

**ICANN
Transcription
CWG Framework of Operating Principles
Tuesday, 10 May 2016 at 18:00 UTC**

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The recordings and transcriptions of the calls are posted on the GNSO Master Calendar page <http://gnso.icann.org/en/group-activities/calendar#may>

Attendees:

Cheryl Langdon-Orr
John Berard - (Co-Chair)
Becky Burr - (Co-Chair)
Avri Doria
Jim Galvin
Alan Greenberg

Apologies:

Annebeth Lange

ICANN staff:

Mary Wong
Steve Chan
David Tait
Bart Boswinkel
Terri Agnew

Terri Agnew: Good morning, good afternoon and good evening. Welcome to the Framework of Operating Principles Cross Community Working Group Call held on the 10th of May 2016.

On the call today we have Alan Greenberg, Cheryl Langdon-Orr, Jim Galvin, John Berard and Becky Burr. Joining us a little later in the call will be Avri Doria. I have listed apologies from Annebeth Lange. From staff we have David Tait, Mary Wong, Steve Chan and myself Terri Agnew.

I would like to remind all participants to please state your name before speaking for transcription purposes. Thank you very much and back over to you John.

John Berard: Thank you very much Terri. This is John Berard, one of the co-Chairs of the working group. I want to - I didn't realize Becky was on the line. I didn't see her name. Oh there you are. Becky, you're the other co-Chair. I wonder if there's any points or comment you'd like to make before we jump into this. I cannot hear Becky. Did I catch her by surprise?

Terri Agnew: This is Terri. Becky, you've not joined on audio. I don't see your mic is activated at this time.

John Berard: Okay. Well, let me just say then from your colleagues here on the working group congratulations on your election. And we look forward to seeing you up on the (day is) for many years to come.

Having said that, I think we should probably move pretty quickly into the work that we have to do, which I think the staff has helped us get mostly done. Coming up on the screen if you are in Adobe is, as said, the (caviler) summary of a couple of comments. I don't see it. Am I the only one?

Cheryl Langdon-Orr: It looks like it's trying to load because I can see the title, so it might be taking a moment to - Cheryl here.

Terri Agnew: And this is Terri. I see it's populated on mine.

John Berard: I see - all right. I can't see it on mine. But I'm hopeful that everybody on the call had a chance to go through it. I thought it was mostly fine. Having gone through the individual comments however, I think it misses some of the emotional content of the comments.

And there were a couple of points that I'd like to throw on the table with regard to that, the first one having to do with the commitment to diversity. Picking up from the comments from France.

The notion of gender, geography and group diversity, which is in keeping I think with our intent but there was an undercurrent that was also reflected in the Board and also surprisingly I thought in (Stephane)'s comments for the registries about the notion of working groups becoming captive.

I think in our discussions we had thought that putting a number to membership and creating separate categories of participants and observers allowing that members would be the only people who could cast a vote when a vote was to be cast was our way of making sure that working group - cross community working groups would not be captive.

But there still seems to be some level of emotional concern about that. And so I'll open with that and ask anybody who wants to, to comment on whether I am misreading it or - and if not, how we might address it in our documents. Alan, your hand is raised.

Alan Greenberg: Thank you. I think the evidence from the recent CWG and CCWG meetings at the IANA accountability are that chairs are exceedingly reluctant and that's an understatement to differentiate between the two categories in making decisions.

And it would only be when pressed under the direst of circumstances that at least the chairs of the - the five co-chairs we've had of the recent groups would be willing to differentiate. So I...

John Berard: So that - Alan, differentiate between the two. Which two are you referring to?

Alan Greenberg: Between participants and members.

John Berard: Well, this is John again. Am I fantasizing when I think that we have been quite clear that members are the final word?

Alan Greenberg: I don't think you've been fantasizing on what we've said. But the evidence is that there is an extreme reluctance and I don't know any other words to put it to say it stronger. Bordering on the absolute refusal to differentiate between the two in operational - operationally in the working groups. That's the evidence of the groups that have put in thousands of hours of work at this point.

John Berard: Well, this is John again. You know, we are creating a framework here. We're not creating a strict set of rules. And the framework I think we have agreed correctly and sensibly should be that if we intend for the outcomes of these cross community working groups to be seen with any level of validity, to be not just accepted but implemented by the sponsoring SOs and ACs that the decision making process, the path to consensus needs to be - needs to have some integrity.

And so I would suggest that we reinforce the notion or reinforce the point that the underlying integrity of the cross community working group begins with a diverse set of participants that touch gender geography and group.

But that ultimately depends upon the judgment of its members so as to prevent the group being held captive. I mean if every - if everybody's got five members but some group throws in 25 participants, that would be - that would create an unfair or an unfair imbalance. Any comment on that.

Cheryl Langdon-Orr: John, Cheryl here. Yes. I think we reinforce that. I think your thought of that is (unintelligible). I think it's exactly what we send and a very good reason to say that and to follow it.

