ICANN
Transcription
GNSO Review Working Group
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Attendees:
Members:
Heath Dixon (RrSG Primary)
Sara Bockey (RrSG Alternate)
Jennifer Wolfe (RySG Primary)
Rafik Dammak (NCSG Primary)

Participants:
Pascal Bekono (NCUC)

Apologies:
Lori Schulman (IPC Primary)
Wolf-Ulrich Knoben (ISPCP Primary)
Lawrence Olawale-Roberts (BC Primary)
Amr Elsadr - Staff

ICANN staff:
Julie Hedlund
Marika Konings
Berry Cobb
Terri Agnew

Coordinator: Recording started. Thank you.

Terri Agnew: Thank you. Good morning, good afternoon and good evening. And welcome to the GNSO Review meeting on the 25th of May, 2017. On the call today we have Jennifer Wolfe, Sara Bockey and Rafik Dammak. We have listed apologies from Lori Schulman, Lawrence Olawale-Roberts, Wolf-Ulrich

Knoben and Amr Elsadr. From staff we have Julie Hedlund, Marika Konings, Berry Cobb and myself, Terri Agnew.

I would like to remind all to please state your name before speaking for transcription purposes and to please keep your phones and microphones on mute when not speaking to avoid any background noise. With this I'll turn it back over to Jen Wolfe. Please begin.

Jennifer Wolfe: Thanks, Terri, and thanks all of you for taking the time to join the call and the discussion today. I know we're a little light on attendance to start but we want to be respectful of everyone who has turned up on time and get the call started.

And for those of you on the working group who aren't able to join, obviously you'll be able to listen to the recording and certainly welcome your further comments on the list and we can pick up on anything else in the next call as well.

Our primary agenda today is really to focus our discussion on the charter for 24 and 25. But before we get into that just a couple of quick items. First, are there any updates to anyone's statement of interest? Okay seeing none.

Also just a reminder that we have a consensus call out for Recommendation 16. Those responses are due on May 29. And just a reminder that if you don't respond that means you agree with the charter as written. If you do respond, you know, we certainly welcome the affirmation that you're happy with it but if we don't hear anything then we will take that as an approval of the charter as written and move forward accordingly.

So if there are no further comments about those couple administrative items we'll go ahead and move onto our discussion of the charter for Recommendations 24 and 25. And Julie, could I handed over to you and have you take us through this?

Julie Hedlund: Yes of course, Jen. This is Julie Hedlund from staff. And today we're going to talk about the charter for Recommendations 24 and 25. These two recommendations are combined because they both deal with the new constituency application process.

Excuse me, since we do have people who are likely to be listening to the recording I'm going to go through this relatively slowly just so that I'm, you know, my remarks are clear and easy to understand in the recording.

So starting at the top of the document, first we look at the strategic alignment. So this is which ICANN objective does this meet out of ICANN's strategic plan? And the staff have suggested that this relates to promoting clarity, role clarity and established mechanisms to increase trust within the ecosystem rooted in the public interest and also involve policy development and government processes structures and meetings to be more accountable, inclusive, efficient, effective and responsive. And there is a link been to the strategic plan main webpage.

So the goal, strategic alignment with the goal, a shared understanding by Board, staff and stakeholders of the allocation of responsibilities for design development and implementation of policy and operational processes, shared understanding of the roles, responsibilities and accountability of the Board, staff and stakeholders; Board, staff and stakeholders use, best practices and exercising appropriate behavioral norms.

Now keeping in mind that we are probably not always going to get an exact match with the strategic plan but in general the goals that we've highlighted here are ones that have to do with there being clear processes for engagement by the community. And this particular recommendation is concerned with ensuring that the application process for new constituencies is clear and available and is complied with.

So moving ahead to the project/recommendation, there are two recommendations coming out of the GNSO review and as stated in the implementation plan. And here I'm just noting that Pascal Bekono has joined the call. Welcome, Pascal.

