

**Policy & Implementation Working Group Meeting  
TRANSCRIPTION  
Wednesday 06 August at 1900 UTC**

Note: The following is the output of transcribing from an audio recording of the Policy & Implementation Drafting Team meeting on Wednesday 06 August 2014 at 1900 UTC. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. The audio is also available at: <http://audio.icann.org/gnso/gnso-policy-implementation-20140806-en.mp3>

On page: <http://gnso.icann.org/en/group-activities/calendar#aug>

Attendees:

Cheryl Langdon-Orr – At-Large  
Olevie Kouami – NPOC  
Chuck Gomes – RySG  
Greg Shatan-IPC  
Jonathan Frost-RySG  
J Scott Evans – BC  
Klaus Stoll-NPOC  
Avri Doria-NCSSG  
Amr Elsadr-NCUC  
Alan Greenberg-ALAC

Apologies:

Michael Graham – IPC

ICANN staff:

Marika Konings  
Mary Wong  
Amy Bivins  
Steve Chan  
Terri Agnew

Terri Agnew: Thank you. Good morning, good afternoon and good evening. This is the Policy and Implementation Working Group call on the 6th of August, 2014. On the call today we have Jonathan Frost, Klaus Stoll, Cheryl Langdon-Orr, Avri Doria, Amr Elsadr, Greg Shatan, J. Scott Evans, Olevie Kouami and Chuck Gomes. We have apologies from Michael Graham.

From staff we have Marika Konings, Mary Wong, Amy Bivins, Steve Chan and myself, Terri Agnew. I would like to remind all participants to please state your name before speaking for transcription purposes. Thank you very much and please begin.

J. Scott Evans: Thank you. This is J. Scott for the record. I want to first thank everybody who attended the call last week and did such good work with Chuck. There was some robust discussion that went on. I listen to the recording yesterday afternoon and was pleased to hear.

I do want to say that I was a little surprised by the overwhelming feeling that all of these processes need to be tied to voting thresholds. My initial thought was that when we looked at our tree that I thought maybe one of the points of doing this was, you know, it would be outcome determinative and depending on what outcome you are seeking that would be the process they went through and not every process would necessarily be tied to a voting thresholds because in certain instances, you know, it's just - it wasn't, you know, putting any new obligations on any parties, it wasn't - it was just seeking some sort of input.

And so - and I know Cheryl and Michael Graham, I know for sure, and I think maybe even Greg spoke up with regards to the desire to have voting thresholds. And so, you know, I just wonder if maybe we - I see Cheryl is saying yes that in fact is the case - if we sort of want to go back to thinking about these things being outcome determinative.

And it may be that some of them, such as the (PG), as in group or guidance, policy require voting thresholds but in others they don't. And I wanted to explore that a little bit. If you could see instances where voting thresholds weren't necessarily required and if we've taken that into account here or if everyone is still pretty much convinced that those type of voting thresholds are required.

And so I'll take a queue on that question. Marika.

Marika Konings: Yeah, this is Marika. I already provided as well some input on this topic on the list and just wanting to maybe emphasize some of the points I tried to convey in that because indeed when, you know, developing and drafting this process, you know, we had a close look at, you know, some of the existing mechanisms that the Council has used for providing input.

Because again we're looking here at a very lightweight input process where I think, you know, the examples that we looked at is input to the Whois Review Team, input to the ATRT 2. And while we're not looking on, you know, binding another priority on doing something but it's merely providing input.

And those are often, you know, time sensitive. There's a certain deadline by which input needs to be provided. It often relies on, you know, a couple of people coming together and doing that.

So the worry is that if we put in voting thresholds here it means that, you know, there will need to be a motion, a motion needs to be submitted in a certain amount of time before a meeting so that as - a motion can also be deferred so you, you know, already are a month later so it adds a lot of bureaucracy to something where I think what we tried to translate is the kind of existing mechanism where it's kind of, let's get together, right at the response.

Do people feel comfortable with it? Yes, okay let's send it. If not do we do a bit more work? Can we come up with something or if we really don't agree well then we don't send anything and we leave it to our respective groups to do so. And I think that has worked quite effective in the past.

So the concern is if we - or at least from my perspective is if we add too much bureaucracy here is that this will be a very beautiful process but it will never

ever get used because, you know, the Council will just refer back to those ad hoc processes that will allow it to, you know, do it in a time sensitive manner.

One thing I noted as well listening to the call is that, you know, some people, you know, seemed concerned that, you know, by not having voting thresholds it would mean that, you know, Council members would just go off in the wild and just do whatever they thought was good without, you know, needing to check back.

