

ICANN

**Moderator: Nathalie Peregrine
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10:00 am CT**

Rob Hoggarth: All right folks. We're ready to start if we can all take our seats that would be great except those of us who are standing or want to continue to remain standing quietly. Steve and Joan I'll turn the dais over to you. This session is scheduled to go for an hour and a half but I've told Joan and Steve that I don't have a lot to say at 5:30 maybe some of you saw give them a little bit of flexibility at the end of this scheduled session particularly if the conversation is going great. So Steve and Joan please take over. Thank you.

Joan Kerr: Great. Thank you so much Rob. Thank you for being here and hopefully you all enjoyed your lunch. My name is Joan Kerr. And we're here to talk about the Non-Commercial Party House.

Steve DelBianco: Contracted.

Joan Kerr: Contracted Party House. See I was going to make my joke about party but anyway you now took it so there you go. I'm a member of NPOC and NCSG. And I'm - when I was asked to do this session and I was - you were chosen already Steve. And so I was told I was going to cochair with Steve DelBianco and in brackets there was BC. And I thought oh my gosh I'm so happy that

I'm going to be presenting with Steve because he's so experienced. And I mean after all he's been involved in ICANN for a long time and even before Christ so Steve over to you.

Steve DelBianco: Thank you Joan. Hey the title to this session is a story in itself. It's NCPH Presenting it's not presenting. You see the emphasis is on a different syllable. Let me try and explain why. It originates with the king of comedy himself Greg Shatan that multi-talented musician and comedian who - and I know we learned this this morning at about 3:15 am because I had no idea what - where this title came from. But if you'll recall Tony Holmes had done a great job trying to get us to think about GNSO Futures, NCPH futures if you do recall that discussion?

And that lasted about a year or so and we kind of put that to bed when we all met in Hyderabad. But we still want to think about the NCPH futuring. But before we get to the future of the NCPH we thought it would be sensible to spend some time on the present of NCPH and then segue into a discussion of how we can shape our future and help it be more effective for all of us. So I am told that this title originated that way presenting NCPH Presenting.

Let me ask you to advance to the second slide please. We only have four slides. And they're really just supposed to be discussion guides for you. So the notion here is that let's acknowledge right off the term that Ed Morris threw around is that NCPH the Non-Contract Parties House is if it is nothing else a voting algorithm for council understanding the GNSO is two things. GNSO is a supporting organization and GNSO also has a council right, GNSO Council.

And with respect to council where voting happens I suppose it could happen elsewhere but voting that happens on council follows an algorithm of a split house. And many of you know that originated with the previous GNSO

review which thought it was supposed to get rid of weighted voting for the contract parties. And it did get rid of weighted voting for the contract parties but replicated the very same block structure by splitting it into two houses and requiring the majority of each house to get anything through. So we ended up with a voting algorithm of the Non-Contract Party House. And that is what the mechanism that brings all of us together.

We also know for sure that NCPH selects the chair and vice chair for GNSO Council. That's something that's baked into our role. And it was one of the primary motivations we thought we would have this intersessional. When we met in Hyderabad the question was should we meet again? Well one of the key reasons was we need to discuss chair, vice chair for council and we settled that in Hyderabad. Remember we settled the entire process. I think we just finalized it this week. And then the third one is that NCPH is a board director selector. And that was the primary reason for us to meet here to discuss how we were going to select the board candidate.

So we know what it is. We know what NCPH is. What is it - is it also an accountability structure? And this question came to mind as a result of the CCWG process because throughout the CCWG 2-1/2 year forced march experience we would continually press the board, and management and legal team that we wanted to hold the corporation accountable to the community. Well sometime early on I think we ruffled a few feathers and the board shot back to say well okay fine but who's going to hold you ACs and SOs accountable? Who is going to watch the watchers I believe was the rhetoric that somebody threw up.

And so Work Stream 2 included a bylaws project because the bylaws completely dictate now that these Work Stream 2 projects have to go under way and I have the text from the bylaw right here and it's supposed to review

and develop recommendations on SO and AC accountability not ICANN accountability on our accountability. And including to whether we need to improve our processes for accountability, transparency participation that are helpful to prevent capture by members who join and somehow steer it.

And it's a bit of a segue but when we went down that path and I'm the rapporteur on that particular team. There's many in here that work on it - Matthew Shears, Greg is on it, Avri, Rinalia, Tatiana so it's a group that's 60% or 70% complete. But it's a group that looked at all of the AC, SOs and substructures across ICANN to see whether it has a charter to see whether it's accountable? Does it have participation? Does it have membership? And the answer here is well NCPH is not an entity that has a charter.

It wasn't considered an AC, SO subgroup the way that NCSG, NCUC, BC, IPC, NCSG are. Instead it's just well a voting algorithm, it's a board director selector, and it also picks a vice chair for council. But it is not a group that has an accountability other than the fact that when we gather each of us is caring the accountability of our own respective groups. To them we're accountable but the NCPH is not in accountability structure. And by the way nor was the Contract Party House. The other half of the house they didn't respond.

They'd don't know a charter didn't come back with it either so that would be what it is today in terms of NCPH. It would be a great time to take a queue. Are there other things that some of you feel NCPH is today or is not before we move on to a discussion of where we take it next? Is likely to be a place that houses a drafting team or a well for GNSO budget review? We might give birth to such a drafting team but ideally it goes straight to council and the Contract Party House joins. And it becomes a creature of council where people around this table participate. So NCPH might have hatched a couple of

interesting ideas this afternoon but those ideas don't create new structure and permanence for NCPH either.

Joan Kerr: Greg.

Greg Shatan: Although I'm normally quite shy and (uintelligible) I'll go first just to get things they kicked off, Greg Shatan for the record. I guess it could be all of those things. It's at least a voting algorithm or a voting construct that's, you know, built that's part of a larger voting construct of the two - the bicameral house and the NCAs and that's the whole GNSO Council thing. So if you like half of an algorithm.

So - and it has duties which are the selection of the chair and vice chair. But I guess is it an accountability structure? Another thing it could be is it an affinity structure? Is there something common about being non-contracted? I've advanced the possible thought that it means that we're not part of the domain name industry. But that's probably less true than it was before the new gTLD program.

Many of our members are now in the domain name industries in the way they weren't before. They were registries when they weren't before. There may be registrars and some of them were before anyway. And then some members of the BCR, you know, are in the - served the domain name industry. So they are arguably in it. IPC ISPs I mean not the domain name industry but domain names don't go very far without any infrastructure they just kind of sit in separate computers.

So maybe that's not quite right. Are we - is this a way to kind of balance, or imbalance or control a, you know, some of the organizations or all of us kind of by having us in some sort of semi-stasis? That's - that is actually not an

infinity structure it's actually an intentional dis-affinity structure while the contracted parties house is at least, you know, has become an affinity structure? Can we become an infinity structure? Should we acknowledge we're a dis-affinity structure? We're basically here to fight with each other? Do we have some things we can work out and some things we can't and we just happen to be doing it under something called a Non-Contracted Party House as opposed to a bilateral meeting of the commercial and noncommercial stakeholders? I guess I just asked a lot more questions and didn't answer too much. But anyway that's...

Joan Kerr: Sorry Poncelet and then Tatiana.

Poncelet Ileleji: Thank you Poncelet speaking for the record. (Uintelligible) attending the first international intersessional in Los Angeles and looking at the way it's grown to today. I think it is a theme. The NCPH has been a place where by we operate in the (uintelligible) to checkmate our self. We come here to discuss issues very critical within the PDP framework that we operate under especially working with ICANN's (uintelligible) policy.

So that is the way I'm looking at it because to me all these sessions make it (uintelligible) the various working groups folks are in. It brings us to a format that's yes it looks as if we're - are not - it doesn't have an accountability structure but among ourselves within our various constituency we have that accountability structure that makes us not to checkmate ourselves. So that is the framework I'm looking at here. Thank you.

Tatiana Tropina: Thank you. Tatiana Tropina speaking for the record. Well I was thought at least notion of these AC and SO accountability subgroup in the Work Stream 2 because if we - you have a look at the document we drafted you will see that all these transparency, or membership, or outreach things they will not be the

same for every AC and SO they're very different. So in a way these bottom algorithm is not maybe accountability structure in a way how we consider all these subgroups in the Work Stream 2.

