Transcript
GNSO Drafting Group on Cross SO/AC Working Groups
27 February 2014 at 21:00 UTC

Note: The following is the output of transcribing from an audio recording of the GNSO Drafting Group on Cross SO/AC Working Groups teleconference on 27 February 2014 at 21:00 UTC. .Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. The audio is also available at:
http://audio.icann.org/gnso/gnso-cwg-20140227-en.mp3
On page:
http://gnso.icann.org/calendar/#feb

Attendees
Mike O'Connor - ISP
John Berard – BC co-chair
Chuck Gomes - RySG
Cheryl Langdon-Orr – ALAC
Alberto Soto – NCUC
Alan Greenberg – ALAC
Becky Burr – ccNSO co-chair
Evan Leibovitch – ALAC

ICANN Staff
Julie Hedlund
Mary Wong
Bart Boswinkel
Nathalie Peregrine
Terri Agnew

Absent apologies
None

Coordinator: Thank you. Today's call is now being recorded. If you have any objections,

             please disconnect at this time. Thank you.

Terri Agnew: Good morning, good afternoon and good evening. This is the CrossCommunity Working Group Drafting Team Call on Thursday the 27th of February 2014.

On the call today, we have Mikey O'Connor - pardon me - Mikey O'Connor, Cheryl Langdon-Orr, Alberto Soto, Chuck Gomes, Alan Greenberg, John Berard, Becky Burr. We have no apologies.

From staff, we have Mary Wong, Bart Boswinkel, Julie Hedlund, Nathalie Peregrine, and myself, Terri Agnew.

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

Mary Wong: Thank you Terri. And John and Becky, I don't know how you like to run this call so I'm just going to turn it over to both of you and let me and Bart know if at any point you want us to do a brief background to this charter or any of the explanations.

Becky Burr: I...

((Crosstalk))

Becky Burr: I was going to say it probably would be useful to have a brief background on the charter and what you were, you know, trying to accomplish as you put it together.

John Berard: Sure. So the background here - and I'm pretty sure that everybody on the phone call knows this as well as I, is that 18 months ago, 20 months ago, the GNSO Council grew concerned over the mixed performance of the Cross Community Working Groups on the JIG and the JAS and thought that it was probably smart if there were some rules, policies, practices and procedures;

the rules governing the origination and performance of Cross Community Working Groups.

We sort of half-heartedly tried to enlist a group of folks beyond the GNSO to get involved. But ultimately decided to press on and then present our thinking to the other SOs and ACs in hopes we could get sign-on.

We did, sent it around, and the ccNSO responded with a set of very thoughtful, very helpful questions and guidance which caused us to go back to the drawing board, restart and initiate a new drafting team with co-chairs from the ccNSO and the GNSO that Becky Burr and I - Becky Burr and me - I - anyway, I don't even know which one is right. You can correct that in the transcript I suppose.

And we have a draft charter that was distributed in advance of this meeting. It is our hope that we can, at least ten days before the meeting in Singapore when the two councils meet, have a motion that would adopt the charter as we might revise it in our working - in our drafting team and begin the work in earnest.

It's pretty clear to me, and I think to Becky as well, that in the last 20 months, there has been an increased visibility for Cross Community Working Groups. Anybody who's involved in the Internet Governance issue is aware of the Cross Community Working Group that was pulled together for that.

And it's worrisome that these are essentially executive directed Cross Community Working Groups left essentially to their own devices. And so this is an attempt to provide some form for what will be an increasingly common approach.

Becky, did I miss anything?

Becky Burr: No, I think that's right. I think it's just worth noting that this is a process that the ccNSO is particularly familiar with because often in order to develop any kind of policy we need to build a consensus with other parts of the community before doing policy development. So it's a very comfortable and familiar and we have found it a very useful process.

And I think John is right that as the world becomes more complex at ICANN, it's going to be increasingly important to make sure that all of the appropriate stakeholders are at the table at the beginning.

John Berard: You know, with that I'd open it up for comments from any of our colleagues who are also on the call; Cheryl, Chuck, Mikey, you know, anybody. Alan, I see you're on the call as well, if you wanted to jump in on this.

Cheryl Langdon-Orr: I just note Mary's hand is up John.

John Berard: Oh great; Mary.

Mary Wong: Thanks John. Although I'm happy to defer to Alan or Cheryl or anyone, I just thought maybe to add to what you and Becky have said.

I guess the feeling seems to be that there is the need to have this working group on this Cross Community Working Group principles, really start to develop the framework that's been talked about for a while.

