ICANN
Transcription
Policy and Implementation Principles Sub Team
Thursday 13 February 2014 at 21:00 UTC

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http://audio.icann.org/gnso/gnso-policy-implementation-20140213-en.mp3

Attendees:

Cheryl Langdon-Orr – ALAC

Chuck Gomes- RySG

Alan Greenberg – At-Large

Avri Doria – NCSG

Tom Barrett – RrSG

Greg Shatan - IPC

Michael Graham – IPC

Nic Steinbach- RrSG

Apologies:
 none

ICANN staff:

Marika Konings

Nathalie Peregrine

Coordinator: Excuse me, I'd like to inform participants today's call is being recorded. If you have any objections you may disconnect at this time. Thank you. You may begin.

Nathalie Peregrine: Thank you very much (Lisa). Good morning, good afternoon, good evening everybody. This is the Working Principle Sub Team Meeting on the 30th - 13th of February 2014.

On the call today we have Cheryl Langdon-Orr, Tom Barrett, Alan Greenberg. Greg Shatan, Nic Steinbach, Chuck Gomes and Avri Doria.

We receive no apologies today's call. On staff we have Marika Konings and myself Natalie Peregrine. I'd like to remind you all to please state your name's before speaking for transcription purposes. Thank you very much and over to you.

Chuck Gomes: Thank you very much Nathalie. Let's jump right in. Avri I'm glad to see you got a break in shoveling snow. I'm leaving that to the hotel people here in Virginia so we got quite a bit here.

So let's jump right in. Now it's showing on the screen is exactly where I thought we we're supposed to pick up today under implementation standards.

And the - Part A there is something that I noticed is already in B1 above the same thing is stated up there.

Now Tom you said you'd like to see this up front. Are you okay with where we have it in B1?

Are you on mute Tom or just thinking?

Cheryl Langdon-Orr: Tom's tied into the chat but he is okay with that. I'm off mute myself.

Chuck Gomes: Okay so you're okay with that. Okay oh I've got it okay so that's good. Thanks Tom for chiming on the chat. So that's helpful.

So now the question is so do we delete it here? But before we talk too much about that I want to refer you to (Mary)'s comment down below.

The - because she has some nice wording there as well. And I like the wording that we have in B1. I'm not arguing with that. But (Mary) had some wording down there that was pretty good too.

So take a look at that where she says policy and implementation are not two separate phases entirely but require continuous dialogue and communication between those that determine the policy of the GNSO and those that are charged with operationalizing implementing it and at staff. I thought that's another nice way to word that.

So I guess my question for the group is do you like that as well? So we just add it to what's in B1 or do we put it here? I'd appreciate some thoughts on that?

Cheryl Langdon-Orr: Cheryl here Chuck. I can't see any downside in adding it to B1.

Chuck Gomes: Thanks Cheryl. Chuck again. Is there anybody that would object to that?

Okay very good. Any other comments? Avri you checked agree, thanks, very good. If anybody else wants to speak up let me know otherwise we will just add that to B1 and delete it here under 1A where we started off on the screen. Are you with us okay Marika?

Marika Konings: Yes. This is Marika. I think I got it. She just want to add it at the end of B1 right? (Unintelligible).

Chuck Gomes: B1 yes where - yes that's it okay. All right I think we then can unless I see any other hands or hear anyone go on to part B there which I guess would become A for now anyway.

By the way I wrote myself a note in my comment there. Marika, myself, Avri also had comments on that previous one like (Mary) did.

I'm assuming that every - that Avri you're okay with those and Marika you're okay with what you - with your comment. Did you want to talk to that anymore? Speak up if either one of you want to talk to your comments further?

Okay I'm assuming it's okay. So in B then we have all GNSO PDP working groups should be encouraged to provide as much implementation detail as possible within a reasonable timeframe.

To the extent implementation detail cannot be provided the PDP recommendations should strive to identify areas where additional policy work may be needed based on issues that become evident only in the first cut at implementation.

That was a suggestion from the Registry stakeholder Group statement in response to our request. The show, I'll open that up for discussion.

Are you okay with that as a principle? Do you want to edit it? Are you not okay with it? Anybody like to speak to that?

Okay anybody object to that being included as a principle? Okay Tom go ahead and speak.

Tom Barrett: Yes. I'm just wondering if we can wordsmith just a bit and get more specific? It just seems like a motherhood and apple pie statement.

And I'm wondering if we can try to get more specific in terms of what we're looking for out of the working group here in terms of implementation?

Chuck Gomes: Okay you have some suggestions?

Tom Barrett: Well we don't we, you know, there's different type - we want - obviously we want to know the - an idea of how long it might take to implement or

recommended to implement. We might want to know who we think's impacted.

We might want to know, you know, what obligation we think this is going to put on people? You know, what are the who, what, and why that that should be addressed in - as a deliverable from the working group.

Chuck Gomes: Okay well let's take it in pieces. That might be easier. So it starts off all GNSO PDP working groups should be encouraged to provide as much implementation detail as possible within a reasonable timeframe.

Now do you think that needs any fixes?

Marika Konings: This is Marika if I can actually add something because I think some of the detail that Tom is referring to is actually in the PDP manual as some of the required elements that need to be included.

So does talk about, you know, impacted stakeholders. You know, it provides implementation guidance.

So I think some of that may already be in the PDP manual so may be worth maybe looking there what it says what it specifically says there.