But Alan's observation was absolutely accurate and correct. I don't think it's a criticism. I think it's a strength in what our framework has put down. And I think it's been an extraordinarily useful - I won't - shouldn't go so far as saying leverage tool but believe me from the leadership teams because I've functioned on the leadership teams of both of those mentioned groups.

The almost implied threat that if need be if we don't get to these consensus points, if we don't as a community, you know, get to this particular end game by this particular time, we'll simply revert to the members will cast their vote and. And so it allows us to actually, you know, and then that will be the outcome.

It's allowed us to actually avoid capture as best as possible I think very effectively by stopping like a tie breaker without there being a tie. Those vociferous groups that are trying to say, you know, we're not going to move and everyone else has got to, you know, come to our particular drumbeat here can't hold out on a group effectively even if it is a, you know, 25 of them and only five of everybody else because the five of everybody else gets to have the final say. And that does...

John Berard: Right.

Cheryl Langdon-Orr: ...ensure a diversity and a balance. And, you know, there's always the fallback, which is (hand in glove) would be. There is a course and their individual or even (sectoral) (subsectoral) opinion can go in as a dissenting opinion.

I think it's actually forced better discussions and probably contributed to many more of the hours in some of these discussions. But I think the community

has had a better outcome because of what our framework is saying, being able to be used as leverage when push comes to shove at it does at various points in the processes. So I think it's way clear and I think it's a rather useful tool. Thank you.

John Berard: Okay. This is John again. Mary and others there, Steve, Terri setting aside the notion of being able to use it as a cudgel or as leverage; some people may not appreciate although is quite valuable.

Is it possible to reinforce the language in our report or in the summary of public comments that we heard this and feel that it is more than satisfied by the role that we have created for or has been suggested for members in a cross community working group? Can that be done?

Mary Wong: John, this is Mary. Thanks John. Hi everybody. It's Mary from staff. And in response to your question John, if that is the view of the group, then the staff view is that we should certainly have that sort of statement included in the final report or the final framework.

One of the things that, you know, this group may want to consider is to have the final framework simply set forth the final (principles), you know, as we agree on them and have a sort of explanatory summary or memorandum to accompany it that we can more - great length elaborate on exactly points like this. What we considered, how we considered and what decision we came to as a result.

John Berard: I...

Mary Wong: In addition to this...

John Berard: I'm sorry Mary. Go ahead.

Mary Wong: I was just going to say that the other thing I was going to say was that in addition to just the suggestion, there's probably a couple of other points where the group would probably want to have some kind of explanation to either accepting or not amending your initial views as a result of some public comments received. And we can raise those as we get to them. Thanks.

John Berard: Okay. This is John. Alan, your hand is up. Is it from before or now?

Alan Greenberg: No. That's a new hand.

((Crosstalk))

Alan Greenberg: Thank you. It's interesting. Both Cheryl in descending what has happened and saying it is a good thing - and by the way, I'm not saying whether it's bad or good that the co-chairs are very reluctant to use the member card as it were. It's a fact though certainly in the past the CWGs and I think we have to acknowledge that.

The - your statement saying that the multi stakeholder - the balanced multi stakeholder interests are served by having the members and given them the ultimate say is probably exactly what the co-chairs would say and the leadership of the CWGs would say that is the reason they do not want to disenfranchise the participants.

That is this is a bottom up process and everyone should have an opportunity to speak. Cheryl is correct that it may not have significantly altered the outcome although I would question that.

At some point people get tired of fighting and give in because of the continual positions taken by some people. And but it's certainly as she said, has extended the number of hours and the complexity of the process.

So that may be a good thing. I'm not making a value judgment. But I think we have to acknowledge that that does seem to be the dynamic that has emerged out of these CWGs that we've recently seen and CCWGs that are on exceedingly important issues.

And discussions can be swayed. Capture may be too strong a word. But if you look for instance at the IANA CWG, at the beginning of it, a very few number of very vocal people most of whom were not members controlled the overall direction of that group and ultimately the final outcome.

And I think we have to acknowledge that as a reality. It may be a good one, may be a bad one but it's a reality. Thank you.

John Berard: Let me - this is John. Let me ask a point of clarification there. So I have been thinking about clarity coming at the end when proposals get a hearing and - which is limited to members. What you're suggesting is that the agenda that gets set by everybody who can participate may have as much if not more influence on the outcome of the working group.

Alan Greenberg: The IANA CWG definitely, definitely demonstrated that. I could be more specific but I don't really want to start food fights at this point.

John Berard: No. That's not - I see your point. I guess the - this is John again. The advantage that we have is that we are proposing guidelines. We are not dictating terms. And we believe as a working group that the best approach would be as we have described it. But that does not mean that that is the approach that must be taken.