So you mentioned the timeline that would be ideal before Singapore, so this working group charter may to some folks look a little bit different, especially folks from the GNSO side of things because it goes to what Becky was saying as well, that the ccNSO has a great deal of familiarity with a lot of Cross Community cross-cutting work. But the rules, processes and chartering are different.

So what was done here was to try to have a charter that would guide the working group, which hopefully will be formed quite soon, but that takes into account the differences between the two chartering organizations.

The hope of course is that once this charter gets through this group and is approved by both councils, that hopefully folks in this group will be interested and continuing on the working group as well since collectively there is a great deal of experience amongst the members present. So that's what I thought might be helpful to set the scene. Thanks John, thanks Becky.

John Berard: Let's see. Alan, you wanted to say something?

Alan Greenberg: Yes, I was part of John's original group that did the GNSO work and I happen to be part of the group that did this charter, and I haven't read it yet to be honest.

I hope what comes out of the charter, and then the working group however, is something which will provide good guidelines but not a lot of rigidity. I mean for instance, the two chartering organizations of the group are the GNSO and the ccNSO, and yet ALAC tends to be part of many Cross Community Working Groups.

You know, we didn't get off our collective butts and participate in this more actively, but we certainly will be participating in various groups. We are hopeful that the GAC will be more active, and there are other parts of ICANN which may at various times need to be more active.

So I hope what comes out of this, both at the charter level and at the final product, is something which provides good guidelines but not a lot of rigidity. Because we are going to be working with different mix and match combinations of groups, each of which has been pointed out, have their own general rules. And I think we need to be able to adapt.

So I think we want to shy away from heavy rigidity but provide overall guidelines so people understand how they want to go. And any given working group might have rules that they add that are specific to their group when they're created. But I wouldn't want to see them laid down as laws to begin with. Thank you.

John Berard: Thank you Alan. Mary, your hand is still up or up again?

Mary Wong: Actually it's a new hand. So not so much a response to Alan but just for the record, that the chartering organizations here at the ccNSO and the GNSO simply because that's the way that the GNSO Council in passing a motion to move these things forward had invited a ccNSO to co-chair it. And I should also add that the ALAC and members of the ALAC have been very active participants in the previous effort as Alan has mentioned, and hopefully also in the ongoing effort.

John Berard: So this is John again. Alan, I think you're point is very well made that if we try to make it too prescriptive that it will not be very effective. But it needs to be focused more on how to reach an outcome as opposed to whether it's a Number 3 or Number 2 pencil that is used to fill in the form.

And what I am hoping to get from the self-identified self-interested folks who have joined us is a much - is essentially what Chuck has already done; a study/reading of the charter with some recommendations to make it better. Becky and I have talked a little bit about the nature, the notion of consensus.

And Becky, if you'd be willing to talk a little bit about that, that would be great.

Becky Burr: Okay.

John Berard: But before we get to you on that - hold that thought - let's go to Cheryl.

Cheryl Langdon-Orr: Thanks very much. Cheryl for the record, and I assume there will be things like transcription, etcetera, of these calls, so I'll keep saying Cheryl for the record.

I think what we've got here - and of course it is kind of amusing that here is Alan and I and we're saying, you know, and not specifically being listed and identifying ourselves as ALAC's first day. But of course it's because, you know, almost everyone on this call has had really extensive experience of successful or in some cases extremely successful thinking for example of going all the way back about to G and the Cross Community Working Group that produced the IDN ccTLD Fast Track, which is what I'm sure all of us are proud of.

And the benefits of having a good mutual framework, a mutually understood framework, when we have one or more parts of ICANN, that wish to work on any sort of policy development process.

But when a call talks about, you know, policy development, the home of course CSOs. I'm a little concerned that we haven't got much time, and so I think, you know, we all need to not let the perfect be in the way of the good and then get down to it and then make it a better model mechanism here.

But there is an awful lot of experience of how to set up frameworks that work particularly well in other parts of organization, ALAC, but also down into the regional At Large organizations now already look at and use what they think is the best bits from frameworks that are unashamedly stolen from the type of work that we're going to be discussing later such as the GNSO workgroup guidelines.

And of course many of us put in long hard hours to make sure that they were applicable with almost sort of a plug-and-play capability, to take the word GNSO out and put in, you know, drafting - chartering organization and even that sort of stuff.

It's good to see the experience and let's not make sure that we get too hung up even making the most perfect charter known to mankind. Thank you.

Becky Burr: Great.

John Berard: Thank you Cheryl. And Alan, are you - is that a new hand?