Chuck Gomes: So a question I have then is should we use some of the language from the PDP manual or refer to the PDP manual?

Cheryl Langdon-Orr: It's Cheryl coming through as Cheryl.

Chuck Gomes: Hi Cheryl.

Cheryl Langdon-Orr: I like referring to the manual. And then if the manual challenges the references okay.

Chuck Gomes: Okay Marika can you maybe make a suggestion in terms of how you would refer to the PDP manual there? Oh very good, you're way ahead of me as usual.

Marika Konings: Yes and this is Marika. I - after the call I can as well look up if there's a specific section that talks about it and add that reference. But for now we can maybe just leave it as general.

Chuck Gomes: So now what we have is all GNSO PDP working groups should be encouraged to provide as much implementation detail as possible within a reasonable timeframe as outlined in the PDP manual. And I see Alan's hand up. Go ahead.

Alan Greenberg: Yes. I guess I'll express a bit of concern I have with the wording here. I cannot count the number of times in PDP working groups where the group goes off on some tangent, you know, an interesting theoretical discussion or an interesting something but it's not really salient to determining policy.

                 And the expression used to bring them back on track is often that's implementation we don't need to worry about that.

                 And the wording that's written here I read -- and that maybe I'm reading it incorrectly is it's not that we should be writing the whole implementation plan but the working group has some responsibility to identify the implementation to sufficient level of detail so that the policy decisions will not need to be made on the fly or quasi-policy decisions when actual implementation is going ahead after GNSO and board approval.

Chuck Gomes: So Alan the way you just worded that sounded like you might be on to some rewording for this that might work.

Alan Greenberg: Well...

Chuck Gomes: Can you put that into this sentence?

Alan Greenberg: I'm not sure. I mean it's one of these judgment calls, how do you, how do you - you know, it's one of the things we had an infinite discussion on last week.

You know, how do you recognize when something is yes it's implementation but it's really going to have an impact and yes it's just implementation if you can get whatever I mean from the tone of my voice. I don't have to differentiate them in words.

Chuck Gomes: Well let me ask you...

Alan Greenberg: But I worry about giving...

Chuck Gomes: ...(unintelligible) probing with you if I can...

((Crosstalk))

Chuck Gomes: ...Chuck again.

So do you agree with the idea that we want whether the wording's right or not it's helpful when the policy development body provides as much help for the implementation of it as possible?

Alan Greenberg: If we're talking about the new gTLD policy where the policy clearly did not go into a lot of detail yes the more it would have done the less debate we would be having now.

But there are other aspects that most people would agree are just implementation, are just the mechanics of putting in place that are - there's less need for the PDP working group to define in excruciating detail.

I guess I'm trying to express a concern that if we use wording that is - has no qualifiers we are going against the concern that has been expressed that people don't participate in PDPs because they're tedious and too much of the time is wasted.

And here's an opportunity for people, you know, for one or two people to pursue something for an hour and a half discussion when it really has no impact. And I worry about that.

Chuck Gomes: You know and I - this is Chuck again. I get your point. Let's see if Tom can help us.

Tom Barrett: Well I think, you know, I have to go back and review the PDP manual. But it sounds like in the PDP manual there's a - one of the deliverables of the working group is to have a section on implementation.

And so it's basically saying that the working group must address the implementation issues and not be silent on them.

I think many of the problems we've had in the past is because, you know, it's very easy to come up with policy and say well let's leave the details to implementation and it takes a right-hand turn because it wasn't specified in that during the PDP.

Chuck Gomes: And that's - this is Chuck again. That's very well said Tom. In fact in the new gTLD PDP which I participated in if we had tried to provide very much implementation detail we might still be developing that policy.

So I think it was a practical matter that we didn't. We achieved the objective of getting some high level policy with very little if any guidance on implementation detail.

My own personal opinion is that that was a reasonable thing to do to avoid many years of policy development.

So now we ended up spending the years in implementation so maybe it's a wash. I don't know. But let me take a crack - well I've got other hands up. I'm going to let some others try and help here. And I'm thinking of some ideas too to accommodate Alan's concern which I think is valid.

We've just got to find the right words to say it where we do want them to provide as much guidance as possible with regard to implementation without getting into the nitty-gritty of an implementation plan which I think is what Alan is saying. Let's go to Greg.

Greg Shatan: Hi it's Greg Shatan. I just share this concern as well. And part of it in looking at this - the wording here is talking about providing implementation detail.

And the word I think would be better than detail, would be maybe implementation guidance. Now the idea is to prevent a hard right turn or the situation where the implementers do something where these other people who wrote the policy say how did they think we meant that?

The ideas to provide guidance that, you know, keeps them in line so that they feel like they can apply the guidance in a way that, you know, makes sense but not getting data into the weeds of actual implementation detail concerns me.

I mean we don't want to be so high up in the, you know, 10,000 foot level that it's possible to see, you know, how implementation would take place. But we don't want to get so far down in the weeds that we're essentially taking implementation into the working group. Thank you.

Chuck Gomes: Thanks Greg. And you're going - that's exactly the word I was thinking of as well. Avri go ahead.

Avri Doria: Yes thanks. I actually don't have quite as much concern as perhaps Alan and Greg do.

First of all I think if we change the words to where we're saying lines that's just implementation become nonsense after this effort, you know, we won't have that avoidance of those issues.

Now in fact we are recommending partly what we actually did do on the new gTLD program. Anybody goes back to that they'll see that there's a whole line of implementation guidelines.

