have to get - for example we have now the George Washington University from D.C. as part of ourself (sic). To get them institutionally as a part of NPOC is a process of three years of administration for them.

Tapani Tarvainen: Okay thank you Klaus. I have (Sam Lanfranco), Stephanie, and Stefania.

(Sam Lanfranco): Okay I want to make two points just short, and these come not from me being in NPOC but me spending half a century working in economic development in extremely disadvantaged areas around the world.

When we approach somebody in the NPOC outreach or in the sister organizations we're working with, frequently their first realization once they - if they can share some problems they've had - their first realization is that

they've got a set of operational issues around the DNS that they have to sort out internally.

They have to figure out what their policy issues are with respect to how they work. It's a pretty extreme case for us to suggest that they should become a member of NPOC, NCSG and work on policy issues at this level.

They've got the policy issues at their level and so it's raising awareness at that level. And then at some point in time representatives of those groups may come forward.

The other point is - and this is one that bothers me as an organizational person - is we have representatives - in the case of the university, if the university joins, the representative of the university is accountable to that university. Most of us - I'm partially accountable to the organization that I represent but they don't pay a lot of attention to what I'm doing. They're pretty much on top of their operational issues.

But frequently we are from our constituencies, we are of our constituencies but we're not representatives of the constituency. We don't have backward accountability. And I worry about that as a weakness inside the whole NCSG area that we are hard-working, we're bright, we're well-meaning, we're good voices.

But when someone says what is our backward accountability if we've come in as an organizational member on either side of the constituency I worry about that. And so when we do bring people forward I try to say okay what's your backward accountability here? Do you go back to your organization and say these are the issues or do you just do the best you can on the issues?

And I think at a higher level that's something that this side of the constituency groups, inside ICANN has to worry about.

Tapani Tarvainen: Thank you (Sam Lanfranco). I point out that technically I am of course responsible to the (FFI). Just report that but nobody really - let's say they trust what I'm doing so I don't (unintelligible). But Stephanie.

Stephanie Perrin: I totally agree with backward accountability. And to my mind the responsibility of individual members is that they are not here for their own egos, their own careers, that they have a duty and a responsibility if they claim to be representing civil society to be fully transparent in what they're doing, publish, reach out, etcetera.

And I do my very best to do that. If I wanted an institution I have umpteen institutions I can reach that would have me represent them. But I don't need to so I'm not going to. But I take the responsibility very seriously and I think that we should be accountable among our membership as to how we do that.

Particularly if I'm a GNSO counsellor I'm accountable to you guys because I represent you because I won the election, not because maybe you wanted me, but I mean I feel accountable to you. And I echo what Stefania is saying. I'm trying to get people to tell me what they think, tell me what they want.

So I think in the interest of moving forward we should be aware that we're trying to work together and represent both sides.

With respect to this division, I'm sorry, I still don't get it. Kathy Kleiman's not in the room but she has spent her entire career defending folks who were losing domain names, many of them the Sam Lanfrancoe people you're reaching out to. That's why they formed NCUC. So I don't believe that - this is a distinction without a difference.

We work and we prioritize different aspects of how the non-commercial world is using, getting access to, getting poor policy treatment by the domain system. And when we had just recently in the Privacy Proxy Services Accreditation Issues Working Group - whew - when we had the 20,000

comments come in, there were many groups who didn't realize how the DNS functioned with respect to the WHOIS.

And they said we can't cover this. Can you keep in touch and report to us? So we now have a network of for instance women's group who even though they were geeky they didn't know what was going on. So I wish instead of taking this position that you're different and therefore you demand structural separation we could possibly have a discussion about how we're not so different.

It just - Apartheid isn't a really good solution here. Nobody answered my question about what happens if civil society, the non-commercial world keeps calving into different groups. We already have a problem in that there's competition in the accountability working groups about well who represents the end user. Is it ALAC? Is it NCUC? Is it NPOC? Who is it?

This is confusing to end users. We have to get beyond this, guys, and I don't see that calving multiple times because if you guys get to calve and form your own little distinct unit somebody else is going to rise up. I could start my own discrimination against women group tomorrow, you know. That's not very productive for the effective operation of the GNSO in my view.

Tapani Tarvainen: Thank you. I have Stefania and then Rudi. Oh you (unintelligible)? Okay, let's go to Rudi first.

