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GNSO: Placeholder for PDP Discussion
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Heather Forrest: Good morning, everyone. I'm mindful of the time. It's four minutes past. We need to go ahead and get started. So this is our infamously named placeholder. Yes, I know. Okay. So we're ready to run if we can have a thumbs up from the tech team. No rush. Don't worry. Great. Thank you very much. So this is our infamously named placeholder session for all the stuff that we haven't managed to do up until now.

We had two things on the agenda. We put this on here just to make sure, let's say, that we had additional time if we needed it. We have two items on the agenda. One of them is PDP 3.0 and the other one is the obvious one, which is continued drafting of the EPDP charter. Just had a quick chat with Donna and Rafik, and I think the best thing for us to do is just to say a word about PDP 3.0 so that we don't completely lose the momentum and oxygen on that one.

The discussion paper that is out, we received comments I think only from the SGs or Cs. I know it's because we've all had other things to do. At the same time, I think those lessons from PDP 3.0 are going to be very valuable in relation to the EPDP. So it is opportune, if you like. This is a related activity. It is opportune to have a look at that paper. What we'll do is after Panama,

we'll put out a reminder. We'll extend the time for comments from SGs and Companies on that PDP 3.0 paper and read it with the EPDP in mind.

Michele?

Michele Neylon: Thanks, Heather. Michele for the record. I don't conflate the lack of responses on shared mailing lists with a lack of interest or a lack of activity . I can assure you that on the contracted party side, we've been sharing a lot of thoughts backwards and forwards involving thinking processes on a number of different fronts.

So while you may not have seen anything, it's a bit like the iceberg where you see the little bit that pops up above the water. There's lots of things going on below. Thanks.

Heather Forrest: Thanks, Michele. I very much appreciate that input and I think it is, let's say, it is evident that those discussion are happening because you hear the tenor of them in all of our discussions this week. It's clear that we're reflecting on these things. So I think are we able to aim for end of July for trying to capture comments in writing and get them - let's say have a look at that report and make any edits and updates on that report that we might want to do? Can we aim for end of July?

Only for those in the Southern Hemisphere. That's right. Because ICANN seems to think that people go on holidays around the entire world in the month of July. I forgot. This so-called summer holidays things. Right then. What should we be aiming for, for a deadline then? I'll remember this come January, by the way. Okay. Martin is giving me a thumbs up. Martin, you've just committed everyone - Martin, you're southern hemisphere. Oh no, you're thumbs up for January. I see.

15 August. Hearing no objections. Susan?

Susan Kawaguchi: I'm clueless here. I was doing something else. What are we…

((Crosstalk))

Heather Forrest: So the PDP 3.90 paper. That was circulated to the SGs and Cs. You folks are off the hook so you're good. We need to get some SG and C comments on that paper. We, at the moment, haven't had all that many captured in writing. We understand discussions are happening but need to put that down to paper.

So 15 August is what I'm suggesting here. Marika?

Marika Konings: This is Marika. If I can just ask as well, once you've agreed on the deadline, what are your expected next steps? Is it then an item for the Council to look at that feedback, or would you like staff, depending on what the feedback is, to at least incorporate it in the paper and then there's maybe a conversation or a discussion about which of those improvements need to start getting implemented as well, or could be implemented in existing PDPs. So basically getting a bit of an idea of what kind of expectations you have from staff in that regard.

Heather Forrest: Thanks, Marika. This is Heather. I think I very much recognize the logic in coming to an understanding of what the next steps will be. I think for the purposes of efficiency and effectiveness at the moment, what would be best is any comments that are collected, let's have those - let's ask staff to put those together into the document for us to create a next version of the document, if you like.

And then I think what we want to consider as next steps, I'm conscious that brain cells at this meeting are really focused on our one singular task and I don't want to steal any more time from that task here.   What I suggest, Marika, is let's have a conversation about this on the July agenda. Let's go ahead and foreshadow that it would be on the July Council agenda.

We'll talk about next steps specifically there. I think I would like us to think about how we want to advertise that next version of that paper to the broader community. I think that would be a sensible thing based on the comments that we heard from our colleagues in the GAC yesterday and that I've heard informally from others. So if we could put that on the agenda for July, we're sure not to lose it. It will go down as a discussion item and we'll sort that out then. I think it's the mechanics of what happens next that we can talk about at that point.

I don't hear anyone screaming. Yes, Ayden, please.

Ayden Férdeline: Thanks. Thank you for that, Heather. Ayden Férdeline for the record. Completely agree with the path forward that you proposed. I think that mid-August is a realistic deadline for us, but just one question. The comments that have been received already or the one comment that has been received, would it be possible that that could be shared on our mailing list? And also for future comments that come in, if they could be shared, I would appreciate that. Thank you.

Heather Forrest: Ayden, Heather. Thanks very much. So I think what we need to do is just put those to the top of the inbox. I know they were out there and we just lost them in the storm. Yes, they are on the list but we'll get them back to the top of the - yes. Anything else on - Michele?

Michele Neylon: Thanks. Michele for the record. If we're going to recirculate anything back onto the mailing list, could we please not do it this week? Because if you send me anything this week apart from a promise to give me huge amounts of money, I'm unlikely to pay attention to it.

Marika Konings: This is Marika; can I make a small correction? It wasn't sense. I assumed as well it went to the mailing list but it actually went, I think, to the Chairs and the BC ExCom. So I think it's a question for Marie, if we can share that, or if she

wants to share that with the Council mailing list. Marie? I'll repeat my questions. So the input you provided on the PDP 3.0 paper, we just realized that it actually wasn't shared with the Council list. I think both Heather and I both assumed that was on the list. So the question is, I'm happy to forward or if you want to forward it, at least there's a public record in that case.

Heather Forrest: Thanks, very much, Marika. The only reason I'm saying time out is I'm very sensitive to the point that Michele has just made, and I have, Michele, a long list of things to do next week, not this week. So when you get home, when you've had a chance to settle in, then let's put that to the list. If we put it to the list now, it will get caught in the wash. But fabulous, thanks.

Michele Neylon: If it's not EPDP related at the moment, it's just not getting our attention.

Heather Forrest: Or apparently, Michele seems to be receiving emails offering him large amounts of money.

Michele Neylon: Well, the Nigerian princes have this terrible challenge.

