

ICANN

**Moderator: Nathalie Peregrine
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Robert Hoggarth: Welcome back from lunch everybody. We're convening to get started our working lunch session with Cheryl and Avri co-chairing. I am going to turn over the dais or microphone to Cheryl and Avri to get us started for this one-hour session. Thank you.

Cheryl Langdon-Orr: Thank you, everyone. We can start to sort of come back. I know it's always hard to be the session after lunch. You guys are probably relaxed and maybe jet lag is settling in for some of you. So what I'd like to do is I'd like to just introduce Jennifer Wolfe. She is going to be participating remotely and she's going to give us a good overview of where things stand. As many of you know, she is Chair of the GNSO Review Working Party. And then after she gives us her input, Larisa Gurnick is here with us as well, and she'll also provide some key points for us to know. And then we'll open it up for questions, answers, and hopefully a dialogue.

And without further ado, I guess I'm hoping, Jennifer, you're on.

Jennifer Wolfe: I am here. Can you hear me?

Cheryl Langdon-Orr: Yes. Thank you so much for joining us.

Jennifer Wolfe: Okay, great. Thanks for having me and I know it's hard sometimes if there's an echo. So hopefully I'm coming through okay in the room. So thank you for the opportunity to give you an update. I know Larisa is there in person and she'll take you through our slide deck. I wanted to take just a couple of minutes as the Chair of the Review Working Party and first, thank those of you in the room who have been a part of our Review Working Party. I appreciate all of the time and the hard work we put into it. We had 36 recommendations from the independent review process. And so as you might imagine, to have a large group of people go through 36 detailed recommendations, it certainly takes some organization, some time, and some diligence.

And we worked really hard to discuss, assess, and evaluate these. And what we did was we broke all of the recommendations into a few criteria to help guide our discussion. We talked about then in terms of the ease or difficulty of implementing those recommendations, the cost of implementing those recommendations, whether or not it aligned with the strategic direction of the GNSO, and whether or not it impacted existing work.

And what we did was take those 36 recommendations and break them essentially into four big categories. One was everyone was in agreement. That was a good recommendation. It should go forward. Second was, we did not agree, we did not think it was a good recommendation, it should not go forward. A third was we think it's a good recommendation but work's already being done. And then a fourth was we may be agreed with the intent or were a little confused as to what it meant. And so we have rewritten those recommendations with some new proposed language.

And then after we did that breakout, we went in and prioritized each one as a high, medium, or low status in terms of the impact it could have on the GNSO. So that work has now been done. We're actually circulating probably by tomorrow the final version of that spreadsheet to the group for any final comments or weighing in so that we can then circulate that to the GNSO Council for its review and input. And once we have that we would then be moving on to present it to the organizational effectiveness committee with the intention that we could also provide them some performance benchmarks or how we might evaluate the outcome of our recommendation.

So that's just very high level where we are. I know Larisa has some more details to take us through, but I'm happy to answer questions now, or if you want to wait until the end, I'll be here on the line.

Cheryl Langdon-Orr: Thank you so much. I do think we can wait until the end. If you want to go ahead and fill in some of the details, Larisa, that would be great. Thank you.

Larisa Gurnick: Hello, everybody. Larisa Gurnick. Happy to be here and will follow-up with some information as to the status of the GNSO review. As you probably know, there were a number of people representing all the stakeholder groups and constituencies that were involved in this process from the get go, which has been a period of nearly two years now. Next slide, please, and thank you all for a lot of diligent work in sticking with this process.

The purpose of the review working party, for those of you that may not be familiar with the term, was to serve as the liaison between the independent examiner, the Board, and the community to ensure that the work of the independent examiner was conducted in a manner that was reflective of the unique nature of the organization.

Next slide, please. This is the spreadsheet that Jen was talking about, and just to round out this conversation, because I think it was hard to follow all the categories that Jen was talking about. And it's probably quite hard for you to see the details, but the important point is that a lot of work had gone into looking at each of the 36 recommendations that were issued as part of the final report back in September. And for each of the recommendations, the review working party -- through a survey mechanism -- analyzed various criteria, whether how difficult a particular recommendation would be to implement, what impact it might have on other groups, whether it was aligned with work that was already under way. And based on all this information, there was an assessment of what the priority would be for implementing this recommendation.

