

ICANN

**Moderator: Gisella Gruber-White
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10:00 am CT**

Woman: Okay (Rob). We're all set now.

Woman: We begin again.

Rafik Dammak: Thanks. We are back. So Klaus.

Klaus Stoll: This is Klaus, NPOC and NCSG. I just want to follow up very quickly on this.

Man: One moment, please.

((Crosstalk))

Rafik Dammak: Yes, please Klaus. Yes, please.

Klaus Stoll: Okay. I wanted to follow up what (Jimson) says about we have a lot of work to do and appropriate funding. I think it would be very important that we realize that we don't all work from the same pace in this house.

Some people are able to participate in meeting, do a lot of work because it's part of their work. Other people are basically funding that from themselves. And as it goes, more and more we have the problem that basically people giving up their job or half job and losing salaries because they're trying to engage with this work.

And this is not reflected at all in that reality, which is over there. What's happening in ICANN and sounds to me like we are getting into a kind of in kind economy.

And this is very, very dangerous in that it doesn't work and what will happen is it is actually damaging the overall operation of ICANN because we can never reach the grass roots. We will always be elitists because people simply can't afford to participating in the - in that multi stakeholder process. That's all I want to say.

Rafik Dammak: Okay. Thanks. So - sorry. We need to read through most of the next item. If you can really be brief.

Andrew Mack: I can.

Rafik Dammak: Really, really brief.

Andrew Mack: (Unintelligible). Andrew Mack for the transcript. A couple things really briefly. Steve mentioned what do we get and how does ICANN get and spend its money as two core issues. I think that those are core issues.

The third issue is how do we get any resource that we get? Because I think that simplifying that process will make it easier for the constituencies. It will address some of the issues that you're talking about Klaus.

There are two kinds of elite. One is the elite of the people who have the time and are willing to spend the time to get knowledgeable and be helpful in these issues. The second one is about people who have the resources.

To the extent we can simplify the process, get money out the door and allocate more of it, that will certainly be helpful. There is - I agree with (Jimson). There's a lot of outreach that needs to be done especially to emerging markets. Thank you.

Rafik Dammak: Okay. Thanks. Lori, you need it to be brief. (That's more).

Lori Schulman: (Unintelligible). This is Lori Schulman. I just want to definitely (unintelligible) Klaus that coming from (the Board meeting) (unintelligible).

Rafik Dammak: Okay. We can move to the next item then. It's about - can we have - we have slides on this or not? So it's about the proposal to have the Non-Contracted Party House meeting or I'm - cross community meeting for Buenos Aires. And this was proposed by Bill.

Bill Drake: Thanks. Bill Drake. By the way, just on the last point, I don't think NCSG has ever applied for (unintelligible) money because the process is too complicated. There's lots of conferences but we just never been able to get together to do that.

So on the third item. There was a discussion amongst those of us who were involved in the preparation of this meeting on this point that I'd like to not - and I've raised it with NCSG people but not with CSG more generally. So let me put it on the table.

So NCSG has in the past organized three big day long conferences prior to a couple of ICANN meetings in Toronto, San Francisco and most recently in Singapore.

We did a conference in March that was a preparatory thing for the NETmundial. We had about 150 people in the room for eight hours. It was very successful.

And staff then put an item into the budget saying based on this experience, we should generalize the opportunity. I think they just didn't want CSG to keep asking for money for organized conferences.

So they said the money is available to the community more generally to organize some conferences if they would like to do so. And nobody has taken advantage of that. So money is there.

Given then I think that we do have some commonalities of interest in an environment where with the new gTLD program, the contracted part of the ICANN world is going to grow very rapidly, where ICANN is increasingly talking about - staff sometimes refer to ICANN in terms of a DNS industry and sort of the overarching view, there's a real question of where the hell we all fit it and what kind of concerns we have jointly in this new emerging environment.

And so I thought as perhaps a bridge building collaboration building exercise between the two stakeholder groups and to put on the table for the broader ICANN community the kinds of concerns that we respectively share around structural issues in ICANN and the larger topography of gTLD policy, et cetera, we could propose to organize a conference before Buenos Aires, which

would still be within this fiscal year where we would - perhaps this could be done in a number of different ways.

But it would be on the kinds of concerns that the Non-Contracted Party House has around ICANN issues. And when I suggested this, (Rod) said well, the money is there and it is potentially possible if you guys come up with a proposal.

So this would of course take some work to pull it off obviously and you have to do these things are enough in advance that people can make travel plans to come for an extra day. There's also always the question of whether the people who are directly involved can get an additional day of hotel, travel support and things like that in order to come to the meeting. Had to deal with those kinds of things in the past.

But the bottom line is still it seems to be that it's an opportunity that's there that we're not taking advantage of and that this might kind of lead us to collaborate a little bit more intensively on some substantive points.

I would think that there's a number of interesting things that we could get into. Now there may be cases where CSG has one set of issues that NCSG would not feel so strongly about and vice versa. So there's different ways you can do it.

You could plan all the sessions jointly together or you could simply sort of say half the bit is going to be organized by CSG and half by NCSG and you mix it. You could do it either way you want but the point would be nevertheless to put our various concerns on the agenda and engage the broader community.

I think for example just to give you one example and we're going to talk about this tomorrow, the whole notion of public interest. For those of us who have been on the accountability discussion, we have widely varying ideas about public - what the public interest means and yet it seems to be rather central and underlying to the whole accountability enterprise and some other things as well.

I remember the first - and I'll stop really. I remember the first meeting I came to as a GNSO Councilor in Mexico in 2009. There was a discussion in a plenary setting about the public interest. And Philip Sheppard said, "The public interest is just having better contracts."

And I almost fell out of my chair coming from my particular political perspective. And I thought well gee, this shows there's a need to have a real discussion around this issue. We have not mind melded on this topic at all. And I think that there's real work to do.

That's - I could easily see one good session on that. And we could have a mix of formats. You wouldn't want to have all talking head panels I think. You might want to have more of some maybe debate on some issues, maybe some open structured large-scale interaction with just a moderator. There's a number of things we could do. The question is whether the basic concept appeals to people.

Man: The Friday before.

Bill Drake: The Friday before.

Rafik Dammak: Okay. Thanks Bill.

Ron Andruff: Thank you. Ron Andruff, BC. That's an excellent idea Bill. It's an excellent idea. And I - immediately when you said public interest and, you know, that's when the bell went off for me. Absolutely. The issue that we're seeing is there's too much discussion about buying and selling of domain names and not enough concern about public interest.

As many in the room might be aware, I've been with other colleagues in the BC and ALAC and other groups working towards trying to make sure there's a concern about the public interest where we talk about highly regulated industries.

There's been a lot of dialog about that over the last year or so, year and a half. And that is a - very much a public interest issue and it's exactly the kinds of things that we as users of the Internet need to be fighting that battle for.

And so I welcome the idea. I don't think we should be talking about new gTLDs. That's the last thing I don't think we should talk about. But I do think we should be talking about public interest and those types of issue and I welcome that suggestion. Thank you.

Rafik Dammak: Okay. Yeah. So Jonathan. Klaus (after you then). Okay Jonathan.

Jonathan Zuck: Thanks. It's Jonathan Zuck from (ACT) and the IPC. I would like to endorse this idea as well. I think that what has transpired in the last year or so that's kind of amazing is that there have been periodic instances of consensus within the ICANN community and that that has been an incredibly powerful occurrence that we should endeavor to repeat.

And so finding those areas of commonality is I think critical to effect change and reform within ICANN. And so anything we can do to get together to find

those areas of common ground and represent ourselves as a unified house as opposed to, you know, the house of usher I think would be a good idea.

Just for my own little pitch for my, you know, pet project about data, I think one of the things that comes up quite a bit in working groups is two sides disagreeing about the actual facts that are in question for a working group. And that's because no effort is made to ascertain the facts. So it ends up being a competition of people's opinions about the facts. And those sometimes divide along ideological lines.

And the people are often in possession of the facts is ICANN staff sometimes but other times it's the contracted parties. And as the number of them increases, I think we're going to want to find a way to systematize the collection and acquisition and use of data for more accurate policy development.

And so I think that's something that I would try to put on the agenda if we had such a meeting. And something on which I think we could all agree.

Rafik Dammak: Okay. Thanks Jonathan. Klaus, you wanted to speak. Then (unintelligible).

Klaus Stoll: Yes. This is Klaus. I note with astonishment that Bill after two contributions, which basically talked about we have a problem with attending meetings immediately proposes another meeting.