Heather Forrest: Thank you, Michele. All right, that closes out on PDP 3.0. You see the document looming before us on the screen. Marika, can I turn to you please to give an update on sort of logistically where we are with the state of this document? You can explain how the changes have been incorporated, what they look like, what we should be looking for? Thanks.

Marika Konings: Thanks, Heather. This is Marika. So between yesterday and today, some additional input was received from the different leads. I also know that I just got text from Stephanie but I haven't had a chance to incorporate that. So as soon as you start discussing, I'll add that as well. What I've done, and if you want to maybe scroll down, Caitlin, I hope that worked. So highlighted in yellow now, you see those parts that have been added as a result of proposed language that has been suggested by the different leads. So this first part here relates to the scope. This is something that Susan and Keith

worked on. Keep on scrolling. Really quickly there, really Keith did it. I read it and sent it to you. It was proposed language.

Marika Konings: Thanks, Susan. This is still the language that we looked at yesterday. I know there were some further comments on this on the list but I haven't done anything with that yet. I think you probably need to have a conversation on how to deal with input that's received not from the leads and how to manage that. I mean minor edits or changes; Maurice sent some suggestions which are more grammar things. I've incorporated those but some of the other comments have started coming in on the list are more substantive points. So we probably need to have a conversation on how to manage that and how to come to agreement on some of those changes or issues that are raised.

If you want to keep on scrolling, the next update has been added. Go further down. Here, there's a part that has been suggested by Rafik in relation to the role of board liaisons that is expected to be in conjunction with the part that Keith is working on, on actual membership. If you go further down, there's as well a part on the role of the GNSO Council liaison that has been put forward by Darcy.

Go further down and then I think there's last but not least, or maybe here, there's another part that Darcy provided on general communication and status reporting, and I think we may have scrolled over another part further up in relation to expected resources and working methods. I think it's probably just above. Okay, I can't see where that one went because Rafik suggested some language there for that part. Let me just double check where that section is.

Oh, wait. I already see because it's in track changes for some reason. I'll accept it here and then it should come showing up on your side now hopefully. Just scroll a bit down. No, this is the other - the new section that was added and this is the language that Rafik provided. So I think those are all the updates that we have now. What is still missing is that Stephanie just

suggested language. So as soon as I stop talking, I'll get that incorporated. So I think what is missing is the part on composition and membership criteria that Keith was working on and the leadership part, which I think Paul had. So I think that's where we're currently at.

Did that go to me or if I missed it, apologies.

Paul McGrady: No, Donna and I are still working on the leadership component. You sent something to me? Okay, I'll look for it. Thank you.

Heather Forrest: Great. Thank you, Marika. So it's 9:15 local time. We have this session until 10:15. We then have RPM PDP for those who are added to that, or other meetings, SGC meetings and the GNSO Council meets at 1:00. Procedurally, I think there are a number of different ways we can use this hour and we haven't had a chance to speak about it. We've just come out of the CCNSO meeting, CCNSO Council meeting.

As I see it, I think there's two or three options for how we use the hour that we now have. We could focus our attention on the outstanding stuff, the stuff that - and I would suggest scope is probably the biggest outstanding discussion. We could go paragraph by paragraph in terms of what's in the document. Or we could spend our time talking about options for what happens today, the sort of how we progress, what happens today in Council. And if we don't have - if we're not ready to vote on this motion then how we're going to progress forward.

Now, we also have, I think it's 45 minutes on the agenda in the Council meeting for what is envisioned as a motion. Not having a final text and needing to be able to get to SGs and Cs to take instructions on final text puts us at a bit of a back foot here.

How would we - I see nods around the head. How would we most usefully use this hour? Do we want to do substance? Do we want to do process? Keith?

Keith Drazek: Thank you, Heather. Keith Drazek. So a couple of observations I think. First is I think we've made a lot of progress. We've gotten a lot of work done but there's still more work to do and so I think it would be helpful for us to use some of this time in this next hour, 45 minutes, whatever we've got, to talk about scope and membership structure. I've got a couple of documents I'm ready to share. I've socialized it with Paul. There have been a few changes over the last 12 hours but I think it's something we need to talk about and talk through.

So I'm happy to address that. I just sent Marika a couple of documents that we can project and then the scope question is obviously something we need to continue to discuss. So I think we should use this time to at least try to advance the substantive work on the charter and then we should certainly talk about next steps. But maybe the next half hour, we can focus on the substance of the charter and that will maybe point us where we need to go as far as next steps procedurally.

Heather Forrest: Thanks, Keith. Paul?

Paul McGrady: Is this being recorded by the way? It is okay, so Paul McGrady then. Sorry about that earlier and apologies for being late. I went to the wrong room after having already been five minutes late in the first place. I agree with Keith. I think that we could probably get the leadership component across the table today and I certainly think that we can get the membership criteria component done across the finish line today.

If we can do that then I think can declare victory, right, for the week instead of saying we weren't able to get it all done. I think like Keith said, we've worked really hard and if we have certain components we have to work out over the

next few days on the list or on special calls, terrific. But I do think we do need to declare victory because we did work hard.

Heather Forrest: Donna?

Donna Austin: Thanks, Donna Austin. Just a question. Can we use the 45 minutes that we have on the Council meeting today just to discuss next steps? So we can do that then. So we can focus on substance now. Okay.

Heather Forrest: Michele.

Michele Neylon: Sorry, I'm just being really, really slower than normal this morning, which means it's even slower going backwards. Are we going to be in a position to kick off this EPDP or not? Saying no.

Heather Forrest: So Michele, it's Heather. I think there is a formal answer and there's an informal answer I think. When we started off in the week asking what is it that we would like to get out of Panama with at a minimum, we never put a finalized charter on that list. I thought that was pretty telling. But we did say it would be useful to start thinking about appointing leaders and it would be useful to start thinking about that team composition and who those people are so that we could start to get them sort of forming.

Given that we don't have a final text out of this morning, I don't think we're in a position to vote on this in this afternoon's meeting. That said, I do think there are things we could do in readiness for what will come next. And I think the key to that would be working on the leadership and the team composition text. So to the extent that we can get those two elements going, I think that puts us in a very good place practically to move forward in readiness for the official next step.

Michele Neylon: Thanks, Heather. Michele for the record. I suppose the reason I'm hammering on in this bit is because in terms of expectations from our

stakeholders, stakeholder groups, just trying to make sure that we don't end up in a situation - I suppose really my kind of apocalyptic fear is that in the absence of movement from us that our furry little friends in the ICANN senior management are going to go, hey, this is a perfect opportunity for us to fill a void.