But if I look at the processes, if I look at the board director selection, if I look at the chair vice chair for GNSO Council selection I believe that these processes should, you know, have transparency they should have accountability. And even if it is not a subgroup there definitely should be some mechanisms implemented or improved to improve accountability of these voting algorithm processes and whatever you name it even if it's not an accountability structure.

But I believe that in a way when you look at the document you will see so many incomparable and incompatible things but you still want to make them accountable. You still despite of all of these differences you still want to have some mechanisms which will be applicable to all of them. It might be applicable to these fictional subgroups which is not a subgroup but this is just a bunch of mechanism.

Steve DelBianco: Steve DelBianco, Tatiana brings up an interesting point to the extent that the bylaws in Section 11, three, four, five described the Non-Contracted Party House and imbue it with these powers of a board selector vice chair selector. In that respect there is an accountability question. And it's to Tatiana's point because, how are the elections transparent? Are they challengeable if elections if something didn't go well in the voting there's a belief that someone did not vote as instructed is there an opportunity to challenge and review a vote?

So I guess with respect to the very limited set of activities and responsibilities that NCPH has and they're dictated in the bylaws with respect to those activities we may have some accountability and transparency requirements

that we have overlooked so far. So Tatiana your - you served with me on that SO AC accountability. And so when we make the recommendations the recommendations will be best practice recommendations with respect to participation, accountability, transparency as to avoid capture.

So we will - let's make a note to bring that up on our call which I believe is tomorrow afternoon. And we'll see whether we can accomplish some recommendations to bring back to NCPH. If we had recommendations it's hard for me to imagine where we would put them. There isn't a charter. There isn't even a procedural page indicating how NCPH does things like picks its vice chair.

Let me give you an example. Do you recall yesterday we brought up the registry registrar procedures for selection of their board seat? And there was a place to have it on the ICANN Web site. Remember it showed the way they do it. Well what if we were to adopt something similar? Where would we even put it? We don't even have a place to put it on the ICANN Web site yet because we don't exist as an entity.

And yet we have activity so we're discharging as a result of the bylaws that I've described we probably need to create some sort of a place to put procedures we've all agreed upon. And I think that would be a landmark for us that is to say to agree upon something. And then if we do we'll make sure we make sure we have a place to put it. So I think that, that structure despite what any of us think about whether we want to have intersessionals for very long the bylaws indicate that we will have a NCPH for all the foreseeable future. The bylaws give us some structure. They give us a particular set of tasks that we have to fulfill. Any other folks in the queue?

Joan Kerr: Yes we've got - sorry Tony, go ahead.

Tony Holmes: Okay. Thank you. It's interesting that we're even having a discussion because it's just a measure of having to address the situation as we have it today. But I believe that the whole aspect of creation of the NCPH and the creation of the GNSO as we know it today it's really - it's a consequence of history. It's not a consequence of planning.

And we are where we are. We have to address the issues. But for those of us who have probably been around ICANN too long I can remember the early days when ICANN was being formed and all there was on one side all of the constituencies that are here apart from the NPOC and the GAC. The only other party that was involved in those early days was the ccTLDs. They were part of not what was called the GNSO but it was called the DNSO. And they were a party to all of those discussions. At a fairly early stage they realized that they had a different perspective because as ccTLDs they actually had to get governments involved in those decisions. It made drafting their policy really difficult.

And the focus in those days was purely on ICANN's role in terms of the policy development process. There was no big picture stuff going on at all. There was no ALAC. There wasn't even an At-Large in the early days. And it took some pretty painful experiences to actually get to the stage where the ALAC was created. But the GNSO because the work that the GNSO is responsible for the actual gTLD policy process it lived on, and endured, and was reshaped but it was never reshaped in terms of a big picture approach.

So we've ended up as a result of the various GNSO reorganizations that we have this body now that's come out as an NCPH. And we shouldn't lose sight of the fact that, that was established to provide balance within the GNSO. And that balance was between the contracted parties and everybody else. So it was

all of the noncommercial view that ICANN needs to take on board plus all of the business view in every format.

And what's happened is it's placed the NCPH in a position where there's so much unbalance because if you look at the big picture stuff. It's all now organized around SOs and ACs. One of those SOs is the GNSO. And the GNSO is still the major workhorse on so much of ICANN's core responsibilities. But in terms of its ability to actually engage with some of the other parts of ICANN on a big picture basis is really reduced. And certainly some of the problems we have within the Non-Contracted Parties House comes down to the fact that when we get engaged as a SO representation is really, really limited.

And that causes tensions not only within the GNSO but within the Non-Contracted Parties House as well. So yes I do think that there are issues around here. Is it just a voting algorithm for me absolutely not because that was never the way it was designed. And if it's turning into that it just underlines in my view the reason that we started trying to look at the GNSO Futures aspect as well.

So yes I agree we have to make it work. But all we're doing is fixing the current day problems and not addressing the real issues that we need to think about. And the problem we have is how we do that because it really does need to happen. It shouldn't take the emphasis off of this focus. But let's bear in mind and get it in perspective that there are bigger picture issues to address as well as this particular aspect.

Joan Kerr: Avri you're up next. Thanks. Please state your name first.

Avri Doria: Sure. This is Avri speaking. I probably would have remembered to say my name anyway but thank you for reminding me. And especially thank you for using it in calling on me so that I would remember what it was. But then I get confused. I think I sort of agree partly with where that ended up. But I do think it started as accounting fantasy. I was part of that six person group and that's exactly what we called it then.

And so not to change history on that I think that was the intent. I think in a sense we blew that intent from the very start once we gave the accounting fantasy tasks. So we've given them tasks. And I think that we've got those tasks. And I very much agree that because of the accountability structures the NCPH has an accountability role and so therefore it must exist. Now I'm not sure that it goes so far or that I would go so far as to say, you know, counting constituencies versus constituencies is where we're at. I tend to take the stakeholder group so I tend to see two and two and we subdivide as we do. I know that the view on the other side of the table is sort of the reverse of that.

I don't think that necessarily matters to the question of is NCPH a necessary viable accountability thing that, you know, it's is a sub - it's not an AC it's not a SO it is perhaps it's a house. You know, why don't we just call it what we've called it it's a house. A house is a thing that exists. We need to sort of define what it means to be a house. I don't think the existence of two houses each composed of two or more SGs I've always looked at the possibility we don't need to just create constituencies we may find that we organize better with more SGs as a notion but it doesn't need to be.

It means that we therefore have to change the GNSO. But it does say something about needing to constitute ourselves as some sort of real entity with an ability to talk, with an ability to perhaps come to common views,

perhaps to help each other perhaps to understand the differences. So I don't take it quite as far to say that, that changes the nature of the GNSO.

But I do agree that - and it's not something I've agreed with for a long time. I was a very long maintainer of it's an accounting fantasy. But I've gotten to the point of saying no it's not anymore. And especially with the transition and with the way things are written we've moved beyond accounting fantasy to the houses are real. We look at the registries and the registrars and they function very much as a coherent group even though they have places where they disagree with each other in terms of some of the obligations of one to the other.

So I would not say that we get to the point - and of course we could get to the point of that forcing some kind of rethought in the GNSO. But I think it's first important for us to understand ourselves as a house to figure out how we can work coherently and productively as a house, what it means to be a house? And that - and to that I know we're not getting to the point yet of should we have these meetings or should we not?

But I think we've seen over the last day and a half that it's a useful thing. That it's a good thing to talk to each other to figure out how to become a coherent house what our internal structures are? And then maybe someday we could say we need to go further with that notion. But I would say that first if we are a house and a house is a real thing with responsibilities then we need to understand what that means and how to govern it and, you know, thanks.

Joan Kerr: Greg, you're next.

Greg Shatan: Thanks, Greg Shatan again for the record. I definitely do think these meetings are useful. They have sometimes been more useful sometimes less but

important nonetheless. And the question - since my question is are these meetings good for their own sake or are they good because we're a house? Would this meeting be as meaningful if weren't a house? Would it be as meaningful if we were a house but we each had our own vice chair or we each had our own board seat? Does that force us to get along more because we do have these shared responsibilities? You know, a world where we had bilateral meetings of the C and the NC could exist without this house. And there I saw - I'm sorry once again I'm asking questions not really giving answers. So but...

Steve DelBianco: That's her job.