But I think there is, you know, Council members are there as representatives of their stakeholder groups and constituencies. And at least from our experience to date, I think many of them or most of them are really good at going and checking back and also notifying the Council that they believe additional time is needed or further consultations are needed on certain topics before taking a decision.

And there's also of course in this process, there's always at the end of the day as well, at the moment when decisions are taken also there's always the option to say look, we don't agree; let's, you know, pull this back. So there's also during that timeframe of course opportunities for consultation and input.

So as, you know, I think I expressed in my email, you know, for this specific process if we want to keep it lightweight and, you know, easy way for Council to provide input to certain, you know, requests or issues that it sees open for consultation, you know, I would strongly suggest that you consider that is done without those that may be through a non-objection or support from the different Council members to at least start exploring the issue noting that of course at the end of this process there's always still opportunity to object to the outcomes are agreed that nothing should be sent at all.

J. Scott Evans: Okay. So Marika, that would be in the instance where it's not putting any new obligations on anyone, it's basically just providing input.

Marika Konings: Yeah, and this is Marika. Because I see some questions in the chat this is specifically to the policy input process. I think as I tried to point out and J. Scott already referred to it as well, I think most, you know, the processes that are up for discussion here are I think we really would like people to focus on the outcome.

So the whole idea would be that when the Council has an issue it needs to deal with it basically considers what is the desired outcome that we want? Is the desired outcome that, you know, the Board has to consider this and take it on unless, you know, it overturns it with, you know, super majority vote if it's not in the interest of ICANN or, you know, security and stability issues.

Or is, you know, the desired outcome to provide input as part of other inputs to a certain consultation or mechanism? And for that second one, you know, the policy input processes are saying that the kind of lightly processed. At the end of the day it's not, you know, the Council is not obligating anyone to do anything or creating new obligations it's just input that is provided for that.

So for that you may not want to have, you know, voting threshold motions that add more bureaucracy to it. However, for the other process where you would create certain obligations on another party, in this case the Board, to actually, you know, considerate and possibly even take it on you may want to have indeed this kind of, you know, voting threshold and is processed in place so that it has, you know, to a multistakeholder process going forward and then some checks and balances in place.

So just to clarify so indeed the policy input process, our suggestion would be to not have a voting threshold to kick that off but for the policy guidance process. And I think that was also discussed at the last meeting. The suggestion would be to maybe follow the same voting threshold as for initiating a PDP where you could also maybe consider a simple majority.

And one other suggestion we made, and I think we're coming back to that later, is that if you would want to consider the policy guidance process as a potential alternative or a potential fast-track PDP you could consider having a super majority vote for initiating it as that would, you know, kind of guarantee that, you know, everyone at least in the Council or most on the Council are on Board with using a fast-track approach to developing potential consensus policy.

J. Scott Evans: Okay. Thanks Marika. Chuck.

Chuck Gomes: Thanks, J. Scott and thanks Marika. One of the concerns is that the - sorry about the doorbell that you're probably hearing - is that, for example, a communication from the GNSO Council to the Board, they will automatically assume, unless it's made very clear otherwise, that that's a position of the GNSO not just the GNSO Council.

So I think at a minimum if the Council acts quickly on something like that, and I respect the need for that in some situations, I think there needs to be a requirement that any communication that goes forward clearly says that this wasn't done through a bottom-up process unless that bottom up work had already been done so that there's not any generalizations made that oh, the whole GNSO supports this.

For example on a strategic plan comment, if it's just from the Council or just from a simple majority of the Council or some subset of the Council, that needs to be made clear. And I think that's okay as long as it's made clear.

J. Scott Evans: Okay. Alan.

Alan Greenberg: Thank you. I'm not disagreeing with Chuck but I have a problem. I understand the GNSO is not the same as the GNSO Council but the GNSO Council is the only voice with which the GNSO can speak as a unit.

And certainly if something gets approved by a bare majority of the GNSO Council it shouldn't be treated as the GNSO position if it has some onerous, you know, important for meaning to it.

On the other hand, if something is approved let's say with a super majority then the factoid is a GNSO position. It was passed by the GNSO Council but it's a GNSO positioned and perhaps as a caveat, but the Registry Stakeholder Group clearly disagreed or something like that.

You know, the Council is the only voice we have from the GNSO to speak as an entity. So I'm worried that we would say something that GNSO Council that is not a position of the GNSO. Obviously you have to weigh what threshold is used to get it approved. But within that level of detail I think they are the same, they become the same because there's no other way to get a GNSO position. Thank you.