And based on this detailed effort at the recommendation level, there is now four categories. So all 36 recommendations have been divided into four categories that arrange from agreement with the recommendation and suggestion that it be implemented, all the way to those recommendations that should not be implemented. And there's three in that category. The groups in between -- there's two -- and one of them is that the work is already being done elsewhere. So the recommendation essentially suggests something that's already under way and being done. And then the final group of recommendations, of categories of recommendations is that while there's agreement with the spirit of the recommendation, the working party felt that some clarification and some additional information would be necessary.

This is now being considered and a spreadsheet similar to the one that you see on the screen will be produced as part of the report that's going to the GNSO Council. And it will not only just include the categorizations, but also a final indication based on the work that the review team -- the review working party

did -- how to prioritize these recommendations so that it can be considered what should be tackled first and what should be put on hold, and of course what should not be implemented at all.

So from a timing perspective -- and I'm not sure if we have the timeline slide somewhere in the deck. Cheryl, if you could bring up the timeline that might be helpful, but I'll talk to it for now. What's going to happen next, as Jen suggested, is this report, the detailed report with an executive summary, will be finalized, and sent to the GNSO Council for consideration at the next council meeting, assume that there will be a time on the schedule to tackle this.

Once the GNSO Council has had a chance to consider the work that the GNSO review working party has done, and of course committee members will have opportunities to provide some additional feedback, those that have some questions or ideas about the work that the working party has completed. Once that's all done then the recommendation of what the GNSO Review Working Party and the GNSO Council see as the next steps forward with these recommendations would then be provided to the Organizational Effectiveness Committee of the Board, who oversees this process. Then they would consider these recommendations along with their other assessment and input from staff as they make the recommendation to the full Board, to the full ICANN Board. And then the full ICANN Board will act on these 36 recommendations based on the feedback from the Organizational Effectiveness Committee, which is based on the feedback from the community.

I'm happy to answer questions at this point.

Avri Doria: This is Avri. I actually have one that might help. I couldn't find -- I was asked by Cheryl if I knew where these -- this document or spreadsheet was online

and I didn't because I only knew where it was in my mailbox. And so I'm wondering if not, if we can at least put it up so people can see these things because talking about it in the abstract may be a little complicated.

Larisa Gurnick: Thanks, Avri. So I will look to Charla who's sitting in the back of the room to put a link into the chat box with that. This information is available on the GNSO Review Wiki, which is a community wiki that anybody can have access to. And I think that will be happening momentarily.

Cheryl Langdon-Orr: Great. Are there any other questions? If you guys want to -- it's a little bit hard to see. So if you have a flag up, wave your hand if your flag is up. Or any other comments overall? Yes, Greg?

Greg Shatan: It's helpful to get the overview on the process upcoming. I guess I'm curious, more curious about substance, and if there are any kind of key recommendations that we should be considering in this particular group as to how they will be implemented and what issues there are. I mean obviously, many of us have expressed a lack of satisfaction with the GNSO review process and its failure to review the structure of the GNSO. That's water over the dam at this point, but in terms of what was decided and what we have to look forward to, I think trying to figure out what are the most practical changes and issues we're going to deal with. Kind of as we're looking at Meeting B, how we're going to figure out how to fit seven days of meetings into four days, what are our practical challenges going forward from all of this?

Avri Doria: Thanks. Before we get to that, first of all I wanted to see if people could raise their hand of the ones that were on the working party. Just curious how many we've got that are here. So we basically have -- I mean there's me. There's really only four. Okay, there's four of us. Okay, good. Well, I'm hoping that

we can actually -- everybody can see the prioritization of the reviews and I think you do ask one really good questions. Because it's not certain to me, for example, whether the things that we've put into the red do not implement are, A, things that the rest of the community will agree are do not implement and two, what that will mean in regards to the Board looking at them and say, do not implement.

So that's one of the questions that I know that I have on that. And also, I don't know what process we're going to use for the rest of the community to actually go through our prioritization and give comment on it. The next person I had seen was, yes.

Klaus Stoll: Okay, Klaus for the record. A very quick question. Do we have any plans for evaluating the evaluators? Or in other words, are we expecting any money back from West Lake?