And so maybe that's our wiggle room to be able to be more specific yet still allow for a little chaos to slip into the system. I've stunned you all into silence. Mary.

Cheryl Langdon-Orr: No. I have a little - I've got a little checkmark up. It's Cheryl John. I don't disagree with what Alan said. But what it's also going to do is - and possibly because of the experiences that he was outlining with the CWG is it's going to make the ACs and the SOs also with using our guidelines more effectively to be honest take it more bloody seriously. I mean...

John Berard: Right.

Cheryl Langdon-Orr: ...what you just did then, you know, have I stunned you all into silence. How many hours of other groups say in the past have we seen where basically it's whoever is holding the pen or running the call, you know, I mean (unintelligible) drafting a document and sending it out for us to all ignore because, you know, very little other contribution happened.

And that's a quality of the comments that the membership put in to those groups by allowing the members and participants model to somewhat organically grow. And there was in fact a evolution in how that was managed even with the CWG and the CCWG almost running in parallel.

And again, I say that, you know, having worked in the leadership team of both of those. It showed very quickly that there is a huge importance to making sure that there is diverse contributions happening right back from the drafting of principles and genders and how we break up into work streams or whatever we're calling them or otherwise.

And it became quite obvious to any AC or SO who's here to actually contribute and make a difference that they have to put people in who are going to be active work and, you know, be part of the interaction from the very beginning. I'm not sure that's a bad thing. I think that's a damn good thing.

But, you know, as you say, we're putting framework together. I think it's a darn good framework and I think we can probably strengthen based on some

of the input from the public comments; some of our positions to make some highly recommended and good examples - those that we're just suggesting. Thank you.

John Berard: All right. Thank you Cheryl. Mary, your hand is up. No? Yes.

Mary Wong: Yes it was. Thanks John. And thanks Cheryl. So I think I was going to make somewhat similar comments to Cheryl from the staff perspective. But in terms of this being a framework of principles, question that we had going through the public comments was whether or not we as a group would want to clarify in the final (sway) that or, you know, how flexible this framework is.

Cheryl, just you see an example that we might want to say that certain of the elements or principles are highly recommended. It may even be that certain of the principles should not be departed from unless there is good reason and a drafting team for a particular CCWG charter has the rationale for that.

The example I have in mind is this concept that we all coalesce around very early on about having one single charter that is embraced or adopted by all the participating chartering organizations. Others may be highly recommended and others may be optional.

So we may not want to get into that much granularity but I think that was just something that we wanted to offer up for this group to consider given the feedback that we've now received and given Cheryl's comments as well. Thanks John.

John Berard: Thank you Mary. This is John again. You make a very good point. I think it was probably the first thing that we all agreed to, which was that none of this works unless there's a single charter.

And it's I think written in our report that the basic definition of a cross community working group is that there be a single charter from the supporting

SOs and ACs. I don't know how you could conduct a cross community working group otherwise.

But if we - what's the thinking of the folks on the line of categorizing our recommendations or noting each of the recommendations as being strongly recommended to essential, strongly recommended or optional?

To me that's - it strikes me as being a step away from guidelines and a step towards rules, which is not a direction I want to travel. But if there needs to be some distinction made between and among the recommendations, then maybe that's the one that we should use. Anybody have anything to say?
Alan, yes.

Alan Greenberg: Yes. Thank you. Every CCWG or whatever has a charter group - a charter drafting group that is going to take this their job seriously. So I would be reluctant to say anything is mandatory but I like the idea of assigning weights to ones that some of them which we feel strongly about and other ones we think are nice things to consider but may not be particularly important one way or another. Thank you.

John Berard: Okay. This is John again. How do we determine which is which?

Alan Greenberg: You're asking me, that's a (unintelligible).

John Berard: Well, I sort of thrown it onto the table.

Alan Greenberg: Yes.

John Berard: Jim, I see your hand up.

Jim Galvin: So Jim Galvin for the transcript. I think what's going on in my mind here - I appreciate, you know, the questions and concerns that folks have about how some of these principles might be applied.

But I think that to leverage off of what Alan just suggested, you know, that's the role of the chartering group in my mind, right. I'm hesitant to try and distinguish between what's important and what's not important.

And my reason for that is because if we start going down that path, then my feeling is we're getting very specific based on our current understanding today about how things work and what's important.

And I can't evolve. I mean the community evolves. You know, the Internet evolves. And I'm more inclined to suggest that, you know, this is a set of principles. We should be very clear about why a principle is important. So - and I think we do do that. We indicate this principle came about, you know, for these reasons. It's valuable in these kinds of circumstances.

This is not intended to be the only circumstances in which it's valid. But it's valid under these kinds of rules. And I think what we really want to do is put the onus on the chartering group to take seriously all of these principles and, you know, within its own remit decide how it wants to prioritize, if you will, or decide what's important and what's not important; what's a must have versus a may have, those kinds of issues.