So Recommendation 24 states that the GNSO Council and Stakeholder Groups and Constituencies adhere to the published process for applications for new Constituencies. That the ICANN Board in assessing an application satisfy itself that all parties have followed the published process, subject to which the default outcome is that a new Constituency is admitted. That all applications for new Constituencies, including historic applications, be published on the ICANN website with full transparency of decision-making.

And I'll notice that Heath Dixon is also joining us. Welcome, Heath.

And then Recommendation 25 is that the GNSO Council commissioned the development of and implement guidelines to provide assistance for groups wishing to establish a new constituency.

So as stated previously, both of these recommendations have to do with the availability of processes and guidelines for applicants for new constituencies and compliance with those procedures.

Before I move ahead, can I ask if anybody has any questions about these two recommendation descriptions? I see that Rafik has his hand up. Rafik, please go ahead.

Rafik Dammak: Hello?

((Crosstalk))

Rafik Dammak: It's Rafik speaking.

Julie Hedlund: Yes, we hear you. Thank you.

Rafik Dammak: Yes, can you hear me? Thank you. So thanks, Julie, for this presentation. So my question here when we are talking about the process so on, are we assuming that the process involvement of the current constituency and stakeholder group is the same? I have some experience, at least from the NCSG because there was some constituency application before, but I have no idea what's the case of other stakeholder group and how it's done. So do we have the same process or is the fair by stakeholder group? And if it's in such case that we kind of highlight the too so we are kind of just building a unique process? I mean, but not taking into consideration the difference between the – how the stakeholder group deal with new constituency application?

Julie Hedlund: This is Julie Hedlund. Thank you, Rafik. So to answer your question, and we will, as we get down further in the charter you'll see this as well, there is currently one process for the application – one application process so the various application forms which we will show – I can show them just briefly now but we will talk about them. There is the recognition process, the application for candidacy, request for recognition and then there is a flowchart.

And then there is the published process, so the actual process that one goes through. And then there also is the published process, I'm sorry the published process that the Board uses to evaluate. So that talks about both what the – talks about both the ratification by the stakeholder group and then also the ratification by the Board.

But you raise an interesting point that I think bears some research on the part of staff. And I'm going to make note of that here as an action, unless anybody here disagrees. These are published process online and they are available but I think it's worth researching what processes the stakeholder groups use and if those are published for their part of the evaluation because there is the

evaluation by the stakeholder group and then the evaluation by the Board. And there are evaluation criteria actually in the appendix of the Board procedures.

But it would be worth finding out if each stakeholder group also has its own published processes. And I see Rafik has his hand up again.

Rafik Dammak: Thanks, Julie. So why I was asking this because I understand there is the process like covered by the Board and so on but the thing is that I'm not aware how like the CSG or the Registrar, Registry Stakeholder Group deal with the new constituency, or do we have kind of for example some kind of (unintelligible) public information about previous application into different stakeholder group?

And I guess maybe we can add even if you are explaining the process what I find one of the issue is that for the new constituency I think they have some kind of sometimes difficulties to see in which stakeholder group they can feed because sometimes and to what happened in the case in one of the rejected candidate is made by nature they cannot just – they cannot be either commercial or noncommercial, they are both. And so this is kind of maybe if we need a kind of more information two possible applicants to explain what the difference are between the stakeholder group and so on.

I assume that they should really a whereabouts those difference if they want to join the GNSO, but by experience we found out that they didn't really kind of apprehend that this is kind of the current sitting and so one and there was, you know, back and forth. But yes at least if we can get information in the different group how they are dealing, what are their criteria because I think there is a different how to say, for example in NCSG we are functioning as a stakeholder group and we are open to have constituency, while for example I think for the case of the Commercial Stakeholder Group is that they are not kind of fully functioning stakeholder group, they are still kind of more constituency oriented.

And so adding a new constituency can be challenging because they have – I think you get the agreement of the existing constituency which is not the case like in NCSG. But for example I have no idea how the Registrar or Registries dealing with that. I understand they have kind of interest group which is even a different kind of structure.