Avri Doria: I doubt we're expecting money back from West Lake. I think one of the things that we need to discuss that I always saw this session of having two essential components. The one is the review itself, reviewing it, talking about, understanding it, and how do we implement it. The second is sort of initiating a conversation about how reviews are done, how the review of the GNSO is done. For example, one thing historically that was different about this review than previous reviews -- well, there are actually many things that were different. But one essential thing that was different is in previous reviews, the GNSO had been the one to propose the terms of reference. They went to the Board and then from there, there was a discussion. It evolved. There was a review.

In this case, the Board took the lead and basically we formed this GNSO Review Party as a way to interact with them, to put in input from the GNSO,

but it was never initiated by us. The procedures, even when we tried to change some of the procedures and stuff, there was a limited amount we could do. So I think there's a very important conversation that perhaps we can initiate, but it will be a long-term conversation of how is it that these reviews should be done anyhow, and to what degree does the GNSO have anything to say about the manner in which it is going to be reviewed.

Did we have a next hand? I don't see any hands. Do people have the Excel screen? Yes, I see a hand. I cannot see a face. Okay, there. Yes, hi.

Heather Forrest: Hi, thank you.

Avri Doria: I didn't recognize you from your sweater.

Heather Forrest: What? Recognize me. Avri, following up on your point about how this was so different and there were attempts to make changes, specifically to the terms of reference. Having had this review, what now -- where now does that leave us in respect of the items that we wanted to address that were not addressed? Is the response going to be there's just been a GNSO review. We're done now. That chapter is closed. In other words, is there some period we're going to have to wait to take up these issues that we tried to raise and couldn't? Thanks.

Avri Doria: Well, one of the answers that we got from the Board at one point when some of us were whining and whining about -- and I was one of the whiners and whiners -- when we were whining and whining about the fact that they weren't going to cover some issues that we felt were important, like some of the structural changes, though eventually they did comment on some of the structural changes in a way a lot of us were not terribly pleased with was that the answer we got from the Board was, well, if you want to change your structure, talk about it. Come up with a bottom up solution and tell us.

You know, you don't need to wait for us to tell you how to structure yourselves. If you have a consensus on it, well, then present it to us and, you know, we go from there. Now, you know, that is sort of a flip answer because, well, how would that process work? But we've never come up with a solution. So we've never tried it. So I don't know how it would work. Please.

Heather Forrest: Thanks, it's Heather again. Avri, I remember exactly that, you know, don't wait for us. But given that they knocked back very specific requests for modification of the terms and conditions that sort of alludes to the warmth in relation to receiving any sorts of suggestions. I just, I wonder what -- I'm asking a rhetorical question. I get it.

Avri Doria: Well, perhaps it's not rhetorical since we do have a board member that could sort of give us some notion of the warmth now versus the warmth three years ago. I mean we have a much warmer relationship than we used to, don't we?

Klaus Stoll: Yes. No, I think as far as I understand, I wasn't there to begin with but when we looked, whether it was a year ago when the same meeting at the intercessional -- the NTPH -- discussed it and asked (unintelligible) should be part of the review. But our answer was precisely as Avri said, and I think it's generally felt that the last reform was imposed in a top down matter, and it'd be more sustainable by something bubbling up from the bottom. We noticed that everybody seems to be not deliriously happy with the current structure. So if the GNSO decides to restructure, that's fine. But it was not part of the review. But maybe you have more background (unintelligible) comment.

Larisa Gurnick: Thank you. This is Larisa, for the record. The answer is exactly right that there was a feeling on the part of the Board that the review should focus on the operational effectiveness components and really use that as a platform to

talk about any more strategic changes and improvements that would be considered as part of the implementation process structure being one of them. And that was the context to really have the independent examiners work and mandate the - to look at the operational aspects of how the GNSO was working, including looking at how well the recommendations from the prior review were implemented, and whether those changes that were implemented were effective. And the feeling was that in looking at effectiveness and assessing whether prior review recommendations had worked would provide a basis for the next conversations of improvement that might need to be made to the structure.