Alan Greenberg: Yes, just very quickly in responding to Mary. I wasn't trying to imply that the ALAC should have been one of the co-chair co-chartering organizations. The ccNSO responded in writing to the GNSO's guidelines, the ALAC responded rather negatively but didn't actually put anything in writing and the world unfolded as it should, given that we didn't take any formal action, and there's no complaint.

I was just commenting that despite the only two chartering organizations of this group, further Cross Community Working Groups as they evolve over the years are going to involve other groups. That was the only point.

John Berard: Thank you Alan. And Bart?

Bart Boswinkel: This is Bart for the transcript.

And I just want to go back to say, in earlier remarks you made around the rigidity. I think the way I look at this charter and looking at some of the working groups, I fully agree with say you don't want as - you need or you want to have the needed rigidity - sorry.

The only concern I have seen, and especially say putting my ccNSO support hat, is that sometimes you need very clear rules and that was the concern of the ccNSO with the GNSO initial proposals or principles.

You need clear rules how the SO's and AC's interact with each other, say dealing with a product coming out of a Cross Community Working Group and setting up the rules for such a Cross Community Working Group, and say what happens within the Cross Community Working Groups and how they deal with their activities. It's not so much a matter for the charter.

So my question is where does your rigidity look at? Is that internally into the working group itself, how it unfolds its work or is at the level of how the two or more SO's and AC's interact with each other and how they deal with the products coming out of such a working group? Thank you.

John Berard: And that's a question directed to Alan?

Bart Boswinkel: Yes, sorry, I was on mute. Yes, going back to his remark around rigidity.

John Berard: Alan, you want to take a whack at that?

Alan Greenberg: Sure. I think we need relatively rigid - and I don't like that word - but clear rules as to if a new working group is charted by the ALAC and the ccNSO as an example, and we need to establish ahead of time what the process is for those groups adopting the work product of the working group. And you know, the ALAC can't say, "This was a ccNSO excepted thing," if the ccNSO has not formally adopted it - formally accepted it.

So from that kind of point of view, yes we need a certain amount of rigidity. I don't want to see a lot of rigidity at what we're going to specify for the detailed operating procedures for the working group because the various parts of ICANN have very different procedures and very different styles as it were. And what is going to make sense for one working group, you know, composed of groups A and B may make no sense at all for one composed of C and D.

And I think we don't want to be too rigid on that on guessing what the right style is going to be for how the groups do their job. So I think we need some guidelines, but I wouldn't see a lot of rigidity because they just may not apply given the mix of people in some future cross working group.

((Crosstalk))

John Berard: This is John again. One of the areas where what we're talking about here in terms of rigidity, maybe intersects with one of the comments that Chuck offered up, is in the notion of members versus, you know, membership on the working group.

Chuck, am I seeing something I shouldn't or am I correct in thinking that the discussion about how we construct the working group is, in your view is it sort of overly architected at this point?

Chuck Gomes: Well thanks John, this is Chuck.

Yes, I think that's a good example of an area where it seems very rigid. Now maybe there's some reason for that that I don't understand, but my reaction was that that was probably not adequate, especially since it applies to SO's and AC's as a whole.

Just using the GNSO for example, is one enough from the GNSO? I'm not sure it is considering the diversity in the GNSO.

Is a max of four enough considering how many stakeholder groups and constituencies you have? Now there are minimums and maximums, I understand that. But yes, I think that's an example of rigidity that we don't need.

Now we made, for practicality to make it workable, we may want to have some maximum, and that may be okay. But I think four is pretty low.

Now we may not get more than four and that's okay. But yes, I think John, that you identified one area where I think it seems pretty rigid. Now if there is good justification for that, I'd like to hear it. But that was why I put that comment in there.

John Berard: All right, so I see Becky's hand up. But before I kick it over to you Becky, I think when I looked at the draft charter Chuck, I saw the minimum as a way to put a hook into an SO and an AC so that once this work proceeded, people couldn't say that they didn't know anything about it and therefore didn't have to participate.

And a maximum is driven by practicality in terms of how big is too big before you can't get anything done. So I think the minimum and maximum was driven for different reasons. I still think both of them are good reasons, but I'm not wedded to either.

So I'll turn it over to Becky.

Becky Burr: So let me just say, obviously, I think you have to have a minimum of one, otherwise it's not a cross-constituency group. So if you don't have, you know, if you don't have a participant you can't be participating. So that makes perfect sense to me.

And I think, you know, a maximum of four is, first of all, you know, it's a kind of light brainstorming coming together, putting together, some ideas on proposals and a paper on how this kind of thing could work best.