So if we can get more information I think it will be helpful for everyone but also applicant because again the process just kind of generally quite present necessarily recognize the difference between the different stakeholder group.

Julie Hedlund: This is Julie Hedlund again. And thank you, Rafik. And I didn't mean to stop sharing that document, which I will bring back up. So I can bring up what the criteria are that is used for the evaluation both by the stakeholder groups and the Board.

That we have taken the action item to look at how each stakeholder group runs its evaluation, if it differs from the criteria that are stated in the published procedures. So what I'd like to do though is to continue with running through the charter and then we will get to the point where we can talk about what the current processes are. And then we can continue discussion on that charter once staff have done some further research, and there may be other action items as we run through the charter as well.

So unless there are any other questions I'll continue. Seeing none then moving to the scope description, and this is the description that really is lifted right out of the GNSO Review Working Party report which then is incorporated into the implementation plan for the review.

So for Recommendation 24, the action items that the working party software to GNSO were to determine whether new constituency application processes are clearly posted and easily accessible; determine what steps are taken to ensure compliance with those processes and whether those steps are

adequate; determine if all constituency applications including historic ones are publicly posted along with the full transparency of the decision-making process; determine whether or not there is a presumption that a new constituency should be admitted if all the requirements are met, and if such a presumption is appropriate; determine what process the Board uses to evaluate new constituency applications and whether they are ensuring process compliance; make recommendations for any modifications to the process if any.

And Recommendation 25, the action items are to evaluate the effectiveness and accessibility of guidance for new constituency applications; recommend improvements to the guidance and the available assistance as appropriate. And then upon completion of these steps, the GNSO Review Working Group, this group, would determine whether or not the recommendations – these recommendations have been implemented.

Out of scope, staff felt that the scope seems sufficiently clear. Assumptions are that there currently exists some guidance on constituency applications but these may need to be augmented. A deliverable could be possible additional guidelines on constituency applications. And it was deemed that there were no need for other options to be considered.

So moving ahead to the analysis that staff provided concerning the best solution or implementation of these recommendations, and I'll go through this carefully and allow questions at each point here.

So what staff did was to take each of those action items and pulled them out separately for analysis. So the first was determine whether new constituency application processes are clearly posted and easily accessible. Staff found that the processes are clearly posted and easily accessible at the following webpages. There is a webpage for the current activities and procedures, and I won't read off that link, it's in the document. And there is a webpage for,

excuse me, historical activities and procedures that is before the current procedures were established in 2011. And then there is a link to that.

And then on the current activities page, the processes are detailed in the following documents. There is the new constituency recognition process, there is the application for candidacy form. The request for recognition form. And then there is a flowchart of the process.

One thing that staff noted, however, is that these are two separate pages. There's the current activities page and procedures and in historical activities. And one thing – one change that staff noted that might enhance the availability of these processes would be to have one page that has both current procedures and the historical procedures and activities just so that everything is in one place and people don't have to say for example search for the historical items that they would just be there along with the current processes.

So any questions concerning this first item on whether or not the processes are clearly posted and easily accessible? And I'll just note that we do have the action item to also determine whether or not there are evaluation procedures within each stakeholder group that might vary from the evaluation procedures that currently are posted.

So moving ahead to Number 2, and that is to determine first, what steps are taken to ensure compliance with the procedures; and, 2, whether those steps are adequate. So staff found that the determination of what steps are taken to ensure compliance with the processes is determine via the evaluation and the Board of Directors in its procedures documents process for recognition of GNSO constituencies. And Step 1 and Step 2, Sections C, D and F, and those are the sections that concerned stakeholder group and Board ratification required in the applicant and candidate evaluation processes.

And now what I thought I would do just to help us understand what's involved in this evaluation that I would move to that document to just give you a better idea of what it entails. So I am pulling up the document that details the process for recognition of new GNSO constituencies.