Avri Doria: Thanks. One thing, now that you do all have access, I believe, to the Excel, I would note that among the red recommendations, those that the working party has indicated a preference for not taking forward, the final one was basically a roll back of some of the changes that had been made in the previous review, and basically going back to a notion that seats would -- in the council -- would be allocated to constituencies in some sort of fixed manner as opposed to the stakeholder groups, which was the radical change of the previous review.

Now, that is one that is -- the working party did mark as an extremely hard to do, you know, and such. So made a recommendation to not implement that one. But of course, there's a certain part of the community that does believe in that as strongly as there are other parts of the community that don't believe in it. So, you know, they did come back. West Lake did come back with a structural recommendation even though that wasn't part of the review and one of the reasons. So obviously, that's something you all are going to have to discuss. Marilyn, you had your hand up before I started babbling on.

Marilyn Cade: Thank you for your comments, Avri, and Larisa, for yours. I was present at the - throughout the process of the first GNSO review and there was extreme

discomfort on the part of many of the stakeholders about decisions that were taken by board members as opposed to by the community. It has been a - the creation of the structural approach, many of us have continued to feel was imposed on us and has never felt natural to how we might have designed structural changes ourselves.

Having said that, I guess I -- and I was present at the last intercessional -- I have listened to all the comments that the Board has made. I participated in the West Lake review - interviews. I think it's unfair to blame the reviewer for limitations that were established and imposed on them. In spite of the limitations, many of us did provide information that was then incorporated to the extent possible. I say that because I think I'm reflecting a comment toward the end of Avri's comments. There are a number of constituencies in the GNSO who I believe are uncomfortable with the structure and would like to see it change. There are others who disagree and aren't calling for a change.

But if we have enough tenants in the GNSO who are unhappy, it puts us in a difficult situation to have the resources to put forward and develop different structural approaches if we don't have a process that is agreed that it will entertain the new structural approaches that might come forward. So it's kind of unfair to say, right now, that we have to get unanimity to pursuing structural change and that we won't have resources to help undertake what that might look like.

And I think that's the - I agree, Avri, that it's difficult, but I believe there remains pretty considerable discomfort among a number of the people who live in this house together.

Avri Doria: Yes, that's why I brought it up as a topic of conversation. And but I'd be interested in seeing other hands and other ones of the -- either of the

comments on that particular line or any of the others, the ones that we said yes, do them. Are they indeed things people want to see done?

Cheryl Langdon-Orr: I think Stephanie, do you have your card up?

Stephanie Perrin: Oh, yes. I do indeed. Stephanie Perrin for the record and I apologize, I'm not following up on this line of questioning. I'm kind of off on another tangent. From a procedural point of view, it seemed to me clear in London when West Lake was not getting the input that they needed to do this effectively that we should have done something. They had timelines. Unfortunately, of course, we as the concerned group don't get to see their contract but it seemed clear they were not -- because of all the other things on everybody's agenda -- they weren't getting the input required.

So in my view, not only was the methodology quite unsound, but at some point you should be able to go tilt. Obviously, we're not engaged enough in this very important exercise and we should break it off right now. And it wouldn't be the contractor that would put up their hand say, okay, cut my contract in a third. We can't do this. That's not going to happen. However, we're the group that suffered and I'm, you know, looking back on it, the acrimony that sort of erupted -- from what I consider bad methodology and bad observations -- doesn't help us as we move forward, you know.

I never got answers to what I thought were pretty legitimate questions, like why on earth did they interview so many staff members, you know. I'm sorry, don't tell me that's a 360 review. So I could go on and on. The point is more how do we get better oversight? I'm not suggesting that you don't need an independent reviewer but who is directing the independent reviewer is the question. What's in that contract? What kind of direction are they getting? These are all, I think, important questions.

And having spoken to folks from ALAC who had used West Lake or had -- I won't use the word suffered under but I'm groping after lunch for something other than suffered under -- who had endured a West Lake review and they were not happy about the results, how did ICANN hire them again? And how do we make sure they don't get hired again? Because to me, any contractor with integrity should have pulled the plug and said, "I don't have enough diverse input to do this properly." Thanks.

Cheryl Langdon-Orr: Thank you, Stephanie. I see Greg.