And I'm not saying that they'll do that but if we're not careful, they'll come up with yet another random document and try and shove it out there, and we'll be left scratching our heads even more than we already have. And I'm running out of hair.

Heather Forrest: Thanks, Michele. Susan?

Susan Kawaguchi: I just didn't catch, my hearing this morning, furry little friends will?

Michele Neylon: In the absence of clear decisive action on the part of the GNSO Council, the ICANN Org could potentially try to progress things or take some kind of action that they would deem to be helpful and constructive, but based on past experience with their concept of helpful and constructive, it would probably be the exact opposite.

So if we are not moving forward with this and they start moving forward with god only knows what, we will end up in more of a mess than we're already in right now. I mean obviously, you may disagree with that position but it's like that's what I'm seeing.

Heather Forrest: Thanks, Michele. Can I suggest as well that some of this is down to us and how we communicate our accomplishments this week. To the extent that councilors are out there telling people that we didn't get it done, we're not over the line, and we didn't succeed that news is going to spread awfully quickly. So at every opportunity, I've had nothing but positive feedback from folks in the hallway and any time I get up on a platform, any time I pass somebody in a hallway, I say we made huge progress, huge progress and not

because I'm blowing sunshine. Because it's true. We're sitting looking at a document today where we didn't have a document on Sunday.

We're doing amazing things and we're all leaving the table smiling at the end of the day, and everyone is civil, and everyone is speaking, and we're having constructive dialogue and we're getting it done. So I think to the extent that you are ever tempted now or sitting on the plane on the way home to complain that we haven't gotten anything done, I would just rethink that message. Because frankly, it's in our hands how the community perceives what we're doing and how Org perceives what we're doing. It really is down to us.

So I would suggest that we be as positive as possible in terms of what we're saying here. Paul, yes please.

Paul McGrady: Paul McGrady again. This may be a question for Marika, which is if we can get the leadership component and the composition component, and I just took a look at the language on dispute resolution that Stephanie put forward, which I thought was solid, if we can get those three done, is it possible to amend the motion to get those three done or we can't do that? I think somebody may have already asked this question. I'm sorry.

Marika Konings: This is Marika. In theory, I think you could adopt part of the charter but the question is it that desirable at this stage? I think if you reach at least agreement on those elements, I think we can, as Heather noted, informally then start progressing with drafting the call for volunteers, reaching out to stakeholder groups, SOs, ACs, to tell them, look, you need to appoint your members. This is the deadline. This is what you're getting. Leadership, if that indeed goes direction of expressions of interest, prepare that call, set out a timeline.

So I think there are a lot of things that we can already start moving forward just having the principal agreement of the council and then you formalize that

with the adoption. Of course, there's a slight risk in there should some of those things get reopened. But I think if at least you're able to reach principal agreement here, hopefully the chance of that is small and then you can just adopt the whole package as is without having to cut out pieces and do new motions. So that would at least by my recommendation.

Heather Forrest: Thanks, Paul. Let's go, yes. Let's do substance. Keith is giving a thumbs up. Can we look at the text then, since we're on the topic of leadership, let's look at the text on leadership that's been suggested. It's composition. Then let's look at composition.

Keith Drazek: Thanks very much, Heather. Over to me. Okay, thank you. So the placeholder language that we had in the draft charter at the beginning of the week essentially, let's see, Marika, is that we have up there right now? Okay. So basically was suggesting that we would have an appointment of members at the SG level. And we heard from Marie and from Paul a couple of days ago for a preference to be able to have appointments, and membership, and participation down to the C level, right. So basically, allowing the constituencies within the groups to basically have their own members and all of that.

So in order to try to accommodate that, I've made some changes to what was originally proposed. I've also made some suggested changes in light of the feedback that we've heard from the GAC, from the SSAC, the interest from ALAC, and other groups, other community groups. If you remember, we talked about the principle of inclusiveness and the need to make sure that the community feels like they can participate. When we talk about the GAC, there's now an experience of the GAC in subsequent procedures work track 5 where they are actually participating for the first time in a GNSO PDP. So I think there's an expectation set about sort of that level of participation and the ability to be part of a consensus call.

And so we're going to go from what we had here, which was sort of traditional, if you will, to something that's different. And we need to consider this and make sure that we're all comfortable with this. And if we're not, we need to kick that around a little bit here now so I can make some further adjustments. This has not been an easy process. So Marika, if we could go to the document that I sent you, and again, I have to note to Paul, we shared an early draft of this yesterday. I've made some adjustments based on feedback I've got. So I'm not suggesting that you're totally bought into this, but it is something that - okay.

So we have members are appointed by the GNSO stakeholder groups or constituencies. Each SG or C would appoint three members, one voting member and two other members, okay. And when I say voting member, that is only ever required for use. That designation is only important if we ever get to a point where there's a consensus call and we have to assess levels of consensus. Otherwise, the group is expected to work on consensus, sort of building consensus in a traditional sense.

Okay. We would invite, let's see, voting members - yes. And the point here is that we need to make sure that we're tying that consensus call to the will of each stakeholder group and constituency. Okay, in this case, we don't need or want individuals sort of basically taking a position of their own. We need the accountability that's built into the structural sort of framework of ICANN.

Okay. We would invite other SOs and ACs to appoint one voting member and two members each. This is important. Are we as a GNSO Council and community comfortable with assigning a vote for a consensus call to the GAC, the SSAC, ALAC, CCNSO. Okay. And if the answer is no, then we have the opportunity today to make these adjustments.

So we have - so the groups may appoint up to three alternatives who would participate if a member is not available. We would have two ICANN staff liaisons, one from legal, one from GDD, two ICANN board liaisons to

accommodate geographic diversity and time zones and all of that for calls, one GNSO Council liaison, one independent chair. The idea here is that it would be somebody neutral and not from one of the members of the group. That's a topic for further discussion based on the leadership questions.

We would be able to invite expert contributors as deemed necessary by the working group. The language around observers is the same. And then to maintain balance in that voting, and Paul, this is something that I added that I had not shown you before, is that there would be weighted votes if a vote is ever required and again, that's to maintain the balance that we have today between contracted party house, non-contracted party house. And then also because NCSG is listed in the chart that we'll get to here in a minute as one entity but two constituencies, they get a weighted voted as well.