What we've found is that we need at least two meetings to discuss any particular topic to text in order to get all of the, you know, participants around the globe involved in the conversation. So the more participants you have, the more complicated, you know, the logistics come.

Now, you know, if the number was - and the other thing is just realistically, I don't know about ALAC but the CC's don't have quite the body count that the GNSO does. So we're likely to have, you know, a smaller group of people who are interested so four would be perfectly adequate. But if there's, you know - the GNSO puts out a call for volunteers and there are many more, then obviously we'd have to come back and think about that again.

I just don't want to have, if we can avoid it, a working group of 36.

John Berard: Right, I don't do well in crowds either Becky. Cheryl?

Cheryl Langdon-Orr: Thanks John. Cheryl again for the record.

It's interesting because listening to you Chuck - and it's good to see you are following me again - is what I was hearing from you made me realize I had read and interpreted this one/four options here as absolutely perfect for the purposes of the exercise that we are tasked with here in this drafting team. And I'm very comfortable with that.

But listening to you, I thought, "Hang on a minute Chuck. We're not building the principles of all the future guidelines yet." But what you were saying is very relevant there. And there are times, and of course, you do require geographic diversity within the charter organization or set of charter organizations to ensure that, you know, everyone at the table feels equitably represented, etcetera, etcetera.

But for the purposes of this exercise of what we're doing with Cross Community working groups, I'm very comfortable with a minimum of one for all the reasons that Becky has already outlined. And you know, four means that, you know, at least two of you can be awake at any one time and probably managing a meeting.

But some of what I think you were raising is integrated very closely with our next section for discussion from your notes, and that's members as observers because in some cases giving an observer status to someone is as important as an inverted common official status at the table. Thank you.

John Berard: Thank you. Chuck?

Chuck Gomes: Thanks John. First of all, am I correct that the charter is for the working group? We're not talking about the numbers for this drafting team. Is that correct?

Cheryl Langdon-Orr: Yes.

John Berard: Yes.

Chuck Gomes: Okay. So let me talk about the minimum of one. You're absolutely right that you have to have at least one from each SO.

But what happens if that person is absent? And they will be. There's no backup, there's nobody to cover for that SO let alone the different factions of that SO or AC.

So I just think that one is too small from a practical point of view because none of us if we're on that working group will be able to make every meeting. And if you only have one whole SO or AC that's not represented in any given meeting and that requires then duplicating/rediscussing some of the issues that were discussed in that meeting.

By the way, I'm not rigid on this. If you most of you want one and four, I can live with that. I at least wanted to bring this out as a practical matter.

John Berard: Mary, do you want to jump in and then we'll go back to Cheryl.

Mary Wong: Sure, thanks John.

So it was just to say that in some groups that we've done, and I think some of you have been in some of those groups, that there's been one primary representative and one alternate. So both of them can attend the calls but that seems to elevate the problem that Chuck is alluding too.

I'm not necessarily offering as a solution, but just in case not everybody is aware that that may be a possibility.

John Berard: Okay, and Chuck.

Becky Burr: It's Becky. I don't - I think actually the point about one is quite sensible. I don't think we need to have, you know, a member and an alternative. So I'm, you know, I would be happy to say the minimum should be two.

And then, you know, Chuck, I just don't have a feel for what you think is a maximum, you know, how big the maximum needs to be to satisfy interest in participation at the GNSO level.

Chuck Gomes: Can I respond to that John?

John Berard: Sure, go ahead.

Chuck Gomes: Thanks. Chuck again.

I don't want it to be too big either, although I've been involved in and am involved in one right now, working groups where there's between 30 and 40 people. And it's going pretty well and it allows you to spread out the work a lot better.

But I don't want it to be very big. I just think maybe four is maybe too limiting.

Keeping in mind that we're talking about at the SO and AC level. What are we going to have, three, maybe four of those involved in a working group and sometimes less? So I think it could be more than that, and in many cases we'll probably only have three.

So if you did six as a maximum, is that - even with four SO/AC's, you're talking about 24. And we all know that you're going to have particularly active members and some that are less active.

Now again, we come in to the observers and the voting members which is another way this charter is drafted, that could be controlled a little bit.

But - and we're going to have to be clear. What do these apply too? Are these just voting members that we're talking about when we say one and four or are they voting members and observers? I suspect you probably meant voting members John, when you drafted this.

John Berard: My thinking was voting members; that's true Chuck.

Chuck Gomes: Yes, okay. So maybe that's the way to cover it although I think it would be helpful to have an alternate than have to be called an alternate, an alternate voting member when the other one's absent, so - from an SO or an AC. Thanks.