And just moving through this then, we will note that this is a two-step process. This is the new version that came out – this is the version that was established in 24 June 2011, so these are the current procedures. There were applications and constituencies prior to these and those are detailed on a historical page, but this is the process that is current.

And here it says for the scope, these processes, procedures and criteria apply to constituency applications intended for the Non-Commercial Stakeholder Group, NCSG, and the Commercial Stakeholder Group, within the Non-Contracted Party House.

And then so I'm just noting here, back to your question, Rafik, so this is the NCSG and the Commercial Stakeholder Group. So I know that you asked about not knowing what the Registry and Registrars do. Now given that those are contracted parties I think there is, you know, they are not, you know, constituencies per se. So I'm, you know, it's not the constituency process isn't applicable but I understand your question about, you know, how determinations are made to join those groups.

And I think that it might be worthwhile even if it's not in scope of this charter as they are not constituency per se just for staff to also look at what other criteria for one to be a, you know, a member of the Registry Stakeholder Group and the Registrar Stakeholder Group just since that was a question here. So we will take that as an action as well.

Go ahead, I see, Rafik, your head is up. Please go ahead.

Rafik Dammak: Thanks, Julie. So I'm not aware – if or not the contracted party can have a constituency. But my understanding there was like the candidate constituency that the brand group, something like that. So that's why, I mean, just maybe if you can (unintelligible) if there is a possibility to have constituency or not. But what I know is that, for example, in the Registry they have what they call the interest group, which is slightly different but maybe which is more similar to the constituency we have in the Non Contracted Party side so.

Julie Hedlund: Thank you, Rafik. And I've added to the action item – this is Julie Hedlund again – to look at the processes for the Registry Registrar Stakeholder Groups, and even if they don't have constituencies do they have some kind of subgroup. And I'll notice in the chat that Marika Konings has said, "There is the Brand Registry Group but they are not a constituency as far as I'm aware, but they are an organized group externally to ICANN."

So at any rate we will take that as part of the action item to see if there are any groupings within the Registrars or Registries and see what kind of guidance they have for joining those groups, recognizing that they would not be constituencies per se so they wouldn't be part really of the scope of this charter. But keep in mind that at our last meeting two weeks ago the working group asked staff to establish a place to sort of park overarching questions or questions that might be out of scope of the charters that we are considering but may still be related. And this might be one where we might want to just track this question and, you know, do a little research.

Marika is also saying here, "They used to have interest groups, quote, unquote, but if I recall well that was to accommodate those parties that did not have contracts with ICANN that were in the process of getting one new gTLDs." And I see Berry Cobb is typing, and he says, "BRG is classified as an association within the Registry Stakeholder Group however the BRG as a group does not have voting rights, it is only those dotBrands that are individual members in the Registry Stakeholder Group that retain voting privilege."

Thank you very much for that, Berry. Rafik, I see your hand is still up, do you have a further question? Thank you.

Then I'll go ahead and move along. So the procedures and the process, there's two steps, and at the end of each step there is an evaluation conducted by the stakeholder group according to its internal charter provisions which will determine whether the application is approved to proceed to the next phase subject to Board ratification.

And then specific evaluation criteria are documented in appendices so that proponents can learn in advance what tasks and activities are expected of them and how each one will be measured and assessed.

And Berry Cobb notes, "There is also a GEO group – a Geo group set up as same as the BRG." And so just for reference I'm going to move ahead to the appendices so that we can see what kind of evaluation we have.

So we have two evaluation processes. We have the applicant constituency evaluation criteria, Appendix 1; and then we have the candidate constituency evaluation criteria. These apply then to the two steps contained in this – in the application process.

So here are the minimum criteria for – intended to apply a rigorous level of inquiry to ensure the legitimacy and suitability of the proposed constituency within ICANN and the GNSO. So I'm not going to read through all of these criteria here, we have mission and purpose, operational principles, uniqueness and representational focus, and then the applicant constituency community support and diversity.