Rudi Vansnick: Rudi for the transcript. I'm pleased hearing that you want to help us now because well we were always waiting having (counselors) coming to our meetings and join us and have the discussions. Tapani has been in it for a while in our meeting yesterday - no two days ago, sorry. We have (Carlos) for the first time.

He has been there the whole time and he really said wow you're indeed different. Talk to him. He proved you are different. You have different

approaches. You have different ways of having to discuss these issues and he better understood that there was a need.

I'm not requesting that we create groups and groups and groups. What we just want to have is that there is a clear definition. For instance I have a member that would want to become an NPOC member but the organization criteria doesn't allow him to be an NPOC member based on the NCSG charter.

He is now an NCUC member but I cannot say that he speaks for NPOC. He isn't. And somehow when you have to say how many members do you have, what are your representations in the community in itself, it's based on the number of members you have.

We have to face that issue that if we cannot say - if we say we have just five members we are not representative for the community we're standing for at the end. And that's a big issue.

We need to work on numbers to be accountable and be able to say that's where we are speaking for? If you just have five members you cannot say you're speaking for the group (point). So that's the issue we need still to work on.

The fact that we are different is based on the approach we have been following and the big mission we have. And we understand - and Stephanie don't take it for a bad criticism - but 80% of the air space today in the NCSG is based on privacy and human rights. We tried to bring it up but didn't get the agenda.

Stephanie Perrin: Write a document. I haven't seen any documents that explain your position. I've been churning out documents forever.

Man: (Sam Lanfranco) has written several documents in the past.

Tapani Tarvainen: Okay may I intervene to have Stefania and (Sam Lanfranco) in the queue.

But I'd like to brief comment that we really seem to be that it doesn't so much matter who we claim to represent in this space but how much work we can actually do. It matters to some but still if we want to make an impact we have to work and try to work together rather than just claiming it. But Stefania and (Sam Lanfranco).

Stefania Milan: Yes I mean I'm just trying to understand exactly what the problem is here. Is it a problem of defining membership more clearly, of distributing voting powers more clearly? Or is it ultimately a problem of (unintelligible) sits on the GNSO Council? Because if that's the problem let's put it out right here and start discussing that because I mean we cannot - and maybe I'm wrong about a charter; I don't know - but we cannot as NCUC I guess decide on how you define your members, right?

So I'm not sure exactly where we have to pitch the action here so I would like a clarification. Probably what I would like is to go away from this meeting having a couple of ideas as to concrete points that we can really address and work through.

And then another issue that I would like to bring up - I don't know whether this is problematic or whatever - probably is pointless to discuss it - is the Westlake review which we didn't like. But let's drop it for the moment. Maybe if we have time we talk about that.

Tapani Tarvainen: Okay (Sam Lanfranco).

(Sam Lanfranco): Okay I'm having great difficulty here because we're operating at several levels and my tendency is to operate at a higher medal level and I want to come back to again to a comment that Stephanie made.

I spent a morning with - or a meeting with the Indian constituency that was here. All the Indians met in one room and it was everybody I think from their GAC representative down to commercial, mainly commercial people. And this is just a kind of early warning.

A chunk of their conversation basically said ICANN should not assume that its structures as currently organized are the structures that will remain as the rest of the world joins ICANN. And they made specific reference to constituency groups. They said there are constituencies that we have that A, have no warm spot inside ICANN.

They're not organized yet and when they are organized - and they were quite voices in the room. There was no, you know, consensus decision here. Voices in the room were saying - and ICANN should not assume that we will simply come and join one of the existing constituencies.

So that other - well the other 4 billion people including those that are on the Internet but from the rest of the world - will eventually bring a very significant structural fracture - or I wouldn't even call it that. I'd say the next stage. There will be an evolution.

And the evolution may be very - probably will be very procedural and organized and so forth. But we should not presume that it's just a question of absorbing new constituencies into the existing structures.

Tapani Tarvainen: Thank you (Sam Lanfranco). One thing I'd like actually to have some clarification on because I have not been in the council or policy committee before to say have you tried and you've been ignored. A bit documentation maybe just for my benefit point to links in the discussions and so forth to show me what you tried to and how it failed so we can get some - a bit more concrete on that level.

I don't have anybody on the queue. Who wants to speak?

(Sam Lanfranco): I will just say that sometimes like in a discussion I will be mainly in the chat room because I get dismayed by the Sam Lanfrancoe stories being told over and over again in the discussion.