And now at the time you're right in one respect Chuck in that we said we weren't going to follow things to the bitter end because we know it would have to be reviewed and we would be here forever. So as you say also somebody else was there forever and we're still doing it. So perhaps that was a wrong decision at the time.

But beyond that, you know, we did put the guidance there. I'm not sure to what degree it was paid attention to because when we did it our notion was this is just implementation guidelines and they don't have to pay attention to them if they don't want.

But remember what we did do. We went through for every policy we came up with we had some members of the policy staff that were going - not the policy staff, the implementation staff that were going okay how would we do this?

And then they'd come back to us and say, you know, we really can't do that but perhaps if you changed it we could do this.

So we actually did negotiate a lot of that stuff without using the N word and then - oh it's a different N word but anyway without using the negotiation word.

And but those things weren't at all fixed anywhere because that was just implementation, those were just examples. That was forgotten.

So what we're saying now is we should really do more of what we did then. And I think in terms of it driving allowing people to go down their rat holes I think that if implementation details are an accepted guidance that we can give -- and I think guidance is a great word -- are an acceptable thing then it just becomes a matter of us saying oh that's just implementation, becomes the question is so what part of implementation does this affect and why? And so I really don't see the problem. Thanks.

Chuck Gomes: Thanks a lot Avri...

Marika Konings: This is Marika.

Chuck Gomes: ...Chuck again. And you bring up some good memories of the actual PDP work. So thanks for keep refreshing my memory there.

Greg is that a new hand?

Marika Konings: Can I be in the queue as well Chuck?

Chuck Gomes: You sure may. Greg is that a new hand?

Greg Shatan: It's a missed - it's the old hand.

Chuck Gomes: Okay go ahead Marika.

Marika Konings: Yes this is Marika. Just to know I think that the guidance or the term guidance follows very well along with the current practices in PDP working groups.

And I don't know if any of you have seen the board resolution on the Thick Whois PDP for example which actually specifically references the implementation guidance provided by the GNSO council and that needs to be considered or taken into account as part of the implementation process also again referring to the implementation review team that the council decided to form.

So I think it's, you know, what we're talking about her I think is something that's already becoming a practice where indeed working groups do try as much as they can to provide implementation guidance but I think recognizing that in certain cases there may be limitations either, you know, because of timing or expertise and knowledge in the working group because, you know, certain things indeed it's just a question of working them through and seeing how all the pieces fit together and, you know, getting the technical expertise added to that that may actually, you know, get you into the weeds as we said.

So basically just to note that I think as it's currently written really falls I think - follows along with what current practice in PDP working groups is.

Chuck Gomes: Yes thanks Marika, Chuck again and thanks Avri for acknowledging agreement there. Let me come back to Alan who raised this issue. And we're just talking about that first sentence Alan. Are you okay with this?

Alan Greenberg: Sure.

                  I...

Chuck Gomes: Okay.

Alan Greenberg: ...you know, I have the concern but I have no way to address it that's likely to be acceptable or even acceptable to me. So let's go with it and see where it leads.

Chuck Gomes: Okay thanks Alan. So let's go on then to the next sentence which is to the extent the implementation guidance cannot be provided the PDP recommendation should strive to identify areas where additional policy work may be needed.

And I'm having trouble reading. And I'll go back to the - let me go back to the - my hard copy here.

Marika Konings: I'm sorry Chuck. I was just saving a document.

Chuck Gomes: Okay good.

((Crosstalk))

Chuck Gomes: Yes all right so the extent implementation guidance cannot be provided the PDP recommendation should strive to identify areas where additional policy work may be needed based on issues that become evident only in the first cut of implementation.

So let me throw that out for a discussion. I'm having trouble with that last part where it says only in the first cut of implementation but I probably...

Cheryl Langdon-Orr: Yes that...

Chuck Gomes: ...was involved in that at one time. Anyway Greg go ahead.

Greg Shatan: Yes this is Greg. I'm having problems with that last quote as well because the last clause makes it seem like we're not going to - how can you identify areas where policy work will be needed if the areas are only going to become - if the policy work that's needed is only going to become evident after there is a first cut of implementation, presumably implementation after the end of the PDP?

So I'm like cut that sentence after needed. And cut out based on issues et cetera, especially since we're talking about overarching principles here. So these should be I think stated I kind of if you will a policy level.

Chuck Gomes: So delete it. This is Chuck again. Delete it from based on right? Based on issues...

Greg Shatan: Correct yes, as Marika has it.

Chuck Gomes: Yes as she shows, very good. Yes so and I saw - I think I saw another hand. Alan go ahead.

Alan Greenberg: Yes I just wanted to support that. The alternative is the implication that we have to do the first cut of implementation before we close out the PDP which I don't think was what we were intending to be saying there.

Chuck Gomes: Right, thanks Alan. Chuck again. Any other comments on this? So we have the two sentences there. I won't read them again. Any other comments? Is that a new hand Greg?

Greg Shatan: I think Cheryl is trying to get in.

Cheryl Langdon-Orr: Yes just briefly just I wouldn't mind with the end of that sentence where it says may be needed just adding the words during implementation because then it means it's, you know, not endless.

Chuck Gomes: Any problems with that? That makes sense to me.

Alan Greenberg: It's Alan. It's of course leaving silent the question of how do we do policy work during implementation? But presumably this group is going to have to deal with it eventually.