And similarly then for the candidate we have the criteria to qualify to become a recognized constituency at a minimum. And I won't read off all of the steps here. I will actually I think what would be helpful is for staff to include this

process as an appendix, as an attachment, pardon me, to the charter so it's referenced.

And then we do have also that constituency charter elements checklist. So when a constituency is building its draft charter, which also will need to go out for staff review and public comment, then these are the elements that are expected to be included in that charter.

So that the evaluation process. And Rafik, since you asked the question, those would be the criteria that would be required for the stakeholder group to use to evaluate the applicant and the candidate, the two phases. So it should be the same, it's expected to be the same criteria for all applicants and for the candidacy process across all – across both of the stakeholder groups.

Now I will note here again that it says, "The evaluation will be conducted by the applicable stakeholder group according to its internal charter provision." So I think that that goes to the action staff has captured to determine if each stakeholder group has its own published processes for its evaluation. And that should be then in the stakeholder groups charters.

So I think that this is an essential action for staff to look at whether or not each of the stakeholder groups does have its published charters, and within those charters does have detailed the process for how to evaluate the candidates for constituency.

And I see that we have a question in the chat room by Pascal Bekono, I'll read it off. "Sorry, I have a question. Please concerning recommendation 24, I'm asking, I saw the flowchart of the process, I saw that the final version was made in 2011. Don't you think it can be reviewed?"

So, Pascal, I think that is in effect what this particular recommendation – these two recommendations are doing, that is that this is the review of not particularly – not necessarily that constituency process itself but just to go

back to the actual – to go back to the recommendations. What is in scope for this work party is, looking here at Recommendation 24 and 25, is really to determine, you know, are these processes accessible, do they seem to be, you know, complied with.

And are the applications that people have made are they posted? Do we know what the decision-making process was for these applications? Do we know whether or not constituencies are assumed to be admitted if they follow all the procedures? You know, do we know what the process is that the Board uses, which is the process that I just had up also posted in the AC room. And do we then have any recommendations for modifications to the process?

And then 25 is evaluating the effectiveness and accessibility of this guidance, and then whether or not there need to be improvements. So what is in scope is that we are looking at whether or not these processes are clear, are they being used, are they being followed.

The recommendation would not necessarily to evaluate the process itself, as I understand it. That is not to recommend changes to the steps in the process unless this working group should decide that they are not clear or they're not being followed.

Does that answer your question, Pascal? And I'd like to turn to Jen too, to see if that's also your understanding of what this working group is expected to do with respect to these recommendations.

Jennifer Wolfe: Yes so I'll posit for a moment just to see if Pascal wants to follow up there first if that's okay. No? Okay so weary nothing else, no, I think you're right; I think that that's the scope of the work that we are supposed to do. I think you're right about that.

Julie Hedlund: Thank you, Jen. This is Julie Hedlund again. Then maybe I'll just go ahead and continue through the charter. I see we have about 26 minutes left and the least I think we should try to go through the charter.

So we were on Number 2, determining what steps are taken to ensure compliance, and then whether or not those steps are adequate. So what we were previously showing was the steps that are in the valuation that is taken by the Board and also by the stakeholder groups. We show that there are criteria that have to be followed that are specifically laid out in the appendices of the process for recognition of GNSO constituencies.

There are two steps, evaluation of applicants and evaluation of candidates. And the compliance aspect, and whether or not these steps are adequate, the compliance is that the applicants and candidates must comply with the criteria that are stated in Appendix 1 and 2, at least from a staff determination, and then the stakeholder groups and the Board determines whether or not the applicant candidates have complied with the criteria. So that is the valuation that happens in Step 1 and Step 2.

And then there also is the evaluation according to the internal procedures of the stakeholder groups, and staff have the action to look into those and make sure that those are published. And then concerning whether or not the steps are adequate are the steps concerning compliance adequate. So the compliance aspect of this is the evaluation of the application.

So one example of whether or not the steps are adequate is, you know, what has happened with say a recent applicant and whether or not that, you know, and applicant has made it through the process, has been found, you know, to have, you know, completed the process and whether or not that applicant has, you know, been accepted or denied.