The issues - and I'll just be specific. This is me, talking about me. The comments I made and the issues I raised around human rights never even get a response. Nobody says that's a bad idea or a good idea.

Tapani Tarvainen: Well that's something I'll try to do something about. But...

(Sam Lanfranco): I don't even mind somebody saying you're nuts.

Tapani Tarvainen: Okay I won't say that but I'll try to watch out and react to what you say on the list. Stephanie.

Stephanie Perrin: I think I've already said this to you (Sam Lanfranco) privately but I'll say it and put it on the record. I could personally not only move my dissertation topic over to gender discrimination at ICANN, I could do discourse analysis at how many times nobody has approved what I said.

Nobody has remarked on it, how often ten minutes later a guy says the Sam Lanfrancoe thing and gets it approved, how often I have a thread where I said something. They don't comment on what I said. They comment on the guy that said it earlier, even if they had to dig back in the thread. I could do that. In fact, the feminists in my university are urging me to do that. I don't think it's going to help us solve these problems.

I see the multi-stakeholder model as the way to move forward. I see the threat that you have described as a very real one. What we don't see is practical solutions as to how to deal with that other than you guys are trying to get them to join NPOC and split off from NCSG. I don't think that's productive.

I'm being very shorthand. Please don't tell me I'm insulting you. I don't think that's productive, you know. We don't need to get to the level of American discourse which can be pretty combative but please don't take offense. I'm trying honestly to get down to the brass tacks here.

What you say (Sam Lanfranco) is true. How are these guys going to come to ICANN? What are they going to do with it? Because make no mistake. When I'm talking about government funded agencies, I'm talking about three-letter agencies overrunning the place and ruining what we're trying to do on privacy, free speech, discrimination, political rights. That's what I'm talking about.

You're talking possibly about something different. But when the ITU thing hits the wall and everybody comes to ICANN we've got a problem.

Tapani Tarvainen: Thank you Stephanie. I have Klaus, Rudi and Joan in the row I think.

Man: For the record I just want to make one important...

Klaus Stoll: Okay.

Man: ...clarification. We are not asking for separation. Not at all. What we want is that NPOC has the Sam Lanfrancoe capabilities as NCUC has and that's today not possible based on the fact that the charters - NCSG charter doesn't fit any more in the way we have been growing. That's the point.

We don't want to separate. We don't want to become a stakeholder group. No. We're happy with what you're doing (unintelligible). And we're trying sometimes to bring our vision and our comments to the table but - and I'm going maybe to make it bigger than it really is but more than 90% of the time we are ignored. And that's painful.

Tapani Tarvainen: Okay let's try to avoid repeating any arguments that we made. But now Klaus.

Klaus Stoll: Let me come back to Stephanie. Stephanie I don't think there's the principal of calving can be overdone but I think for example it would be really not a bad idea to have in the NCSG an academics group and things like that, and to have a few more specialized things than to put everything into one or two groups.

We don't have to have 200. We don't have to have 20. But I think five or six or so would be quite a good idea.

Tapani Tarvainen: And Joan.

Joan Kerr: Joan Kerr for the record. If I may put my proposal on the table again, if we could talk about that for a minute and maybe form some sort of group and maybe sort these things out and identify. Our first job I think as NPOC is to identify the issues and maybe we could start from there.

Tapani Tarvainen: Yes I already asked I think Rudi to come up with a list of your issues.

(Sam Lanfranco): Okay two comments. Again to Stephanie, the comment about the human rights stuff was just to give an example of where I had done input. The fact that there was no response was my complaint or, you know, comment.

The second point here is that early on - and this has not been put on the table yet - but early on when I did work through the charters as I was in my self-tutoring to learn about ICANN and NPOC and NCSG, NCUC and so forth, one of the issues that I hit on - and this was a while ago and I raised it but we didn't move on it - was that there are some issues in the charters for example.

And these are the things that this dialogue - I'd put on the table for this dialogue. In the NPOC charter we can accept associations. And it can be an association of dog trainers or lawyers or whatever actually the way it's worded. But they can't join NCSG, given the way it's interpreted now.

And so there are those kinds of issues within the charter language itself that put themselves on an agenda to be addressed in the kind of discussion we're talking about, that there are these places where there's a conflict that needs to be sorted out.

Now how you'd sort it out I can't guess on that. But what I'm saying is that there are these areas where there are structural conflicts that need to be addressed that have nothing to do with who's mad at who or what people are trying to do and so forth. There are some things that are built into the structures that need to be addressed.