Chuck Gomes: I think so. We're going to at least try.

Cheryl Langdon-Orr: Oh yes.

Chuck Gomes: All right. Anything else Greg? Is that a new hand?

Greg Shatan: That is in fact a newly grown hand.

Chuck Gomes: Okay go for it.

Greg Shatan: I think the answer to that question is or an answer to that question lies in the implementation review team process where essentially some form of the working group continues on as an IRT which can then, you know, act and provide, you know, kind of continuing policy guidance during implementation.

That in my mind seems like the - or an avenue by which one can do policy work during implementation or at least provide policy clarification during implementation. Thank you.

Chuck Gomes: And so you're are - Greg, Chuck again. You're okay with the revised wording?

Greg Shatan: Yes I am. I like that. I think that helps.

Chuck Gomes: Thanks. Okay anything else on this principle, two sentences there? Nothing any hands or hearing anyone let's go to what is now B, it was C, administrative updates, error corrections and clarifications to approve GNSO policy should be treated as implementation issues without any requirement for public consultation except the right for the community to challenge whether such updates were indeed simply administrative updates, error corrections or clarifications.

So now Tom I think you were the one that had concerns about this and even suggested deleting it.

And I commented that after our last meeting in - that I wasn't quite ready to get rid of it because to me - it seems to me that this is a helpful principle to avoid fairly simple things. But let's talk about it.

Tom would you like to talk about your concern?

Tom Barrett: Well I guess what I wanted to avoid was again relying on someone's judgment to decide that there is no requirement for public consultation. You know I...

Marika Konings: And this...

Tom Barrett: ...and, you know, having transparency and visibility to when someone makes a judgment call.

Chuck Gomes: Yes. Yes did I hear somebody wanting to speak?

Marika Konings: Yes this is Marika. And I think in practice how this will work is basically that's of course these changes would come up through the Implementation Review Team.

I think what we're trying to say here at least, you know, from what the attention was in the draft framework basically raises the fact that, you know, if we need to make a, you know, the policy recommendations include a spelling mistake and that we can just go ahead and, you know, correct the language for example without having to open a public comment forum on it.

It would be something that of course we would share then with the Implementation Review Team and say hey, you know, we noticed that you actually made a spelling mistake here in this recommendation so we fixed that, hope you have no issues with it.

But I think indeed the underlying principle here is to say look if they're really minor things that shouldn't necessarily go to a public comment forum which indeed you may get community overload for every little change you need to do public comment forum.

But again I think the underlying principle is and that will presumably come back as well as we said is talking through how staff would work with Implementation Review Teams.

Of course those kinds of items would come up as part of those conversations and as that group would review the different iterations of an implementation plan and implementation language.

Chuck Gomes: Thanks Marika, Chuck again. And of course we have a - I mean that added wording there the exception was kind of - was added I think to deal with Tom's concern to I mean if something is treated as an administrative or issue or an error correction the idea is is that if somebody doesn't think it really was administrative or just simple error that could still be challenged.

Now is I guess the question for Tom is is that sufficient to address your concern or should we add something else there or reword it?

Tom Barrett: I'm not convinced it addresses it yet but I'd like to hear from some other folks.

Chuck Gomes: (Unintelligible) several of us I think - this is Chuck again. Several of us think that this is an important principle just to make sure that we don't spin our wheels checking every little minor detail.

You're right Tom that it requires some judgment. But I think everything we do requires some judgment.

And that as long as there's a challenge mechanism or a challenge opportunity because it's all going to be public, it's all going to be transparent I'm okay with that.

And I think that's a lot - that potential for error is a lot more acceptable than not putting this in there. And so every little change has to go through some rigorous process.

So but anyway I - somebody else and Cheryl thanks for the agreement there. Somebody else want to speak to this?

Tom would like to hear from you. So while we're waiting there Tom if there's - if there are any - I mean is there a better way to tweak it that would make you feel more comfortable?

Okay certainly if you think of one after or later in this call or after this meeting you can communicate it on the list. Tom go ahead.

Tom Barrett: Yes I agree. I don't think we - there's any requirement here for a public consultation. I just think there's a requirement for transparency. So how do we ensure that we know there are changes?

Cheryl Langdon-Orr: Well we can certainly add language there that indicates that they're required for transparency. Cheryl that was.

Chuck Gomes: And Marika is helping us out there.

Cheryl Langdon-Orr: Does that work some?

Tom Barrett: Yes I think that improves it.

Chuck Gomes: Is that okay?

Thank you Cheryl and thank you Marika. All right anything else on that one? We're moving along pretty well.

All right let's go then to another was - oh Tom yes we already covered your comment Tom so we don't need to do that.

So what was once D is now what C. And when I look at this again today I thought I wonder if we could reword this assuming we want it in there like we did two - Roman Number 2, 2C above. I think Avri helped us on that in a previous meeting or in-between.

And I thought it was a pretty clean way of doing it and we could follow that that same pattern. Let me - so it was also referring to a - one of the values in the ICANN bylaws. Thoughts on that?

I think the way it's worded right now isn't sufficient but maybe it's even a simpler tweak.

Now what we did on that other one was each of the principles in this document must be considered in terms of the degree to which they adhere to and further the principles defined in ICANN'S core values as documented article to of the ICANN bylaws.

And then the sentence that I thought maybe what could go here or something like it was a particular note should make do eight and (unintelligible) the core value (unintelligible) with regard to eight. Anybody have any thoughts on that?