J. Scott Evans: Okay. So I see Avri's been asking a lot of questions in the chat. And, you know, the way I understand the PIP, policy input, it's not that one person wants it, it's that an external force is asking for input. And the default is that the GNSO Council would provide input; the question is how do they do that and should there be, you know, what if there is dissent as to that.

And should there be voting thresholds that are required to move forward or other than, you know, a general agreement or a majority saying that they believe it needs to move forward. Marika, I'm sorry.

Marika Konings: Yeah, this is Marika. And maybe just to give a few more examples of where I think indeed the PIP would come in or where, you know, maybe it doesn't or as well to Avri's point. For example, we recently had discussion at the Council level whether there should be any input provided as a GNSO Council on the strategic plan.

And that was something that I think that has come back on several agenda items. And they're actually we saw that no one really felt a real need to do anything. Some said it could be a good idea, I think others said well, you know, we'd rather do that through our - actually nothing was kicked off.

So I think it's kind of translating how it currently works where I think on some of those issues, and indeed it sometimes is when something is asked but sometimes it's also the kind of proactive where, you know, someone picks up a certain report has been put out for public comments, does the Council as a whole want to provide input?

And again I think that lends to the conversation that the Council had indeed, do we want to do it? And as I said in the chat as well, maybe at the outset someone objects and says well no I don't think that's a role for the Council. And I think it has happened. And some may say okay well, if someone actually volunteers to put something together I'll reserve my judgment and I'll see what you've actually written up to see if I and my group, you know, can live with that as the Council responds.

So I think there are different ways in which this has already been done in practice. And I think other than just trying to do is actually just write that up as a kind of process so it's more clear from the outset, you know, what that should in principle, you know, what are some of the minimum requirements such a process should ideally follow. But it still doesn't preclude the Council taking other approaches or, you know, adding steps to it.

As I said, you know, in certain cases you may want to have public comment on something or indeed add additional time for groups to provide input into another round of drafting, re-drafting. So I think again this is just the kind of, you know, minimum bare-bones kind of process that just makes it clear for external parties, you know, what this is. And again what at the end of the day the desire or the expected outcome is and, you know, but the hope is that it will do basically.



J. Scott Evans: Okay. All right, so, Greg.

Greg Shatan: Hi, it's Greg Shatan for the record. You know, I guess my concern here is - I agree with Alan in his statement that, you know, that GNSO Council is essentially the mouthpiece of the GNSO or at least the organization that approves statements that emanate from the GNSO, you know, just as, you know, PDP, you know, working group reports, you know, come from the working group but end up, you know, must be approved by the Council.

Everything, you know, ultimately gets filtered through the Council and the Council is seen as the speaking organ of the GNSO. So I think it's important that we do understand at the end of each decision-making process how is a decision approved or not approved and what kind of vote will be taken by the Council in order to approve it and earlier, you know, during the process, you know, will there be a consensus taken.

You know, we have this interesting system, you know, where the working groups and other kind of subsidiary groups, you know, work by consensus but the Council itself does not. So, you know, I think that it's still appropriate when dealing with matters of policy that the actual, you know, decision on policy be taken by consensus and the ratification or affirmation of it be taken by the Council on the, you know, Council basis which would, you know, presumably be, unless we made it otherwise, the voting threshold specified in the operating procedures, you know, which is a, you know, over 50% of each house.

And with regard to timeliness I would note, in my role as a representative to be SCI, that we are, you know, continue to work on ways to make the GNSO Council, you know, more nimble in that regard, you know, at the request of the Council with things like voting outside a meeting by electronic or other means and ways to waive the 10 day motion deadline so that, you know, clearly timeliness and nimbleness are critically important but getting a

decision right and not having, you know, groups the kind of steamrolled by their majorities or, you know, lack of a consensus process is equally if not more important. Thank you.

J. Scott Evans: Okay. All right. Marika.

Marika Konings: Yeah, this is Marika. Listening to Greg's point the really seems to me that the crux at least on the policy input process is really on the adoption of the recommendation and how that actually works. So maybe that is something where, you know, we need to think of what potential different scenarios are or whether indeed that is a, you know, non-objection vote or a simple majority vote or indeed if it is simple majority vote how is it then reflected, you know, who has vote in favor, who hasn't voted against.

Or, you know, is this as well on the policy input process, is that something that needs to be adopted by a non-objection basically. If there's one person objecting is that enough to say well this cannot be communicated as, you know, a GNSO Council position.

So maybe that instead of, you know, actually focusing I think on starting that process, you know, maybe that is actually the part where some further thought or conversation may need to go into what does it actually mean to have indeed input adopted by the Council? Is it still input if it's a, you know, only half plus one submitted? Is that still the voice of the GNSO Council?