Greg Shatan: Thanks. I would say at least one positive thing came out of the GNSO review, which is that it became one of the things that both of our stakeholder groups could agree on. So it was one of those Kumbaya moments for us that we discussed the other day or earlier today, rather. Just following up on Stephanie's point, as far as I know, only one member of the IPC was interviewed for the process and only in the second round of interviews. I know that I was recommended to be someone who was interviewed, but I was not. Not that it had to be me, per se, but any other person would have been nice rather than one.

So the whole thing, maybe it seemed good from some perspective and listening to the West Lake people, I could believe that they're good sales people for their services and maybe that's how they got hired again. But in terms of -- going back to something practical, if we were to do a bottom up review, we would need some kind of support, serious support. And so, you know, rather than being reviewed via someone, getting the support to better review ourselves is a different model. And maybe someone who works for us to help us rather than who works on us, like a car or a gall bladder, would be helpful. Thank you.

Avri Doria: Thank you. Another possibility that I'd throw into that while I'm looking for more placards up is what happened in the ATRT. Two, when we decided that we needed a contractor to do a review of a particular situation, we worked with staff on the request for information or request for bid. And we reviewed them and made the recommendation. So we had staff assistance in doing it, and legal, and all those things to make sure that we worked within the bounds of legality. But we had a certain amount to say about the decision made and perhaps that's a model that we might want to suggest for future reviews.

Yes, please?

Larisa Gurnick: A couple of points that I wanted to address. One was evaluating the evaluator. And I'm sure that Jen will be happy to speak to this point too. One of the actions that the working party will most definitely undertake is to do an evaluation, and not just of the evaluator but of the entire process, to many of the points that were raised here. Today, it's going to be really important for us to understand what worked as part of this process, and not just from the West Lake component. There's a lot of other aspects of the process, including oversight provided by the designated board committee, staff support, and just the timeliness and the methodology that was used to run this review.

So a survey of all that will be done. It will be made publicly available and that's very much an important component of our work to improve the process. As far as the selection of West Lake or an independent examiner, currently the bylaws mandate that these reviews be done by an entity that's independent. So for that reason, based on the current configuration, it works differently than a selection that Avri is talking about for ATRT 2. That was a process and the review that was done by the community and not by an independent examiner.

So at least the way it is right now, there are some differences and some reasons why the process of selection of the independent examiner to review the entity under review is not within the control of the entity for the review. However, in terms of terms of reference or key components of the RFP -- and this is a process that we're now following with the at large organization that's about to kick off the review and the independent examiners will be selected within the next several months -- the community has had, that community has had extensive input into the criteria for the review, the scope of the review, as well as the key attributes that would be important in the independent examiner to conduct the review without actually being involved in the selection process. Thank you.

Cheryl Langdon-Orr: Thank you. Phil, I just wanted to check, did you have your hand up, Phil? No? Okay. Tony.

Tony Holmes: Thanks. Whilst I share many of the concerns that have been expressed about the West Lake review and what came out, those of us who have been around ICANN for a long time will remember that West Lake aren't alone. There's been a number of GNSO reviews. None of them have been good. They've all suffered in some way or the other from, I think, mainly the ability of someone to come in at that level and assess what is an extremely complex set of issues around the GNSO.

And the point that Avri made about maybe it would be better to look at forming a review team in a different way that needs to be covered as part of the review this time. Because otherwise, you can play around with the criteria for the review. But I would almost guarantee you're going to go through the process for the next review, appoint someone in exactly the same manner, and we're going to be here discussing the problems again.

It's time to look at doing it in a totally different way that gets over some of those initial problems.

Cheryl Langdon-Orr: Thank you. I know earlier some of the other participants in the working party had raised their hands just to indicate that they were a part of the process. Would any of you like to comment or piggyback on any of the comments that were made? No.

Avri Doria: One of the issues comes up, and this one leads into the next discussion that we'll be having is -- and someone already had mentioned it here, but we never got into detail -- is in looking at these things that we said are okay to do, how do people think we should go about them? Are they really things that we want to see done? And I don't know if you've had a chance to look at, you know, the green squares. Because the green squares, if we don't change what's there, will be the things that we are recommending should be done. And therefore, one can expect that shortly after saying they should be done and they've gone through the Board consideration, and mill, and all that stuff, they will start to be done.