Cheryl Langdon-Orr: No thoughts but no problems (unintelligible). That was Cheryl.

Chuck Gomes: Does that work? Tom go ahead.

Tom Barrett: Yes I guess I'm stumbling on trying to figure out what core value eight is. And I would rather give a name to it rather than a number.

Chuck Gomes: It's in the text there.

Tom Barrett: But why do we need to have a principle that refers for another principle?

Cheryl Langdon-Orr: (Unintelligible).

Chuck Gomes: Cheryl do you have a thought on that?

Cheryl Langdon-Orr: I'm happy if you want to repeat it. It's not a problem. I as you know Chuck like big words rather than more in response making.

Chuck Gomes: Yes. There are times when it's, I think it's helpful to repeat something just to make it very clear even though it's elsewhere and then maybe even especially when it's - you have to refer to something else.

But the question we need to ask then is this one of those cases or should we delete that? Thoughts on that?

Okay Avri?

Avri Doria: Yes this is Avri, against a deleting it. I think that that's so important that it needs to be in there. So I'd be very uncomfortable about deleting that.

Cheryl Langdon-Orr: Here, here.

Chuck Gomes: Okay just you. Tom, go ahead.

Tom Barrett: I would suggest that if there are specific elements of the bylaws that we want to highlight then we should highlight those elements. So I think what we're saying is we want to highlight that you apply policies neutrally and objectively

with integrity and fairness as document in an article through the ICANN bylaws.

Maybe you just highlight those particular elements that are already documented elsewhere?

Chuck Gomes: Tom, Chuck again. Are you suggesting that we reword it that way? By the way I liked what you said so I'm not questioning it. I'm just curious as what specifically you think we should do in terms of wording this?

Tom Barrett: Right, right. But I'm saying specifically it sounds like we want to highlight, you know, a subset of what's already located elsewhere.

And so I would focus on that subset in this sentence. So...

Cheryl Langdon-Orr: Cheryl here. I thought...

Chuck Gomes: Go ahead Cheryl.

Cheryl Langdon-Orr: ...Tom that's exactly what this does. It refers to the article in the ICANN bylaws. There's going to be a link that takes us there and we pull out that we want them to make particular note of core value add and we quote it.

Chuck Gomes: I don't have them in front of me right now but is that a quote...

Cheryl Langdon-Orr: If it's not it should be.

Chuck Gomes: Yes and I - yes that's a good point. So should we then leave (unintelligible)...

((Crosstalk))

Chuck Gomes: ...should we then just take the wording we have in front of us and make, just confirm that that is a quote and put it in quotation marks of the bylaws?

Cheryl Langdon-Orr: I think Avri was saying something.

Avri Doria: I didn't have my hand up, sorry.

Cheryl Langdon-Orr: Okay.

Alan Greenberg: It is a direct quote.

Alan Greenberg: That's what I thought, Alan speaking.

Avri Doria: Thanks Alan. I didn't think it was.

((Crosstalk))

Avri Doria: Yes. I was still checking. When I (unintelligible) but I'll check.

Chuck Gomes: Okay. Yes the previous one in core value four was it a direct quote too? And if so I would assume the same principle would apply there. We...

Alan Greenberg: Read it out to me. I'm looking at the bylaws. Read out what your - what the text says.

Chuck Gomes: On four?

((Crosstalk))

Cheryl Langdon-Orr: (Unintelligible) supporting broad informed participation reflecting the functional geographic and cultural diversity on the Internet at all levels of policy development and decision-making.

Alan Greenberg: Verbatim.

Cheryl Langdon-Orr: (Unintelligible).

Chuck Gomes: Okay.

Cheryl Langdon-Orr: Sorry Chuck I should've left that to you. I just jumped in there but (unintelligible).

Chuck Gomes: And that's okay. We're a small enough group that that's okay. Tom?

Tom Barrett: Yes we just jumped around a bit but and I guess because we read off core value four. But if core value eight it's just not a grammatically correct sentence.

So if it's a direct quote we must be missing, you know, you don't start a sentence by making decisions...

((Crosstalk))

Alan Greenberg: It's Alan speaking. The preamble to all of the core values is in performing its mission the following core value should guide the decisions and actions of ICANN colon. It may not be grammatically correct but it is what's in the bylaws.

Cheryl Langdon-Orr: That's what we have to quote, Cheryl.

Chuck Gomes: Is that okay Tom? I mean if we're quoting we have to be precise.

Tom Barrett: What if we remove the words making decisions by?

Cheryl Langdon-Orr: Then we're not quoting core value eight.

Chuck Gomes: Well we can put a dot dot dot and then applying documented policies neutrally and objectively with integrity and fairness. I think that would be okay.

Cheryl Langdon-Orr: With the dot, dot, dot. Yes.

Chuck Gomes: Right but again I'm just trying to see if we can reach consensus among ourselves in terms of how we're most comfortable and in particular dealing with Tom's concern.

Avri Doria: Can I ask a question?

Chuck Gomes: (Unintelligible) dot, dot, dot and then...

((Crosstalk))

Avri Doria: I have a question...

Chuck Gomes: ...putting the - starting with applying? Avri?

Avri Doria: Yes. I've got a question. Is the problem here just grammar or is there some problem with mentioning decision-making?

Chuck Gomes: Now this is Chuck. Tom you get to answer that.

Tom Barrett: Well yes I think it's just grammar.

Avri Doria: Okay.