And I know that is one - and I think we reviewed that as well, I think that was for example that case I think in comments that were provided. And I think it was that Whois Review Team report, I'm not exactly sure, but where indeed we did have a kind of vote and where it was kind of reflected or - know maybe it was the TMCH, sorry, I think it was another one, I think the TMCH input provided whether was indeed disagreement and no unanimous support for the response.

And even though it was called out I think in the letter that was sent, I think still people felt quite uncomfortable at how - about how that actually, you know, came about. And is that indeed - it is still useful to provide that input if it's not, you know, the consensus kind of position.

So again coming back I think maybe that's where actually the focus of the conversation should be. And, you know, also coming out - may be moving some of this forward, you know, as I suggested as well I think in the email I sent, you know, may be on some of this but this is, you know, this is not the kind of high-level but the idea is that we would translate this into a kind of similar to the PDP manual in a, you know, PIP manual that basically provides more detail around these different steps.

And may be that is something where staff can, you know, maybe work on a first draft and possibly outline some options that the group could consider to see where people feel more comfortable where is indeed is this a non-objection vote? Is a simple majority, super majority, you know, unanimous?

So maybe that is something there where we could, you know, provide a couple of options and then have some further conversation about what people think would make the most sense in this context.

J. Scott Evans: Yeah. This is J. Scott. Thanks, Marika. You know, my only concern is that I don't want any one group within the GNSO Council to be able to derail the GNSO giving input. I just - I think that, you know, especially in what I in my experience would say, deals with very contentious issues.

And I think if, you know, the GNSO Council is made up of X number of constituencies and if all but one of those constituencies thinks that this input is solid and input needs to be given I think it should go forward. Now that doesn't mean to say that the other voice should be silenced. I certainly think that they should be able to voice their dissension as often and as vociferously as they wish to.

But I think it's important that we not set up any system where one particular group has some sort of super veto power because if we do that I think it's going to be very difficult to ever give any input at all. I think I see Alan's hand up.

Alan Greenberg: Thank you. You're certainly right. And when we crafted the current voting thresholds, when the, you know, the bicameral GNSO Council was created they were set up very carefully to make sure that no single stakeholder group could veto.

Now to pass something with a super majority without anyone having the ability to veto there's got to be an awful strong, you know, support from the rest of the Council other than that stakeholder group. But that is how it's defined right now and that was done, you know, quite deliberately.

So I, you know, the super majority is the measure which allows the Council to make a decision but not be veto-able, if that's a word. Thank you. And that assumes of course that each stakeholder group is, in theory, completely independent.

And of course vertical integration has changed significantly. And sometime in the future it may be more difficult to distinguish between the Registries and Registrars at which point the combined group does have a veto. So that's something we may want to think about in the future. Thank you.

J. Scott Evans: Okay. I think Chuck is next.

Chuck Gomes: Thanks. And, Alan, you're right. The ability for one group to veto was carefully considered when looking at the thresholds. But it seems to me that we're assuming that if the Council is - asks for input that the Council should give input. And I don't think that's an accurate assumption.

I think it's good if the Council can communicate something that has strong support from its various entities but there will be many cases when there will not be strong enough support across the constituencies and stakeholder groups and liaisons to actually do that. So I don't think it's right to assume that the Council should always provide input; in some cases the right answer is to defer it to the individual stakeholder groups and constituencies to provide input.

J. Scott Evans: Okay thanks, Chuck. Avri.

Avri Doria: Hi. Yeah, this is Avri. Can I be heard first of all? First time I've spoken.

J. Scott Evans: Yes.

Avri Doria: Oh great. So anyhow in terms of kicking off these PIPs I do have - I actually think though it's probably fine to kick one off as long as there isn't objection. But if there is even a single objection then there probably needs to be a vote to kick it off.

I think in terms of it giving advice first of all I do think Council gives advice and that that advice is representative of the GNSO. But in order for that to be the case you have to hit the super majority. So - and even without that meeting that can't be blocked.

So I think it's reasonable to be able to kick off a PIP easily - oh I like that, kick off a PIP easily. But it should require a super majority to actually pass it on as advice and rely on the fact that all of those voting in that super majority are indeed representing their SGs and Cs in the manner that those SGs and Cs determine according to their charters.

For example, some have directed votes and some have - we'll beat you up if you vote wrong proposals but that's up to the, you know, that's up to the

SGC. So perhaps that combination, easy start but still a threshold for passing on, is something to consider. Thanks.

J. Scott Evans: Okay. How about - Avri, this is J. Scott. How about only having a vote to pass on if there's objection? Are you there? Avri?