Okay, let's scroll down. Oh, and sorry, GNSO SG/C votes are required for consensus. No vote would be considered an abstention and then SO and AC votes are optional and not required for consensus. The point here is that if the GAC for some reason cannot reach their own consensus to file a vote, we don't want that to delay the outcome, right. We don't want that to be an obstacle to concluding the work. So Marika, if you could scroll down. What I've got here is the allocation as I've described above. The voting member only required if we have to do a consensus call, members, alternates, liaisons, and the total numbers. So keep scrolling.

Keep scrolling, keep scrolling. And so the totals right there would be a total participants of 36, which would include the five liaisons from staff, board, council, and the independent chair. So we talked about trying to keep the number manageable. That was a key driver for us in this process. So I just need to note this is sort of uncharted territory in a lot of ways. We're trying to limit the number of participants to keep it manageable, to keep it effective and efficient, and that has created the challenges around coming up with this type of framework and also incorporating other interested parties in the community.

So I think the key questions for us today is anybody have any concerns about any of this and what do we need to talk about more. But specifically, I think the big question is do we want to assign votes or sort of for a consensus call to the non-GNSO entities of SSAC, ALAC, GAC, CCNSO. Heather? And again, this has been a moving target. Any feedback is welcome. Thanks.

Heather Forrest: Thanks, Keith. Heather Forrest. So in terms of total, I note that that includes alternates and it is envisaged in these thought points…

Keith Drazek: No, it does not include - the totals does not include alternates. So it's 36 not including alternates. The alternates only participate if a member is not so that cancels out.

Heather Forrest: That was my question and on board liaisons, let's say the last I heard from the Board was that they were hoping for one and one, one member and one alternate.

Keith Drazek: Sorry, from whom?

Heather Forrest: From the Board.

Keith Drazek: So I have the board as a liaison, two liaisons.

Heather Forrest: I'm sorry, one liaison and one alternate. I'm sorry. I didn't mean to confuse the terms.

Keith Drazek: Okay, no problem. I'm plenty confused already.

Heather Forrest: That was - we can confirm that let's say but that was my understanding was they were prepared for one liaison and alternate. Keith, would you like to run your queue or would you like me to run your queue?

Keith Drazek: I can do it. Okay. So Carlos, then Paul.

Carlos Raul Gutierrez: Thank you. This is Carlos. Just to your question, Keith, on vote or non-voting rights to the SOs, ACs, it sounds very harsh. If somebody listens to this question in the GAC and so on then everything collapses. Depending on the agreement in this room, would you then consider changing them to an observer status in case we say no to voting to make it like sound similar to previous processes? Or you prefer to use the non-voting member? Thank you. It's a semantic question but I think it's important.

Keith Drazek: It is important. It's a good question. I think it's very important that we allow the other SOs and ACs to participate actively in this working group. Not necessarily. That's the open question. What I have suggested here is that they be included as a voting participant, a voting member, but that is the question. I think they need to be able to participate like they are in the work track 5 subsequent procedures group, right.

The question is are we prepared to extend, if we ever get to a point where we have to do a consensus call to assess the consensus of the group, should they be able to weigh in on behalf of their SOs and ACs. And it's a tough one, I know. But I think as it relates to the GAC, obviously in this particular case around the temporary specification and the GDPR and - this is obviously something that the governments are very interested in and I think there's an expectation that they will be part of this group.

Okay. So I've got a queue. So it was Paul, then Ayden, then Susan. Did I miss anyone?

Paul McGrady: Can you scroll down just so we can see the chart again, the numbers, the tally. Okay, I'm sorry. Got it. So the chart clarifies one of the things. I have five reactions. I'll be quick. So the first one, by the way, all this is subject to my constituency actually looking at this. I know there's a public bus

transportation system in Panama, which is unfortunate because I don't want to end up underneath one of the busses.

But subject to them ratifying what I'm about to say is I think this is in good shape. So at the very top, if we could change this SG or C, if we could make it SG and/or C to make it clear that we don't have to fight with stakeholder groups to get the votes, right. The chart reflects that. So we might as well have the text reflect what the chart does. That would be comment one.

Secondly, it says no vote is considered abstention. I think that's confusing. I think we should say a failure to vote because obviously, there are yes vote and no votes. So if we could clarify that, that would be great. Yes to votes for the GAC and ALAC as far as I'm concerned. The whole point of this is that what we're trying to do is fix the bicameral situation that we're in because we don't have committees. We don't pass legislation and then go over to the GAC and try to work it out with them. We co-pass it together like a Senate or a House.

So what we don't want to do is end up adopting something that the GAC is unhappy with. And if we exclude them from the consensus call, I think we're sort of pre-shooting ourselves in the foot, right. So I'm for that voting. And lastly, this is just a question. What's the weighted vote meant to do? I understand that what it's meant to do is to reflect the weighted balance on the Council, but what's it meant to do? Is it meant to show a higher level of consensus than there is? What's the point of it, right? Is it to get rough consensus and to consensus even though it would be normally rough consensus? I just don't understand the point of it.

Keith Drazek: Thanks, Paul. I'll try to explain my thinking and I'd welcome others to jump in here. Essentially, what we've done is we've provided more participation per stakeholder group and constituency in a couple of cases, right, specifically BC, IPC, and ISPCP. More participation. You're getting more people on this group to actually provide input, engage in all of that, than, for example, the

registries and the registrars. Because we've broken it up from SG down to the C level and assigned more participation because you want that broken down.

If we were to maintain the balance in the traditional sense, would have said, let's give registries, registrars six each instead of three each. But we're trying to keep the group small. So at the end of the day, it's trying to maintain the balance that we have in the GNSO Council to basically say, look, if at the end of the day there is a disagreement or there's a consensus call it just basically gives that a little bit extra weight to compensate for the change that we're making going from SG to C. I don't know if that's clear. I'm happy to respond further.

Paul McGrady: Thank you, Keith. I think that's a super helpful clarification on its purpose. I was looking at the symptomatic outcome rather than the day-to-day work. We all know that whoever picks up the pen, right, on these things has a better chance at consensus call. Because if we really are disagreeing on a consensus call then we've not done a good job. So I appreciate that. And that will help me explain it back home. Thanks.

Keith Drazek: Thanks very much, Paul. So I've got a queue. Ayden and then Susan and let me know if I missed anybody. Tatiana.