So what will that mean to the GNSO? What will that mean to the various groups and the various processes? And has anybody looked at those things yet and have a concern that they would voice? Or does anybody look at those green things and say, you know, you guys are right. This is really something that needs to be done. I'm just wondering, going back to Greg's original point of let's talk about some of the substance of it -- please, Tony.

Tony Holmes: Shouldn't we also be saying at this stage, when we look at those green squares, are they going to fix all the problems that we have, all the major problems rather than just tinkering around the edges with a set of recommendations that have come out of the West Lake review.

Avri Doria: I've got Stephanie, and just to add to that question, remembering that we've been told by the Board that if there's something you want to fix and we haven't told you how to fix it, well, then figure out how to fix it and tell us. So yes, Stephanie?

Stephanie Perrin: In response to Tony's question -- Stephanie Perrin for the record -- that was part of my point. Once West Lake went on, it left us in the unenviable position where we were sort of sorting through the wreckage of the cargo that was floating on the waves, and we had to pick up a few things worth saving. I would hardly say that these are great recommendations. And, you know, I mean we did an honest job trying to sort them into, okay, medium, and not a good idea. But it does seem to me that those are not our strategic priorities.

And sorting out how we agree among ourselves, I like Greg's analogy. We should not be lying there, letting somebody take our gallbladder out. But if we can't figure out how to do it and agree ourselves, that's what we're stuck with, right. So maybe we should spend some quality time trying to figure that out, how to do it better.

Avri Doria: Do we know what it is we want to fix? I mean, we're sort of talking around a notion that, you know, have - and asking the question, did they fix what's broken or did they just tinker around the edges? But I do not know if this room has a notion of what's broken that we all accept. Please.

Stephanie Perrin: Wait, is it me?

Avri Doria: Yes, please. I'll come back to you, Stephanie, but your -- and Klaus. Okay.

Christian Dawson: Christian Dawson for the record. Representative, I'm with the ISPs. So let me talk a little bit about the ISP's identity for a second to try and get to a point. We as an organization in an ideal setting are an organization that holds sort of a unique place in ICANN. We sort of represent the global help desk and we give that perspective to the ICANN community in their policy development process. So in an ideal scenario, we would work with groups like the RSSAC and the SSAC because what we do is relatively technical. However, we're also business people. We operate networks. We are non-contracted parties but we run DNS resolvers.

So the needs of our group are very different than the other members of the commercial stakeholders group. The current makeup of the group is not highly technical. We are trying to get more technical. Now, by the way, Mark is looking at me. Mark, you're a good example of somebody who I'm going to make this point around. We're trying to recruit more people that can do this sort of bridgework between the technical communities and the business communities, which is vital. But we do that and we step into these meetings with the CSG and its - we spend our time working on budgets. We spend our time working on things that the techie guys just don't really care about. And we sort of feel like we've got the wrong home. And it is -- it's hard for us to do the right kind of recruitment to get to fulfill the possibility of what we could be in the ICANN community given where we're at right now.

And so the idea is, you now, can the GNSO -- can we find a way to recommend a structure that can get us to a place where we can be what we should be to the ICANN community. Does that make sense?

Avri Doria: Yes, and it brings up for me a question, and I'll go to Klaus -- is are many of the registry service providers, which are also non-contracted parties in some cases -- are any of them part of the ISP group?

Christian Dawson: Non-contracted registry service providers?

Avri Doria: Right. In other words, there could be a back end registry service provider that is not necessarily a registry and therefore does not have a contract, correct?
The ones -- the RSPs -- the ones that provide registry services to any of these registries, are any of those not contracted parties? No. Okay. But they could be.

Mark McFadden: But by and large, Avri, they're not ISPs, right.

Avri Doria: Okay.

Mark McFadden: And so from a business point of view, they're almost never ISPs.

Avri Doria: And an ISP almost never does that kind of stuff.

Mark McFadden: Exactly right.

Avri Doria: This is to answer -- yes.

Tony Holmes: Same point that if you look at the bylaws for the ISPs, it's pretty strict what our members are. I think what you identify is that something that does require consideration, that there are probably parts of the community that need to be engaged and we need to find a way of getting them engaged in the right way. And it isn't just those. There's other parts of ICANN that fall into that category as well, and that's not been addressed. A lot of people forget that the GNSO started as the DNSO. That's getting back for 20 years old and we're still stuck with this structure. It might be time that we need to start addressing some of the points that you raised in a different way.