Avri Doria: Sorry. Yeah, I thought I was here.

J. Scott Evans: Okay now you...

Avri Doria: Now I'm here. Okay, I think that certainly, you know, but that is tantamount to a vote if...

J. Scott Evans: Okay.

Avri Doria: ...the chair says, "Are there any objections?" And he's got a full quorum, you know, at the meeting etcetera that's close. But then again that's not quite a super majority so, you know, that needs to be looked at more carefully. In general I think that, you know, if the full Council is sitting and the chair says, "Okay, do we need to do a vote or are there no objections?" that's tantamount to full unanimity. And of course that beats a super majority anytime.

J. Scott Evans: Okay. Alan.

Alan Greenberg: You know, I just wanted to note that that's very similar to the rules that ALAC uses. The ALAC attempts to make things by consensus and consensus is any - an informal definition but it's, you know, sort of 85%; you are allowed a few dissents but not many.

If a decision cannot be made by consensus then it goes back to a vote and typically a majority vote unless there's some special kind of decision. So,

what we're talking about is very similar to what's being used at the moment in the ALAC.

J. Scott Evans: So what I'm hearing - this is J. Scott for the record - is that the issue of what type of voting would be required and when it would be required needs to be carefully considered, but that's really not where we are at this point.

What we are at this point is we're looking at these processes to make sure that sort of the track works and then once that's been established and we can decide to draft guidelines to sort of flush out these higher-level concepts that we need to consider the voting issue.

Would that be a - and carefully consider it and where it would take place - at what stage of the process when I see where it would take place. Is that an accurate representation that sort of our discussion to this point? I'm looking for votes for those of you that are in - in that Connect room if you could let me know.

Avri, is that a new hand or an old hand?

Avri Doria: It's a new one. But I did put a check up there for a second to say I agreed with your characterization. I just wanted to sort of park the issue for later of no objection equaling or being the equivalent of a super majority vote in that we don't - I haven't checked the Council for quorum so you could have a bare quorum that is unanimous but that still isn't numerically equal to super majority.

So I just want to put that caveat in the parking space because I had sort of said yeah okay if no one objects but that's really got...

J. Scott Evans: Yeah.

Avri Doria: ...a quorum dependency so I just wanted to mark that.

J. Scott Evans: Okay so, Alan.

Alan Greenberg: Yeah, I just want to note that...

((Crosstalk))

Alan Greenberg: ...talking about ALAC rules, we also have a rider saying if anyone requests a vote a vote will be taken.

J. Scott Evans: Okay. Marika.

Marika Konings: Yeah, this is Marika. And I think that, you know, the security mechanism is still at the end of the day that, you know, if there's a super majority vote to adopt recommendations even if someone wanted to object to the process even starting I think there's still, you know, a safety valve there that, you know, sufficient votes are either required to actually pass it on.

So I think there's a, you know, a two-step approach there that hopefully will alleviate any concerns that, you know, there is quorum rules but I think we've been, you know, quite good as well with proxies and having issues on time on the agenda. So hopefully that wouldn't be any kind of situation where people don't feel that they had actually a chance to speak up.

But if they still feel that was the case there is still the, you know, if we indeed do decide that there should be a majority vote - super majority vote to actually pass on the input to the Board or whatever group the input is directed to that they're still then that opportunity for a group to say look, you know, we didn't agree with this in the first place to start and we definitely don't support, you know, providing the recommendations.

Chuck is saying, "If a vote is requested does it require a motion?" Yes, that is my understanding. If we're voting, we're voting on something and that



typically is the way the Council votes is on - through motions so that would require a motion so that would indeed mean additional time as well.

J. Scott Evans: Right. So looking at the charts we have in front of us are we sort of comfortable with this outline of how this would flow? You have the two different processes here that we've added, policy guidance process and the policy input process. It's never be comfortable with sort of that broad outline? And what the parameters qualifying for one or the other processes are?

Marika.

Marika Konings: Yeah, this is Marika. I don't know if we're also still going to come back specifically to the policy guidance process. I think there were some specific questions that, you know, weren't completely addressed I think at the last meeting.

And one of those relates I think to requirements on the Board in relation to, you know, at the end of the day if the whole PGP has been followed, you know, super majority vote has taken place what are the requirements that are posed upon the Board in relation to considering those recommendations?

Does that follow the identical process as for the PDP where, you know, there is a mechanism for the Board to overturn the recommendations if they could meet a certain voting threshold and if it's, you know, they need to explain that's in - not in the interest of ICANN, or may have certain security or stability issues. But there is a mechanism again as well to go back and have, you know, a dialogue and have a supplementary recommendation.