Ayden Férdeline: Thanks, Keith. Ayden Férdeline for the record. So for the first bullet point, I am concerned by members are appointed by stakeholder groups and/or constituencies. I would prefer that that read stakeholder groups only. Each stakeholder group should appoint three members in the following sentence as well. How stakeholder groups go about determining who their members are is their own prerogative. I'm not sure why we as a Council would be going that far.

In the table itself, I don't understand why IPC, BC, ISPCP while other stakeholder groups are listed as stakeholder groups. Why is that not simple

the CSG? And I'm also curious as to what the asterisk in the table was to indicate. Thanks.

Keith Drazek: Sure. Happy to respond to both and I'll ask others to weigh in here. But so I originally had NCSG broken out into NCUC and NPOC. And in my conversation with Rafik, he actually said that actually should be one line item and so we can have that conversation whether that needs to be broken out or not.

The asterisk represents the weighted vote that I was referring to. It ties back to the language in the just above and the reason that the CSG has been broken out is essentially a response to Paul and Marie's request that we had two days ago. So it's basically an effort to try to acknowledge that in this case, there's other interest but Ayden, what you're suggesting is that we would revert back to the language that was originally in the draft charter that Marika had circulated several days ago.

So this is the topic for conversation today. I think in this particular case, there's a lot of interest in this topic and different stakeholder groups have different interest within their membership and that's essentially what we're trying to accommodate here. And again, this normally wouldn't be an issue in the membership of a stakeholder group - I'm losing my mind here - of a PDP working group. But because we're trying to limit the number to keep it small, efficient, effective, and economical, it's caused this requirement to sort of try to structure this in way that we're having good meaningful equal representation but try to maintain some respect for the structure that we have in the Council. That's what I've tried to accomplish here.

And we can continue to discuss this but why don't I keep going through the queue, and feel free to come back in, Ayden, if necessary. So we've got Susan, Tatiana, Michele, and Marie. I can't read my own handwriting.

Susan Kawaguchi: Thanks, Keith. This is Susan for the record. So I do appreciate the fact that you've broken out the CSG because we do have diverse opinions and issues. I'm happy with this setup for the most part and like Paul, we need to go back to our constituency and say - but I am a little bit sensitive to the use of vote and I know that in the PDPs I've been in and co-chaired recently, we do not use that word.

So I'm sort of looking to Heather and Marika to clarify there. Should we use a different term here. Because voting is not what you do, even polling, and that was part of the IGO/NGO 3.7 I think was that all of a sudden it was - there was an individual that thought - they were calling for a vote when it was really a poll trying to get everybody's input is difficult. But we have not been using that term.

Keith Drazek: Thank you, Susan. That's a great point and I am not wedded to the use of the term vote. I'm also not wedded to even the concept if we more comfortable with an alternative. But I do think - my intention here in breaking it out this way was to ensure that when a consensus call is made, or is sought, that the stakeholder groups and constituencies are essentially on record through one person as opposed to individuals taking positions.

And the reason I mentioned that is, as you know in the RDS PDP working group, there were all kinds of individuals participating and not representing a stakeholder group, or constituency, or even another SO or AC that really put sand in the gears. So my intent was to try to create a structure or a process by which it was clear that the ICANN constituent parts are on record as being for or against, or in support or not, however we want to do it.

So Heather, please go ahead and jump in.

Heather Forrest: Thanks, Keith and thanks, Susan. On a procedural point, so I had the very same concern and I think to the extent that we're adopting Section 3.6 of the GNSO working group guidelines, the terminology that's used there is

standard methodology for making decisions. And as Susan has noted, the concept of a vote, to the extent that a vote is ever used, in fact I would go so far as to say the working group guidelines almost discourage voting because the idea of consensus building is not to get to an all stakes kind of a game.

And I would like to think that the charter sets the tenor and the tone for how this group is meant to work in a collaborative manner. So I think I understand the concept, I do understand the concept and it's just not for purposes of consistency with 3.5. I'd like to see us move away from something that actively encourages collaboration and dialogue as opposed to actively foreseeing a shootout. Thanks.

Keith Drazek: Thank you, Heather. So I'm fine with that. So I think we can make some adjustments here in terms of basically consolidating down to just three members whether than one voting member and two members. I think that's a simple way to accomplish what you've just described and I think alleviate the concern that Susan raised.

Does anybody have a different view? And I have a queue going so why don't we park that for a minute. We'll keep talking and then we can come back to it. So Tatiana, Michele, Marie, and Rafik.

Tatiana Tropina: Thank you very much. Could we please go down at the document again to this weighted vote. Another reason why I believe this should be discarded. Mathematics of this escapes me completely. If I sum IPC, BC, ISPCP votes, we got three. But my constituency have one point half. What kind of balance is this? How does it reflect the balance on the Council. Either go for three for weighted votes or just discard it completely because it gives one of the stakeholder groups twice as many votes as any other stakeholder groups, be it votes, or polling, or whatever, or what's wrong with my math here.

But I believe that it's good to weigh this concept of voting for one simple reason that we don't have to decide where to place GAC, ALAC, other

advisory committees and whatever. We can just, you know, get rid of this issue at least.

Keith Drazek: Thanks, Tatiana, and I will admit that I am no math major.

Tatiana Tropina: Neither am I.

Keith Drazek: But again, this brings us back to the question of if we're breaking out the CSG down into the constituency parts that's giving many more individuals for that stakeholder group than the others in the current structure. But just put that out there for right now. I've got Michele, Marie, and Rafik.

Michele Neylon: Thanks, Keith. Michele for the record. I think we're getting somewhere. We still have to discuss various aspects of this. Could you scroll up a little bit please, just to the bit above? Thanks. Where was it that I was looking at? So I think we need to just double check with the Board on this entire thing around the liaisons. The thing I suppose is maybe just when it comes to liaisons in general, just make it clear somewhere to capture, I don't know how exactly, what the role of the liaison is, that they are not - they are to liaise. They're not to dominate, push, or otherwise manipulate the proceedings. I don't know if you understand what I'm getting at.

Thanks, Michele.

Michele Neylon: Okay. Thank you, Marika. Marika as ever has fixed the problem for me. Thank you.

Thanks, Michele. Marie?