Avri Doria: Thank you. And that's kind of what I was trying to drive at. Okay, I had Klaus. Who did we have after? We had Klaus and then was there any -- and then Stephanie. Okay. And then okay.

Klaus Stoll: Klaus Stoll for the record. Maybe we should not look so much all the time backwards and look a little bit more forwards. So I think it would be a good exercise to really look at -- to try to identify the challenges the GNSO is facing in the future. And I think especially with the (unintelligible) transition (unintelligible) we have some clear markers what's coming. And then literally identify these issues and then literally work our way back a little bit and say, okay, in order to face it in the most optimal way, we have to change that. We have to prepare that and I think there is - a structure will be or some changes will then naturally coming.

Because whatever we are doing now and basing the changes on the past, we have power structures. We have interests and things like that, and people are in the habit of defining their interests. And if we put it on the neutral ground of saying, okay, let's look at future challenges and work our way backwards, I think that's actually quite a good approach. And I think that Tony and Rudy later -- after this here -- have a session on the GNSO review. Maybe we could start as we have this wonderful white board, put them to work again, and actually make a list of the future challenges we think the GNSO should be prepare for.

Cheryl Langdon-Orr: Thanks. I think Stephanie you were next.

Stephanie Perrin: I'm okay, thanks.

Cheryl Langdon-Orr: Heather, did you also have your flag up?

Heather Forrest: Thanks very much. Thanks for reminding me too. I wanted to, as he wanders off, say I agree wholeheartedly with Tony's comment that we're looking backwards to the DNSO and we're still essentially living the DNSO. And one of the things I think that's being said but not articulated expressly is we're now in a post-new GTLD world. And we really have an organizational structure, not just as a GNSO, but we have an organizational structure as ICANN as a whole that reflects a pre-new GTLD environment. And perhaps that needs consideration. Thanks.

Cheryl Langdon-Orr: I know some of us have started a conversation around structural issues and sort of consolidation of constituency views. And Steve, you were part of that conversation. I don't know if this would be an appropriate time, if you wanted to weigh in on that.

Steve DelBianco: Yes, this won't be news to anyone here, but the commercial stakeholders group is the way than the way NCSG runs. We discussed this extensively at the intercessional in Washington about a year ago and I've been living it for the last 12 months -- 15 calls a week, sometimes 20 hours of work. Because as the CSG rep, that meant that I have to try to boil together the views of the IPC, the ISPCP, and the BC. And that is somewhat easier early on when the drafts are sort of in formative stages, and things are proceeding slowly. But it's nearly impossible near the end when revisions occur and negotiations have to turn around and sometimes in a day's time.

So it's been incredibly frustrating and I'm one of the few of the 20 something members on the CCWG who -- when polled -- have to say because of the way this has been structured, the CSG cannot give an opinion on this recommendation or that. Because one of our constituencies hasn't spoken or one of our constituencies is favored, the other is opposed, and the other is

divided. And it's meant that if I am unable to cast a CSG answer, well, that means that at least one or two of the CSG constituencies, their vote doesn't count at all. In other words, it gets negated. And I'm just suggesting that that was a problem a year ago. We pointed to the review teams and the cross-community working groups as the evidence of that. And when we had the meeting in Washington, I was sitting directly across from Fadi, and you may remember him nodding his head to the extent I thought his head was going to fall off.

He said, "Now, I get it. Now, I really get it." But we didn't get anything. It still hasn't been solved. And maybe it's not West Lake's problem. Maybe it's up to the Board when it selects members of the communication -- sorry, consumer trust, consumer choice, and competition working groups. But we have got to solve that problem because it doesn't work this way. There's a way to get representation without having disproportionate voting power. It's really about participation. Thank you.

Avri Doria: Thank you. Okay. We've got about 10 minutes left and we've really got at least two themes going, one of them which I think feeds quite well into the next session, which is what do we want to do about the GNSO. The other one I'd like to ask now to focus on the for the last 10 minutes, if it's possible, is what do we want to do about this review? How are we looking for this process going forward? We know that the working party is just about finished with its recommendations, that it's going to send on -- I guess it sends them to the Board, and to the GNSO, and to just about anybody.