Even on this issue of voting, you know, participation versus observers. You know, I'm more inclined to think that there's a voting set and there's not a voting set and we've covered that issue just fine.

But if a chartering group wants to change that, you know, fine. I'm not going to, you know, fall on my sword over it. But I think that's my point. I'm not inclined to try and weight these things. If anything I would suggest give it to the chartering group to do and we should simply make sure that we justify why we think the principle's important and then leave it at that. Thanks.

John Berard: Thank you Jim. This is John again. Yes. I appreciate you being able to rationally describe my emotional unease with categorizing our recommendations. I think your point is correct. And I agree with it.

I think I saw some green checkmarks there as well on the side. So I think we're - we should move forward with the notion that we are not going to categorize our recommendations but we - as we have, make and explain our recommendations.

The one thing - before we move away from membership, which I think started all this - this notion of diversity and being captive; the IPC comments reflect what I have heard a lot in the BC, which is this notion that groups inside the GNSO are buried too deep to be heard.

The IPC talked about a lack of direct representation. I don't think that - I don't think that that's a matter for us to break ground on in this framework. But I wonder if we should at least acknowledge that we heard this comment and feel that the - any - that word that the construction of a cross community working group, the chairs are quite - are able to modify membership as they see fit rather than suggest in our report that we need to do something about what the IPC has described as a lack of direct representation. Any comment on that? Avri, welcome.

Avri Doria: Yes. Thanks. And apologies for being late. I did have another meeting that had to end. This is Avri speaking. I tend to think first of all in none of the groups that the cross community groups that I have been working in have actually noticed either the (unintelligible) not having a strong voice.

And that may be one of the things though that we want to load into the discussion of participation versus membership. And why having a broader participant group is sometimes considered to be a good thing in that it enables a broader scope of voices so that when, you know, in terms of a parity between SOs and ACs you limit membership to a certain number of

members - I mean a certain number of individuals that you aren't closing off the opportunity for broader voice and such.

So I actually think that that would be the place to sort of discuss that, you know, because we can (ever) break the cox of stakeholder groups (unintelligible) the constituencies, et cetera down into ever smaller pieces if we want to say well that's a reason for more members.

But I think it's really more important to sort of talk about the need for that level of representation and membership sometimes. But really from a voice perspective, that's one of the ardents for the participation of participants as opposed to just members. So that's what I would tend to look at for that. Thanks.

John Berard: So this is John again. Let me see if I understand. So you're suggesting that there really need not be any changes made to what we're recommending. But perhaps we could reinforce the notion of participants.

Avri Doria: I think so. Bu that - right. But that is where that voice comes in and make sure that that is one of the things that people consider.

((Crosstalk))

John Berard: Let's make note of that. And is there any objection to that point because I don't want to overstate something that one, you know, that one comment made that I am - I hear it a lot not just in the - from the IPC but within the BC about this lack of direct representation. Just want to make sure that we feel we have it covered.

When I started this meeting, I said that there were three things that I thought had some emotional content in the comments that weren't reflected in our summary of them.

The second one is this - the role of the cross community working group in implementation. So as I understood it that I went through these comments, you know. So the cross community working group come together. It does its work. It sends its product - work product to each of the supporting SOs and ACs and then essentially is done.

There seems to be some interest among some of the comments. Again, going back to France, looking at the registries that there be some ability of the cross community working group to participate and to influence, to monitor, to promote implementation.

I will say that I don't think that's the role of the cross community working group. But I wanted to put it on the table here to get some thought as to whether we should address it or - and if we do, which way should we address it? So I see - is Avri, your hand still up or is that new?

Avri Doria: No. That's a new hand.

((Crosstalk))

Avri Doria: I'm making up for lost time. I apologize. I guess I disagree with you. I think that any time there is a recommendation of something that needs to be implemented, then it really opens up the door to some sort of implementation team that follows along.

And we see it now. We notice some (of) immediately in the CWG IANA that the implementation was not resembling what some people thought it should resemble. And they - quickly a group was put together to consult with the ICANN staff while the implementation was being designed.

And so now the group still exists and it's not quite like a GNSO working group or that's separate implementation review teams. But I think that that should be one of the tools in the framework toolkit that basically says if you're

recommending something that requires implementation, then it is also reasonable for you to consider recommending the follow through of some sort of implementation review.

I mean in the CWG IANA it actually got called an implementation oversight team and that may be going further than you'd want to go. But an implementation review team is - because we're never as clear as we think we are when we're suggesting something.

And if something that needs to be implemented is a result then I think it's something that any group should really consider of the recommendations of, you know, the formation of. Thanks.

John Berard: All right. This is John again. So let me see if I hear what you say. Are you suggesting that the cross community working group doesn't - isn't closed until after implementation? Or are you saying that there is some subset of the cross community working group that can be empaneled to help promote, monitor implementation? That's the first question.