Marie Pattullo: Thanks, Keith. Very much, as Susan and Paul have just said obviously, have to go back and talk to the constituency. But firstly, thank you. Secondly, I fully understand Tatiana's point and from a personal perspective, no problem at all with more people from the other SGs. Our problem in the CSG is we

can't have fewer people because there's such different views, such different interests of the IPC, the ISP, and the BC. It's the specificity of the way this particular cookie crumbles.

So please don't think from our side we would mind if 36 became 40, you know. But I've got a second question also is that we were talking about their being a vice-chair. So the chair being somebody that we the Council put in place and the vice-chair being somebody that the membership chose. You seem to have discarded that or…

Keith Drazek: Thanks, Marie. Rather than discarding I deferred to that to the discussion around leadership. So I think we had sort of agreed that we wanted an independent chair but there was still some open discussion on vice chairs on how that all worked out. So I just didn't include it. You're right, it is a missing bullet point but I felt like I couldn't make that decision. Thank you.

Okay, Rafik and then Ayden.

Rafik Dammak: Rafik speaking. I hope we are not going to get into how to do the math here for the weighted vote. But I have some question for regard other the presentation. I see that, for example, we added CCNSO. Are we sure that they want to participate?

Keith Drazek: Thanks, Rafik. No, we're not sure but I think they should be invited and that's actually true for - we don't know to the extent SSAC will participate, or ALAC.

Rafik Dammak: Because my concern here, while I understand we are trying to put - to ensure that in particular other SC to participate in the process, my concern back here is kind of it's a kind of CCWG but is not CCWG. Because even we are giving them that the vote. And so in the way that they will move to the vote. It's not - doesn't really encourage that idea of getting consensus. Because if they are unhappy, let's go to the vote in systematic way for any issues. So how

we can avoid this situation. We understand they want to participate and I know that SSAC and the GAC at least, they made it in their different communication. But how we can avoid this. We tried somehow for Work Track 5. That's slightly different because that's kind of subgroup within GNSO PDP working group. But we don't want to create kind of CCWG kind of…

Keith Drazek: Thanks, Rafik. I agree and I think the feedback that I've heard from the group today is that we're moving away from the term voting and the concept of voting. So let's take that off the table for right now in terms of the ongoing conversation now. But at the end of the day, I think we need to recognize that because of the time constraints and the deadline for this work to conclude, we have to acknowledge that at some point we're going to have to reach consensus or not. And if we don't, the temp spec goes away. There's nothing in place to replace it and we've essentially demonstrated that this consensus based multi-stakeholder model has failed.

So my concern is that we need to make sure that we're building into the process something that prevents that or reduces the likelihood of that failure. And I frankly don't know how to do that but that's one of the things that we need to continue to consider over the next 28 to 48 hours. So let me - I'm going to Ayden, then Philippe and I'll come to you. Okay.

Ayden Férdeline: Thanks, Keith. This is Ayden. And I appreciate you just said that we're moving away from the concept of voting, but just in case I wanted to flag something in bullet 10. So bullet 10, to maintain balance between the contracted parties house and the non-contracted parties house. The contracted parties house will have weighed votes if a vote is ever required to determine level of consensus.

But because an asterisk is also by the NCSG and we are part of the non-contracted parties house that text would need to be revised so that the NCSG had voting parity with the CSG.

Keith Drazek: That's being removed. We're simply taking out all references to voting. I take your point and that was an omission because I was drafting on the fly this morning. So thank you for flagging that. Philippe, and then Tatiana, and then I think we probably need to conclude this and move onto other discussion.

Philippe Fouquart: Thanks, Keith. From the ISPCP side, we could certainly support this. Thanks for putting this down. We appreciate that this is a happy medium so that's a tough task. In terms of getting away from voting, what I like here is that at least you have a means for arbitration in case of disagreement and moving forward with that is going to be necessary given the timeframe.

Whether we make it explicit in the charter, it's probably a different question. But at least what I like here is that it provides transparency and as to the breakdown, we fully support that if there's a need to go for more members from other stakeholder groups, then we probably live with it. But we pretty much happy with that, pending going back to the constituency obviously.

Keith Drazek: In terms of solving the voting/non-voting issue and other AC/SO issue, would the concept of members participants observers work? So members for the purpose of the consensus, participants for the purpose of participating and discussion, and providing input, and observers as observers on the mailing list but not able to participate in the discussion.

That will solve the voting issue because members would be kind of appointed for consensus issues and would solve the issue of AC and SOs willing or not willing to participate because they would be just participants and they decide for themselves. Would this work?

Keith Drazek: So I agree that there will be observers who are able to observe but not participate. So certainly that. But I think what you've introduced is the concept that I think I started with here is the differentiation between a member for consensus and other members or participants. And so I think

we're going back to the idea of when you work - how do you determine consensus. And if you are identifying one individual to represent that, you're essentially going back to polling or voting.

Tatiana Tropina: Yes, but at least we are getting rid of the concept of voting, which is apparently discouraged. But we are still half, like, some middle ground solution between voting, polling, and just, you know, simply discussion and never reach consensus.

Keith Drazek: Marika, thank you. Go ahead.

Marika Konings: This is Marika. If I could make a suggestion, what you could consider, because I understand the concept of wanting parity between the group, and factoring that in, in any kind of poll or consensus. Could you include it as kind of guidance to the chair and say, whenever a consensus call is taken, which either only involves the appointed members, or involves liaisons as well, or however you decide that, the chair is expected to factor in the voting parity of the structure of the Council where a vote eventually will need to be taken.

Because of course, at the end of the day, it will need to go to the GNSO Council and there, you will need super majority support. So that support also needs to be reflected in the working group. So maybe if you frame it in that way, you provide specific guidance to the chair on how they are expected to do a consensus call or how to balance the different input that is received without having to go to the level of voting and weighing. It's an assessment the chair makes and normally that shouldn't factor in structure of the Council and the eventual votes when something comes to Council. That may be a possible approach.

Keith Drazek: Thank you, Marika. I think that's very helpful. So everybody, what I'll do is I'll take another crack at this and circulate some new text to the list. And again, continued input and feedback is welcome. And look, this has been a moving target. I would much prefer to have been able to share this and circulated

this a week before considering it, but I really do appreciate everybody's input on this. So Heather, let me hand it back to you.

Heather Forrest: Keith, kudos to you. The fact that we've gotten this far is brilliant. In terms of timeline, Keith, what should we think about here in terms of revising this text? I mean I know we're busy on the ground and let's put a target on it.