John Berard: Okay, you're right; thanks. Cheryl?

Cheryl Langdon-Orr: Thanks John, Cheryl here. I'm going to follow at Chuck and I'm glad I did.

Chuck, you drifted off into what I think is the work of our group that we're drafting for as opposed to us drafting for the group just in part of that. So I was with you and then you lost me.

I really don't care whether there is some newly structured future where there's 16 different types of organizations, and we could have an even higher level order of (massifs) you did. That's kind of irrelevant.

I think the purposes of this exercise, these numbers, but if you want to make it, you know, five or however many - I'm not going to darn a ditch over it. But was is important is that there is a principle of if there is no representation from one of what we would be comfortable calling a stakeholders made directors, significantly interest parties - I don't care what word you put in there. But if none of that identifiable group is in anyway represented, no decision can be made, I think that's the fallback.

And certainly John, I agree, I was thinking here that this was clearly voting member, capital M, is a vote related part. And of course observers, as you've all readily observed - pardon the pun which was deliberate - that gives you a great deal of accountability in these sorts of processes.

But the thing that I guess we also need to understand early on is, putting my ccNSO hat which I'm very comfortable to wear, we're in some pretty damned large groups too guys. And you want to talk diversity? Wow, you know, it's just another line as sort of sub-filters of constituencies. It's about as diverse as it gets out of there.

And there's principles that have become excellent standard operational practices such as was mentioned earlier where there is an inverse single read through. You have to have, you know, first read through, and then second and sometimes third and some of us feel perhaps 15 read-throughs that happen. And what that does is minimize the risk of underrepresentation of interested parties in the processes.

So if we've got something in this charter which ensures that there is no risk of valid criticism of process and outcome because of underrepresentation, then I think we're (handitized) - and I'll get off my soapbox. Thank you.

John Berard: It's not that big a soapbox Cheryl. Alan?

Alan Greenberg: Thank you. I have a question before I make my comment because I'm getting more and more confused.

Are we talking about, and for instance when we're talking about one to four or two to five or whatever the number is, are we talking about the working group that is going to look at CSG rules, or are we talking some future CWG that will be brought into existence to look at some issue?

Cheryl Langdon-Orr: I'm working on the former.

Becky Burr: These rules would apply to the work of this cross-constituency working group.

Cheryl Langdon-Orr: Our work at hand.

Alan Greenberg: Our work at hand. So it's not some future group that will be chartered to look at IDN squared, but this; okay.

Cheryl Langdon-Orr: Just us little bunnies.

Alan Greenberg: Then I was making my original comment about avoid rigidity about the future work product rules. But I'll apply it here.

I think we want something like a target of between one and four or two and five. As an example, Cheryl, a valid - hopefully valuable contributor to this process, is not a member of any AC or SO. She used to be, but isn't.

I'm a member of an AC but I may not be by the time this group has half finished its work.

I think we need targets, not necessarily hard numbers. Thank you.

John Berard: Thank you Alan. And this is John again.

As I said earlier, I don't think that our work will be as useful as it could be if we are prescriptive -- too prescriptive -- that we should be looking to focus on the outcomes and supporting an approach that allows us to get to those outcomes.

I see Mikey, you've got your hand up?

Mikey O'Connor: Yes this is Mikey; thanks John.

I'm sort of with you; I'd like to get kind of through this one. I don't have real strong opinions about any of this but it doesn't seem to me to be a big deal to have a couple people as the minimum. I like Mary's way out of the problem. If nobody subscribes from a given AC/SO we aren't paralyzed. You know, I thought that was good.

And I don't know that we need a max. But if we need - if other people feel strongly about that, that's fine. I like Becky's idea of reconsider if it gets too big, but instead of max five, I'd just say no maximum.

But I would like to get us on the meaty bits of this charter which is the mission and scope part if we can.

John Berard: Becky, you got your hand up? You want to speed up that transition?

Becky Burr: Yes, I think - I sort of luck Chuck's construct which was, you know, since we're only talking about voting members and there's no limit on other people who can participate as if they're members, it seems like that ought to be, especially since, you know - my hope is that we will be guided by consensus, that something like that is fine.

I think, you know, I would prefer to have a maximum of voting members subject to reconsideration if that is not adequate to serve the needs of any particular constituency.

John Berard: Mary, did you capture that?

Mary Wong: Yes John.

John Berard: Well, Mikey, having volunteered without knowing it, why don't you lead us into some of the meatier aspects of the charter?

Mikey O'Connor: This is Mikey. You are tricky aren't you?