The second question is wouldn't the members from the affected SO or AC have that responsibility? So if the GNSO is dealing with the implementation of outcomes of a cross community working group, wouldn't it - wouldn't the five members of the cross community working group (who came) from the GNSO have the responsibility to monitor, push from the implementation? Or is it - two questions. And Avri...

((Crosstalk))

Avri Doria: Right. Sorry. Well on the first question I don't know whether it matters. I think in some cases the group stays created but dormant just to deal with an issue if there is one. And I don't see a harm in that. But, you know, sometimes they can be closed and there's just the remainder of the implementation review team.

I think in terms of just saying - and your second question. So I think it can go either way. I think, you know, it really depends on how much they think you might need more consultation with the group as things are going on.

In terms of your second question, I think to just sort of assume that the people that were members will follow through is not likely to happen unless they're specifically taking on the role of doing that and acknowledging it.

And also I think if the recommendation is coming out of a cross community working group then that review team really has to have some sense of that cross community nature and such.

And, you know, it's still - you're right to the extent that if there is an issue, if there is a problem that can't be resolved amicably with the implementation team, then certainly it does revert to those chartering groups to say hey, you know, this is the review team report. This is having a problem. We need to consult. We need help.

John Berard: Right.

Avri Doria: But I think that if you don't have specific people - a specific team that knows they're doing it and if the ICANN staff knows that they are the address - and one of the things about these groups is they need to be ready for a much quicker reaction time often than the cross community working group had.

I mean for example with the ones that, you know, for the CWG IANA there's two meetings scheduled a week. They might be canceled but there's really supposed to be very quick turnaround on any questions - on any clarifications and such. So it's a really - it's a different sort of thing. Thanks.

John Berard: This is John. Alan, I see your hand is up and want to get to you. But I want to inject something in here before. Could we - so we could either create a

recommendation that there be the possible for an implementation review mechanism that's part of the cross community working group. Or we could say that such a - such support can be created by asking the chair or the co-chair to make that happen.

I mean so it would either be established in advance as a subset of the cross community working group or it can be by asking the chair or co-chairs to make it happen. I don't know if either or which is better.

But Alan, one of the things that I'd like you to address as you offer your comments - in the ALAC comments is the notion that each AC and SO should decide for itself the use of the outputs. That's the phrase, use of the outputs.

And I wonder if what we're talking about might have - might influence or be influenced by that particular comment from ALAC. So if you could talk about that as well as your - while you raised your hand, that'd be great.

Alan Greenberg: Thank you. I don't think there's actually an interaction but I will talk about both. In terms of how you handle the implementation, I'm not sure there's a one size fits all.

In the GNSO PDP Working Group we came up with the concept of an implementation review team or I think that was the title. I had the pleasure or something of presiding over the first one. And it was really clear. I mean the concept didn't exist but it was clear that we needed some sort of sanity check on what staff was doing to implement the PDP recommendations.

And we sort of insisted that we - that there be volunteers within the loop. Getting actual participation was like pulling the preverbal hens teeth. The level of exhaustion of the PDP working group members at the end was such that we had come to closure, we had made recommendations. I don't want to talk about that again.

And there were one or two of us who did oversee the staff implementation and there were some problems with it and we got them fixed along the way. I think the situation is quite different if you look at something at the other end of the spectrum and look at the, you know, the Accountability CCWG where the implications are so onerous that people are not going to walk away from this. You know, some might but not all.

And I think you do need an implementation review team and you probably want to keep the group in some sort of level of suspended state or not very active state to be convened should there be something which the implementation review team feels, you know, we just didn't - we can't just interpret what we've done with any certainty. We may want to go back to the group.

You may never do that but I think you - to dissolve the group says you don't have the option of doing that. So I think a group must be able to stay alive past the recommendations and even the acceptance of the recommendations.

In regard to what is the issue...

John Berard: Let me ask you a question.

Alan Greenberg: ...that you raised on the ALAC comment, we feel very strongly that the - a single group should not be able to essentially veto recommendations. And that if one of the chartering groups says no, we're not supporting it - and this has happened in the past and it's one of the reasons this group exists.

There should be nothing prohibiting one of the chartering organizations from using the output. Now they can't claim it has been accepted by everyone. But that shouldn't mean that they're not allowed to send it in an email.

So, you know, essentially we said there's work being done. The outcome of the CWG just like a GNSO PDP may not be definitive - may not be crystal clear but we shouldn't prohibit the use of the output with of course the proviso that it has to be presented honestly and candidly. Thank you.

John Berard: All right. I don't understand the acronym Mary.

Alan Greenberg: As far as I know.

Mary Wong: John, that's for as far as I know as the kiddies say I would say.

John Berard: Oh my goodness. I'm still brushing up on my emoji's for dummies. Come on now.

Avri Doria: That was an old one.