Also I completely agree that we need to discuss these things. But before we - and I repeat myself. Before we can enter a discussion about more days, more meetings, more topics, we need to have a discussion first about how to ensure participation.

Rafik Dammak: Okay. Thanks (Klaus). Marilyn.

Marilyn Cade: Thank you. I'm hoping that (Gabby) is on the phone...

Man: I think she is.

Marilyn Cade: ...who is one of our BC members who has really done a lot of pioneering in Latin America reaching out to (einstituto) to reach business users very broadly in awareness about ICANN.

And the reason I mention this is I'd like us to think about this in two ways. Tony Holmes - Tony Harris is here. He has done a lot of work. Some of the rest of you from Latin America have also done a lot of work.

There's an industry group called (eletay) that represents 19 ICT associations that will be attending the Buenos Aires meeting. The - if we can do a meeting that is effective about topics that are of general interest, they are not about - and I really think it's important that we not make this about gTLD policy.

We have a space to work on gTLD policy. And I'd like us to keep it there. But we look at topics that are of broad interest about why people need to understand what ICANN is, to follow it, maybe to join but also to be more informed.

And I know (Jimson) just did an event with over 200 participants in Cairo and might want to comment about that. But if it's an event of general interest, I think we can attract the local attendants as well. And I'd like us to focus on working collaboratively to make this really beneficial.

Not all BC members will feel positive about an extra day. And I - so I want to park that. But we do have an outreach and participation committee - subcommittee. And one of our goals is to significantly broaden awareness about ICANN and begin to figure out then who wants to spend the time to join something at ICANN.

So if we can find a way to do this. I just want to make a comment about funding. The allocation of money was \$11,000 per meeting for a meeting space. We're going to have to be able to convince the budgeting process, not to go into this now, but it's something we need to focus on.

We need to be able to use all three of the \$11,000 in aggregate so that we have sufficient money to do something useful and perhaps to add in some additional overnight participation in order to make sure that we have diverse participation and diverse representation. Thank you.

Rafik Dammak: Thanks Marilyn. Tony.

Tony Holmes: Thanks Rafik. Certainly from my perspective I would also support this. I think it would be a good initiative. I think the timing would be pretty good as well because currently vast numbers of this organization are just drowning in IANA and stewardship and accountability.

And then behind that we've all got our respective concerns on various things. Tony mentioned one of the things that's a real concern for ISPs is this universal acceptance of new gTLDs. Other groups even around this table have got their focus on other things, which aren't specifically IANA but are really big issues.

So the key thing for me would be to try and focus the agenda down if we're going to do anything like this. It's one opportunity where we can hit some of the broader things that aren't getting the focus that they need. So in principle I support it. It's just honing down what we would cover and how we would do it that's the issue.

Rafik Dammak: So I think we have John, then (Karen). (Jonathan), you want to add something? Okay. So John, please.

John Berard: Thank you Rafik. John Berard from the Business Constituency. I am prodded by Klaus' comment to remark that I too worry that ICANN is becoming much more like a trade association than it is what it was born to be.

And I worry that seeking to try to get some level of control over things is ultimately going to be unsuccessful and therefore unsatisfying because so much of what is - what we are trying to catch up to is being driven by global demands and organizational growth that it far exceeds anything that the community can match.

The percentage of staff and level of activities conducted by ICANN in 2015 far greater as - when you compare that size and scope of activities of the community than perhaps it was in 2005. The budget is a gross example. Probably not totally insightful but as I say, a gross example of just how steep that hill is.

And it strikes me ultimately that one of the best things that we could do as the Non-Contracted Parties House is to try to prioritize our effort; perhaps to delegate certain areas of concern to subgroups. And this idea comes to me listening to Bill talk about the possibility of another meeting.

Klaus, sorry but I suspect that another meeting is probably a good idea especially if it could be done within the context of one already scheduled. That it would be wrong to do anything more separately.

So I would suggest that anything that we would cook up moving forward that is in addition to the work that the Non-Contracted Party House and its entities already engage in should be done collectively or not at all.

And I would suggest that one of the first things we could do collectively would be to prioritize what's really important to us. And if certain groups within the Non-Contracted Parties House want to take responsibility for being on point for any of those or any additional matter that that could then be - could then be done. I think prioritization is really the only path to sanity in this current environment.

Rafik Dammak: Okay. Thanks John. (Karen), please.

(Karen Melanchar Uvo): Hi. (Karen Melanchar Uvo) with the IPC for the transcript. I guess I would echo and agree with the importance of prioritization of the issues.

And I also want to encourage us to do as much work as we can without having to meet in person and with all of this, you know, remote participation. It's helpful. Meeting in person is obviously the best.

But we need to take into account not just budgetary concerns when we're asking people to give additional days and more meeting because, you know, I'm in a position where I have this part of my company to travel being in a policy position and I'm very grateful for that.

But I also have a 6-month-old daughter for example. Some of you enjoyed here dulcet tones at the LA meeting. And so there are other things to take into account when you're talking about whether or not we can participate and spend more time.

The idea of adding another day onto an already ten day meeting schedule for a number of us is prohibitive from a life standpoint, not just from a money standpoint. And you will in fact eliminate the possibility of some very important voices at the table; very difficult for young women who have young children to travel to these meetings already.

And I'm telling you, you know, sort of emotionally on this one because my daughter's away from me for this whole week and then ten days in a couple weeks when I go to Singapore.

So don't - let's not try to add more days and more meetings because you will eliminate the possibility of very important and valuable viewpoints and voices at the table and that's not what we want to do here. Thanks.

Rafik Dammak: Thanks (Karen). Okay. (Brun), I think you will have the last word for this and then we will move to Tony.

(Brun): Thank you Rafik. Thank you very much. I don't want this moment to go by without seconding John Berard's comment. That was a very strong statement and I want to make sure we all caught it.

John was talking about having cross NCPH committees. And I think that's really, really good idea and it would go a long way for us all to understand better the issues that we're all facing and to understand each others' points of view. So I just did want to underscore what John said and make sure we didn't

forget it. For me that was the strongest takeaway I heard this morning. Thank you.

Rafik Dammak: Thanks (Brun). So Tony.

Tony Holmes: Okay. Just to wrap this one up because we do need to move on. So we're already running late. Bill, a question to you. You've organized these sort of events before. How far in advance do we need to have announced an outline plan if we did decide to go down this? Do we need to have something by Singapore?

Bill Drake: (Unintelligible).

Tony Holmes: Or Ron.

Bill Drake: Well, thank you for that question. Operationally yes. Organizing meetings is a challenge. And sometimes it takes a lot of volunteer labor. And obviously if you were to try to organize something, luckily in this case we're talking about June. We've got a half-year to ramp up.

If we put a process in place where people were collaborating and can get a concrete reasonable proposal to ICANN staff in the next month or so say, I would think, I would hope, I don't know; they would have to inform us.

And just at least a basic outline of what it might be and then you would - we could put together a planning group that would evolve it over the next months. In the case of the last conference, actually I was - put together pretty quickly.

I mean the meeting was - the meeting in Singapore was in March and I kind of ramped that up starting in January. But I was working pretty much solo with the help of one or two people. So it really...

Man: Good meeting.

Bill Drake: Say what Marilyn?

Marilyn Cade: This is a joke from some of us. We said and therefore it moves faster.

Bill Drake: Yes. No. But the point is it's, you know, the sooner you get - thank you. The sooner you get started obviously, the better but we certainly have ample time to make this happen.

Tony Holmes: Why don't we suggest. I'm aware there's other people who've got points on this but we're already running behind schedule and we need to cut it off. What I would ask is that when we have our separate sessions if we can discuss this there and then maybe when we come back into one of these plenary sessions we can spend ten minutes on this and feedback where we are from our respective groups. Because otherwise we're just going to leave this open ended, which I don't like to do.

And we're not having the time to allow the full discussion. So discuss it in separate groups and then come back. We do need to move onto the next session now. And I believe that sessions being led by Steve and by Bill. So I'm going to hand over to Steve here. Thank you.

Steve Metalitz: Thank you. Steve Metalitz. I think we can go back to session - what we called Session 1. Thank you. So these are our two topics that I think we're supposed

to handle between now and more or less 12:30. So why don't we - why don't we jump in. I see (Rob) has his hand raised. Is he - no. He does not. Okay.

Bill and I will be chairing this and I think I drew the short straw to begin the session. We have a GNSO review in process. We had hoped to have by now - I think we were supposed to have by now some kind of report from the Westlake Group, which has been tasked to carry out the study on review of the GNSO. But we don't have that.