And so then where do we go from here? Where does this group think we should go from here? I see no suggestions. Perhaps this is why others help suggest where we're going. Yes, Greg? Don't talk about the gall bladder, please.

Greg Shatan: Yes, that's not even the worst thing I've said in the last 24 hours, as members of my constituency will tell you. I think, I mean the generic answer is shouldn't there be, like, an implementation review team or an implementation oversight team, or, you know, maybe the working party continues in some sort of transmogrified function, I guess. Or does some of this go to the GNSO Council to sort out these things? I mean I guess they've been sorted out and prioritized kind of by the working party. I guess - and some of them really do devolve down to the constituencies of the stakeholder groups and trying to figure out how they will be done and kind of what kind of staff support is needed to do them. I mean it's just -- a lot of it is just meat and potatoes. If we want to kind of view it as our assignment, should we -- and we don't have any choice about whether we wish to accept it.

Of course, you know, Stephanie I think had said, "Well, we could send it back, like an undercooked piece of pork." And -- in both senses of the word -- and that's another choice. But they're not all bad recommendations. Some of them are just kind of -- the mountain labored and brought forth a mouse in many ways. And I think that we can decide to work on them, and I guess we -- that's kind of what we have to do is just kind of put one foot in front of the other, or put one foot, you know, in the boot of the thing and just say, that wasn't any good. Let's basically ignore it.

Cheryl Langdon-Orr: Thank you. I wanted to see if Larisa or Jen -- I know that you're participating remotely -- if either of you wanted to follow-up and comment on that? Jen, are you still with us?

Jennifer Wolfe: Yes, I'm here. Can you hear me?

Cheryl Langdon-Orr: Yes.

Jennifer Wolfe: Great. No, thank you for all the comments. I've been taking notes as everyone was talking. It's incredibly helpful. I understand, you know, some of the frustrations that have been raised. And to your point, Avri, on what do we do next, I think as the working party what our intention has been is to take all of this feedback, incorporate it into our recommendations as we move forward. We have talked about a self-review in this process. We'll certainly be evaluating the overall process before we complete our work.

And so to the extent that you continue your conversation today and you have comments that we should incorporate into our recommendations, I think that would certainly be within the scope of the work that we're doing to move this review process forward so that the recommendations that we're making include things that may not have been in West Lake's report, that may be things, as the Board has suggested, that we think should be done.

So I certainly encourage you to use the opportunity that we have to present our recommendations on the GNSO review to include potentially new things and move that forward. And if you think we need to conduct a follow-on self-review, we could certainly take that as part of our work to go-forward.

Cheryl Langdon-Orr: Thank you so much. Larisa, did you also want to comment?

Larisa Gurnick: Yes, thank you. So I just wanted to clarify that as the process is laid out now, the next step would be for the work that Jen was just referencing, that this would go to the GNSO Council for approval before it goes to the Organizational Effectiveness Committee. So there will be opportunities at the Council meeting to have a discussion about these recommendations, and certainly any other suggestions for how the process can be improved would be very helpful to hear. I know that the review working party worked very hard

to get to this point and it hasn't been an easy task with things being quite busy around the ICANN community. But despite all that, they've put together quite a bit of work and thought into this so far. So I wanted to say thank you to all for doing that.

Cheryl Langdon-Orr: Thank you. We are just about at the hour and so I just want to say thank you to Larisa and Jen as well for taking the time to have this conversation, and also thank you to Avri and all of the other members of the working party for the work that you've been doing on this. It seems like we've got quite a bit more to do and there are some questions that maybe are unanswered that we're going to need to break off and have some dialogue on moving forward.

And Avri, I don't know if you had any last points?

Avri Doria: Yes, and as far as I understand, we are going to move out of this Chair spot and we're going to have folks come in, and then we're going to continue with the substantive part of this conversation, of what do we do with the GNSO. Thank you.

Robert Hoggarth: Thank you, Cheryl. Thank you, Avri. Rudy and Tony, I think you'll make your ways up to the microphone there. Again, we're going to do a pause, stop the recording from the last session, and wait to get the recording started for our next session. So Chantelle, again, I'll look to you to give us the thumbs up that we are ready to go. Thank you.

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