Greg Shatan: Yes.

Joan Kerr: Yes.

Greg Shatan: So I'll look at the - sorry about that. I guess I should have moderated this panel because I have only questions and no answers.

Joan Kerr: Excuse me.

Greg Shatan: No it's not you...

Joan Kerr: Yes.

Greg Shatan: ...it was Steve who has a, you know, been an upgrade from me. And my name was her (uintelligible).

Joan Kerr: But he's DC.

Greg Shatan: And I'm AD. So in any case I think...

Man: ADD.

Greg Shatan: ...we need to - ADHD. I think we need to look at whether we can - I do come back to think that it is a meaningful that we are kind of, you know, in the sense checks and balances on the contracted parties. And on - because otherwise this is a trade association or something or it's a capture organization by contracted parties who run the organization that's supposed to run them. That wouldn't make any sense. So that's - we're definitely - there's a purpose whether we're a check and balance on each other or a - something that doesn't work for each of our - that makes each of our organization somehow less effective. And by my organization I mean IPC because as much as you could look across the table and look for the CSG there's nothing to see there really. So we don't even have a mailing list. So in any case those are my questions.

Steve DelBianco: Thank you Greg. And some of those questions are on our final slide which was the opportunity that we would have to probe existential questions about whether we should continue to have these intersessional meetings. There isn't an existential question about whether we're going to have a NCPH. It's in the bylaws in Section 11.

It is not just a voting algorithm Ed now here he sees it that that's up there. That didn't require an accountability transparency structure of any kind. But the other two bylaws activities from - that we've discussed the selection of a vice chair and director selection those are activities that might actually require some more transparency and accountability where we describe how we do so and we are accountable to match what our procedures say we are going to use.

And so I think that we may end up coming with some work from this meeting to suggest yes NCPH needs a place on the ICANN Web site where just like the registrars and registries we describe the process that we'll use. And so if there are more discussions of this let me just highlight where we would move next is two slides to discuss that NCPH is a fact of life. And given that it's a fact of life what is its future going to be? I know we don't have a group called GNSO Futures or NCPH futures but our future is going to happen. And it's going to happen to us. The question would be how much do we want to affect that future?

And one of the mechanisms that we have to drive the future of NCPH and the future of GNSO is this event that happens once every five years around ICANN. It's the bylaws driven bylaws required review where ICANN's Board conducts a review of each of the ACs and SOs except the GAC. They do so by hiring an outside contractor. They hand them the terms of reference. And I'll be able to walk through a little bit of that with you. But they do this for every group.

A lot of you were aware that the ALAC is currently working through their review. The GNSO has been through two. The first one is what gave us the structure that Tony Holmes talked about. The second review didn't do much of anything and we're in the middle of implementing it. But I don't know if there's anything significant enough to discuss about the implementation of our most recent 2014 review known as the West Lake Review because Westlake was the firm that did the review.

We are blessed with the good fortune at this meeting of having three of the five ICANN Board members who were on the Organizational Effectiveness Committee of the board Rinalia, Markus and George. And that committee is

the committee that specifically on the board directs the board's activities as it turns to select an outside consultant and tasks them with how to do it.

And on the slide what we've indicated for you is the bylaws would require another review in 2019 which feels like a long way off although this is the time for us to consider whether we want to influence the parameters of that review because those reviews are supposed to look at according to the bylaws whether there's any change in structure or operations that's desirable to improve their GNSO's effectiveness.

And there could be changes of structure in GNSO that have nothing to do with the NCPH. Who knows how it will be. And I realize that this group has different opinions about whether the structure of GNSO is being split into two houses is working is effective or not? And we're probably not going to come to an agreement on that. But we certainly can ask whether we believe GNSO itself as being effective.

Now the word effectiveness while it's in the bylaws and it's in the RFPs that ICANN sends out it's not defined in the bylaws. You know, it wasn't defined at all in the RFPs that were sent out to Westlake. I thought I would throw in that the dictionary shows and Joan and I found that definition a simple one that says that effectiveness is the degree to which something is successful at producing a desired result. And that certainly begs for us to say, what is the desired result? And what does success look like when you see it?

And as I mentioned three members of the board committee are there today. And while the board committee puts together the RFP it includes effectiveness but then it goes on to tell the consultants to examine any documentation records and reports, to look at the 360 assessment, to look at the ATRT as income - as input to do a limited amount of interviews and then ICANN will

supply the criteria for conducting the review. And they give them eight or nine areas to look at like achieving the mission, accountability and transparency, our membership processes, our structural support towards achievement of mission, our government, our governance and management, our quality and evaluation, our communication and the effectiveness of implementation.

So what I just read was the guts of the RFP that was given to the consultants. And I'm just going to guess that none of you have ever read that before. And I'm going to guess that if we wanted to influence what's in that RFP in 2019 we'd probably need to start working on that now because we would have to come to agreement on it in the NCPH. And then seek agreement from the contract party side. And I think Rinalia if we came to you with some criteria we wanted them to look at for assessing our effectiveness I'm hoping you and your committee would support us on that.

So let's conduct a discussion now on what's on the slide which is the general notion of that next review the relevance of us being able to tee up and work towards that. And before I turn it over to the queue management of Joan I do want to remind you that we met in Hyderabad this was one of those reasons that we said oh what that heck let's have another intersessional because we discussed whether we wanted to influence the terms of reference for the next GNSO review. And that was not opportunity driven as much as a reactionary because we all well we all hated the 2014 review and said we could - let's see if we can make it better.

Joan Kerr: So I've got - yes I've got Tony. Go ahead.

Tony Holmes: Yes thank you. I just wanted to check my understanding of what you said Steve and what's on the slide that the actual bylaws is where it specifically has that quotation about structure and operations with regards to effectiveness.

Yet we are where we are and the last RFP for the West Lake review didn't include that at all. For me that leads without any doubt for me to make sure that structure is addressed next time that there can't be any doubt about that. And even more so when you look at the fact that it wasn't in the RFP last time that hey that was the one issue that got more comments than any other issue. So there was certainly a demand from the community with that.

The other comment that I'd make and I may have interpreted this wrong Steve from what you said is that yes I would agree there is a need for those of us in this house to work with our counterparts in Contracted Parties House in terms of shaping or helping shape and provide some input into the criteria for any future review. I would also argue that even if we reached a stage where the Contracted Parties House decided not to do that we should still have the ability within our house to actually submit something from outside. So ideally work cohesively together to do that. But if not I still think there should be the ability for us as a house to take that decision independently and absolutely contribute.

Steve DelBianco: Steve DelBianco, Tony's so aspirationally all of GNSO would come to the Organizational Effectiveness Committee with the criteria for the next RFP ideally. If however we couldn't come to agreement with the contract party side we might come to the OEC with two kinds of criteria to put into the RFP. So the consultant would know that they look at the total GNSO with a certain set of parameters and then they look at the Non-Contract Party House with another set of parameters.

And you're right. We could make that RFP pretty specific if we were to get to work on that right now. And I'm unaware of any other AC and SO that has attempted to actually influence the RFP for the review. I'll bet ALAC well next time. But I think we should try it out. And Rinalia please get in the queue

because I would love to hear perspective from you and other members of that board OEC.

Joan Kerr: Great, thank you. I've got Jonathan and Ed. And then we also have a question from Marilyn Cade. So we'll go Jonathan first.

Jonathan Zuck: Thanks Jonathan Zuck from (uintelligible) association the IPC. I - there's a number of issues at play here. One is the desire of consultants to recommend something and so that the innate idea that change is good that we may need to address in the future RFP. So I think there's two types of analysis that we need to do of that last review. One is do we agree with the outcome even given the criteria that were in there. In other words is a change of criteria, would that have led to a different type of review?

And then the other is, are there areas that we want them to look at that, that they didn't? For example the effectiveness as the GNSO in the greater context of ICANN right? In other words how is ICANN - how is the GNSO as a player within the ICANN community as a whole how is it operating effectively? And that's going to be even more important now that we're dealing with these accountability structures. And we have to actually figure out did we figure out good ways to use community powers, and how are they juxtaposed with the GNSO Council and things like that? Those are all going to be fodder for this effectiveness.