Well that would be great. I was on the drafting team along with Chuck and you and Jonathan, and this mission and scope section was - I've been through it fairly carefully and I'm pretty comfortable with it.

I think many of the points that were making earlier in the call are captured in here. Bart for example, made the point that we need to deal with the question of how the outputs of this working group are handled. And I see a bullet that gives this soon-to-be formed working group the chance to deal with that so I liked that.

I also thought that this mission and scope was pretty well aligned with Alan's idea that we put fence posts out there and not super prescriptive details and leave a little bit of room for, you know, the Cross Community working groups that are going to be formed to meld and mold their approach within fairly broad guidelines.

So I was pretty comfortable with the mission and scope, and just wanted to check and see how other people were feeling about that. Because for me, this is the meat of it, and you know, if there are sort of technical details like membership, I think we're all sort of saying we don't feel terribly strongly

about that. But I think if we've got the mission and scope right, then we're pretty far down the line. Thanks.

John Berard: So do I see the green checks from Becky and Chuck with regard to Mikey's point that the mission and scope seems to have gotten it right? And Alberto as well and Cheryl as well? Okay.

I - you know, I sit on so many of these calls where the goal is to keep it to an hour. I don't really need to feel the need to stretch this to an hour. And I've been thinking early on in particular since I was listening to Chuck's comments before - am I being heard or no?

Mary Wong: Yes.

John Berard: Okay, cool.

What I'd like to do is to take other discussion points as the members on the call see them, and create an annotated version of the charter that we can distribute in an asynchronous email format, and settle upon our own consensus on what the charter should look like. We can have one more call so as to convince each other of the error our colleagues' ways, and then be confident in moving forward.

Yes Becky, I know that you wanted to bring up the consensus point and I'm certainly thinking we want to talk about that. But I just want to make sure that as Mikey led the charge on the mission and objectives, as Chuck has led the charge on membership, that if there are other pieces of this whether it's objectives and goals or outcomes that you want to say something about, please put it on the table now so that we can be complete.

And so Becky, I will turn it over to you to talk about the consensus matter.

Becky Burr: Okay. I have never seen this construction of, you know, sort of distinguishing between full consensus and consensus.

And to me, I think that we ought to be, you know, consensus is consensus; that's our goal. If we have it, we can say we have consensus. If we don't have consensus, we can articulate what the variety of views and how, you know, subscribed those competing views are.

But I am very uncomfortable with anything that sort of starts to talk about, you know, qualities of consensus. And I don't' see the need to say, "No consensus but strong support for a specific position." I just think the goal ought to be to describe what the level of consensus and the variety of views are at the end of the day.

John Berard: This is John. Before we move on, I think that I have felt in the water at ICANN, an increase in the parsing of consensus.

I made a (teaky) reference to the IGO/INGO working group that Thomas Rickert led out of the GNSO Council, but I may be wrong; I may be living in a far corner of the community but that's just my thought.

I certainly would like to take your position on this Becky. It either is or it isn't, right.

I see that Alberto has also added something into the Chat, and I see that Mary and Mikey have their hands up. I don't know who went first so how about I take Mary and you give us maybe some history and then Mikey.

Mary Wong: Thanks John.

Without going into the IGO working group that I help support, and there's actually an issue with how consensus levels are currently defined in the

GNSO specifically that a committee is looking at, as a number of people on the call know.

But coming back to this draft charter, I think that the intent here was to base the distinctions on what is currently in the GNSO working group guidelines understanding that because the working group that's going to be formed will have representatives from other SOs and ACs whose rules are different, it wouldn't be appropriate to import all the GNSO guidelines wholesale into this charter.

That said, given the deferring views on what consensus means whether it's for consensus or consensus, it may actually be necessary or at least useful for this drafting team to figure out if there can be at least some sort of, if not a definition, certainly some sense of what one means by consensus. Because it may be that even amongst the participants from different SO's and AC's, there's a different understanding of what consensus means.

So while this is by no means the only way of doing it, perhaps there ought to be some indication in the charter as to what the drafting means when it says consensus.

John Berard: Mikey.

Mikey O'Connor: This is Mikey. I'll follow on pretty much ought of the same hymns that Mary was just quoting. These are quite familiar from the GNSO, these are embedded in our work rules.

And I'm sort of casting my mind back to the DSSA working group which was another cross-constituency working group, and we used this same set of tiers if you will. It's much easier - and we've all been chars of working groups and so speaking sort of chair-to-chair. It's a lot easier if you just have full consensus. And Alberto's right, you know, in the purest sense; consensus is everybody agrees.