So is that the similar kind of process that people would like to see here or should we think of something else as this is a, you know, in a certain way a more lightweight mechanism than a full PDP. And if so what should that, you know, alternative mechanism be or what kind of requirements would people like to see on the Board?

And then there's also the question or suggestion I think that I have made in some of my comments is, you know, people spoke about, you know, the need or considering a fast-track PDP process for a certain set of limited circumstances.

And I think some of those were identified work in the case where policy recommendations are implemented but it's realized that a tweak needs to be made or it's having unintended consequences that need to be fixed in a more expedited manner or for cases where there have been significant scoping already being done either because, you know, a PDP was initiated or kicked off but then not initiated at that stage so there is already an issue report or a lot of information available.

And one of the suggestions was that may be a PGP could serve that function and, you know, having the kind of safety valve there at the start to really make sure that everyone is comfortable that this can be done through a kind of fast track process where they see, you know, eliminate the first part of a PDP would be to, you know, have a PDP with super majority which could possibly be a fast-track PDP. So I think that was one of the suggestions that we have made and interested to see what peoples feedback is on that.

J. Scott Evans: Okay. It looks like Amr and Cheryl are agreeing with that. And I saw that Amr has his hand up.

Amr Elsadr: Thanks, J. Scott. This is Amr. I completely agree with what Marika just said. I do find - according to the flowchart - and I apologize if you've gone over this already because I haven't been on the working group call for quite some time now.

But it seems to me that the requirements to initiate a policy guidance process here is very similar to a sort of - a policy or a framework that already exists when you require clarification input or advice on existing policy

recommendations which is reconvening the PDP working group that's already recommended these policies to the GNSO Council and then following that to the ICANN Board so that it's ICANN policy.

So I'm not seeing, according to this flowchart, I'm not seeing what is new, what the added value of the policy guidance process is at last the box in the middle is somehow changed which means that policy guidance process would address different needs similar to the ones that Marika just described. Thanks.

J. Scott Evans: Thanks, Amr. Alan.

Alan Greenberg: Thank you. A couple of things. In terms of whether the output of the PIP is binding upon the Board, I think you have to do something like that. If something is passed by the GNSO - by a super majority of the GNSO I think you have to make it onerous for the Board to reject it. So I think there needs to be a similar rule to what there is in a PDP.

Now I also think we need clarity for what does the Board have to do or is obliged to do if it is only passed with a majority. We currently have the situation of a PDP been passed by a majority but not a super majority and it's still a little bit fuzzy as to, you know, clearly in most people's minds that cannot set capital C, capital P, Consensus Policy, but outside of that it's not clear to what extent the Board has the ability to reject it or, you know, what happens with it if it only has a majority.

Something that struck me as we were talking in the last couple of minutes that it takes a very low threshold to initiate a PDP. Now - and I was wondering to myself, should we have a similarly low threshold. But, the difference is if a PDP goes all the way through it does have a strong position coming out of the working group which is a bottom-up process on any results. So I don't think we could get away on the lighter weight processes of having the lower threshold. I think we do need at least the majority to go ahead on those.

And lastly, in terms of other processes that we have, I suspect we still do need the equivalent of a lightweight PDP but I would really like to consider the concept of reinitiating, reopening a PDP to fix problems or to address something which hadn't been addressed, you know, which the group did not think needs addressed.

It's already - things that are already within the scope of the issue report, and I think that will solve the majority of the problems that we have in terms of tweaking that PDP output based on, you know, what we see in terms of real experience or addressing something which we can't fix now but we think a year from now the world may be different or two years from now. So I really would like to make sure that stays on the table. Thank you.

J. Scott Evans: Okay. This is J. Scott. Marika.

Marika Konings: Yeah, this is Marika. I just wanted to ask a clarifying question of Amr because I think he was referring to a majority vote to initiate the PGP, but I think currently we have been suggesting that maybe it's the same as initiating the PDP which is lower than the simple majority. So I just wanted to check whether, you know, which one he meant.

And also asking, because I think in principle that I think that is what is envisioned with the policy guidance process, you know, reopening the PDP. Because basically the idea is that, you know, if the Council decides indeed to invoke it as a fast-track PDP the idea would be that they would, you know, define what the scope is and decide how that would be done.

And that could be indeed, I think as currently as well under some of the other provisions like, you know, reconvening the original PDP working group if they're still around. However if, you know, this may be a couple of years later for some reason, you know, the implementation took long or whatever and, you know, everyone may have disappeared, they may also need to

reconstitute a group or a new group or depending on what the specific issue is it may require different expertise or information.