And so the effectiveness has got to be sort of, what's our effectiveness of managing ourselves? But as an organization how effective are we at communicating outside the GNSO and playing a role in the overall policy development process? But I - there's this other piece of looking at the problems that may exist with these reviews separate from the list of criteria that you list because I think it's quite possible that given the same list of

criteria we might have reached different conclusions. (Uintelligible) we want some additional criteria and maybe greater level of specificity about how to use the criteria that are given and less of a kind of blue sky type of review to a consulting firm that just revels in the idea of hey what should we try with the GNSO this time? So...

Steve DelBianco: Jonathan, Steve DelBianco. I did some interviews with Westlake. And very early on it was clear that that once they've bid a fixed price for their consulting engagement that there was no way. They were going to do one more interview than they thought they committed to. And they weren't going to look at new aspects that they hadn't already committed to based on what they signed up for in the contract in the RFP.

That's another reason to start early on this. And looking at the criteria that's in there it's very generic. The RFP would have read pretty much the same if it was done for the ALAC review. But GNSO like ALAC has two structures. It has the GNSO the groups that are in it and it also has a council. Marilyn likes to call it the GNSO Policy Council but it's just the GNSO Council. And as a council itself NCPH functions within that council. That's what the whole voting algorithm and the vice chair part is. But NCPH's selection of a board member has nothing to do with council per se. Council simply passes that vote through.

So the whole process of deciding how the empowered community for instance would reflect the wishes of GNSO was known as the Bylaws Drafting Team Project. Ed was on it with me and there were several of us around the table. And we considered but did not adopt we considered the idea that wow GNSO itself could exercise powers in the empowered committee that have nothing to do with policymaking. And we could do that with the underlying

constituencies and stakeholder groups exercising their votes tallying the votes in a certain way so that the GNSO would speak to the empowered community.

And a couple of us in the Commercial Stakeholders Group proposed that. It was a honestly it was a very cooperative group. And I'm grateful that we went through it all and that minority views were expressed. But the majority of that working group came up with the recommendation that no let council speak for the GNSO. Council does policy, council's remit is expanding beyond policy to where council would be able to speak for the GNSO on things that have nothing to do with policy.

Example let's suppose the GNSO decided to exercise the community power trying to block an ICANN budget. That isn't policy and yet we are currently in the review period of whether we're going to have council itself use its existing voting structures to decide whether GNSO wants to be part of that empowered community decision. So we are well into the realm where GNSO exists and a council sits within the GNSO. And that might also be an aspect for the next review. Back to you for the queue Joan.

Joan Kerr: Ed, you're next.

Ed Morris: Thanks. I hate this mic. Thanks Joan and thanks Steve. One correction from an NCSG perspective being a councilor my vote for the board seat my boat for vice chair unless bound -- and that hasn't happened before as far as I know at least what I've been around -- that is not a pass through vote. It could be a split vote. I hope there isn't but there could be. So it's still a voting algorithm at least in my view.

Into the substance of what we're talking about. I agree we need to get on and try to influence the RFP. We each have different reasons for why we thought

Westlake was a disaster. But we all agree Westlake was a disaster and should not be hired again. It looks like the prior ALAC reviews that's because they did them. They seem to somehow always get the contract. It's interesting how that happens. ICANN vending is a very interesting environment.

But I don't - I would love to start a small group. But I would want the small group to include our partners in the Contracted Party House. This is a GNSO review, this is not a NCPH review this is not a CSG review, NPOC, ALAC, et cetera. So my advice to my colleagues in the NCSG would be we need to work with our partners to try to do an RFP that works, that's fair to the community and that will generate a quality report.

And yes we've got to shake the money tree a little bit. I've talked to folks who did bid for the contract and apparently Westlake came in far, far under any other bid. So that's one of the issues we'll have to deal with. But I agree with you we should get on this right away particularly since we have a new CEO. He may listen to us a little bit about these issues but I don't want to do this without our partners in NCPH. If they refuse to do so I would not want to go forward without them. Thanks.

Joan Kerr: So Greg you're next.

Greg Shatan: Thanks, Greg Shatan again for the record. Maybe I'll have some answers this time. A couple thoughts on what Ed said. I agree it is a GNSO review but I think it's also all of those other reviews because they're all part of the GNSO. And the councils being reviewed, the GNSO, the houses, the stakeholder groups the constituency the whole Magilla is being reviewed.

So - and I think that unlike the Westlake review everything needs to be on the table. But I hear you Jonathan. If you let consultants go wild they will. So it's

everything is on the table but it's not just kind of up for like reinvention by the consultants. And I agree in terms of the money tree I think we need to look at that and at the bidding beyond the low bid. For those of us old enough to remember the Vietnam War there was a question that was asked among soldiers how do you feel carrying a rifle that was made by the lowest bidder?

So you need to watch out value and price are not always directly correlated, not always inversely correlated but sometimes you get what you pay for when you go with the lowest bidder. So - and of course the RFP was what it was. And, you know, that, you know, whatever animal it is in the room a hippopotamus the structure was not brought into the room the last time. Needs to be in the room this time because reviewing a structure without reviewing the structure just seems to be some - one the most bizarre remits I've ever heard of. Of course reviewing half the structure really late in the game and only taking a bunch of input that came in at the last minute that's even worse. And that's kind of what we had for a while in the Westlake review. So that was a great either.

So I think we do need to put a group together. I think it does need to be a GNSO wide group. And it does need to be a remit for something that is broad and meaningful whilst but yet tightly specified so that there's an understanding. And somehow we need to find somebody who can get us - I guess one of the reasons that (uintelligible) gets the contract again is that they had - they haven't looked like idiots in the past.

And each time they argue, you know, that they have some institutional memory the only institutional memory we have of Westlake at this point is PTSD back to that again. So that's not really going to work for us. But nonetheless I think we do, you know, need to find a way for these reviews to be meaningful. I think the GNSO Futures Group proved that a self-driven

review is not going to be great. So we do need the outside reviewer to come in and look at us without fear or favor and see where it comes out. Thanks.

Steve DelBianco: Steve DelBianco, I did want to remind folks that the bylaws do not call for a review of structure, they don't. It's a review of effectiveness with an eye towards recommendations of potential changes in structure or operations to improve effectiveness. So there's no charter in here and nor was the RFP say please take a look at the structure it looks at effectiveness.

And effectiveness is a series of those 12 bullets I read to you earlier where it's talking about the transparency, the accountability, the ability for decisions to be implemented those of the elements of effectiveness. So you don't look at structure for the sake of looking at structure but only in the context of deciding whether we should be more effective than we are. And that is why that's the key phrase is effectiveness and our ability to determine a definition for that. Joan for the queue?

Joan Kerr: Sure. Okay thanks. Okay so I'm going to read Marilyn's question. So I'm just going to tell you what the queue is after Marilyn. It's Tony, Avri, Rinalia, Stephanie Perrin from the remote and Wolf.

Greg Shatan: Wolf-Ulrich.

Joan Kerr: And Wolf.

Greg Shatan: Ulrich it's a hyphenated name.

Joan Kerr: Oh okay.

Greg Shatan: (Uintelligible).

Joan Kerr: Okay. So I'll read...

Greg Shatan: So (uintelligible) and Wolf-Ulrich is one name.

Joan Kerr: Okay. Oh I've got you.

Greg Shatan: Like calling you Joan (uintelligible).

Joan Kerr: So here is Marilyn's question. It's two parts. So she asked that it be read together. Why are we being pushed into a house that we did not agree to? And what are the advantages of that? And also should we - should this be the concern of - the GNSO be concerned about ICANN's governance and GLT policies?

Steve DelBianco: Yes. The first part of Marilyn's question is she knows the answer it's because the Board Governance Committee was considering a lot of different structures in response to the first review. And there were different ideas bandied about at the Paris meeting. And the one that was settled upon by the Board Governance Committee is structure that we have today. And I don't know that I understand the second question. So let's move on in the queue.

Joan Kerr: Yes great. Next is Tony please.

Tony Holmes: Thank you. Just to remark I did answer Marilyn's point in the chat. And basically the answer to that was because the alternative that was given to us at the Paris meeting was even worse. And we were given the two options. There wasn't the third. So that's what resulted in that. I just wanted to make the point I heard the GNSO Futures referred to as an internal review. That was never the focus.