Staff did find that there was an applicant – this is just one example, there are other examples – the PIA CC Public Interest Access Cyber Café Ecosystem

constituency application that was denied by the Non-Commercial Stakeholder Group and specifically in its decision, the NCSG stated, "After careful review of the application document, the supplement to this application as well as the cover letter submitted, the NCSG has concluded that the application for candidacy does not meet the required criteria as per the process to recognize a new GNSO constituency and recommends the rejection of the application and that the Board of Directors ratify this rejection."

And so noting here, this is an example of where the compliance steps are demonstrated as being adequate and that after running through the criteria applying those criteria to this application the NCSG found that the application did not, you know, pass the required criteria and did not recommend that it be, that it be accepted.

I'm just noting from chat, Berry Cobb says, "I will self-correct myself, the associations within the Registry Stakeholder Group do have DySG voting rights per its charter if they meet eligibility criteria." Berry is typing further. Sorry, okay, good, I was hoping that wasn't a new type of organization. "Do have Registry Stakeholder Group voting rights per its charter if they meet eligibility criteria." Thank you for that Berry.

So any questions about Number 2 here? And the staff analysis. Rafik, please go ahead.

Rafik Dammak: Yes, thank you, Julie. So in Number 2 you only kind of – you find out there was only one constituency application. Were there any – another one or that's just the only one that used the whole process in the last years since the GNSO restructuring?

Julie Hedlund: Rafik, this is Julie Hedlund. No actually I was putting that out as an example. But that's a very good question that we should make it more clear that this is just an example and that there are others. And in fact staff can go ahead and incorporate, let's see maybe I'll make a note here for Number 2, staff, as an

action, staff will incorporate links to all applications and their status, because I think there was a – I think I saw that there was at least one other.

All the applications, I should note, all applications and their status are listed under – if you look under Number 1 and the current activities and procedures link, all of the ones post 2011 are listed there with their status and the decision-making processes. And this was just one that we pulled out. But I think there is more than that and we will take the action to incorporate back here. Thank you for the question.

Been moving along to Number 3, determine if all constituency applications including historic ones are publicly posted along with full transparency of the decision-making process. So staff did note that all constituency applications, including historic ones, are publicly posted along with the full transparency of the decision-making process on the webpages of the current activities, linked here, and the historic activities.

Staff will check again, as noted in this action, just to make sure that everything is captured on these two pages. And staff also has noted that a possible action that the working group could recommend is to have those two separate pages combined so that there is one link to all applications, so pre-2011, pre the new procedures in 2011 and those post 2011.

Any questions for Number 3? Then moving along to Number 4, so there are two parts to this action. Determine whether or not there is, first, a presumption that a new constituency should be admitted if all requirements are met; and, two, if such a presumption is appropriate.

So this was an interesting action, and it goes back to if you look at the – if you look at Recommendation 24 and you looked at the – what it states is that the ICANN Board in assessing an application satisfy itself that all parties have followed the public process subject to which the default outcome is that a new constituency is admitted.

So that's where this Item 4 comes in. And that is the default as stated in the Recommendation 24 is that if the constituency meets all of the core requirements, the constituency would be assumed to be admitted.

So staff suggests that there is not a presumption of admission if all requirements are met. And the working group could decide whether or not they agree with this determination. The reason that staff found that it isn't a default, that if you do the procedures you are automatically admitted, and that's because there are some evaluation and ratification at the end of each step, so it's more involved than just saying did, you know, checking the box, you know, he did this, he did this, he did this, okay, met all the requirements so, you know, you're in.

I mean, essentially what we found, and this is actually quoted from the processes, the two steps, are that there will be an evaluation conducted by the applicable stakeholder group according to its internal charter provisions. That will determine whether the application is approved to proceed to the next phase subject to Board ratification.