But I think that's at least, you know, from our perspective what would be envisioned that this is the kind of way where you identified the specific issue that you want to fix, you note all the previous information that is already available. You either reconvene that PDP working group that did the original recommendations if that is still viable or you, you know, form some kind of other group that is passed to actually do it.

But some of the steps are still similar where you do need to go out to all the stakeholder groups and constituencies, SOs, ACs, to ask for input, make sure that anything that comes up is as well put out for public comments and, you know, some of the other steps that I think we do consider as kind of minimum - minimal requirements on making sure that is a multistakeholder bottom-up process. So that at the end of the day we can say that, you know, because it's really then - a few of the community that we, you know, brings to the Board basically.

J. Scott Evans: Thank you Marika. Avri.

Avri Doria: Yeah. I tend to agree with I think part of what I understood Alan to be saying in that - because traditionally I've been against the notion of a fast-track PDP. But I think if we're looking at a PDP that is based on work done in a previous PDP, and therefore there's - as Marika was saying, lots of work done already, there is already a final report, there may have even been decisions and implementations that that could be an area where a faster track would be reasonable.

Now I would lean away from the notion of reconstituting a PDP. I think because if it's anything other than this, you know, strange situation we're in now where the recommendations have not been accepted yet, which is a case of its own, but in general assuming that the PDP has completed its full

process then it really should be started anew even though it's fast-track and it builds upon, you know, so you wouldn't necessarily do an issues report again unless that was specifically asked for, you know, and she would have the final from the other so you'd be able to just jump right into it.

But I think that we confuse the issue when we start talking about reconstituting versus not reconstituting so I would avoid that. But I think that if we were to restrict the PGP - and I have to confess every time I say that I think of pretty good privacy - but if we have a PGP and if we restricted it to something that was already out sort of a new - it has to be a substantial new issue on an already or substantive new evidence on something that already had been PDP-d. Thanks.

J. Scott Evans: Thank you. Alan.

Alan Greenberg: Yeah, thank you. Just to address Chuck's question he just put in the chat, the difference with the IGO/INGO one is we are reconvening or whatever the word is, the PDP working group on issues the Board has not yet voted on and that's a substantive difference.

What I was referring to when I was talking about the concept of restarting a PDP - and I like restart rather reconvened because chances are it is two years later and, you know, we're not going to try to make - to put the same group together.

The concept of restarting the PDP, I think, and we may just be in a nomenclature problem, is because to form - to create a consensus policy it has to be a PDP right now. And I think that's a good base on which to stay so the concept of restarting a PDP within the same overall scope as the original one with whatever rules we come up with for that process allows us to keep the rule that a Consensus Policy - capital C, capital P - can only be created by a PDP and has to end is honored.

And remember, that has to do with words that are in contracts right now so we can't easily - we can change the bylaws easily but we can't easily change all contracts. So that's why I was looking at the concept of restarting a PDP for the issues which are within the same scope. Thank you.

Marika also asked the question when I was talking about what I accept but I thought it needed a 50% threshold, I haven't really looked at the PGP right now so maybe the lower threshold is fine with that. If there's enough bottom-up work within the process then yes it would be acceptable but I admit I haven't re-looked at that chart recently. Thank you.

J. Scott Evans: Okay. So thank you, Alan. This is J. Scott. At this point I want to move us on to talk about the next steps with regards to this deliverable. And I see here that we've got these charts that outlined these two processes, the two new processes, the PGP and the PIP.

And I want to put to the group that as we move on to our next deliverable perhaps it might be worthy to have staff began and provide us with a rough draft of a guideline for these processes that we could then look at and discuss and get into final form to be delivered with our recommendations. And I wanted to know if that was acceptable to this group if we proceeded in that fashion.

Chuck.

Chuck Gomes: Thanks, J. Scott. A question I have is, is it the role of this working group to actually propose specific details for each of these new processes? Or should we just recommended that they be developed and that they then be developed by working groups that the GNSO Council forms just like they did with the PDP process?

J. Scott Evans: Okay. Alan.

Alan Greenberg: I was one of the ones who when we started was pretty vociferous that this group not develop detailed operating practices but just come up with an overview. I'm not sure I'm agreeing, I'm not sure I still have that opinion. We're a lot further along than I thought we ever would be and we may be close enough that we could come up with detailed rules. I'm not 100% sure. That Marika has her hand up.

J. Scott Evans: Marika.

Marika Konings: Yeah, this is Marika. I think the charter definitely doesn't - specifically asks for a set of recommendations on a process for developing (unintelligible) policy. And to me a process means that you actually and the mapped out what that means and even, you know, the more guidance you can provide a better.