And it was made quite clear at the start the attempt in GNSO Futures was to get some agreement on what was the problem space. And it was made quite clear at the start of that work there would be no attempt to come up with an answer to resolve those problems. It was really a review to establish a base to work on. And the hope from that is that, that would be helpful in looking ahead and working with Rinalia's committed to give them the basis of an understanding of what the real issues were that needed to be addressed. So I just wanted to make that point. Thank you.

Joan Kerr: Avri you're next.

Avri Doria: Thank you. This is Avri speaking. First of all I wanted to ask a clarification question on the whole GNSO Council voting on passing through the decision made by NCPH. Now I don't know of there being any bylaw or part of the operating manual but I have not read it in the last couple of months that sort of says there are decisions that can come to council that they may only pass through or not and cannot make a decision on.

So is this just a practice? And is this something that perhaps we need to get enshrined in the operating procedures that says the CPH elects a board member, the NCPH elects a board member and the GNSO just passes it through based upon due process or what have you? I'm just sort of - so that's a question I'm asking because I think there's a gray area there. And I think that perhaps the rules as they stand would allow. Now if the house stood together on a vote then it would be difficult for a vote against it to prevail but it could get messy. So it might be something where we do want to look at the operating procedures of GNSO council just to make sure that the pass through notion is really something that is inviolable. And I'm not sure that it's inviolable at the moment.

And then I do have another comment but I wanted to ask that question.

Steve DelBianco: Thank you Avri, Steve DelBianco. What the bylaw says in (11-3F little double D) is that the non-contracted party's house as described below shall select a representative to fill seat 14. Next sentence, election procedures are defined in the GNSO operating procedures. So you were right on both counts, the bylaws are clear that seat 14 is for this room to select but we need to go consult with the operating procedures to ensure that it can't be blocked on the way up, I think that's your point.

Avri Doria: Yes that is my point. I knew that we were to select it and I knew that it would be problematic if the council were to say no we don't agree with your choice. But I don't think there's anything preventing them from doing - but I'm not really sure even why it has to pass through them. So that's a question why. If the bylaws say that we as an entity select why we don't pass that selection onto the EC for its designation. But I it's just I think something that we need to you know it's just paperwork but we need to clarify it.

Steve DelBianco: There is one more sentence though. It says notification of the board seat nominations shall be given by the GNSO chair in writing to the empowered community administration. But you're right, there's still a step there where council could get in the way.

Avri Doria: And perhaps it shouldn't. And it just goes to the GNSO chair and he or she has a secretarial duty to pass it on and that's it. But I think it's still a little fuzzy, so anyway. On the effectiveness and the review, now on that last review the - I think it was the SIC at the time and I'm so glad I got to say that again but I think it was the structural improvements committee at the time, the SIC, that decided that they could not look at structure. So this time I don't

even know that we have to necessarily put structure in the terms of reference so it could be a good idea. But we certainly have to make sure that there's no prohibition against structure as a possible solution space on effectiveness.

And in answer's to Marilyn's question, we decided on this house stuff. When we had that committee I mean we made a decision that there would be houses and the houses would have function. We may have tried to say something different but we didn't.

Tony Holmes: We only had two choices though is my point. We had what was offered on the house structure, we decided on the house.

Avri Doria: No, we had two choices. What was offered or come up with another solution.

Tony Holmes: Yes.

Avri Doria: And we came up with this solution.

Tony Holmes: Yes as a better alternative.

Joan Kerr: Go ahead.

Steve DelBianco: Yes let's, this is Steve DelBianco, and only so much time really should be allocated to revisiting to what happened in 2009 and I think we're already done with that. And that's why I'm not interested in diving down that rabbit hole of the questions that are coming up in the chat. It just doesn't serve our interests. I do want to remind us all of something Steve Metalitz put in the chat with respect to the point of structure. When we met at Washington DC for our intercessional twenty-fifteen, okay, two years ago, we adopted as a group a joint communicate, it's the first time we've done that a joint statement

that we put out. And it said what is required as a thorough review of the current GNSO structure that takes full account of the evolution of the DNS and the interaction that's required between those players who have a major role to play in GNSO policy development.

Without recognition of the need to undertake this exercise to commit to a program that is developed with the full cooperation of all impacted parties an important part of ICANN's multi-stakeholder model be continued to be viewed as dysfunctional by many of those who remain committed to deliver coherent progressive policy. And I'll circulate that as an email along with the full statement that we all came up with at the intercessional, thanks.

Joan Kerr: So we've got a few people in the queue. So after (unintelligible) we'll go to the next slide. Is that what we'll - we'll move on. So we have Rinalia next please.

Rinalia Abdul Rahim: Thank you, Rinalia speaking. A reaction to several things that have come up. First of all, we've observed that every group that has been reviewed absolutely hate their reviews, every group. And that's not surprising because reviews are very uncomfortable because it brings to light things that could be considered as gaps or weaknesses. Some of them may be true, some of them not, and it requires facts to dispel truth and it requires effort on the part, on the group's part to actually do that.

So I just want to explain the importance of the word independent in the independent reviewer or independence of the reviewer. This is considered as important in the ICANN context because you need to have a fresh pair of eyes, someone with no conflicts that may perhaps serve certain interests in the community to basically cover and do an assessment of structures within ICANN itself. And it's a struggle when you bring someone in that is external

to ICANN the knowledge of context about ICANN is not necessarily there. And there's a steep learning curve for them to actually get up to speed and understand how it is that we work and what are the constraints within. And it's a struggle in every single review.

But what staff in ICANN org and the OEC, the committee, we are absolutely committed to learning process. Continuous improvement of the review process. So if you have suggestions on how to improve it we are certainly open to it. And it comes to the point about if the group were to come up with definitions about effectiveness certainly we would be open to consider it. And I would pose a question to you. Is it sufficient to define effectiveness just from the GNSO community itself or is it necessary to also get the input from parties outside of the GNSO so that the review is holistic. Because GNSO serves a certain purpose but it also serves certain functions that supports the work of ICANN towards the internet community. So please think about it as you proceed.

And in terms of the money, the cost of reviews itself, I can honestly say because my committee establishes the criteria for selection of the reviewers, the cost aspect does not have a significant weightage but I cannot say this for the GNSO review because I wasn't chairing and I wasn't on the committee when the contract went out. But I can say that for sure for the reviews that started afterward because I came in mid-stream of the GNSO review process itself. And I invite Markus and George who are on my committee to add to anything that has been said, thank you.

Joan Kerr: Great, we have Stephanie on remote, Stephanie go ahead please. She might be on mute, Stephanie?

Stephanie Perrin: Hi, Stephanie Perrin for the record. I don't want to beat a dead horse with the effect to the West Lake review and thank you Rinalia for those clarifications. That's really helpful and I think that we could usefully form a little committee to start working on what we think might be required here. But I do still wonder about how this contract was managed. It's kind of basic that if you're going to accept the fix price low ball bid the price of that is eternal vigilance. I mean that's contract management. You know you are getting the bare minimum so you have to watch it very carefully and be prepared to take a firm line if you're getting junk. And I think we have pages and pages and pages of evidence we got junk and somebody should have stopped it earlier.

So my question is - is there some way we can - I accept that it has to be independent but somebody has to be managing this a wee bit better or we get junk.

Secondly, I was surprised that the lady who was helping us do the review of it was unaware that (unintelligible) had used these people back in 2008 and there was some strong objections to the way that particular review was handled. She didn't know that, who knew that? I can understand that you might accept a low ball bid from a company that you were happy with that had already been in before because as you correctly state, the learning curve's steep. But if people weren't happy and I suppose there's always a percentage that aren't then going back to them seems like - well it doesn't inspire face in the community that they're interested being looked after. Thanks.

Joan Kerr: I'm going to suggest something and it's a suggestion because of time. Many of the things that we're discussing will also be addressed in the upcoming slides. So we're just going to move onto the next slide and sorry for those who - I do have your name so apologize for that.

Steve DelBianco: Yes, Steve DelBianco, you're still in the queue and since we are jumping the gun here this is really the final substance of slides which asks the question to you in this room, shall we suggest a definition for effectiveness? And potentially other parameters in the next GNSO review? I think the answer's yes, we're going to give it a try, we'll try to do it with the contract party house and as Jonathan there really are two aspects of effectiveness. There's the internal effectiveness of the stakeholder groups within the structure of the GNSO and the GNSO council. And there's the notion of the effectiveness of our whole GNSO once it gets buried within the context, the broader context, of ICANN.