So in addition to the criteria that one – in our document in the appendices there is also the internal stakeholder group process that has to be followed. And the stakeholder group in doing its process, as we noted in the example above with the PIA CC application, the stakeholder group through its process could determine that the constituency does not qualify both through the application of, you know, or either through the application of the criteria in the appendices and procedures but also according to that stakeholder group's charter.

And then also we noted that in the candidate phase the staff has to analyze the charter provisions, the charter provisions have to go out for public comment, and then if there are any changes that result on those comments they would have to be incorporated into the charter. Conceivably somewhere

in that process it might be that, you know, the applicant might say well no, we don't want to make these changes to our charter or, you know, we want to withdraw and so on.

So even if you have a charter and you've met the criteria there it would still not be presumed necessarily to, you know, proceed to be accepted. So the question then for this working group seems to staff, this working group to consider is, is should – does there need to be a revision to the constituency process to encompass or to address this part of the recommendation that the default outcome is a new constituency is admitted.

And yet, staff notes that there is a little bit of a contradiction or attention in this recommendation in that here on one hand the Board satisfies itself that all parties how followed the public process, the stakeholder group also is part of that process, but the default is that a constituency is admitted, you know, is that the question raised by the working party is whether or not such a assumption or presumption is appropriate.

Is it appropriate that the constituency just has to meet the criteria and then would be by default excepted? Or should there be a more nuanced process and that the current process is more nuanced, there is more to the evaluation at least from a staff point of view than simply ticking the boxes.

So that the question that staff had raised then for the working group. And I don't know if we want to go ahead and – maybe I'll just go ahead and open up for questions and comments on that issue. And I see Rafik, you have your hand up.

Rafik Dammak: Thanks Julie. I think this question then it is back to what we have as a provision in the stakeholder group charter. So I mean, I think there are – there is probably some – there are probably some internal process in term how to include the new constituency because while this process just describing I mean, it looks like kind of checklist and there are some criteria,

but there is still elements like I think the charter I mean, working on the charter but for example like in NCSG the constituency member they have to be eligible in their NCSG charter.

So I think there are some internal process to be done before that a constituency to be kind of fully member of that stakeholder group and that's really depending on how the stakeholder group set up its own procedure here. So I think nuanced kind of option it makes sense. Still I guess maybe if the staff want to go through the check the charter or any existing procedure and stakeholder groups maybe that can be some clarification what kind of existing internal process after ending the evaluation so.

Julie Hedlund: Thank you, Rafik. And we do have to that point we do have the action for staff to look at the internal processes that each stakeholder group uses and note that here it seems that perhaps – well at least, you know, perhaps not having a presumption is – well at least not having a presumption is the way the current – no presumption of acceptance, even if you just need the base criteria is not a status in the current procedures because there are also the internal procedures or processes that have to be followed in the stakeholder groups.

And so I think that it would be worth, since we have a small group on this call, perhaps for, Jen, a suggestion would be for staff to pull out this particular question and highlighted and recirculating the charter to the full group to try to get some more discussion going for the next call as well. And go ahead, Jen.

Jennifer Wolfe: Yes, thank you. I totally agree, you know, I think we want to get more input. You know, and I know Wolf-Ulrich had made a comment a little bit further on in the document saying that he felt like there shouldn't be a presumption that the Board ultimately have kind of that right. And I agree, I don't think it should be a default if you've checked the boxes, you know, you're in. I think that's the purpose of having the review process.

But I wholeheartedly agree that, you know, we only have a few people on the call that perhaps you could provide the clarification and let's put this out on list for a discussion on the list, and then certainly in the follow-up called. So I think this is an important issue and I know probably more than just the folks on the call have an interest in how this one is worded and how this charter moves forward from here. But welcome other comments of course from those on the call.

Julie Hedlund: Thank you very much, Jen. This is Julie Hedlund again from staff. And I don't see any other hands up. But staff have taken the action to get more input on whether or not there should be a presumption of acceptance and then we will go ahead and pull out this particular question when we recirculate this charter.