So I don't think the - I don't - as far as I know, there's nothing to discuss on that part of it. But I think we've already had a lot of discussion certainly within our stakeholder group about the prospects for this review both what is within scope, the fairly limited scope of the Westlake review, which is basically looking at existing structures and processes and how people evaluate those.

And at a much broader level whether we really need fundamental structural change to our house or to the structure of the - excuse me, to the structure of the GNSO as a whole in order to function more efficiently, to have a more robust multi stakeholder environment and to counter I should say some of the concerns that Bill raised in the last session here about whether or not ICANN is becoming more and more a trade association for entities that buy and sell domain names.

So with that introduction, I would like to open the floor to comments from any of the participants about your expectations and hopes and dreams for the GNSO review. But most significantly are there things that our house can be working together on or areas where at least having more dialog about our expectations and our concerns might be useful. So anybody wish to speak?

I see Heather. Is there anybody else? Steve. Tony. Okay. Well let's start with those. Heather.

Heather Forrest: Thank you Steve. Heather Forrest for the transcript. I think you've given us Steve a very helpful platform to work for. This is an enormous topic. And you've identified two substantive areas, if you like. One is the GNSO review, the process that's run by Westlake and how that review is being conducted and another is what's outside of the scope of that review.

If I might in terms of your call for housekeeping matters suggest that in dealing with the first topic, which is the Westlake review that we even divide that up for ease into matters of methodology or process and then matters of substance if that's helpful to organize the dialog.

Steve Metalitz: Okay. Thank you. Steve DelBianco.

Steve DelBianco: Thanks. Steve DelBianco with the BC. On the topic of the GNSO review, just recently did an extensive interview with Westlake. And it occurred to me two observations I wanted to share from the BC's perspective.

The interviewers when I asked them about it revealed that there hasn't been much discussion what it was that preoccupied us seven years ago because you recall that six years ago at the Paris meeting when the final split between the non-contract and contract CSG, NTSG all came about.

And it came about rather abruptly because we weren't really getting anywhere and seems like an interesting structure, right. But so much of what all of us in this room were concerned about in the last review -- so we're going back seven years -- was the weighted voting that gave the contract parties the ability to sway anything or stop anything that we were behind.

And in our discussions in the BC is precious little discussion of lingering problems with weighted voting between the contract and non-contract side. And when I asked Westlake they revealed something similar. There hasn't been much discussion about that.

So I don't know whether to say that we solved that problem because in many respects it didn't change the rules too much. Right Avri? You know what I mean, right? The weighted voting changed but the number of votes was rearranged in such a way.

And yet maybe that's a reflection that the Contract Parties House have spent the last six years singularly preoccupied with the new gTLD program. And perhaps that'll stay that way or perhaps that'll change in the future. But it's been relatively peaceful with respect to the voting between contract and non-contract.

The other observation I'll make is that the BC in our discussions with Westlake continued to suggest that we are struggling in the Commercial Stakeholders Group side. We're struggling with treating CSG as anything more than a label that was slapped on to three constituencies because as you know, we do operate as three constituencies. We don't have a CSG structure of any significance yet.

And so we talked a little bit about that too. But very interesting to me that the voting issue that preoccupied us seven years ago doesn't seem to be on the table and I'd love to hear what others think of that.

Steve Metalitz: Okay. Tony Holmes is next.

Tony Holmes: Thanks Steve. I must admit I was pretty dismayed at the last ICANN meeting when I saw from the initial discussion with Westlake that they appeared to have a very small remit and a very slim view of things that needed to come into consideration.

I don't know whether that was by design or whether it was by accident. But it wasn't particularly helpful. And I was one of those that was actually involved in the work that Steve referred to when - at the Paris meeting we were told well, there's this proposal on the table. None of us like it.

So you go away and you've got a couple months to fix it and if you don't fix it, then this is what you get. And sure enough we came up at the very last minute with this approach that we have today. And we were told well try it. It's something different. If it doesn't work we can always go back.

There's been no willingness to go back since then. And now is the time we've got to raise this. And I'm aware from discussions with other people around this table that we had very different views not only of how we can fix it but even what the real problems are as well. We work in different ways.

Even within the CSG we have differing views on this particular issue. And I'm certainly aware that from the CSG perspective and the non-commercial perspective we have some pretty hard lines where we fundamentally don't agree on very much at all.

But the strength of an event such as this is trying to define where we do have some commonality because the strength will come out of that approach. And for me the right way to approach this would be to try and see what are the key things where we do have the same view, that it isn't working. There are bits of this that need to be fixed.

If we try and go for solutions, I don't think we're going to get that because it's too diverse a set of issues. But if we can actually agree on where the real issues are that need to be fixed, then I think we can probably make some progress. And it's in everyone's benefit if we can do that.

Steve Metalitz: Thank you Tony. We do have a queue. So far we've heard all from people in the Commercial Stakeholder Group. I see Avri has her hand up. So - but I would encourage others as well from the Non-Commercial side. And I think Tony has posed the question well. Are we - what are the problems with the status quo in effect?

We were scorpions in a bottle as (Dan) so colorfully put it. The bottle was the result of the last GNSO review. Is it - should we be doing something differently to function more constructively? So let me ask - I've not got Ron, Marilyn, Avri and then Susan and Bill.

Ron Andruff: Thanks Steve. Ron Andruff, Business Constituency. Like Avri and others on this that I look around I - we were on the GNSO Review Working Party, an interesting title in and of itself - working party. But in fact we were working with Westlake in terms of trying to design - help them design a survey that could be put out to the community.

And so many hours were spent on developing the survey. And one of the issues of course was this issue of the Contracted versus the Non-Contracted Parties House and does the system work.

And many people say the system is broken. But Westlake were not anxious to take that up itself like there was - it's a very lightweight survey. And at the end of it I don't have the exact numbers but I'm going to say that there was less

than 300 people that filled out the survey. That's not much of a review of an organization of our size and stature - organization being ICANN.

So I have great concern about what the results of that review are going to look like at the end of the day because it really wasn't a very broad sampling. Then they did interviews with a number of people who were - they - more random in some cases and officers in other cases. But at the end of the day those interviews could not have amounted to more than 50 interviews. I'm going to say it's probably half that.

So this is the basis upon which the Westlake study is going to come back and respond to the GNSO review. When we commented - we and the committee commented or the working party commented on how we should be - let's talk more about this system - this broken system that we see and the weighted voting.

We see that of course across the board in PDPs as well. When we see that the contracted parties aren't happy, they just stymie the conversation until you get to a deadlock and nothing comes of it.

So we have a lot of problems within the structure of ICANN itself that needs to be reviewed. And so I think we should not wait on looking to see the results of the report from Westlake, which are coming soon towards the end of this month in fact. We in the working party will see the first draft of that.

So the community will see it probably by the 1st of February, certainly before Singapore. And I would think that maybe there's an idea we could take back and discuss. And when we do our breakout sessions that we create one of the Berard subcommittees and look at how we think there may be ways to address this. How would we look at this?

Rather than waiting for ICANN to come and say now it's time to talk about it, why don't we take the lead, get out in front of this thing and see how from our perspective in the NCPH create a number of ideas that we could put out there and have some conversation about. Thank you.

Steve Metalitz: Thank you Ron. (Alan) just showed me the statistics of actually 152 people completed the survey and there were 27 interviews according to what I'm seeing there. So your point is well taken on that. Okay. I think I have Marilyn next.

Marilyn Cade: Thank you. Marilyn Cade speaking. I want to note that when we did the last review we first of all had a council self-review. Then we had two phases of a GNSO review. The GNSO review is more than a council review. And one of the more than just review of what the policy development process is.

Westlake was not given much flexibility in the development of the terms of reference. I say that because I did ask and I also asked staff. But that is true for almost all of the consultants. There are very narrow terms of reference that are developed. And then funding for the study is then built around that narrow terms of reference.

So that's something for us to understand. I'm very disappointed at the fact it was not larger participation in the interviews and also in the online participation.

I'm sure all of us did what we could but it's very mystical to many of our members to - and the questions were not well formulated. I also complained about the questions. Very bizarrely I was able to opine extensively on my views about the Contracted Party entities' performance, et cetera, even though

I'm not an expert in the Contracted Parties. The same thing was true the other way.

I don't want to beat a dead horse about what the survey was able to study and not. I would like to reinforce the idea that we go back to something we did last time. We did our own self-review.