So I definitely wouldn't see it as, you know, going against the charter of providing that actual process and how it should look. And, you know, personally I think it would be a real pity after all the discussions and work that has been going on here that we would leave that and, you know, and that over to another group that would basically have to reinvent again I think what we already do a lot of work on.

Of course it doesn't, you know, take away that whatever we come up with the Council may still tell us, you know, someone else needs to go off and do some more work. But my hope is that they would actually really welcome the detail and the level of thought that has gone into this.

And again I think as well partly, you know, the next step would be to really take this back as well to the broader community to actually see are we on the right track because may be based on that feedback we may get some pushback or, you know, new suggestions or ideas that we may need to incorporate are just.



So, and hopefully there will be as well at checkpoint I think when we next present to the Council to see if anyone - I think indeed in the past meeting no one pushed back and said well don't give us too much detail, we want someone else to go work it out.

So I think for now, you know, on the safe track but if people do have concerns about it it may be worth, you know, having one of our Council liaisons go back to the Council and ask that specific question or as said, you know, use it as part of the conversation in Los Angeles.

J. Scott Evans: Yeah. Do we, well, I mean, that's going to put us back six weeks if we wait to get that answer in Los Angeles. My question is do we need to put just this rough framework out for public comment to see if that's on the right track? And then if we get a buy-in to that then move forward or, I mean, what do people think the best - the best methodology is to proceed? Marika.

Marika Konings: Yeah, this is Marika. So I may be can make a suggestion. I think one idea would be for, you know, everyone on the call today and maybe also encouraged other working group members to take it back to their respective groups and already say...

J. Scott Evans: Okay.

Marika Konings: ...look, this is the direction we are heading in; do people like it? Have major concerns? Questions?

J. Scott Evans: Okay.

Marika Konings: You know, ideas? And maybe then we can really use LA because I think, you know, having public comment now may not be as effective because I think there are a lot of other things going on. We probably then already get into the deadline for, you know, publication for LA. So I'm not really sure how well that would work.

But then based on the feedback we get maybe from the different groups we can still do some tweaking and editing but then really use the LA meeting to put this in front to the broader community and say, hey, this is where we are, you know, to date.

And of course in the meantime we can already start looking at some of the other deliverables why we gather input, you know, from the different groups on where we're at today so we can still adjust as needed but not, you know, hold back on all the other work that we still need to do on some of the other charter questions.

J. Scott Evans: Okay. Thank you. Chuck.

Chuck Gomes: I first of all want to say I think Marika's idea is fine. I just think that we should have a common communication that we all send to our groups so that we're all sending the same message if we do that.

J. Scott Evans: Okay. Greg.

Greg Shatan: Greg Shatan. This may be more of a detail point, and I apologize for derailing the conversation slightly. But in the PIP where we talk about a simple majority being a vote of the GNSO Council it looks to me from looking at the operating procedures that, and maybe I'm wrong about this, but nothing actually happens by a simple majority but rather it's a majority of both - of each house.

So I think we may want to clarify what that term means because a simple majority could just mean, you know, a, you know, more than half of the sitting members or those of a quorum who are present at a particular, you know, point in voting. As Avri points out there is a quorum issue there. So it seems to me that, you know, at the least it should be a majority of each house that would make a decision on a PIP. Thanks.

J. Scott Evans: Okay, all right. So how about the chairs and the staff work together to put together a cover email that would use to send this to the various lists and then next - we'll go ahead and get that and by next week have that ready to go and get out.

And then we'll move on to wrapping up the sub-questions with regards to Deliverable 1 and then start looking at the template for dealing with our next deliverable. Does that sound like a plan? I see Cheryl agrees and Chuck and Amr.

So why don't we do that then? It's 1 o'clock - and Alan and Avri - yay, I don't know if that's a simple majority, a consensus or a super majority. But I'll take it.

So what I would suggest we do is we come up with that, we put it to the list and our hope is by next week we have gotten that approved and gotten that communication out to the various groups.

We will then next week wrap up our discussions on the Deliverable 1, considering sub-question E(a), E(b) and E(c) and I would ask that everyone look at those between now and the next meeting so prepare to talk and then we'll introduce the template that the staff has put together for tackling our Deliverable 2. Does that sound like a plan?

With that I'm going to ask the operator to bring the call to a close and we will adjourn. And I thank everyone for their time and participation today and their attendance. And thank you all very much.

Chuck Gomes: Thanks, J. Scott.

Avri Doria: Bye-bye. Thank you.

((Crosstalk))

Coordinator: That concludes today's conference. Thank you for your participation. You may disconnect at this time.

END