And I'll just note, as Jen said, Wolf-Ulrich's comment, he says, "To me, the process doesn't look presumptive in terms of the default outcome since the Board, as a last resort of decision-making in both phases can ratify or reject the stakeholder group decision." So that's a very helpful comment. And we will look to generate other comments on the list as well.

And then moving them to the last item, which is Item 5, was to determine what process the Board uses to evaluate new constituency applications and whether they are ensuring process compliance. So staff notes that the process the Board uses to evaluate constituency applications is detailed in the process for recognition of GNSO constituencies, and that is the document that we also had up in the Adobe Connect room and is linked here as well dating from 24 June 2011.

And the evaluation criteria clearly stated, staff finds, in Appendices 1 and 2, Appendix 1 is for the applicant evaluation process and Appendix 2 is for the candidate evaluation process. And then details concerning the ratification are in Sections C, D and F both the stakeholder group evaluation and then the Board ratification at the various stages in both Step 1 and Step 2.

So it appears to staff that this process is available and is published and clear. And as noted also, at the completion of each of those steps, you know, the evaluation by the stakeholder group and the Board determines whether the applicant or candidate is in compliance with the procedure. So the second piece of this was whether ensuring there is process compliance.

And really it is up for the stakeholder group and the Board to ensure that the applicant has complied with the process. And we've given examples where, at least one example where the stakeholder group found that – no, the applicant did not meet the criteria, it was in effect not compliant with the procedures, did not, you know, fulfill the procedures and therefore was not accepted. So the compliance piece is actually built into the evaluation of the applicants and that candidates.

So staff suggestions for 24 is that the suggested determination was that the stakeholder groups and constituencies do adhere to the published process for applications for new constituencies and that the Board processes satisfied that parties have followed the process. But we called out the question as to whether or not it's appropriate for there to be a presumption of admission or a default outcome. And this is the question we will call out when we send this charter out again to the list.

And then staff also found that all applications for new constituencies, including historic applications, are published on the ICANN Website with the transparency of decision-making. However, staff noted that it might be helpful to house both the current and historic information available at one page.

And then on Recommendation 25 staff reviewed the processes detailed in 24, Recommendation 24, suggest that they are effective and accessible. And it seems to staff that the current processes address Recommendation 25, and that improvements to the guidance are not necessary. But we do still have the outstanding question concerning the presumption of acceptance so we

will call that out for further discussion. And that was all that I had on this particular charter. And I see we have three minutes before the top of the hour. I'll turn things back to you, Jen.

Jennifer Wolfe: Thanks, Julie. And thank you for that very thorough review. I know this is probably one of those more important charters that we go through and with a small number of people I think it's helpful to be thorough in reviewing the charter and the discussion.

So we do just have a couple of minutes last so I think we will go ahead and bring this discussion to a close. For those of you listening to the recording, the changes noted by staff will be made and the research will be completed, and as this is circulated please do comment on this recommendation so that we can make appropriate changes to the charter. So I think our plan will be in the next call which is scheduled for 8th of June, two weeks from today to pick back up on this one.

And Julie, we might want to be prepared with a next recommendation just in case we get through this. You know, perhaps we will have enough on list to bring this to a close, but this could take the call in the next one. Julie, I see your hand is up, please go ahead.

Julie Hedlund: Yes, thank you, Jen. And I was just going to say that. Staff will definitely have at least one charter circulated prior to the next call, new charter, for possible discussion on that call.

Jennifer Wolfe: Okay great. Any other comments or questions at this time? Obviously this will continue on list and into our next call but if there is anything else. Okay, seeing none, we will go ahead and bring this call to a close. I do just want to extend my apologies, I am on vacation during our next scheduled call so I will confer with Wolf-Ulrich that he is available to lead the call. And then I will look forward to speaking with you all at the call following that. So thank you all, for your time today. We appreciate it. We will look forward to continuing the

discussion on list and in our next calls. That brings the meeting to a close. Thank you.

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