And I would propose that we step up to that and ask for volunteers and put together our ideas about what is working, what's not working; remembering that we're in a very different ICANN than we were seven years ago.

The NPOC now exists. The ALAC is very, very different than it was seven years ago. The GAC much larger in its participation of governments. One thing that most of you are not aware of is that we used to kick off every ICANN meeting with a town hall.

The Board and the staff set in the room and listened to us. We drove the agenda. And I mean the community broadly. And one of the things maybe we need to think about again is it is our ICANN.

Steve Metalitz: Thank you. Avri, I think you were next. And I'm just looking to see if I've - I've got Susan and Bill. Is there anybody else in the queue? Avri, please go ahead.

Avri Doria: Thank you. Avri speaking. I agree with a lot of what has been said. I mean I think we were reminded at the beginning that the houses were supposed to be accounting fantasy. If I look around at this table I'm saying this is quite an instantiation of fantasy.

So obviously the plans that was put together did not work. And I think Steve was -- I think it was Steve that said it though I may be mixing up -- was right that we were - maybe it was - anyway. Someone said that we were supposed to come back to this. I mean we were actually supposed to have, you know, consensus on the plan.

We actually didn't have full consensus on the plan. But we did have an acceptance that okay, we can come back in a couple years, see how it works, go on with it.

But essentially we have a plan that, you know, not quite going back to spiders in a bottle but that pretty much dirempted, which means violently tore a thunder, the group into, you know, two houses and then set up the houses as oppositional structures each to each other.

In my view of having been on the council both before and after it's a much less dynamic and collegial and negotiating and coming up with consensus body than it used to be.

And I think that it has in effect weakened the GNSO as a body because by and large it spends most of its time in a kind of stasis and only taking on things that we think we might be able to push through given this double diremption.

Now the other thing that was very different that time is we wrote our own terms of reference for the review. I mean yes we sent them to the Board and the Board had to, you know, if it was a recommendation like anything else that they could accept a reject.

But in a sense we set the terms of reference. That did not happen this time. I think if we had, we would have set a term of reference that had, you know,

let's investigate this house division and then perhaps you all would have also said let's investigate this stakeholder, you know, division. I'm happy with the stakeholder division but I know you guys aren't.

So that - now one of the things that was mentioned was the review party. I actually thought the review party -- and Ron and others correct me -- was actually going to initiate a self-review as part of our process. But we haven't done that.

So I think in terms of Marilyn's call for it, it's almost a call to the review party of which, you know, Ron and I are both members. I'm not sure who else here. I forget. And sort of say hey, you said you were going to do this. What's happening with it? So that seems a good idea.

But just going back to this and the narrow, the Board (thick) made a decision that, you know, this was going to be narrow, narrow, narrow with none of the structure discussed.

And that is something that some of us have been individually objecting to throughout the process but perhaps this is one of those places where we can find consensus among our group that while we may not agree on what the structure should look like, we pretty much can agree that the structure needs to be looked at.

Steve Metalitz: Thank you very much Avri. That's very useful contribution. I appreciate also having your perspective as the Councilor before and after the last review. Susan, I think you were next.

Susan Payne: Hi. Susan Payne from the IPC for the record. Yes. I wanted to move on to the sort of issues of the structure. And as it won't be a surprise to people from the

IPC's perspective, the sort of Commercial Stakeholder Group model doesn't work for us in all circumstances.

We feel that it does a diversity of interest within the CSG and we don't always have the same view as Tony pointed out. And it's there's a disenfranchisement of the individual constituencies and a loss of relevant expertise and input where on so many issues regardless of the issues there's only one space for a CSG representative and we have to negotiate internally about who gets that space before they can then take part in any working group, you know, a review team, even on issues like sort of travel support for meetings.

And so I think we need to recognize that some kind of one size approach on everything isn't appropriate. It does depend on the issue. Some issues probably do require parity between the Non-Commercial and the Commercial (relevance) and some issues don't.

And some issues it's - there is someone, you know, there is a particular constituency or entity of interest which is far more relevant to be present to be present and have a far bigger investment in what's being discussed and far more expertise.

But I recognize I'm saying this and I'm probably going to now get shot down. But can we agree that actually sometimes parity isn't the way to go and that some issues require expertise from a particular area? I recognize I'm going to get shot down.

Steve Metalitz: Okay. I have Bill and I have Heather, David, Tony, Steve.

Bill Drake: Thank you. Bill Drake. Well Avri has moved us into the structure part of the discussion. The agreement that Steve and I had was that we were going to do

this in two pieces. We would talk first about the GNSO review as it is configured and the process issues and then - and he would chair that. And then secondly the structure questions and I would chair that.

And we could go to the structure questions now if that's what's itching at everybody the most. But I do wonder before we go there if we want to talk at all about the, you know, performance of the GNSO within the terms of reference that Westlake had.

I mean if you looked at the kinds of questions that were being asked and so about the effectiveness of the PDP process, et cetera, do we have any concerns about those kinds of questions that we would like to share with each other before we talk about structures. If so, we can do that. Otherwise we'll just move right on to structures.

I will share my own experience just quickly on this. And that was that I asked Westlake, you know, urged - don't you want to like talk to the Chairs and they told me no. They said that that was specifically outside their TOR, which I was surprised by.

And I sent a message to the SO/AC Chairs list complaining and saying shouldn't they be talking to all Chairs rather than - I guess they had talked to one or two and then they talked to a few counselors. But I kind of thought this was something they should be interviewing people more systematically.

And after that Westlake got a hold of me and we did talk for an hour and we talked the entire time about structures, which are not within the scope of their TOR. So I thought - I found the whole process a little bit bazaar the way that they teed it up and managed it. But be that as it may.

Do we - I just want to ask the question. Otherwise we'll just - we'll go into structures. Do we have any issues we would like to share with each other about the existing - within the existing structure about how the PDP process is managed, how the GNSO functions, the efficiency of the GNSO process, et cetera or should we just go right on to our collective angst around structures? Marilyn, would you like to...

Marilyn Cade: Sorry. Bill, would you clarify for me the GNSO is the entire entity, the gTLD policy development process involves PDPs, et cetera? Are you asking about the policy development process and the work of the Council or are you asking about the larger GNSO?

Bill Drake: Could be either. I'm saying within the terms of reference of Westlake's review as it is now, do we have any concerns that we want to share with each other or shall we, you know, I - so can - you can scope at it either level, Council or GNSO more broadly. That's fine.

But just there's a bit of a difference between talking about whether we're dissatisfied with the structures or are we - and the questions around how effectively the GNSO Council and working group process works now.

Marilyn Cade: So I'll defer to Steve on policy and then I'd like to talk about structure.

Steve Metalitz: Well can - Bill, I'll (run) to you. If you would like to Chair at this point, we have a queue of people who asked to be heard.

Bill Drake: No. No. I just...

Steve Metalitz: You want to go back to that or...

Bill Drake: ...why don't you finish the queue. But I feel Steve's responding to my question.

Steve Metalitz: Okay.

Bill Drake: I felt like we shouldn't leave...

Steve Metalitz: Right.

Bill Drake: ...the GNSO review per se before we...

Steve Metalitz: Okay.

Bill Drake: ...marched off into the other things.

Steve Metalitz: Okay. My queue now has Heather, David, Tony and then Steve DelBianco. So Heather.

Heather Forrest: Thank you Steve. Heather Forrest. I'd like to pick up on a few of the points that have been made. Bill, since yours is the most recent, I suppose we can start with that. I suspect from the IPC perspective we do have concerns about the Westlake review both in substance and in process.

And at this point I think it's safe to say that we found it difficult to differentiate or to extrapolate those concerns from structural concerns; that some of these things tie together; that some of the concerns that we have about how the current Westlake or whether the questions being asked and what our own answers to those questions are tied into the structure, which we feel just isn't working.

Picking up on Steve's point earlier, it's interesting there has been a suggestion that interviews would be weighted more than the survey and yet we've only got 27 responses to the survey.

I just wonder to the extent there is an issue around confidentiality of the survey to start with. But to the extent that anyone's willing to offer up by a show of hands who's actually been contacted for a survey.

((Crosstalk))

Steve Metalitz: You mean for a survey or for an interview?

Susan Forrest: Sorry, an interview. For an interview. Yes. So even within this group it's a relatively small number. It's less than ten, which is quite surprising. And I think that goes to your point Steve.

Data collection. We don't know that's part of the scope of the review so this is within scope and addresses that point. We have no idea what documents they're looking at, how that's proceeding, how that's going on. And we really don't know how the report will be compiled and what level of subjectivity will happen there.