Keith Drazek: I'll have it back to the group today if not within the next couple hours. I want to sync up with Marika on that language that she just suggested and make sure that I've got everybody's input captured correctly. Thank you.

Heather Forrest: Thank you, Keith, very much. I think that's fantastic. What I suggest we do is have a discussion around leadership. We don't have the text here but the discussion that we have now could inform the next version of that text. So Paul, please.

Paul McGrady: Thanks. So I'm having trouble getting Donna's email. I'm sorry that attachment got stripped out, but if we have - Donna, if you feel comfortable just putting up whatever you did, I trust you. You're not a loose cannon person. I'm happy to deal with it on the fly in front of everybody. Thanks.

Heather Forrest: Keith, while we're at it, so this is Heather Forrest. I think Rafik asked a question and it sparked in my mind. We need to think about the difference between alternates and observers. I mean again, because we got into a sort of voting mentality and the guidelines say there should not be votes, avoid them at all costs, we need to be clear on the distinction between the two. The other thing I think we want to try and capture here is that all of these people, the total number, include alternates are expected to satisfy the requirements of membership let's say. I'm thinking here particularly the participation requirements. Because we're not going to have effective alternates if they think, well, I'm just here to step in on a meeting but I'm not going to follow the workload. Thanks.

Keith Drazek: Thanks, Heather. This is Keith. That makes sense to me. The one caveat I would say is that alternates, while acting as alternates, or sort of in wait mode or whatever we want to call it, wouldn't travel to a face-to-face meeting. I think that's the only distinction I'd add. Thanks.

Heather Forrest: So Keith, it's Heather, to that point and just for the purposes of refining the language, would the alternate travel if the primary were not able to attend the face-to-face meeting? Yes, that's my understanding too.

Keith Drazek: Yes, that's right Heather. Thanks.

Heather Forrest: Thanks very much. Okay. While we've got it on the screen, Marika is pulling that up, waiting for the email from Donna. While we're waiting for that, why don't we just - we've only got - my apologies. Philippe, my apologies.

Philippe Fouquart: That's all right. Philippe Fouquart. Just one last point. (Unintelligible) yesterday, Wolf-Ulrich mentioned the fact that we might have to ask for expert input. I was wondering whether that was captured in the membership part or elsewhere just for the record. Make sure that we don't forget that. I haven't seen that in the membership part but I know we've got to have it somewhere.

Heather Forrest: Thanks, Philippe.

Keith Drazek: Was that about external experts? I did include that in one of the bullet points. Thanks you, Philippe.

Rafik Dammak: Thanks, Philippe and Keith, but I think in terms of external resource, we also added that (unintelligible) resources. So maybe we need to be consistent. So if (unintelligible) someone that we ask for advice, but you talk about some experts to be kind of full member here or? No, so that's why. So maybe we need to be consistent within the (unintelligible).

Keith Drazek: Thank you, Rafik. This is Keith. So the language that included was the working group may invite expert contributors as deemed necessary by the working group. I can also add a term about external resources. So external - so expert contributors or resources.

Heather Forrest: Thanks, Keith, very much. Marika, how are we doing on getting that text on the screen? Cool, thank you. I'm not pushing, sorry, just wondering for an update.

Michele Neylon: Since nobody else is speaking, I'm just going to grab the microphone. Just on this point of external resources, experts, and all that, do we need to underline the fact that they are not going to be members, they're just resources, or is that understood?

Keith Drazek: This is Keith. I'm happy to make that clarification so it's explicit. Thanks, Michele.

Heather Forrest: This is Heather. So here's a question. We're going to take this back to SGs and C. Given the level of community interest in this that we've heard all week, I think we need to think about a plan for how we socialize this as well beyond the Council list and we want to do that in a fairly strategic way in the sense of not devious but in the sense of to the extent that we make it public in such a way that invites public comment, we will undoubtedly receive public comment and that will unquestionably lengthen the process.

                  This is ultimately a decision that we need to make but I think we need to think about a PR campaign here. Thanks.

Keith Drazek: Heather, this is Keith. On that, as part of my wrapping up this part of the work, I will draft some text that is essentially the explanation of or the rationale behind what we've come forward with, which will essentially be we have created a unique construct because of the unique nature of this EPDP, first time we're doing it. There is a time constraint associated with it, the

EPDP, because of the temporary specification and we have decided to keep the group small to basically create a tight structure rather than having it be a traditional open PDP working group where anybody can participate. And sort of the expectations of the representation of various component parts of the ICANN community and all the things that we've talked about.

So I'll come up with some text there that we can kick around. Thanks.

Heather Forrest: Thanks, Keith. Marie?

Marie Pattullo: Thanks, Keith. When you're doing that draft, something that Philippe and I discussed briefly yesterday, when I was talking yesterday about the idea of public mailbox, I was being slightly facetious. But I'm also concerned that people know that we are listening, we do want you to be involved, but for all the reasons you just said.

So could you - and this is really Philippe's idea, not mine, but could you put something within that. If you are a registry who has questions, you can email. If you are civil society, if you are just so that those people are maybe not as involved within the constituencies, within the SGs realize that they do have a channel that they can go to.

Keith Drazek: So Marie, I think what I'm hearing is that in the communication to include links to an email address for each of the stakeholder groups and constituencies. Yes, a link to the website. Yes, that makes sense. Thanks.

Michele Neylon: I think this is capturing something that I've said repeatedly about the issues we were having with the RDS PDP where we had people, groups who could have been in a particular stakeholder group or constituency and channeled their concerns and whatever there and have it captured and channeled, who instead came in and just slung crap over the wall at us or not over the wall, straight in my face in some instances, and it wasn't particularly helpful.

I think information - saying that raise it via the appropriate stakeholder group or constituency and provide links to those. The only thing just to be aware of is that on the registrar side, there are some idiot registrars out there who are not members of our stakeholder group. So we would obviously be using this is as a recruiting tool for people to join our stakeholder group because they don't (unintelligible) membership anywhere else. So hey. But no, I think that makes a lot of sense and I think that's possibly one of the better ways of making sure that we capture that but without having this - an ineffective email us stuff. Because we had that on the EWG. We had a mailbox thing that was forwarding to each and every single one of us and I don't know, Susan, did we get anything particularly useful there? We got some very random kind of weird stuff in there.