The trouble with that is that there are grey areas. And what the GNSO was trying to do when it built these tiers was allow a little bit of flexibility for a group to move forward.

When the sort of IETF version of consensus existed, the ITF says, "Consensus is when there's a very strong agreement and the people who disagree feel that their view has been heard and well discussed, and while they still disagree, they feel they've had a chance to have their say." And so that grey area between - in the middle has really ended that.

I would caution us to be careful in this working group to define a new version of consensus because I think we could get quite handedly sidetracked in that. So either this kind of an approach using the GNSO tiers is fine. If this makes people really uncomfortable, I'm certainly interested in exploring other options.

So you know, Becky's got a good point in the Chat; we are not drafting policy. And so you're in the queue, I'll let you expand on that and I'm certainly willing to hear a different way. But I certainly see the genealogy of why these are in there. Thanks.

John Berard: All right, so Cheryl, if you would allow Becky to jump the queue?

Cheryl Langdon-Orr: I'd rather not but I will.

Becky Burr: No, it's fine. I think Cheryl can go. We're all talking about the same thing.

Cheryl Langdon-Orr: Thank you, unless of course it was a right to reply Becky in which of course I would step aside. I actually, when I put my hand up, didn't realize Mikey was going to start calling this is a preamble, because I was going to suggest I was going to add my voice to the chorus.

I think in principle this - what we're discussing chat and Becky's principles here, I'm sure have no problem at all. But if in the absence - I think in the absence of having some set of established criteria - and believe me, the very many hours that went in to bludgeoning out to these tiers for and (unintelligible) literally both the A and the ERE - for the GNSO guidelines on this.

We would be somewhat remiss if we did not research them or something like them. So I'm in full support of having, for use when it becomes necessary, a set of criteria that is a mutually understood and agreed to set of terms.

Look, you know, in theory, absolutely Becky, you know, my personal view of consensus is when everyone is equally uncomfortable. So - and I just finished the policy seek here at Apricot which of course gives even yet another variation on the IET if thing, that's what (unintelligible) consensus.

So that we don't spend too much time having the conversation we're having right now, let's put in some set of criteria. Thank you.

John Berard: Okay, and Becky.

Becky Burr: Well, you know, one of the things that we might say is, you know, that we would - the members of the GNSO would characterize whatever the positions were in whatever the way the GNSO defines it.

I have to say in the ccNSO, we take the, you know, if everybody pretty much agrees and nobody says they're going to die in a ditch over something, we have consensus. But we also don't have the problem saying but some people really strongly objected to that, you know, and identifying numbers and stuff.

I frankly - I don't think I was aware of these, you know, sort of flavors of consensus in the GNSO. And I don't know if I speak for the whole ccNSO, but I am personally extremely uncomfortable with these kinds of tiers. And I

guess I don't understand how within a working group that's drafting, you know, sort of recommendations, a flexible framework, why we would anticipate the need to have sort of rigid categories of - rigid categorizations of the outcome.

John Berard: Chuck, you want to jump in?

Becky Burr: Chuck, you must be on mute.

Chuck Gomes: Thanks, I was.

All right, first of all, I think anytime we require full consensus, it's a recipe for a roadblock, a paralysis. I think it's not bad having that category because I think if a working group, in the ideal case, has consensus, it says a nice message and communicates something. So that would be my first point.

My second point is that - I guess it's more of a question. Is anybody uncomfortable with that consensus definition that is in there right now, a position where a small minority disagree but most agree?

Mary referred to the IGO working group. And the first two were I think easy to handle. The third one is a different story, and Becky, this is where I, you know, and the fact - I agree with you. It's a problematic category and you can tell by my comments there that it's a problem.

So I personally would have no objection to dropping that one even though it's still in the GNSO procedures. But also, note that the IGO/INGO working group recommended that the GNSO go back and look at that because we did run into some problems with that.

So I think the first two categories are fine I hope, and I'm curious what others think. I would have no problem dropping the third. So I'll stop there.

John Berard: When you say drop the third Chuck - this is John - you mean no consensus but strong support?

Chuck Gomes: Yes, that's the one I'm talking about. I think to use that one - that's why I raise this one, because well, you can see what I said there. I mean is strong more support than significant opposition? Is strong more powerful than significant? I don't know. But I think that's what was meant.

It's a tough one and I'm not sure it gains anything especially if we're going to look for at least consensus as defined in the charter.

Now - then does the other one really matter?

John Berard: Right. This is John. Before Alan, you come back on, Mary, if you just take note in the Chat that it looks like we're circling around eliminating that no consensus to strong support category.