So I suppose those are concerns relating to what Westlake is actually doing, not - and the questions they're asking, not what we want the scope to be. My question picking up on Avri's comment is how do we formalize our objection - collective objection, if you like, to the limited scope of the review or to any of these issues? How do we formalize that?

It's one thing I think I suppose I worry we have 90 minutes for this topic. We can come to consensus that we have concerns. Maybe we can't come to

consensus as to what those concerns are. But how do we make something useful out of this 90 minutes? I mean what do we do?

How do we formalize our objection to limited scope, Number 1 if we want - if we want structure to be on the table? What issues do we agree upon and then the mechanics of taking our own review forward? If we call can come to an agreement that the Westlake review is not helpful to us, how do we move forward?

Steve Metalitz: Okay. They're some good questions. I think there will be ample opportunities to express our views but I think one thing that's come out of this discussion is that there does appear to be a widespread unhappiness with this status quo structure even though I'm sure there won't be as much consensus on why exactly. Look. Can I just - Avri, you wanted to respond?

Avri Doria: I think we could compose a letter and send it to the Board saying this is what we want.

Steve Metalitz: Okay. Thank you. I have David Cake next. Mic is not on.

Avri Doria: Maybe it's moving it one...

Man: (Try that).

David Cake: Oh, it's - right. Sorry. Okay. First (to) briefly provide a point Susan made about there being - the parity between Commercial and Non-Commercial. In the normal course of things there will of course be lots of places where parity isn't required and that will be within working groups and that's fine and we all agree.

I think there is starting to be an interesting one of the consequences of the number of cross constituency working groups, which naturally limit participation just because of the otherwise enormous unwieldy size is that we are sometimes getting sort of these requirements to balance participation that aren't always well - doesn't really mix well with the actual work being done.

But a more - just to get back to the point of the review, I think there seems to be - I don't know if it's a consensus but certainly widespread view that the review trying to avoid looking at structural things was not helpful.

My impression of that that was sort of driven from the - yes I see, from the Board committee to definitely try to push this review away from the structural things. And I mean is there anyone who thinks that was a good idea to try and avoid structure on this review? No one at all? Right. That's what I - I think that is actually a really significant...

Marilyn Cade: David, sorry. Repeat. I didn't hear you. Do what?

David Cake: Is there anyone who thinks that the review trying to avoid looking at structural things was a good idea? And I don't think there is anyone. I think that level of consensus is actually really quite significant and we should probably certainly report that.

And I think that's a - I mean I certainly know that we have different complaints about the structure. But the idea that we all ended up - not only that. I think that idea to attempt to restrict it to structural things is failing quite badly in that we all ended up talking about structural things and interview and things anyway.

I think this is really - not just the outcome of the review itself but the way in which the review process they - it was tried to, you know, to take a form which was sort of untenable is something that we should definitely consider maybe a question for us to bring up with our - some of our Board time and so on at the next meeting. Thank you.

Steve Metalitz: Thank you. My queue now has Tony, Steve DelBianco. (Stephanie), did you want to be in the queue? I thought I saw your - or not.

(Stephanie): I'm just (unintelligible) questions. Is that correct?

Steve Metalitz: Okay. And I have John Berard and Greg. And then we should try to wrap this up to see - I think we have had a statement of something that is generally agreed to. But what is - what are our next steps beyond that? So Tony.

Bill Drake: Can I just intervene real quickly Steve to say I have - (Rob) came over and whispered in my ear that Fadi's on his way. And if we want to save any time in this session for prep for Fadi, we should allocate that. So that means we should be concise here.

Steve Metalitz: Okay.

Tony Holmes: I'll try and do that. When the question was asked about process or structure, where to focus discussion, I found that difficult because for me the whole issue is about the terms of reference that was given to Westlake.

That seemed to be key. And certainly I think without structural piece, then the whole thing basically isn't even fit for purpose. I feel that strongly about this. What's coming out of it isn't going to fix very much at all.

So with regards to input even you asked the question around the table who's been contacted for an interview. Well what happened there was I think it was after Bill had a dialog about the Chairs getting interviewed, they sent out - in fact it didn't happen that way. After that a note was sent around to the Chairs saying have you been asked. And I think there was one or two that had actually been asked. The rest have been totally ignored.

So that's when those of us that hadn't been interviewed were receiving requests after. So even that very low number has been inflated by other actions.

One of the things that I think we could do from here is send something back to the Board saying that we don't think the current scope of this is going to address any of the key problems at all, that's it not fit for purpose and it needs to be broadened even to be useful. And if we could reach an agreement to do that from here, the timing's pretty good because the next ICANN meeting is pretty close.

Steve Metalitz: Thank you. I'm going to ask volunteers to get together perhaps over lunch and try to draft that letter. I'm sure Tony will volunteer and David since it was his suggestion to crystallize this and others can join them. Steve DelBianco who is always concise.

Steve DelBianco: Especially so right now. Steve DelBianco. I have items of process, not structure that I believe we may have consensus within the NCPH since Bill asked about process issues.

Putting aside the structure within GNSO, think about two processes where the GNSO has been very frustrated with the process. And one is affirmation reviews and the other is cross community working groups.

Affirmation reviews, especially 9-3 and 9-4, a review of Whois in the gTLD (policy) space and 9-4 is the upcoming review of the new gTLD program are expressly about generic names. And yet the entire SO, the entire GNSO gets one reviewer - one reviewer.

And it's all about GNSO. So I'm seeing some nods from the Non-Commercial side as well. That's an area where parity based on interests should not be the case. We in the GNSO ought to have more than one seat.

So if in fact we can get some support on that, that's one of the issues I've been pushing at the CCWG as we potentially import that affirmation into the bylaws so they're more permanent and not revocable. We'd look at ways of realigning how people get appointed.

The second Steve being concise is cross community working groups. Now cross community working groups like accountability; like something like the Expert Working Group on directory services. These are areas where there is a huge challenge if the entire SO called the GNSO is allocated one seat.

And to pick up on Susan's point, Susan mentioned this notion of looking for something other than parity. That so many of us in the CSG believe that a big piece of our problem can be solved if we have participation by all three, CSG, IPC and ISP.

Parity doesn't have to be violated when it comes to voting Avri. Voting can still be completely parity between CSG and NCSG. But it's just so much better for us to have three people go on to the cross community working group rather than have to find a way to pick on to keep the other two engaged and involved.

And then after they did this Avri, they opened up the CWG to everyone and anyone that wants to participate including people that are unabashedly clueless about what it is ICANN does.

So it'd be so much more - you're laughing. But it's sad that it would be so much more productive if three of us, all CSG, NCSG, IPC, all of you, NPOC; we're all on board and engaged in this because it all affects our space. So here's a process issue, not a structure issue. And it's a process outside of the GNSO where we ought to be able to come together.

Steve Metalitz: Yes. We need to save that point and figure out where that fits in. John, did you want to speak?

John Berard: This is John Berard, BC. My point has been made so I would yield my time to begin Fadi gazing.

Man: (You're joking).

Steve Metalitz: Okay. And I think Greg is our last speaker unless (Stephanie) didn't get her question answered.

Greg Shatan: Greg Shatan, IPC. I'll be very brief. I think that the process issues with the Westlake survey pointed to chronic issues that we probably can agree we have with ICANN, which are the two Ts, trust and top (downism). Thanks.

Steve Metalitz: Thank you. I think (Stephanie) wanted to ask a question.

(Stephanie): Yes. It's I don't quite understand how a contract that goes to the very heart of this organization we're not a client. Now I understand the contractors like one

client and they probably like staff as a client because then they can establish relationships, et cetera.

However, if you're really running a multi stakeholder process, it seems to me that you have a responsibility to figure out a way where there are advisors from the group, a small subcommittee, somebody who becomes part of the office of principle interest or OPI on that contract.

Otherwise it is more like you have an organization that is not a multi stakeholder organization. It is a Board and a staff that consults stakeholders occasionally. And that appears to be what happened on this review from my innocent a naive newbie viewpoint.

Steve Metalitz: Thank you. Okay. I think we will wrap up this segment. Tony and David will be holding the pen to see if we can come up with a statement before we leave here tomorrow that we can send to the Board about our concerns. And it may be as detailed or as general as, you know, that's - I leave that to the drafters and whoever wishes to assist them that you can find them down in that corner.

We now are transitioning to our preparations for the meeting to President and CEO any topics that we...

Bill Drake: We are?

Steve Metalitz: ...want to make sure to...