And something I'd like us to think about is it really fitting? Is it effective I should say for GNSO to have just two of the 15 voting directors when GNSO controls 98.7% of the revenue? And probably consumes 95% of the resources of ICANN. And the GTLD space accounts for the greatest amount of registrant and user activity on the internet with the global public interest in mind.

The second, is it a good fit or is it effective for NCPH to have to select a single director and all the difficulties that has brought to us. And one question might be if in fact we had another board seat for the non-contract party house and another for the contract party house then both CSG and NCSG would be able to select a board member that fully reflected the perspective of that particular group. Because we do have frustrations with respect to try and come up with a single board member that covers both. And for all I know the contract party also may have - may have similar.

Now one doesn't fix this effectiveness problem by just changing GNSO. Obviously the organizational effectiveness would be the capital org effectiveness. We would have to change the voting structures of the board of

ICANN to actually address something like this. So this is a socializing an idea, it's not an advocacy campaign. We have no idea to what extent this is something that is desirable. Is it doable? Well I guess anything's doable.

Wolfgang Kleinwachter talked about something called Work Stream 3 which would be between now and maybe twenty-twenty. Is it time to look again at the broader structure of how ICANN's votes are handled? Because there are two each for the AC's and SO's that have votes and then eight for the nominating committee. That's the way the 15 votes are put together today. And then the odd number, the number 15 comes from the CEO. That's where the 15 come from.

Alright so Joan do you want to go back to the queue?

Joan Kerr: Yes I do thank you. Poncelet Ileleji, you're up next.

Poncelet Ileleji: Thank you very much, I'm Poncelet Ileleji for the records. In regards to effectiveness I just wanted clarity. Are we - I'm to take one of those bullet points and transparency, are we - how are we going to look at it from a holistic point of view that it doesn't really reflect on the (unintelligible) or (unintelligible) to say how will you define it, Steve, for me to better understand that because it's very broad to me, thank you.

Steve DelBianco: I'm going to paste the RFP language into the chat so that you will see precisely how they did that. I mean transparency's a word that we use at ICANN all the time and I don't think we would define it any differently than we do for the purposes of holding the corporation transparent or anything else.

Joan Kerr: That's great, so we have Stefania, Wolf-Ulrich and then Markus. Stefania?

Stefania Milan: Thank you Joan, Stefania for the record. So first of all this is a very fascinating session. Thank you very much for putting it together. And I would love to think along, looking forward. I think it's also as someone who has spent some time working on the West Lake review I was absolutely shocked at what happened. So I'd be happy to contribute to avoid these problems in the future.

I do agree with Ed that it should be ideally GNSO wide effort. Also for increased legitimacy of the entire process, also for you know the buy-in and much more effectiveness in a buy-in into our effectiveness commitments. I would also like to address what Rinalia said that the review has to be independent, that's true but you also heard what Stephanie said, it was really junk meaning you can be independent but what is not acceptable is that your methodologically flow. And that was a real disaster. I teach method so I could probably speak to that with quite some confidence. It was really not solid material.

So I don't know whether a group like us is being the ones who are being reviewed of course you cannot really come into that. But must be - the process must be managed, must be - the board or whatever else that those would check on the quality of the work. And it's not just that people don't like the outcome of the review because it's you know (unintelligible) to them but also because sometimes there are objective reasons to dislike the material that's being produced.

And then (unintelligible) when we think about effectiveness we have to make sure that we don't seem to come up with a definition, but we come up with a way to personalize it as we say when we do research. What does that mean? We might think about combining qualitative and you know more kind of hard

data like metrics or something. But we have to be the ones also design the way in which things can be assessed, right?

In another respect we have to be careful to be you know propose something that in fact we can lead by and live with, right, otherwise you've not simply added valuables as sort of you know self-arm at the end of the process. So I think it's a very valuable effort, it's a big one. I mean personalize effectiveness let alone define it, it's a big one, I'm on board.

Steve DelBianco: It's Steve DelBianco, Stefania it is a challenge but the output is no more than a page. The output of all this would be a page that would make its way into an RFP, it's difficult to get there. And the RFP is for the review. We wouldn't have any idea what the recommendations are for operations and or structure until the review is done. And even then as you know the review recommendations are given to GNSO for implementation.

Joan Kerr: Okay, Wolf Ulrich we finally got to you.

Wolf Ulrich: Okay so I have written some things so I kept it here. Steve, this is last slide here, seems for me a little bit looking dangerous. You know because the first two parts I could agree with you know. We need a definition for effectiveness and we have to go through this both bullet points one and two. And we have to take care with regards to the questions you put at the end here with regards to adding the right - why do we have to be careful if what I expect right now is immediately people are starting to think about review and having had (unintelligible). We could think about how to get more board members from (unintelligible).

And that's having an add might be a target in discussing (unintelligible) here. And this is not the thing that could be an output. But it shouldn't be a target. So we should be careful in discussing this. This is what I have in mind here.

But coming back to another point is with regards to the review itself. I'm - one of the person's in the vice chair of the actual GNSO implement or review implementation team, yes. So that means from the former review so I have to deal with the outcome of the last review. And so we have a plan and that needs also two years to implement all of the recommendations we have in mind. So it takes time, so - and therefore as we have mainly focused on I would say mainly on non-structural issues in the last review, we should - this is my suggestion here, we should mainly then focus on structural review issues with a new review.

Also, you put here on the slide that it's not a question about structure, only it's a question about effectiveness. But I wouldn't expect too many new issues coming up with regards to operational aspects. So we have really (unintelligible) the operation of the GNSO in quite good detail. So a major point should be its structural review and priority should be given to that.

And - but what we should take into account as well is what was mentioned before also is some open items with regards to the empowered community. So which comes from this discussion and then we have to learn from that with regards to the question GNSO council leadership versus GNSO leadership or what else does it mean. So this has to be taken into consideration besides the review in great detail. And should be openly discussed without having any - should be opening discussed or throughout the review, thank you.

Steve DelBianco: Steve DelBianco, Wolf Ulrich I'll paste into the chat the last of the segments from the last RFP for GNSO with respect to the scope. It said that ICANN,

RFP - ICANN will supply the criteria in there to include but limited to the following areas. Council, GNSO working groups, GNSO stakeholder groups, and constituencies. And it might be that next time around we need to add GNSO participation in the empowered community.

It might include structures within GNSO such as the house structure. So if you don't put them in that list the reviewers won't look at it because it's part of the RFP.

Joan Kerr: So I've got Markus, Ed and Greg. Stefania is that a new? No it's gray, okay Markus please.

Markus Kummer: Yes thank you. I do recall it was twenty-fifteen DC in (unintelligible) my first interaction with this group. And I do recall the frustration and I also do recall the reaction of the then structural improvement committee saying we don't want to make the same mistake as we did before by imposing a new structure. But we had these discussions and (Bruce) and I attended the breakfast meetings at each ICANN meeting. And the frustration with the current structure was always very palpable and Tony let this future discussion. And I think a new review clearly has to look at the structure and also draw the picture how the GNSO fits into the broader ICANN environment.

I tend to agree with Wolf that maybe coming up front with a target of having two directors may be not the best approach but if it's the result of the discussion it's another story. And I'm personally affected board member of this situation and I can assure you it's not an (unintelligible) position to be in. (Unintelligible) you might be a nice guy but you're not one of us, you're not really what we want because we cannot vote member of our constituency to support directly.

I will toss that openly and also personally that's - and I do understand the frustration resulting from the need to compromise from one director and having two directors for each part of the house definitely would make your life easier. And I think that's definitely could be a good way for you to go forward. But having said that, that will not happen within a few more years and you have to live for the time being with agreeing on a single member. And as I said I will be happy to serve for another three years but it's up to you to decide. I'm a firm believer in the multi-stakeholder model and in ICANN was a firm believer in democracy and I'm obviously willing to accept your choice.

But also make the point when you met with the commercial stakeholder groups by changing a director every three years and then we come back to effectiveness. You lose effectiveness because it takes some time for a new board director however experienced he or she may be in the ICANN environment to find his or her way in the board to be effective. And it finds a way into the right committees. That's another thought to bear in mind. And thank you for your attention.

Joan Kerr: So we've got Ed and Greg and then we're going to move to the next slide. So Ed please.