Tom Barrett: And just to clarify I know this is - do we really care about applying documented policies neutrally and objectively when we make decisions?

Chuck Gomes: Repeat that please Tom. This is Chuck.

Tom Barrett: Is the principle of applying documented policies neutrally and objectively with integrity and fairness, does that only apply when we make decisions?

Avri Doria: Well we're always make decisions but you're right - yes.

Cheryl Langdon-Orr: That's - Cheryl here. That's...

Avri Doria: I'm...

((Crosstalk))

Cheryl Langdon-Orr: ...(unintelligible) that out.

Avri Doria: I'm fine with putting the ellipses into making decisions by.

Chuck Gomes: Anybody opposed to that?

Cheryl Langdon-Orr: I can live with it.

Man: I can live with it.

Chuck Gomes: Okay. Are we okay then with what is now principal C? Don't you just love deleting those things that we don't need any more Marika?

                I like seeing them go away.

Marika Konings: Yes.

Chuck Gomes: Okay. All right we now I think go to limitation of implementation.

                And I think the first thing we come to there are two principles that we worked done I don't know if it was last week or the week before and we moved them...

Alan Greenberg: Or both.

Chuck Gomes: ...to this area if I'm - if my memory is correct. So let's just take a quick look at those again.

We spent quite a bit of time developing the wording on these. And I think they were originally one and we separated them if my memory is correct which I wouldn't encourage you to necessarily trust but let's look at that.

So A was there should be a mechanism to flag and address unanticipated outcomes of implementation decisions that may significantly impact the community. Anymore comments on that or are we okay with that?

Marika Konings: This is Marika. The only thing we need to look at is the footnote and that's linked to after impact because we didn't complete that.

Chuck Gomes: Oh okay. That's right. And that's the example down below? Yes okay.

Marika Konings: Correct.

Chuck Gomes: Okay. So since that's in A before I go to B let's look at that. So focus your attention please on Footnote 7 which says an example of an impact would be for example but not limited to if new obligations are imposed on parties and then we - with the idea - the suggestion was to add some other examples. So put your thinking caps on and come up with some other examples please.

Cheryl Langdon-Orr: Our thinking caps.

Alan Greenberg: Substitute financial changes.

Chuck Gomes: Say that again Alan please?

Alan Greenberg: Substantive - the S word...

Chuck Gomes: Substantive, I have trouble saying it too, substantive financials?

Alan Greenberg: Financial changes of decisions...

Cheryl Langdon-Orr: Impasse?

Alan Greenberg: Impact okay, well we're defining impact with impact.

Chuck Gomes: Yes we're talking about impacts so...

Cheryl Langdon-Orr: I said impasse not impact.

Chuck Gomes: Okay.

Alan Greenberg: (Bert) and Greg suggested. I'm fine with that. But it's the changes. It's not - we know lots of things are expensive. We're saying changes.

Chuck Gomes: Would changes be a good word to use there instead of burden? I - by the way I don't have any trouble with burden but...

Marika Konings: This is Marika. Should we adhere as well not anticipated because a certain cases...

Chuck Gomes: On a good word.

Marika Konings: ...we may be...

Cheryl Langdon-Orr: Yes, yes, yes.

Chuck Gomes: Okay.

Alan Greenberg: Although again we're defining unanticipated outcomes with the fact that they were unanticipated. I'm not - I have no problem with that.

Greg Shatan: Maybe we should say substantive changes to financial burden?

Alan Greenberg: Yes.

Greg Shatan: I think we could take out...

Chuck Gomes: Thank you. Was that Greg...

Cheryl Langdon-Orr: Yes.

Chuck Gomes: ...or Tom?

Greg Shatan: Greg.

Chuck Gomes: Who was that?

Greg Shatan: That's Greg.

Cheryl Langdon-Orr: It's Greg.

Chuck Gomes: Okay thanks Greg. I thought it was you but I thought I'd better check.

Cheryl Langdon-Orr: Cheryl here. Tom - Tom's got - as a follow-on sentence I would think
                  suggest we could turn his question into a sentence and actually say in other
                  well we're now saying we've got burden still and our burdens - and burdens
                  other than financial such as privacy. That actually works for me as another
                  example.

Alan Greenberg: Lack of accessibility. There's all sorts of things that implementation can affect
                  yes.

Marika Konings: This is Marika. Can you just repeat what came after the other burdens?

Alan Greenberg: Related to privacy, accessibility, or we could actually incorporate the financial burden and put cost as one of these...

Cheryl Langdon-Orr: Yes actually and change it to burdens. And then just do as Alan was suggesting. It's Cheryl.

Alan Greenberg: Burdens such as remove and other burdens yes...

Cheryl Langdon-Orr: Yes.

Alan Greenberg: ...such as privacy, accessibility, cost...

Cheryl Langdon-Orr: Yes put in cost. That works and do an et cetera and we're fine.

Chuck Gomes: You guys are doing good work. So now we could probably spend another ten minutes coming up with other examples. Is this sufficient for...

Alan Greenberg: You got to add one more rights protections before costs.

Chuck Gomes: Looking out for the IPC. See that Greg?

Cheryl Langdon-Orr: (Unintelligible).

((Crosstalk))

Greg Shatan: (Unintelligible) lookout for them.

Chuck Gomes: You've got a very good smile Greg. All right any other comments on the footnote for A?

Alan Greenberg: We've included the kitchen sink in it. I don't think we can add anything else.