Bill Drake: So skipping the part that I was going to do?

Steve Metalitz: I'm sorry.

Bill Drake: I thought we were going to talk about structures a little bit longer. Are we not?

Steve Metalitz: Bill, go ahead if you have something else to add.

Bill Drake: Well that was the original what we said we were doing.

((Crosstalk))

Steve Metalitz: I thought we were - I thought we had this - we were having a discussion that we have a consensus that the exclusion of structure from the terms of reference was a bad thing. We've had some views expressed about structure. We may or - and I think that's where we sit right now. But if you want to add something on that.

Bill Drake: Well, I don't feel religious about it if people want to move on. But what you and I said just before we started this was that you would do the process - the GNSO review process thing and then I would facilitate a little discussion around structures if people wanted to give more voice to the structural issues. And I thought we were going to do that. And so I was just surprised when you said let's do Fadi now.

Steve Metalitz: Just Fadi's here. And I...

Bill Drake: Well Fadi's already here. So it's kind of hard to prepare for him.

Steve Metalitz: Right. But we could - Bill, yes. I'm sorry. And I apologize if I wasn't, you know, delineating clearly between those two topics. And I'm happy to have an opportunity for people to talk about the structure. We've had several comments about it.

Bill Drake: Yes.

Steve Metalitz: I think Steve DelBianco's comment was about the - a criticism of generalizing the structure that we have in the GNSO and generalizing it to a lot of non-GNSO items like the AOC reviews and the cross community working groups. So I consider that a contribution to the discussion of structure.

But I'm certainly happy to - if people do wish to make comments about the GNSO structure and what - we have a consensus that it needs to be looked at. If people have comments they wish to bring forward now but what they think about that structure I think this will be very timely.

Bill Drake: Well, let's see. We'll take a minute and if nobody has anything then we'll just stop and move on to Fadi.

So on the question of structure, we have all been living with this thing that was put in place a few years ago, which was really not so much of our design in a lot of respects and we have I think in both sides of the house our respective concerns about it.

I think the concerns are quite different within the two stakeholder groups. And it might be useful for people if they want to talk a little bit about what those concerns are.

I have heard the CSG folks talk about how they prefer a much more constituency based situation and how they in many contexts the assertion being made that the - for example, each of the constituencies needs to individually be represented in some larger context. Whereas on the NCSG side I think some of us have different concerns, which would be kind of moving in the opposite direction.

So I simply want to put on the table a question of thinking about the evolution of where we're going as the contracted parties environment expands is the non-contracted environment optimally organized to represent the range of interests that are supposed to be aggregated and brought into play in the policy process or are there ways in which we would wish to see significant changes. And if so, are those worth talking about?

We have the sort of past dependence thing now where we're stuck with this thing that's been created and we're all - we're having to just move along with it without ever sort of stepping back and saying if you are - given how ICANN has evolved, if you were to build something now, would you build what we have or would you build something else.

And I think it's worth personally at least asking that question. I'd like to hear how CSG people see the structural issues and I'd like if anybody from the NCSG side wants to speak we'll then hear that too. And if now then like I say, we'll...

Steve Metalitz: Can we take a queue?

Bill Drake: ...go to Fadi.

Steve Metalitz: You want to take a queue or...

Bill Drake: I will keep a queue. I will even stand up to imitate Steve, my mentor. So we'll start with the great John. Where are my knives?

John Berard: John Berard from the BC. A point of information first Bill. You correctly identified a perspective of the CSG that one of the unintended and we believe

negative consequences of the current structure is the rolling up of disparate constituencies into a single entity to take a - to a single seat to capture the views of three different organizations.

You then said that you take the opposite view. What - so I'm curious. If we're intending to give each constituents a role, what is the opposite view of that?

Bill Drake: Well, again, I'm supposed to be moderating rather than answering.

John Berard: But...

Bill Drake: I can turn to Avri real quick to answer your point because we took a different - those of us who were involved at the time in 2011 had a different argument for how a stakeholder group might be organized. Some of us did. Avri, would you like to...

Avri Doria: Well there's two parts to the answer. The one is yes, we would prefer in many ways or at least some of us would have preferred at that time for sure an undifferentiated stakeholder group where basically all types of non-commercials and they - similar to what the registries have started doing created ad hoc or interest groups but were much lighter weight the constituencies and would have had many of them.

So that was certainly the initial concept we had at the time of the last review so that you could have seven interest groups, ten interest groups. People working on different issues that wanted to focus on an issue short-term, long-term.

In the meantime what we've had, and I'm not sure that this carries across the stakeholder group, but I think what we've tried to do is make NCSG positions

and appointments sort of between the two constituencies and fight first battles or first discussion in house come to some sort of closure or come to the notion where often people that have watched us in council have often said CSG is split, NCSG is split, you know and Council members are going to vote as they perceive the issue needs to be.

So those are two different ways in which but we accepted the stakeholder mandate as it were and had two different versions of how to live within it. So to say that we had an opposite approach is to sort of say the stakeholder is what's been defined. Now how can we make that work?

John Berard: And Bill, does that - she answer the question there?

Bill Drake: This is a point of great debate amongst us all. I would only say this. For those of us who work at a lot of different global governance kind of environments, this is the only environment where civil society is broken up into multiple silos and spends an enormous amount of its time dealing with the affects of silos.

In every other space that we work in civil societies together in one block and that reduces the amount of time that are spent on, you know, organizational matters. So it allows for more effective participation. We don't get to participate as much because we spend a lot of cycles of stuff.

So anyways, now we had Waleed, Ron - right, sorry. A few others, Greg and then Steve and then Tony.

Waleed Al-Qallaf: Yes. Waleed Al-Qallaf of (NCUNC) for the record. What I'd like to thank Bill for raising the issue of a clean slate idea or looking into it from a new outside dimension.

I'd say that as someone who's not been in ICANN for a long time, I've been in different bodies, civil society mainly; I find it rather difficult to cope with the infinitely difficult structure of ICANN as an outsider coming in.

And one of the difficulties here is that first you have to absorb the structures from the very beginning how they are interacting with each other, how each of these silos, how the stakeholder groups first and formed and what they do and then move on to the issues of each subgroup.

And that's created a problem for me personally because we are tending to look into the pragmatic aspect of things and how long it takes. Because once you arrive to a point of making a decision, it's quite difficult for you to sacrifice time for a long time because then over time things change and it becomes more dynamic.

And so the idea I thought I had in mind is that rather than focusing on the different groups, why not focusing on the teams or the subjects first and then bring in the interpretation of why we - each group could contribute or not contribute. And then come up with a consensus or more based approach.

And I see that it might be simplistic given the huge structure of ICANN. But it gets work done faster. And based on priorities, you have various issues to prioritize because then of course you may have different silos and each one working its own priorities.

And then once you come to the final decision what should be done for the organization as a whole? You don't really connect these priorities together. And it may take a longer period to come up with something. So that's rather my own interpretation as someone who's been outside and came into ICANN.

Bill Drake: Thanks you Waleed. So Ron, you're next in the queue, then Greg and then Tony and I think Lori you're raising your hand. I'm sorry, Steve's before Lori. I'm sorry. My apologies. Then Marilyn.

Ron Andruff: Thanks very much Bill. One of the - two points I want to bring up on this topic. One of the problems that we have, as I mentioned earlier, way back when there were five people in each meeting room and therefore you could actually roam around and sit in and listen to others what they were saying and doing.

Now by just the number of issues that are on the table at every entity as we're using the term today has to deal with, each one - each entity has their top three or top four issues. And it may not and often is not the top three of four issues of the others that are all part of the same house.

So what's happened is we've got a divide and conquer situation whether we like it or not insomuch as it's impossible for us to go and sit in and listen to what the others are saying and just observe the meeting and hear the - who's saying what about what. We don't know. No one knows. We're siloed as you well said Bill. And so as that - in that siloed environment it's very - becomes very difficult.

I like the idea but I don't know how we get there that Avri's kind of floated this idea of maybe many more different groups - more constituencies perhaps with - so that we bring a broader voice on a global scale. I don't know how that gets affected.

But at the end of the day because of this structure that we have that is hard wired now where we have a domain division on - within which sits half of

ICANN meaning all of the contracted parties and all the rest of us sit outside of that division in another body, how do we bring one voice on issues?

And we've seen it happen a couple of times this year where we watched all of the GNSO or the CSG and NCSG, we've come together and said no, this is how we all feel where we've had our leaders - three or four or five of them standing at the microphone together as a group and each one made the point to the Board. No, this is not the way. This is how we feel as the GNSO.