Tapani Tarvainen: Who was first? Okay, Stefania then Klaus.

Stefania Milan: Okay but I understand that there are some changes needed. But because now we're not going to see each other in person for a few months. Can we work on three items let's say. Is it membership description because I'm still not clear as to what the program means.

For example I ask you, do you want (YFCs) in the GNSO Council election? Can we be honest about this just so that we understand what we are after? And then we can discuss everything. But I would really like to get away from this meeting and unfortunately there are also other meetings coming up so we should probably close it.

If we have two, three, four items that we can also go back and talk to our people and working towards the distribution that working group that (Bruce) offer to facilitate, something very complete. Just...

Tapani Tarvainen: Yes I think Klaus was first, then Stephanie, then Rudi.

Klaus Stoll: I think that's a good idea, just to come back to the Westlake report. Why should we waste time on something which is just completely irrelevant? I mean just that is so below, so below standard, I mean I really don't want to waste more time on it.

Stefania Milan: Okay let's not discuss the Westlake, fine. But just the point...

Tapani Tarvainen: Stephanie. Yes, okay. Stephanie?

Stephanie Perrin: I must be brain dead and need more coffee. Oh yes, you heard (Bruce) say I hope that we're hearing the Sam Lanfrancoe complaints from the business constituency. And I would respectfully suggest to us all that we need to sort of run a comparison between ourselves and the differences between us and our goals and the business constituency because those guys are representing multi-national corporations.

Google's a member of them. They're a registrar. Google is in every single group in ICANN and probably in our group and I just haven't spotted the agent yet. These are very real problems from the board's perspective and if I can't understand the difference in our goals and why there needs to be a separate group, I don't see respectfully you've got to do a better job of explaining why you need whatever it is.

If it isn't separation, what is it? What are you actually asking for? It's not travel money. It's not separation. What is it? Because the business constituency are fighting non-stop. They excluded small business. They're in different areas. They have different reasons to be interested in the domain name system. There's the trademark law interest that has infiltrated the business...

Those are very complex, difficult issues and they are forced to live in the Sam Lanfrancoe house for exactly the Sam Lanfrancoe reasons because once you start separating or splitting into different units, there's no end to it.

Tapani Tarvainen: Rudi.

Rudi Vansnick: Yes Rudi for the transcript and I will try to come to a conclusion and have action points so that we can move forward. And I'm now speaking as the chair or NPOC proposing to the incoming NCSG chair an action list, real action list, because otherwise we are not moving forward. We are discussing discussion. Doesn't move forward.

Stephanie, we have been talking for an hour on what we as NPOC are, what our mission is, and it looks like you cannot get it. So we don't know any more how to explain the differences and the approaches that we have and that we - well at the end I would say it comes to travel to allow people to be able to come to a meeting and raise their voice. It comes to travel somehow, somehow.

Stephanie Perrin: But I asked...

Rudi Vansnick: That's not the issue.

Stephanie Perrin: ...if it's about travel slots.

Rudi Vansnick: But that's not the issue.

Stephanie Perrin: Then let's talk about that.

Rudi Vansnick: That's not the basic issue. The basic issue is we are different. We are different. We have different approaches. We have been doing a lot of outreach work that resulted in having more NCUC members. And as we said we have the difficulty of restriction of a structure that even doesn't fit in the

NCSG in itself because our criteria allows to have association the NCSG doesn't allow.

So my action points are quite simple. I would like to have an NCSG executive committee meeting where it is on the agenda. We never got it on the agenda, never. So I would like to have that as first point, not the discussion about approving members. There should be something outside of the executive committee that should be ad hoc done.

As soon as a member comes in, we should work on it. But I think that the priority we have is to resolve the fact that the other side doesn't understand our issues and our way of addressing the work that we have to do in ICANN. That's the first work we have to do. We will work on our side, NPOC, to get it more clear, to get the clear definition where we are different and where we needed this difference coming up.

And the second point would be the launch of an ad hoc working group or committee reviewing the charters. That's definitely the only way to get out of the issue of being overlooked in voting all the time. Sorry to say but that's to me action points that we need to put on the executive committee.

Tapani Tarvainen: Thank you. I hope you will just put this in writing and send to the executive committee mailing list and I put them on the agenda. I just want to - one issue that - one way of perhaps clarifying your mission is just highlighting the concrete cases. Upset definitions are sometimes hard.