John Berard: Well, older than even I, I suppose. Okay. So where does that leave us? Does that leave us that we want to specifically state that the cross community working group should remain in some state of suspended animation should it be required to reconvene to handle implementation questions?

And then when the process is fully ended or implemented only then would the cross community working group be disbanded? Is that where - is that the sense of the group? Jim, I see you hand up.

Jim Galvin: Oh, thank you. Jim Galvin for the transcript. I will offer to you what SSAC does internally. We've actually just created a new process and just started just as sort of an example of how one might handle these kinds of things.

Most of you or hopefully all of you will know that there's this new, you know, Board advice tracker thing which is coming into existence. And in fact it's SSAC and ALAC's advice the first time around, which were embedded into it as part of some early tests.

And, you know, SSAC is still engaged with the CTO's office in building the next generation of the tool and working through our advice and they take in recommendations to attempt to track them all.

And one of the things that's interesting is so an SSAC document is submitted to the Board and the way the process is working now, some staff takes that in and they look through it and they look at the recommendations and then they decide what they're supposed to do with the recommendations.

And the process that we put in place is ICANN on the receiving side takes in a recommendation. It actually looks at it and then it drafts what it thinks is going to be the execution of that recommendation. And then it sends it back to the SSAC Admin Committee.

And we have to evaluate it. So speaking now as Vice Chair of SSAC we have to evaluate it and decide what to do next. And what's interesting is the work party that probably created that particular document is now long since been disbanded. Long is kind of relative there but it's been disbanded, which is the situation we're talking about here.

And so the question is, you know, how do we decide whether or not they properly interpreted the recommendation and doing the right thing. And the path that we've taken so far, which seems to work, is that we reach back to the chair of the work party within SSAC who is responsible - primary responsibility for that document.

And, you know, it's their job to assess whether or not it has been properly interpreted and if not, they might reach out to other working group members. In other words, I guess for us it's become kind of ad hoc. You can disband the group but you still have that institutional record of who was in the group and their role. And you simply go back to those individuals that you can and you ask them to help you.

You know, I mean if you need more than that, if there's a substantive issue that has to be dealt with, then you might have to reconstitute a group or something I suppose.

But so far that model has worked for us. We just depend on the institutional memory of the chairs and the notes from the work party itself to deal with it. And I don't know if that's helpful here but it's a model that's working for us and might be worth some consideration. Thank you.

John Berard: Thank you Jim. Mary, before I turn to you, I want to ask Jim a question. Do you think Jim that the utility of that approach for SSAC is dependent or is linked to the fact that you deal (unintelligible) in technical matters and that most of the cross community working group activity we've seen is more policy and political?

Jim Galvin: So actually John, when we were talking about what process to use here, the issue that we found most interesting to us is one of time. I don't - I think that's probably more a concern than the content, if you will.

And what I mean by that is, you know, there's a certain amount of churn in participation and membership. I mean maybe less so when it comes to chairs of work parties and workgroups and such. I mean they do tend to stick around.

But, you know, we have - we felt that the issue was - when you're trying to decide what to do with a recommendation, if you don't get on it right away, will the people still be around who can help you sort something out if it needs to be sorted out?

John Berard: Yes.

Jim Galvin: And I think that's probably more of a concern than whether it's technical or policy oriented or something. And that probably doesn't have an easy fix. It just kind of is what it is, right.

John Berard: Okay. All right. Mary, your hand was up.

Mary Wong: Thanks John. And thanks Jim. So, you know, going back to your question John and Jim's suggestion, in terms of what to do if anything about this point in the final framework, I think from the staff perspective we would be a little bit cautious about having any recommendation or guideline that says the CCWG in question stays open through implementation or through some point thereof for a number of reasons.

One is that the implementation role is very different or can be very different from developing the recommendations in the first place. And another is the dependency or the use or reliance on resources whether that be calls or staff or budget.

And on this last point John, I don't know what your third big issue was but we did get some comments including and especially from the Board about questions relating to resources and budget.

So from the staff perspective, we would probably say that to the extent that this group wants to say something about the role of the CCWG and implementation more than we have to date, clearly as (Bart) and others have said, I think Alan that this can be part of the recommendations and maybe we can say something like to the extent that it is important for a CCWG to monitor or track implementation, that should be part of the recommendation.

We could go a bit further than that but to have a suspended animation or to even (vocally) say to keep it open is probably a path that we might want to think a little bit more on before recommending. Thanks.

John Berard: Thank you Mary. This is John. I'm not in favor of suspended animation. It just sounded like there was a turn on the part of the people on the call that there be some ability to call back to the cross community working group.

And maybe we just want to acknowledge that one method may be as practiced in the SSAC, which would allow for any participating SO and AC to reengage with the cross community working group by using the - by contacting the chair or co-chair of the group so that it becomes an active request as opposed to a passive monitoring process.