It's been rare in the 13, 14 years I've been with ICANN and I've seen that happen twice, three times. And it happened in this course of this last year. So that bottom up consensus element I don't know how we get to it if we can't speak with one voice because the other side has a very loud voice and they're contracted and they seem to be driving the bus and we're kind of passengers somewhere in the back of the bus.

So that's - these are just ideas that we can talk about in the breakout. But I did want to bring out that hard wired structure that we face anyway we cut it is that there's a group that are in a domains division, they're contracted and they're doing things that we may or may not like but unless we speak with one unified voice we're not going to have an opportunity to fight back.

I think that (Stephanie)'s comment, and I'm not sure if I got it right, but the idea that contracted parties are contracted to ICANN instead of contracted to the community. I like this idea of being contracted to the community. You're contracted to those who use the net, not to this body - this legal entity called ICANN. I don't know if it's even feasible to get there but it's an interesting idea and I just wanted to touch base on that. Thank you.

Bill Drake: And thank you for the bus imagery. That helps our collective sense of identify that we're all at the back of the bus. Greg.

Greg Shatan: Greg Shatan, IPC. In my view the Commercial Stakeholder Group is a - it's an artificial construct. You know, it doesn't really exist or it barely exists. And I don't think there's a great deal of impetus to make it exist more within the individual constituencies. That could be, you know, varying views on that but that's just my view of what I see.

I don't, you know, what value there is in it other than as an occasional coalition. And kind of being forced to operate in this kind of three legged race or six legged race or - and to only put one face forward, not to mix my metaphors. You know, it's a struggle.

And I think that the, you know, the groups have - are disparate and, you know, depending up on how you look at it, you know, one group may be more disparate than the other two.

I often feel like the ISPs have in some ways more in common with the contracted parties being part of the infrastructure. And, you know, standing in a very different way than users. And I would just say kind of in response to some extent to Waleed. But I do think that the peculiar structures that we have actually do make some sense. You don't find registries and registrars having separate structures in other Internet governance areas either.

I think that the structures we have while they're not perfect and they're not arranged well together that individually they do actually make sense. And putting them together in various forms of scorpions in bottles and three legged races isn't necessarily, you know, it doesn't help. But I think that the individual groupings themselves make sense. Thanks.

Bill Drake: All right. Tony, you're part of the infrastructure.

Tony Holmes: Yes. Thanks Bill. You mentioned civil society and the way that you come to conclusions on things. But I would argue that as far as it goes the Commercial Stakeholder Group is far more diverse.

Greg just made a point about ISPs. Maybe they're closer to the contracted parties. Well I don't quite see how that works because we're not contracted parties. But in terms of our relationships with users if anything goes wrong in the Internet, we're the guys that get it in the neck.

So to say that we haven't got that close relationship to users just isn't the way it works. So even then you can see that there are within the Commercial Stakeholder Group we've got these tensions already. And when we're forced down this single corridor, it makes it even worse and more difficult to work right.

I really like Avri's idea personally of having more of the working group concept. But of course the problem always comes down to the voting issue if you don't get consensus. And that's the nub of this problem because we all know whether we're in a Commercial Stakeholder Group or I would suggest even if we're in the house mode, if we have differing views and it comes to voting, we're done.

So and that's why this structure really doesn't work in any way whatsoever. You can't get around that. But there is a lot more thought that needs to be given through doing things a different way. But I like the working group concept. But if we're going to do that, we need to move away and break from this structure that's been forced on us that clearly doesn't work.

Bill Drake: The level of optimism in this room is really extraordinary. By the way, so originally the deal was at 12:30 we were going to break for lunch and give people time to run to the restroom and then come back and talk about accountability and eat.

I assume we can go a few minutes longer if the community wants to because I see a number of people having their flags up but I'm sure that people will want to break soon. So let's go with the folks that have their flags up now and then we'll see where we are after that. I can't remember whether it was Lori or Steve next. Steve, yes.

Steve DelBianco: Thank you Bill. Steve DelBianco with the Business Constituency. Just 15 minutes ago or so I made a process point about which I thought we could get consensus. Recall that? It was the notion that the entire GNSO is (smushed) down to a single seat on affirmation reviews that are all about the gTLD space, the Whois review and the new gTLD program. That's absurd.

And I saw nods of agreement and (unintelligible) of encouragement from all around the room. It would be a mistake to just throw that consensus, if you can call it that, away by (cabining) my entire point as a structural point. It isn't a structural point because it has nothing to do with the structure inside the GNSO.

Go back seven years. GNSO was a single SO. After restructuring GNSO is well still a single SO. So the structure within GNSO is like rearranging the deck chairs on the Titanic. It isn't the point about how GNSO and the NCPH interact with the rest of the ICANN community in cross community working groups and in things like the affirmation reviews.

Avri, I think you overstated it a bit when you suggested that the CSG was a mandate. It was a label, not necessarily a mandate. And in any event, it has no affect on the way the outside world sees the GNSO. There was nothing about the restructuring within GNSO that would dictate that only SGs can have any representation on a cross community working group.

Why are we consolidated that way? Because it's easier for staff to manage. You look across the top of an org chart and try to pick off entities, labels and assume that there's a structure underneath that label is adequate to achieve a single representation.

We're letting you know in no uncertain terms that we all agree that the GNSO is not a single voice when it comes to gTLD policy and in the CSG we're letting you know that we need more than one participant, not more than one weighted vote Avri but we need more than one participant when it comes to cross community working groups.

And that ought to be able to be accommodated and ought to be something about which we have sufficiency consensus to speak to the CEO about it today.

Bill Drake: I think we can all agree it's all staff's fault. I'm just kidding. Of course it's not. Lori.

Lori Schulman: Hello. This is Lori Schulman. I wanted to echo about Waleed's suggestion about perhaps organizing around topics of interest and level of an interest. I know that idea has actually been floating at meetings in NCSG that because the NCSG bifurcation we agree is not optimal and that there could be ways to work around interest.

And now I'm speaking more on behalf of the NPOC than I am particularly on the NCSG on this topic. And that is my understanding that the genesis of the NPOC was in response to exactly this dilemma. Here we have non-profit organizations with operational concerns that straddle those fears.

There's absolutely dedication to civil society principles based on the missions that we are tasked with and the service delivery that we want to achieve whether it's educational, health, feeding the poor. It doesn't matter. We have missions to fulfill and that absolutely falls within the scope of civil society.

But then on the other hand, we're tasked with fundraising. We're tasked with messaging out to donors or creating creative ways; my organization specifically. We don't do grassroots fundraising. We raise our money through publishing. And one would make an argument and it's a very good one that's a commercial interest, not a non-commercial interest.

But it's a commercial activity that's funding a non-commercial outcome. And that's why personally - I'm speaking personally and I know we've discussed this within the NPOC.

(You assume) that this isn't work for us either because we're sort of stuck between wanting to align when we can with those commercial interests that are going to protect our interests particularly against fraud and abuse on the Internet when it comes to fundraising versus understanding freely concerns about free speech, privacy, identity are so critical to the missions we're all trying to accomplish.

And so I would absolutely second these ideas that are going around the room that these silos don't work.

Bill Drake: Fantastic. Okay. I would agree with Lori. Steve was next. No, no. Marilyn. Marilyn, Steve and Avri...

Marilyn Cade: Thank you.

Bill Drake: ...and Klaus and Kathy. We're not going to eat lunch but that's okay.

Marilyn Cade: Marilyn Cade. I'm going to speak against homogenization and speak in behalf of finding areas of commonality where that makes sense. But homogenizing us at the last meeting the BC members instructed us as officers and in the CSG meetings urged that we work more to educate the Board and the staff about the distances and differences between our constituency and even the other two constituencies in the CSG.

So because we feel that in fact we are doing a disservice to the Board and the staff when it is a - there's a single view put forward. The whole value of ICANN is supposed to be about the bottom up and then where - multi stakeholder - and then where you can find consensus, let's do so. But in fact we have to be able to also identify those differences.

At the same time I think Lori there are areas where we can work across the different groups around policy issues or other issues. But I want to make a comment. So my point is I don't think that homogenization is a good idea. But I think we got to get better about articulation of the uniqueness of the different perspectives and then finding a way when we have commonality.

In the recent days we've seen commonality between the ALAC and the BC and the GAC on a particular topic. We've seen commonality between some other groups on a particular topic. I think those - we've been able to do that in

the past. And I recall the days when we in fact have written letters to the Board with commonality across all of the groups on a specific topic.