So what I will be looking at the policy committee list and then the discuss list is wherever you bring up an issue why - how it's different. Then if you can highlight earlier ones I will put in the archives.

And also repeat the suggestion that if you want more observers in the policy committee so you can have your voice heard, I think that should be easy enough to arrange.

Now if you have anything else I have - I'll give you five more minutes then I'll have to close this meeting. Stefania?

Stefania Milan: No it's not because I probably don't fully understand it. I will have now the charter right in my mind, frankly. Is the problem, the way, when we did the charter we defined NPOC membership.

Tapani Tarvainen: Yes.

Stefania Milan: So then I don't get it. Sorry, I'm just probably unprepared for this.

Klaus Stoll: Somebody who - first of all with regard to the charters, everybody who reads the charters of NCUC, NPOC and so on, you will see they are contradictory in themselves sometimes. We read just the quality of both charters is just not very good.

The second point is you have to think about that basically NPOC has been set up by NCUC people and then agreement with NCUC. And of course NCUC at that time makes sure that - and everybody would have done the Sam Lanfrancoe - that NPOC basically is not that strong.

And for example that thing with the individual membership and not allowing individual membership in NPOC was a clear - I mean I was there when these things were discussed like that. We can't let you have individual membership because then we will - one day you might get together (unintelligible) and then we - yes.

Tapani Tarvainen: Okay Stephanie and...

Klaus Stoll: By the way, with the charter, that's very important. Four years ago I was sitting in a restaurant in D.C. with David Olive, Robert Hoggarth, the people

who at that time were in NPOC and the people who at that time were in NCUC.

We discussed exactly the Sam Lanfrancoe points. And every time we try to do something, no we have the more important things to do.

Stephanie Perrin: I still don't understand why you can't get on with your work. What is preventing it? How is NCUC preventing you from fulfilling your mission? I don't get that. I arrive. It's not like NCUC welcomed me with open arms. I'm doing the work that I see needs to be done at ICANN. I just joined all the different PDPs. That's what I'm doing.

If you want a PDP on how to engage the not-for-profit operational's concerns, take it to the GNSO and try and get a PDP set up. I mean all you've got to do is talk to your counselors. I don't understand what the impediment to getting your work done is.

I understand that you're cross because you're not in office. But you can run an election and get votes from the NCUC people. I mean by their works ye shall know them. If you're working hard, people recognize that.

Tapani Tarvainen: Stefania and Klaus. And please be brief. Stefania.

Stefania Milan: I just wanted to clarify by the way one thing on travel. If I remember correctly - Maryam you can clarify maybe - NCSG and NPOC gets the Sam Lanfrancoe amount of travel slots, right? By the way we have many more, but that's okay.

I mean I'm just trying to understand also what the real problem is because for example when you brought up the example of the mailing list being monopolized by human rights and privacy issues, I can give you the example of what I've observed since I got here, which is how the human rights issue - which has always been like floating around but never really forcefully picked

up - got tremendous momentum because some individuals got in and decided this is my life and I'm going to give ICANN and everyone else a very hard time.

And these are people that, you know, did a tremendous amount of work out of the blue. They were not - you know, they came - just they came with no knowledge of the ICANN environment. So there's space for every issue I believe.

Stephanie Perrin: With no funding.

Tapani Tarvainen: Yes. We really have to be closing. I suggest we continue this discussion offline. I expect Rudi to send in agenda items for the NCSG EC and let's try to sort this out without any (pressure).

One more note. I would suggest that let's try to keep on working in the meantime. Don't let this become the overriding issue that we have to solve everything organizational before we can work on anything.

Man: I think I owe Stephanie - Stephanie asked a question where are you impaired? Did you ever try as NPOCs to get an event done during an ICANN meeting? I can tell you stories and stories and stories including this one where basically we have to fight about things which are really completely (null).

Tapani Tarvainen: Such stories might actually be interesting in writing but we don't really have the time.

((Crosstalk))

Rudi Vansnick: Yes, very shortly. Rudi for the transcript. But I feel quite as blame that I'm getting as a representative of the NPOC group that it looks like we don't do enough work. I feel very, very bad because I'm investing one third of my day

time the last month doing work for ICANN. So saying that we don't do enough work, that hurts a lot.

Tapani Tarvainen: Okay but on this let's close the meeting. Please stop the recording. Thank you all.

END