So I appreciate - I did find the Board's comments about the use of resources somewhat ironic. But it doesn't mean that it's not true. And I see (Bart) has in classic Dutch efficiency noted that sometimes the chair or the co-chairs become inactive.

That's, you know, I think that's true and it's also a bridge that, you know, will have to be crossed as it has been in the past should we reach it in the future. You know, I don't think we want to start dictating terms that if you are a chair or co-chair you must remain involved with ICANN for the next five calendar years. Yes.

The third point that struck me in terms of emotional undercurrent is this notion of consensus. Are we clear enough in our recommendation as to what consensus means, how we get there. I think it's linked in some respect to this notion of implementation.

And I think we rely mostly upon the ccNSO to give us a sense of consensus. And Becky, are you able to jump on the call? Can you...

Becky Burr: I am.

John Berard: ...are you able to participate now?

Becky Burr: Yes. I'm here.

John Berard: Okay. Can you get - are you comfortable that we have dealt effectively with the notion of what is consensus and what isn't and how we get there?

Becky Burr: Yes. I mean I thought that the (unintelligible) was to be not prescriptive about it but to require clarity. I mean I think that that's the one area where we get into trouble.

John Berard: So...

Becky Burr: So I thought it was - I though we dealt with it fine.

John Berard: Okay. And what - anybody else? So Jim, your hand is still up. Is that from previous?

Jim Galvin: I wanted to make a point on the previous discussion. It's been up for that but - so continue with what you're doing first.

John Berard: Okay. So is there any other comment or can we agree that Becky is correct and we did such exemplary work that we don't really need to address the consensus any more deeply? All right. I guess we're good on that. And I was just being too (unintelligible) in my thought. But Jim, go ahead. What was your point?

Jim Galvin: So I see that the consensus in the notes. And I'm sorry. Jim Galvin for the transcript. The consensus in the notes there was to try and adopt, you know, sort of the model that the SSAC had for how to deal with future analysis or understanding of recommendations.

I wanted to add two points to this just for the record so that we have it here when we're thinking about what we might additionally want to say. You know, SSAC also we thought about this issue of resources and costs.

I mean as all working groups do and all supporting AC groups, you know, and you have a secretariat staff. And so there's some process associated with, you know, maintaining open groups with those things. And that's kind of from our point that you'll be worried about.

You want to shut down working groups. You want to shut down work parties because you're holding resources open for dealing with them. And so you want to go down that path and you're looking for a way to make that work.

But in that spirit we also made one other observation, which I think is probably relevant here. We have - when we have work parties, you know, there's a separate mailing list that's created for the work parties that allows them to conduct work just as here you have working groups - cross community working groups. They have mailing lists that are created and those archives are there.

One of the things that you can do if you're worried about chairs who might suddenly become inactive and you can't reach out to the chairs to help you in your analysis -- I mean they would be the first go to when you need some further consideration of what a recommendation was -- is you simply reach out to the mailing list.

And that was a part of the process that we laid out for ourselves in SSAC was realizing that we have those - (sub) mailing lists available. And maybe that's something worth calling out in our document here too. As long as they don't disable the mailing list per se and they leave that at least available. So then you have a means to reach out if you should lose touch with your chair to hopefully find someone else who can help you and move your forward.

And there's all kinds of administrative things one could do if you worry about - worry about (spam) or mailing lists and stuff, you know. You just moderate

the list so it goes to (SAS) and it can all be dealt with. Anyway, that's my comment. Thank you.

John Berard: Thank you Jim. This is John again. I think that that's a reasonable approach. And if we can clearly state that it would probably be a - helpful and certainly would be responsive to some of the comments.

We are at an hour. Is there anything - there's a couple more points that I wanted to cover more process driven than substance. Is there anything that anybody else wants to bring up from a substantive perspective? Okay.

From a process perspective, Mary what are the next steps as we - as you have laid them out to us?

Mary Wong: This is Mary from staff. So I think the next milestone for us we had previously thought would be the production of a proposed final framework for the two of our chartering organizations and also the rest of the community.

Before that though it would seem that we now have on the Helsinki schedule a cross community open dialog session as one of the new things being tried for this new format of Meeting B. And we are one of the topics.

And Becky and John, I believe that you may be meeting with some Board members next week to discuss the lead up to that session. So in terms of timeline, we could do a couple of meetings between now and Helsinki. And as part of those couple of meetings we probably want to do our own prep for Helsinki.

And hopefully by Helsinki we will at least have a draft of a final framework we can then refine following that community session in Helsinki for final submission. Does that help John?

John Berard: It does very much. This is John again. The meeting with George and Becky in Amsterdam I think next week -- my goodness, going to Amsterdam on Sunday; next week -- was why I raised the question in the first place.

I would love for us to have a revised version of the tabular summary, the document that you sent out to us Mary earlier for my and Becky's use with George when we meet in Amsterdam, which means some - getting a new version of that document incorporating what we talked about here this morning for us to take him through.