But let me just say that in my experience and others here are much more experienced than I am on this. The voice of small businesses from developing regions and countries is very different than the voice of global providers. And I suspect that I - that that is true of NGOs from developing countries as well. So I hope we keep the diversity and the importance of the different voices in mind.

Bill Drake: Thank you. I think that's a two finger, it's very short. Okay. Then you should (put that).

Lori Schulman: I'm going to take this opportunity (to say) I am not advocating for homogenization of anything. Okay. But you pretty much...

Marilyn Cade: (Unintelligible).

Lori Schulman: ...you - oh all right. I just want to make that clear. I think there are absolutely areas of common interest where they lie and where they cross is the challenge and always been a challenge.

And then I'll cut it short by saying as an NGO I'm still very, very comfortable being part of NCSG. But where we can work across functionally is where we have to.

Bill Drake: Okay. And Lori, if you're done, could you put your tag down...

Lori Schulman: Yes. Sorry.

Bill Drake: ...so I don't get confused. I - my mind is very small. Steve.

Steve Metalitz: Thank you. Steve Metalitz. Very briefly. First I just want to thank Waleed for his comments. I think they underscore that we need to think at all times about the affect of these structures on participation and on diverse participation.

And I think one of the things that is very bad about the current structure is that it discourages participation just partly due to its incredible complexity. And there may be other reasons why. But I know trying to recruit people to - and companies to become more active within the Intellectual Property Constituency the complexity of the current structure is a big disincentive.

So and I also think what the concerns Lori was raising are indicative of that. The whole idea of the earlier restructure - one of the ideas or one of the goals was to increase participation particularly from major non - not for profit organizations. And I do not think we've succeeded in that. It does not work well. So that's one reason why we need to change the structure.

I'll just conclude by saying I agree with Steve DelBianco that this organization chart, which I don't think works well in the GNSO context, is clearly inappropriate for a lot of non-GNSO type situations such as the AOC reviews and so forth.

Bill Drake: I'll abuse my position just to echo real briefly. I will say I've had the experience in trying to organize outreach events for civil society that when I have to explain the complexity of the internal ICANN structure and where people might position themselves to hell with it. Seriously.

It's just like our structures are a complete disincentive to get engaged I think. And I've heard this over and over. (Dan).

(Dan): I want to pick up on a couple of themes because I agree with I think what - the comment themes across what almost everybody has said. If I look at ICANN structure, this group and any organization would be labeled as other. It's all the other stuff that doesn't fit any place else.

And that is the core of the problem. As Tony said, it means the only things that emerge as consensus or a small subset of the issues on which everybody agrees. Because the strongly held positions of the subgroups, which are themselves internally consistent and may not be global or reflective of the group, basically never emerge from the group and don't have an external voice. And that's a problem for every one of the subgroups.

So maybe the question is does this group need to be dissolved and partitioned into some separate groups that are more internally consistent that have external voices. Because the one thing I learned about politics at any level is the only way you have influence is if you speak with unanimity, right, and consistency.

And if a group can't do that, it's position inevitably gets diluted or ignored. And that's fundamentally it seems to be part of the problem with which we're struggling.

But when the politics internal to the group for a position to emerge are so complex and Byzantine that you struggle to do that, the number of positions that can get articulated that represent consensus decline. And so to me that's the fundamental organizational question.

We either go to some structure that says we have no internal structure and we find ways as Avri said to build sort of ad hoc position groups that can

articulate some things that emerge. We think about something different because this is not working.

Bill Drake: Avri, Klaus, lunch. Avri. Oh, Kathy, I'm sorry. Kathy gets the closing benediction. So again, Avri, Klaus, Kathy, lunch.

Avri Doria: Just a quick thing and I probably should have asked for a two finger as you called it when Steve DelBianco said I misspoke in calling it a mandate. You're right.

The constituencies that became part of the CSG actually were part of the consensus that agreed upon this that ended up coming back from the Board and saying yes, we'll do what you suggested.

So indeed as a member of that group I was the only one outside the consensus. So I know that there was a consensus of the six. I was a NonCom appointee at the time. There was a consensus among the six constituencies that were participating in that team to come up with this structure we have now. And there was only one dissenting voice.

So you're right. I was wrong to call it a mandate. That was a mistake on my part. On, you know, look at the report. Read the report. It's exactly as spoken.

On Lori's statement about the fuzzy borders, I think that gets even worse when you leave Western economies and you get to the point where this whole notion of non-profit, not for profit, non-commercial may not even exist in a lot of the countries.

So I think that here we actually end up with an analog between, you know, similar to the problem that the CSG has with infrastructure versus, you know, other business types, et cetera and we have.

So it goes even further to talking about that. It's really hard for people to find the box they belong in. And you pick one aspect of yourself and say aha, the strongest aspect about myself is non-commercial. Okay. I'll go in that box. The strongest aspect about myself is I work for an intellectual property law firm. Okay. I'll go into that box.

But when you get to the concerns that people are bringing, they're often wider. And when you leave Western economies, it really gets even more difficult.

Bill Drake: If you want a taste of this, talk to the fellows. After we've all gone and met with the fellows at each meeting and told them well, this is what we do and so on. And the fellows end up going I don't know where the hell it goes. The same thing. Klaus.

Klaus Stoll: Seamlessly going on from what Avri said. I think we need to simply concentrate and start with reality. I'm the Managing Director of an organization of the Global Knowledge Partnership Foundation, which started 16 years ago.

And the organization was basically funded from governments and from grants and things like that. I'm just saying that the members they got grants from different organizations and everything was fine.

Today I'm the Managing Director of an organization, which basically is completely not for profit but it's very commercial because we have to make

our money through commercial activities. And a lot of my members, which are civil society members, are small businesses.

There are more small businesses and - because that's the only way (that's wise) and I think what we have to do very simply and straightforward is to find ways how this is - this reality is actually reflected in the structures we are having.

And the only solution I see for example that we are really responsible to the people - to the users. Go - we have to go back to the user and that's the only way it works.

And to Bill for example when Bill uses civil society, I know what civil society definitions Bill is using. And he's right and that is a valid civil society definition. I've got a completely different one because it's based on my reality and I have the same rights to do it.

So sometimes I feel we really should go back to the beginning and start defining who we are and what we are doing and what we are standing for before we make decisions on behalf of things and use big words.

Bill Drake: Thank you Klaus. I want to acknowledge the arrival of Steve Crocker. Steve, great to have you here. And Kathy Kleiman has the closing comment. But she doesn't have a mic so can you...

Kathy Kleiman: Can you hear me? Okay. This is Kathy Kleiman. I apologize I wasn't here for introductions. Schools opened late here in D.C. today, the downside of actually being local.

I'm part of the Non-Commercial Stakeholder Group and Non-Commercial Users Constituency. And what I'm about to say given all the other comments is going to be mentally unpopular. So I credit whoever said that before and prefaced their comments with that.

I hearken back to what Steve DelBianco said earlier today that we're all users. To me we have more in common than we have opposing. We are the users. And domain names are how we all share our messages be those messages commercial or non-commercial.

We have a lot of care about the accessibility of those domain names; how we get them, how we use them, how we lose them. So that said, small businesses that Marilyn mentioned have a lot in common with non-commercial interests. They care a lot about fair use; new businesses, entrepreneurs care a lot about using the same words for their goods and services that everyone else has used over the last millennium. They care about naming.

And I just wanted to share that having been on the registry side briefly - people know I was Director of Policy for .org. The registries and registrars actually don't think they have as much in common as we might.

So I think we might have more in common. The fact that we're all sitting around the table; 15 years ago this would never have happened. The fact we're all sitting around the table, that we're talking about issues that we have concerns about together, I think that's an advancement. Sure. There's a lot of work to be done but I think we've come a long way. Thank you.

Bill Drake: That was a wonderful ending (for us) Kathy. So thank you very much for that. Kumbaya. And we I think have some consensus here that there are real issues with structure and that this should be brought to the attention of the Board in

relation to the GNSO review and beyond. So let's dive - the group that's going to put together something, hopefully that can be taken onboard as well.

Okay. I now hand it over to (Rob) for a little logistical intervention. And then we will break and do lunch and talk about accountability.

(Rob): Thank you Bill. Doesn't require a lot of introduction. We do have food over in the corner. Let's take about 15 minutes for folks to make their way. I don't know how much of you - you want to line up or just go over and graze.

In a moment (Carlos) will tell us what the selection is. But we'll take about 15...

END