Chuck Gomes: We don't exactly have kitchen sink but I'm hoping you're not suggesting adding it.

Alan Greenberg: That's how I read et cetera.

Chuck Gomes: Oh okay.

Cheryl Langdon-Orr: Get back onto the work will you?

Chuck Gomes: I was being too literal.

                 Okay not seeing any other hands or hearing anyone let's go to B. There should be a mechanism to flag an address situations where there may be a deviation between the implementation and the policy as it was originally intended.

                 Greg?

Greg Shatan: Actually that's a - the last second hand on the footnote.

Chuck Gomes: Okay.

Greg Shatan: I wanted - I think we could add the risks as well.

Chuck Gomes: Where would you put that Greg?

Greg Shatan: Just put it at the end after cost.

Chuck Gomes: Cost, risks...

Cheryl Langdon-Orr: It's fair enough. It's less than the et cetera (unintelligible) wanted.

Chuck Gomes: Thanks Greg. Okay. Everybody - anybody not okay with that? All right back to B, any comments on B?

Cheryl Langdon-Orr: Cheryl here. I think it's okay as is.

Chuck Gomes: Yes we spent quite a bit of time on that. It does look pretty good to me. Anybody disagree with that? Chuck speaking again?

Okay, all right moving on to I think we're now to proposed principles relating to ICANN staff. One we're missing here is that staff should do whatever we want them to do no matter what.

Cheryl Langdon-Orr: Yes good job Chuck.

Chuck Gomes: Looking out for you Marika.

Marika Konings: Shall I just close the Adobe Connect room now?

Chuck Gomes: Probably. Okay but back to us to getting serious. The first one Nick commented on so let's look at it on the screen and so it scroll - it rolls over.

So let me read it and then Nick if you would share your comments I would appreciate it So the GNSO Working Group guidelines contain the following that could contain possible policy and implementation principles. Now obviously this isn't worded the way we're going to want it as a principle.

ICANN staff performs the following two basic functions for any working group, namely secretariat fundamentally a support function covering logistics, and policy liaison to support function providing working group assistance in a neutral manner including drafting if required which should reflect basically deliberations of the Working Group. And let me just turn it over to Nick.

Are you on mute Nick? Your point is well taken Avri on the rights protection.

Cheryl Langdon-Orr: Yes be a hero on that one.

Chuck Gomes: Yes good point.

Cheryl Langdon-Orr: In the absence of Nick speaking and if you don't mind me filling in there for just for the moment because his microphone doesn't work on today's call the comment he made -- and this is Cheryl by the way -- was the following.

He thinks that the reality is neutral manner inverted commas, may not always be the case.

He states ICANN staff has a voice - had voice (unintelligible) the language here, opinions. And these opinions are all - are - were insightful. He understands the need for objectivity but thinks the language is too restrictive.

So he's looking for softening of the language so that we can clearly seek and take some guidance from the experience and skill sets of the staff we have.

Nick let me know if I did justice to you?

Chuck Gomes: And I as you can see by the comment I added I think he's got a good point there.

So how can we first of all word this as a principle and then secondly accommodate the point that Nick's making which I personally think is a good one. Let's go to Tom.

Tom Barrett: Okay well I would just add the word transparent. So we obviously, we want to know when they have experience and some suggestions on tweaking something. So I think as long as it's transparent it should be welcomed.

Chuck Gomes: And where would you put transparent Tom?

Tom Barrett: Maybe in place of the word neutral.

Chuck Gomes: Okay.

Cheryl Langdon-Orr: Okay (unintelligible).

Chuck Gomes: Yes that's good, at least I think it is, Chuck speaking. Let's go to Alan.

Alan Greenberg: Thank you. I guess I didn't see there was a conflict between neutral and providing opinions. You know, there's a difference between providing opinions and having a veto or surreptitiously changing the document to say what you wanted to say if the workgroup didn't agree with you.

So I don't see a problem as it stands although adding that opinions and input, participation from the staff involved is a good thing. I would not want to see that viewed as something bad.

Transparent I - is a good word. I wouldn't have replaced neutral but I think (unintelligible) good word now...

Chuck Gomes: Alan this is Chuck. So you said you prefer the word neutral?

Alan Greenberg: I like the word neutral where it's used. And I see in the new sentence it appears we have both transparent and neutral.

Including drafting required which should effectively reflect the (unintelligible) of the workgroup.

Cheryl Langdon-Orr: This is Cheryl.

((Crosstalk))

Cheryl Langdon-Orr: Well they're not mutually exclusive terms.

Chuck Gomes: I didn't get that Cheryl. Please repeat it.

Cheryl Langdon-Orr: They're not mutually exclusive terms. Transparent and neutral are not mutually exclusive, have them both.

Alan Greenberg: I like what Marika has written there. I think that's reasonable. That replaces the last half of the previous sentence I think.

Chuck Gomes: So did we - this is Chuck. Did we adequately cover (Nick')s concern in his comment? Unfortunately he can't talk but maybe can put something in chat.

((Crosstalk))

Alan Greenberg: He's smiling...

((Crosstalk))

Cheryl Langdon-Orr: Is a smiley yes.

Chuck Gomes: I think that's a smile yes. No, so I think that's okay. So if that's okay anybody - any other suggestions on that principle?

Alan Greenberg: We lost the secretariat part. I'm not sure that was intended.

Marika Konings: This is Marika. I don't know because I mean we're talking about the principles. So the section...