My concern is that when the three of us sit down that George will overweight the input from the Board on our discussion. And I'd like to be able to portray the cross community inputs more effectively as a counter balance just in case I have - in case we have to. Becky, do you think I'm being overly cautious or do you think that's prudent?

Becky Burr: No, I think that's a good idea. I think that's a good idea.

John Berard: Okay. So the question is can we create that new summary document that you sent us Mary to incorporate some of the discussion we had here today by the time we meet? And I will tell you that that meeting with George is - Becky, do you know outright off hand when we're meeting with him? I think it's the...

Becky Burr: No I don't - that's not - I'm not even sure it's been scheduled. But I could be wrong (on that).

John Berard: Well it's either going to be the 17th, 18th or the 19th.

Becky Burr: Yes. The - I think I responded to that...

Mary Wong: John, this is Mary again.

John Berard: Yes Mary.

Mary Wong: I'm sorry Becky. I didn't mean to interrupt. But I just wanted to confirm that as far as I know it hasn't been scheduled. But I also wanted to note that Steve Chan who is one of the staff supporting you guys, as you know, will be in Amsterdam. And he has agreed to try to help schedule and organize everybody for that meeting.

The other point that I also wanted to note was that in addition to George Sadowsky, the other Board member who is likely to be involved and who has been involved on the Board side on this is Chris Disspain.

And actually I did have one final point on that, which is that George and Chris actually have been sent the report or staff comments. In fact, the whole Board has the report of comments that we published on the Web site. And George and Chris have a copy of this tabular summary.

So we can certainly update it as you requested John. We can even break out some of the big points that you have like diversity and implementation into the separate boxes and we will have that for you guys by Monday.

John Berard: All right. My concern - this is John again. My concern is that if indeed there is going to be a session in Helsinki, I would like it to have the benefit of specific work product from our working group. Right.

I'd like - if we can be (helpful) in guiding that conversation, keeping it on rails that we think are appropriate rather than see it be hijacked or diverted for other purpose, I would be - I'd - I would really like to be able to do that. So having the document in hand I think will play a role in that.

Mary Wong: John, this is Mary again. If it will help, we - as staff we do think it would be good if you, Becky and the group, you know, at some point fairly shortly could agree on what you would like to have as the objectives as well as the format in Helsinki.

As far as I know, there is or there has not been any prescribed format for the - this kind of dialog in Helsinki. What I was told when I asked was that we prefer that it not be a line of people at the phone. We prefer that not be a panel of people just talking at the audience. It should really be a dialog.

So it seems to me that we probably have an opportunity to really try and make this session as instructive and as constructive both for our final work as well as for the community as we can.

John Berard: All right. Thank you for that Mary. I suspect that will be the subject of a separate call or maybe a asymmetric email exchange rather than trying to handle that right now.

So speaking of right now, is there anything else that we ought to cover or can we ring off and keep this hour long meeting to an hour and ten minutes?

Mary Wong: John, just quickly. It's Mary again. Should we try at least get on the mailing list to schedule another meeting or should we try to do - schedule it say two weeks from now and have that on everyone's calendar? And I see Jim has asked a similar question.

John Berard: Is two weeks from now the 24th - does that work for people?

Becky Burr: Works for me.

John Berard: At the same time? Well maybe we could make it a little bit later. What time is it for you (Bart)?

Woman: The question is what time is it for Cheryl?

John Berard: Yes. I'm just thinking should we make it at 20 UTC instead of 18? I just, you know, I'm sensitive to the fact that it's 2 o'clock in the morning where in

Singapore; that it's 4 o'clock in the morning in - down under. But that it's also 9 o'clock at night in Europe. Maybe you could play with the time in setting it up Mary. I see I've injected a little chaos into the thing here right. Cheryl's fine.

Mary Wong: John, I noticed that Cheryl says she's fine with the 1800 UTC time and of course from the staff perspective, we can work with whatever will work with - for the group.

John Berard: Okay. Well then let's keep it the same time. We'll do it on the - two weeks today, the 24th. And we'll go from there. So having - with that, I guess our work this morning is completed. I want to thank everybody. Becky, do you want to offer any...

Becky Burr: No.

John Berard: ...insight or - no. Okay. Mary.

Becky Burr: No. Just thanks to everybody and we're getting quite a lot of interest on this piece of work.

John Berard: I want to know where the heck they were at the start. Remember those meetings that we'd go to? It'd just be us talking to each other.

Becky Burr: Right.

John Berard: All right. Well thank you all. Thank you Mary and Steve and Terri for putting this together.

Woman: Bye.

John Berard: See you soon.

Mary Wong: Thanks everybody.

Woman: Yes.

Terri Agnew: Once again, the meeting has been adjourned. Thank you very much for joining. (May), if you can please stop all recordings. Have a wonderful rest of your day.

END