Susan Kawaguchi: On the RTE, currently, we get really interesting emails from a couple of individuals with amazing titles. I mean it would be great to have those titles.

Keith Drazek: So thanks everybody. Look, we need to move on from this one. Heather, I think I have the guidance that I need for the next draft and let's hand it back to Heather for whatever the next topic is. Leadership, I think we wanted to try to knock that out. Thank you. Sorry.

Heather Forrest: Thanks, Keith, very much, and thanks to Donna and Marika. So we have the text up here on the screen and you'll see that it envisages the Council appointing the chair. We've got an Annex A. It is, got it, okay, it is there. Good. Okay. We've got two vice chairs, so that picks up the point that was made earlier. EOI and can we take out that language as soon as practical after the adoption of the charter. I would have said staff will publish and let's be a little bit vague on when because that gives us the opportunity to commence that.

I would suggest we make it the GNSO Council standing selection committee and we want to be very careful with that sort of specificity because this charter will go out beyond the GNSO that we're very clear on entities here.

Donna Austin: I think just to be clear, this was an issue that we didn't agree necessarily on yesterday. This is a suggestion but there was concern about lead in time.

Heather Forrest: All good. Thank you, Donna. This is Heather and to be clear, I'm not making any judgment on the substance here. It's more a point to say if we're going to identify an entity, let's be very clear on what the entity is just so other parts of the community understand what that means.

                   So to Donna's point, substantive discussion to be had around the use of the SSC and Susan, you might be a useful person to weigh in on that given your role as chair of the SSC. You see an EOI there? Can I suggest that we add language as well that maybe we do that in the EOI. I don't know that it has to be done in the charter but I think that the council leadership should offer themselves to anyone who is considering submitting an EOI. We're very happy to that last point to discuss the time necessary required to chair and that sort of thing. If anyone has questions, we can volunteer to liaise with those folks to answer those questions.

                   Marika?

Marika Konings: This is Marika and I don't know if Susan wants to go first on this, but I do know that from having supported the SSC, there is indeed some time that goes into that group coming together. They are there as well as representative of their stakeholder groups or appointed members. So they also have the need to consult. So you may want to consider especially if there's something you want to move forward quicker if there's another way of doing it. I may offer as an example that in the past, for example, the selection of the GNSO liaison to the GAC was done by the leadership team. And again, that was done in a very objective manner. Clear criteria were identified, which is done here as well, for which then each candidate is evaluated and that could be then used as a kind of recommendation to the Council.

And of course, if there's disagreement with that assessment that can then be discussed. But that may be a way of doing it in a quicker manner while you still have a clear and transparent process for doing it and you could even share that evaluation so everyone can see how you rank the candidates. Of course, people already disagree with that. You can have a conversation but that may be a potential path of going quicker on this one. But again, just a suggestion.

Heather Forrest: Thank you, Marika. I'm mindful of time. Susan, Paul, and then we'll need to wind this up.

Susan Kawaguchi: SSC would be happy to participate in this but I sort of feel like maybe at the very least we should include the leadership team in that. And I agree with Marika that this could be - it could take a little time. But we could maybe figure out a way to brainstorm on how to shorten that. But I'm also open to other options on selection.

Heather Forrest: Thanks. Paul, last one.

Paul McGrady: Paul McGrady. So apologies for not marking it clear that that was - the way I drafted that, it made it appear as if we had made that decision on the standing selection committee. So apologies for that. It is an open item. I am not opposed to a faster methodology. The notion of the leadership making a selection that then they take back to Council for a vote of acclimation on a list or otherwise makes good sense to me as an alternative. I'm happy with either outcome. Thank you.

Donna Austin: I think there's a question here whether the candidates would remain confidential throughout the process or whether it would be an open call. I know for review teams and everything that's quite public, it's quite open who is submitting expressions of interest. I'm not sure whether we want to do that in this case. We don't do it for the GNSO liaison to the GAC. I'm not sure

what other circumstances we don't do it but that's a question we need to think about here I think.

Heather Forrest: Michele?

Michele Neylon: Thanks. On Donna's point there, I think that's something that people maybe need to spend a little bit of time thinking about, but possibly not too much time. The expression of interest, I think we need to also clearly call out it should also include any conflict of interest statement. One of the key issues and the reason why we are talking about this independent chair concept is in order for that to work, they need to not be, what's the word I'm looking for, help. Yes, I mean, look, ultimately, independent, Paul McGrady, Michele Neylon do not qualify. We are both conflicted to death.

So no, it just needs to be clear that there's a clear conflict of interest statement or conflict of, yes, that thing. Sorry.

Heather Forrest: Thanks, Michele. Can I also suggest that we add here that the chair, given that we're looking for an independent chair, needs to have completed an up to date SOI, ICANN SOI. And that will take some of that into account. We can put them in the same line. I understand that conflicts of interest statement will go beyond that. Michele?

Michele Neylon: Just on that, the only reason that I think that's good but the - we - when I was chair of the registrars, I had to actually get staff to give me a list of people who had self-declared as being members of my stakeholder group, and I discovered that there were people and companies nobody I knew had even heard of who had decided independently that they were members.

So it's one thing to have the statement of interest, but it still needs to be vetted.

Heather Forrest: Of course, Michele, and having that included allows it to be vetted. I understand. Folks, we're out of time in this session. Again, tremendous progress in only an hour. It's Wednesday. It's not even lunchtime. Hooray. Keith?

Keith Drazek: Thanks, Heather. I'll be brief. I would like to request that we have a little bit of time during our Council meeting to actually talk about the scope question because I don't think we're that far off. There may be an opportunity for us to advance the ball there fairly quickly and be able to claim an additional victory in terms of our work this week. I don't necessarily think it's going to be finalized to the point we'll be ready for any sort of a vote on the charter as we discussed, but I do think we can make some progress there. Thanks.

Heather Forrest: Thanks, Keith. I think that's an excellent idea and bear with me, what I'll try and do, let's say in my role, is we're going to get stuck into it on scope and when we need to pull the plug so that we can talk process, so we can get some meaningful next steps, we'll do that. But don't be insulted if we pull the queue to make sure that that next steps discussion happens. I agree. I think that's a brilliant idea.

Thank you very much everyone for all of your hard work here. We'll reconvene at 1:00 in the GNSO Council for our June meeting. Thank you to the tech team. We're good to go. We can stop this session.

END