As someone who is not new but not old with regard to working groups, how did unanimity become full consensus? I mean that's what we're really talking about here, right. It's unanimity, consensus, and no consensus or divergence? Anyway, I just talk that up as a wild hair; I don't want to get us confused.

Alan, you want to jump in?

Alan Greenberg: I'll answer that question very quickly first. Because we have used the word consensus in ICANN and we have many different definitions and each person has had their own.

And the GNSO felt a need to have clarity to make sure everyone was using the terms in the same way, and these are the words that they came up with. Because in the more general sense, as this very discussion has illustrated,

different parts of ICANN and different individuals within a group take different meanings from the word consensus, so that's why we have it.

However, I didn't raise my hand to answer your last question. As I was listening to this discussion, I was tempted when I got my turn to talk to ask the same question I asked before.

Are we talking about the future working group rules for some new cross working group in the future, or are we talking about the work that's going to be done in the next N months? And I think the answer it the work that's going to be done in the next N months.

And given the original comment I made about rigidity and lack thereof, I'm 100% with Becky on this one. If this group cannot come to agreement, pretty well full unanimity or very close to it, then we've identified an area where the future working groups will need flexibility. And we need to change the rules.

If everyone in this working group that's setting the rules for the future working groups cannot come to closure, then we've identified something where there is a different strong difference of opinion and our chartering organizations and the other ones that are going to have to buy into it if they want to participate in some future working group will have to buy into it, and there's differences of opinion in the group.

So although I support the levels of consensus when we're talking about the substantive issues, the policy issues, the issues that future cross working groups will look at, in this working group I think we need pretty well complete buy in or we've identified something where we're being too rigid and to specific because people have different opinions and we need to change the words. Thank you.

John Berard: All right, thank you Alan. Becky, I'll give you the word before we wrap up.

Becky Burr: Perhaps we should - I assume we'll have a between calls list served. Perhaps we should just try to articulate sort of where we're coming from here. Because I find that I'm - I understand where these tiers might be relevant in the event that you are making policy and imposing things on somebody, but I don't understand their role in this context.

So what I suggest is, you know, we start an email discussion on this and see if we can forge some consensus.

John Berard: I totally agree.

((Crosstalk))

John Berard: So Mary, I turn to you and ask when can you - how quickly do you think you and Becky and I can agree on an annotated version of the charter that we can circulate as the point of departure for that discussion?

Mary Wong: So I can probably have something to you and Becky within the next day or so. And presumably, you'll want to set a date for the next call as well. So it seems that the sooner I get it to the two of you, the sooner we can finalize that in the run up to Singapore. Would that work?

John Berard: Yes, that would be great. And if we were looking at a date for another call, it would probably be what, sometime the week of the 10th?

Becky Burr: Yes.

John Berard: Would this hour on that week's Thursday work for everybody? We could do it on March 13th at nine - I don't know. What time is it now? It's one o'clock in California.

Mary Wong: So 2100 UTC John.

John Berard: Yes, same time on the Thursday, so it would be March 13th. We could target that.

((Crosstalk))

Mary Wong: And John, just a note. I think...

Becky Burr: ...FOI WG meeting at that time? I just want to...

((Crosstalk))

Cheryl Langdon-Orr: Half of us can't make it.

John Berard: Oh sorry. Well then we'll have to find another time to do it.

Cheryl Langdon-Orr: That's what Doodles are for John.

Mary Wong: Yeah, I'll send out a Doodle poll for that week John, if that's all right because I can check the calendar for whatever meetings are already scheduled should be on the main ICANN calendar that we have.

                   And just noting that that week the US might have gone back to Daylight Savings, so we'll use UTC time for everybody.

Cheryl Langdon-Orr: Thank the Gods themselves on that.

John Berard: Now the ccNSO and GNSO Council meetings in Singapore are on Wednesday March 26th which means that if we are to have a call the week of the 10th, we'll pretty quickly have to turn around the motions for the Councils because we'll need - the GNSO needs them ten days in advance.

                   So maybe earlier in the week; maybe the 10th or the 11th of March would be better?

((Crosstalk))

John Berard: All right, I don't want to hear myself talk and I'm sure you don't want to hear me talk either. Becky, your hand is up.

Becky Burr: Well I just put it down.

John Berard: Okay. All right well thank you all. I hope this wasn't too painful for you. But the fact is if we're successful, they will have statues of us in front of the individual ICANN offices around the globe.

Cheryl Langdon-Orr: Now that's a scary thought John.

Chuck Gomes: Thanks John.

John Berard: Bye-bye.

Cheryl Langdon-Orr: Bye.

END