Ed Morris: Yes thanks Joan. Steve, these are great. We have just reinvented a multi-national corporation in two years or less. You may want to make the dummy guide to that for somebody else. It's time to look internally a bit more. I like the idea of taking a look at the constituencies in SG's and see how they're working internally and within the GNSO. And it's ludicrous to think that we shouldn't look at the structure above us whether our voices are being heard, whether because of history and the creation of (Nom Com) when voting didn't work, whether that's the model we have to keep going forward and how it

impacts us down here on the bottom of the multi-stakeholder model. These are good ideas.

(Unintelligible) direct this to Rinalia, I'm really glad you weren't on the committee that selected West Lake because I like you and I want to continue to like you. Stefania is right, if you read, we'll be happy to send it to you. Our initial analysis of the West Lake report had nothing to do with how we were being treated. At least the first part. Stefania was sort of the data wiz, she gets million dollar grants from the EU to do this stuff. And we spent a weekend together, on the phone, working on this. And it was the methodology that was the problem. I can accept outcomes I disagree with, I can't accept sloppy methodology.

And I just want to make this point. We have a really big world, you know one world, one internet. Does it surprise you that the best consultant to examine the GNSO had an office in a small New Zealand town, a four minute walk from the ICANN (unintelligible), that's what happened. And when I had problems with what was in the report I called the (unintelligible). And I shouldn't be able to do that. IT really needs to be independent. Thank you.

Steve DelBianco: Time check, we are eight minutes from our scheduled conclusion time. So we're going to go ahead and advance to the last slide while we finish work through the queue. And go ahead, Joan, the last slide covers three questions. I know you wanted to walk through this.

Joan Kerr: Oh okay, okay so this has been really great for me. Any of you new biz, you know, you end up hearing a lot of the history which is really great. And I have to say Steve is fantastic for this presentation. So I have, the first question is should the NCPH be more than just accounts voting algorithm or a board selector? That's the first question. Do you want to do them one by one?

((Crosstalk))

Joan Kerr: I'll read them all and then you can answer them as you go. And should we work together to scope the next Council review? And should we have future NCPH international intersessional meetings? That's a biggie, so.

Steve DelBianco: Another queue?

Joan Kerr: Yes so Greg you're next.

Greg Shatan: First I'll say what I was going to say before this slide and actually kind of agree with Ed. I don't mind uncomfortable reviews, what I mind more, reviews that seem to avoid the uncomfortable questions and that's what we got. And then we got a last minute job that asked some uncomfortable questions but not all of them and then answered them sloppily so that wasn't great. The - I checked the voting in the GNSO procedures, council has nothing to do with voting for the board, the house does. We have to have our rules and whatever our house rules are set internally that the piece of paper just gets handed to the board - to the GNSO chair who sends it up. So the council doesn't vote on our - like we don't vote on the contracted parties at all, it's just it gets handed past. So the council's out of the algorithm of that but we have the house algorithm, whatever it may be.

So - and then to answer these questions, I'm going to answer them in the reverse order. Should we have future NCPH intersessional meetings? We should definitely have future meetings of the commercial stakeholders and non-commercial stakeholders for cooperation, whatever structure we find ourselves in in the future. Should we work together to scope the GNSO review? Absolutely and we should do it with the contracted parties as well I

think. Should NCPH be more than a council voting algorithm, board director selector? As long as it is an NCPH it should be - strive to be as meaningful as possible and to deal with what we have to deal with and to explore whether it does have some sort of more meaning other than you know an arranged marriage of sorts. Or an arranged marriage and a human centipede of sorts.

So we have - so those - so I don't - so I think the review may blow up non-contracted party's house and I frankly would not shed a tear. But as long as we are together we make the most of it. And I think that we still have reasons to work together and reasons to work as a check and balance on the other parts of ICANN. Thanks.

Steve DelBianco: Yes and even if they do blow it up we'll always have (Reykjavik).

Joan Kerr: Klaus?

Klaus Stoll: Okay thanks, sorry what I have to do now Ed, I'm very sorry and you know I'm a great friend of yours and you are a great person but please not in a public forum attack an (Ombudsman) without putting any written proof on the table. I just think I fully agree with you but we can't do that. So now to the...

Ed Morris: (But, Klaus) it may just be that Wellington New Zealand is the headquarters of all wisdom in the world. I didn't say anything, I just said the fact. When I had a problem with the review I talked to the (Ombudsman) and he had told me he had talked to his colleague down the street. I should not be able to do that, those are facts.

Klaus Stoll: Okay I just find it bad style, that's all. But let's go to the questions, let's go to the questions. To be absolutely honest yes we should have further NCPH intersessional meeting but only if there is a process between the meeting. And

that goes back to these questions. We need some kind of mechanism to have these dialogues not once a year, we have to have a way to exchange and work on these things on a more and regular and permanent basis.

Steve DelBianco: So between the intersessional meetings we need Intersessional, Intersessional communication?

Klaus Stoll: That comes to the point and that maybe brings can we find a way to do this to communicate more often but maybe not necessarily face to face. And I think I find these dialogues, the things we talk, and to be absolutely honest Steve especially the last hour extremely interesting and rewarding but did I have to fly to (unintelligible) for that? I don't think so.

So we learn something there, we have things to talk about, we have things to discuss, but maybe doing it once a year face to face might not be the way. And all the other questions come out of that. Yes we should discuss it, we should go more deeper in all these questions and make a firm and decision on that based on a longer and deeper discussion, thank you.

Joan Kerr: Sorry, we're just going to wrap up. We can continue with this conversation because we're running out of time - where is Robert? Do we have a few more minutes or we're...

Robert Hoggarth: Sure you can take a couple more minutes.

Joan Kerr: Are you sure? Okay do you want to? Okay we'll take - the boss says it's okay. So the next person was Poncelet. You put it down?

Poncelet Ileleji: Just for the records, I'm Poncelet, that's what I wanted to say, thank you.

Joan Kerr: Jonathan you're next.

Jonathan Zuck: Sure and this - I may be guilty of replicating Greg a little bit as well but I mean I think that we shouldn't lose sight of why there was a non-contracted party's house which as was to act as a check and balance against contracted parties. It has this very unique relationship with the organization and therefore a unique relationship within the community in which we're all trying to operate. I mean in many ways the construction of the CSG is just as artificial as the construction of the non-contracted party's house.

And so I think it's almost an art - it's almost a more artificial division between the NCSG and the CSG than it is between contracted and non-contracted parties. I think that's a really significant distinction that we shouldn't lose. And I think that these - that this group as a whole, meeting, is in some ways more important than the CSG having meetings and because of that role.

And I guess I would say that I think it's obvious that we need to work together to scope and yes, scope the (unintelligible) review and add some detail to the scope of the next review. And I think that there's two potential reasons that we should get together as a group. One is to figure out the things that we have as common objectives and we had some of them here. One has to do with GSNO structure, the other I think has to do with you know issues like transparency and consistency and compliance realm that I feel is a successful conversation while we're here. There's common ground that all of us can agree on.

And the other is if there are issues that are ongoing areas of frustration among us that could be escalated beyond above the workgroup level, right? And so as Mark brought up and in his session this idea of education about IP or something like that where we try to find a orthodoxical approach to something

that keeps coming up in these other places, that's another value for this too. So I don't think that we should be afraid to discuss the things on which we disagree in these meetings as well as the things in which we agree. But I think there's value to both and that we shouldn't - and that we should continue to pursue them.

Joan Kerr: Okay so we've - Ed you've spoken enough so - oh sorry.

Ed Morris: But if you want to get (unintelligible) to agree to another meeting you might want to hear what I have to say.

Joan Kerr: Okay (unintelligible).

Ed Morris: I have an idea.

((Crosstalk))

Joan Kerr: Okay hold that thought, just let me get to Kathy and Vicky if that's okay. So, Kathy, please. Okay Kathy don't you point to him, go ahead.

Kathy Kleinman: Kathy Kleinman, let's see, two short things. I'm not sure it's an arranged marriage Greg, I think it may have been a shotgun marriage. And in terms of future NCPH intersessional let me just throw out every other year. Things are getting really busy and I think the GSNO council is also going to start meeting and having a special meeting. So let me just put on the table every other year might be good with the types that we're talking about.

Joan Kerr: Go ahead Vicky.

Vicky Sheckler I was just going to reiterate Jonathan's points. He had said in an earlier meeting and I don't remember if it was in the CSG or this group that we are collectively in some sense the watchdogs of what's going on in ICANN the contracted party house. And while we may have different views on what that watchdog role means or we look at it from very different perspectives, I think it's useful to remember that we do have common ground from that perspective and I would be very interested in this concept of raising some of these issues that get so intransigent in the working groups. Whether we do that every other year, whether we do that on occasional phone calls, not weekly phone calls please. That would be great, thank you.

Joan Kerr: Okay now we have to go to Ed, he had the last before we wrap up.

((Crosstalk))

Ed Morris: Well it's something that Greg knows, as a chair you'd never tell people they can't speak if they're in line. It's just a principle of our process. And I apologize to my NCSG people who never do what I ask them to do anyhow. But I do have an idea.

You look at number 2, what do we come up with? We're going to go forward with this but let's talk with our friends across the aisle. Planning this meeting was not fun, poor Rob used to have a full head of hair when this started. The classic moment is when we were arguing about location and (Tapani) starts talking about the variable weather forecast of Washington DC (unintelligible). This is a waste of our time.

So my suggestion is that if we do go forward with this we book in the GDD. We let them decide what the GDD is, we don't waste their time in it and then in the transition day we meet with our colleagues and the registrars and

registries be it at the beginning of their meeting or at the end when they're arriving or leaving. And that way we get to talk about things that we have in common with them as well. It takes away a lot of the pressure of us who are planning the meeting, we still meet together for the same time and then we can meet with our other partners in the GNSO for issues we have in common with them. So that would be my suggestion.

It would also be easier for staff, probably easier to get Goran) to come to meet with us because he can meet with four groups at once. It might give us a better meeting overall. That would be my suggestion. And apologies Joan.

Joan Kerr: No worries, I was only joking with you. So we're going to go to Stephanie Perrin online and that's it for the queue. Stephanie please go ahead.

Stephanie Perrin: Thanks very much, Stephanie Perrin for the record. I wanted to endorse what Klaus) was saying about how we don't have to fly to Iceland to meet. It seems to me as Kathy stole my line, I was going to say it's not just a forced marriage, it's a shotgun marriage with absolutely no benefits as far as I can see. We are stuck here, we should develop a process that puts proper discipline about this because it is not enhancing the trust between our groups. The fact that we're kind of at it hammer and tongues in some of our working groups not agreeing, we have certain parties who are very popular and I'm speaking here as lonesome (unintelligible). I'm probably the least popular person in the NCUC even including Milton) which is kind of a big statement to make. But you know I'm pretty blunt and I'm endorsing privacy nonstop, that's not a popular thing.

We still need to have a process where we can meet and discuss some of these common issues on a regular basis. I think we need to at least have quarterly meetings where we discuss some common issues.

I really like the positive spin on this whole discussion today. The fact that we have common interest in ensuring the balance in the GNSO that's often not brought forward. So I just wanted to say that, thank you very much for squeezing me in, bye.

Joan Kerr: Great thank you Stephanie. Thank you everyone for all of your input. I really enjoyed this session, I think it was very worthwhile. I just want to say it was really great working with you Steve, fantastic, and anybody that wants to have a good co-chair work with Steve DelBianco. Steve?

Steve DelBianco: Thank you Joan, it's been a pleasure working through that. I'll just conclude by suggesting that Stephanie makes the point about how we were married but does it matter whether you're married? Whether you married for love, whether you married for money, or married with a shotgun to your head, you were married. And I have to say that Jonathan had it right in that when the CSG meets amongst ourselves there are certain things we do that are both productive and non-productive. It becomes an echo chamber sometimes.

And yet when we meet with our marriage partner, it's so much better to get it out in the open that you regard us as IP maximalists and we regard you as privacy maximalists. And yet when we actually talk it through we all believe there are justifiable measures to limit abuse of the registrars and users that both of us serve. So we get that and by getting a little more educated as to what data protection privacy are about, getting more educated about what the trademark clearing house does and what trademark law is and isn't, we actually make some progress.

And this was a good two day meeting, I'll answer yes, yes and yes to all three questions and I hope that we can do it again. Rob Hoggarth over to you.

Robert Hoggarth: Thank you very, very much Steve and Joan. I appreciate that. I'm not going to be up here and talking long simply because I think you've all done it quite a lot. In the last 48 hours you've met 24 hours together. During that time you've had six plenaries, four breakouts, four actual breaks, Lori, and if you'll recall when we started this meeting it was dark. If you look back now on the mountain side you actually see some golden sun which is I guess the sunset and some brilliant sign to us all that this was a successful meeting. It's literally the first time I think the sun has sort of had that view in the last three or four days. So appreciate that and that can only be symbolic of something.

Ozan is about to stand up and start handing out survey documents to you all. I'm not looking for you to fill them out at this moment but when I talk about the last 48 hours, sorry Steve, when I talk about the last 48 hours you're going to spend another three or four hours together tomorrow. In the past we've had the survey documents circulated sort of via digital means and we haven't gotten a great response. That's also because we did it about a week past the meeting.

So one of the reasons, and we really struggled with this for those of you to whom this is important, we did decide to use some paper so please if you have the chance in the next 12 to 14 hours please fill it out then you don't have to think about it later. Share it back with me, Benedetta, Ozan or any other member of staff. We'll correlate and aggregate all of the information and give you a report much faster than we would have done oddly enough electronically. So if you can please take a look at that we will also circulate electronically later but seriously we've had very little sort of response rate in the past. So we want to make sure that we do that.

I've got a lot of pained looks around the table. And Tony has raised his hand so Tony if you have a comment.

Tony Holmes: Yes, well it's a question actually. I realize you'll get the feedback from the phones hopefully which will be helpful. You also had a number of suggestions with regards to how we proceed in the future, various aspects, various proposals, let's plan to take that forward because we don't meet as a house. So have all that discussion, all those issues be followed-up.

Robert Hoggarth: Excellent question thank you very much. One of the things we're going to do as you all observed in those six plannery sessions, you had some excellent co-chairs who did a really good job of preparing and handling the meetings. We as staff, Ozan and Benedetta, but particularly Ozan we're going to be following-up with each of you. And so those of you around the table who were co-chairs we're going to be following-up with you with respect to action items next steps that any of you identified in your sessions for any of those particular areas.

On the issue of specifically the intersessional meeting, will you do it again? There are questions in the survey and I would ask for you all in the extra comments section to share your suggestions. I think there were a number of really good suggestions, not consistent suggestions, but some really good suggestions here in the last few minutes.

From that perspective what I'd like to do, and this will be more a conversation with the former planners, basically the chairs of the planning effort and the chairs of each of your groups. I would like to say maybe in the next two months after you've had a chance to reflect a little bit on this meeting, go back and talk with your community members, some of whom as we know participated or observed remotely, to talk with them. And I think we should

really identify a timeframe of June if not earlier for you all to make a decision about what to do in the next fiscal year. So I think that's the general focus.

Right after a meeting is probably not the best time to make the decision but what some of the planners did do and a number of you have said to me is it can't be three months anymore, it's got to be at least eight or nine months ahead and certainly Joseph and the constituency travel team have said please, please, please give us a long heads up. So that's the plan Tony.

And I hope you know if anyone has objections to that please share that with me as a parking lot. But I think that's going to be the best approach that we can take on this.

Just two other points I think. One is if you have any other issues with respect to travel back or your next steps in travel that you haven't been able to resolve with our constituency travel team colleagues, please approach me, (Benedetta) or Ozan and we'll help to try to facilitate those things. Some of you have come up to me - it's amazing how in such a small setting we misplace folders or in my case room keys. But some of you have misplaced your breakfast vouchers, so for tomorrow morning want to make sure that you're covered so if you don't know where that is please come see us so that we can handle that for you.

And then just finally thanks again to all of you for what you've done the last two days, what you're going to do tomorrow and special thanks to my colleagues, Ozan, Josh, Maya, Benedetta, Glen, Chantelle, Maryam and Nathalie. Some tremendous support to pull all this off and all the work that it's going to be to break it down too. So thank you all very much for participating in this.

Hope to see you again, year, two years, certainly perhaps in Copenhagen or
Johannesburg, thank you all, thanks a lot.

END