Alan Greenberg: Yes.

Marika Konings: ...I was quoted is actually description of the role that staff performs. So...

Alan Greenberg: Okay.

Marika Konings: ...I mean we can take the part of the secretariat back but...

Alan Greenberg: You're right. I don't mind. I was just noting that it's something disappeared that we didn't really discuss. Can we see the sentence again?

Marika Konings: I can pull it back. And (unintelligible) there you go. So this is basically a quote from the PDP Working Group guidelines that describes the different roles that the different entities within that working group have. And one of those is the staff of course.

Alan Greenberg: Yes Working Group assistant. So I'm happy with it with having that replace the previous one. I don't know about anyone else.

Chuck Gomes: So Alan this is Chuck. You're okay not describing what the secretariat and the policy staff do as it comes from the guidelines. Is that right?

Alan Greenberg: I am certain if it's covered in the guidelines I don't think we need to repeat it here.

Chuck Gomes: So what we have then is policy staff - is a policy staff is expected to provide PDP Working Groups assistance in a transparent and a neutral manner including drafting?

Cheryl Langdon-Orr: Cheryl here Chuck. Can you...

Chuck Gomes: Where we should...

((Crosstalk))

Cheryl Langdon-Orr: ...say some...

Chuck Gomes: ...(unintelligible) basically the determination of - lost it. Go ahead Cheryl.

Cheryl Langdon-Orr: Thanks. I was just wondering in the absence of a specific reference to the PDP guidelines perhaps we should reference it here.

So policy staff is expected to drop PDP Working Group assistance as outlined in the PDP guidelines insert link in a transparent (unintelligible). Thanks (unintelligible).

Chuck Gomes: Very good. Any other suggestions on A? All right you get to delete some more stuff Marika. Okay and then we come to ICANN staff limitation.

And it says there must be a way to come to closure when the community is divided. And this should not simply give executive powers to ICANN staff.

Three principles from the ALAC statement are where this came from. And I'm looking down at the comments and trying to connect them. I don't know if their connectable.

Consider staff responsibility in relation to the communication. Maybe somebody can help me there. Alan you want to explain your red dash there?

What is a red dash? I've got to look at that.

Cheryl Langdon-Orr: The red dash if you don't mind me saying as far as I understand is you've left...

Chuck Gomes: He's stepping away.

((Crosstalk))

Cheryl Langdon-Orr: ...(unintelligible) stepped away remember?

Chuck Gomes: Thanks. I looked it up so okay. So that's - so he stepped away for a minute.

Alan Greenberg: I'm back now.

Chuck Gomes: Okay. Yes Alan we're looking at something that came out of the ALAC submission there on ICANN staff limitation. Do you want to comment on that?

Right now it says there must be a way to get closure when the community is divided and this should not be - not simply give executive power to ICANN staff.

Alan Greenberg: Well that comes into the unanswered question, the one I made reference to before of the process that we're going to use to decide policy issues that come up during implementation.

You know, clearly we cannot charter a new PDP and stop everything for a year and a half to do that.

The other extreme we don't want to simply give executive powers to staff to address any policy issue for expedience sake. This says we need to address that.

Chuck Gomes: So this is Chuck. So are we talking about...

((Crosstalk))

Chuck Gomes: ...two possible different principles here. One that the fact that closure hasn't happened, doesn't give executive powers to ICANN staff.

And two - and I don't care what order they're in. Two is that there must be a way to - the GNSO - maybe we need to say the GNSO needs to develop a process when closure can't be reached.

Now by understanding that closure can mean hey there is no consensus. But anyway I throw that out and I appreciate some participation here. Greg?

Greg Shatan: I have some problem understanding the sentence but also thinking about this statement as kind of a policy principle.

Look my first question is when it refers to the community being divided I guess my question is what - when is this division of the community occurring?

It's not clear from this. This is during the implementation process and how are we kind of coming to the conclusion that the community is divided?

Is it an issue that arises at the GNSO council level or in discussions in other ways? I'm just not - I'm not getting this sentence entirely?

Chuck Gomes: Well this is Chuck. Is this - is the vertical integration effort an example that will help us here?

Cheryl Langdon-Orr: Oh yes.

Chuck Gomes: So...

Alan Greenberg: It's...

Chuck Gomes: ...obviously in that case it was not possible to develop a consensus policy. Now one approach to that is okay if you haven't got consistence in the community you let assuming that they can there's no risk involved let market mechanisms work.

And what happened in that case the board actually made a decision. So does that help Greg, in terms of the kind of situations we're talking about?

Marika Konings: Chuck this is Marika. I think that's actually a very different example because I think what we're talking about here is in cases where there is confusion or divergence in the implementation phase where I think vertical integration is a whole category by itself because it actually didn't relate to the implementation of a GNSO policy which I think is what we're trying to talk about here. So I'm not really sure if that's the right example.

Chuck Gomes: Thanks Marika. That's a good point. So this is just about - this is not about policy. This is just about - it's not about a policy deadlock. It's about an implementation deadlock is that what you're saying?

Cheryl Langdon-Orr: It could be about a policy...

Alan Greenberg: It's Alan. I disagree.

Marika Konings: (Unintelligible) on the students. I mean I don't know I'm - I thought we were talking here about implementation but indeed I haven't put the ALAC statement in context.

If they were talking about the policy process as well, you know, fair enough. I was under the assumption that we were specifically talking about implementation where there may be divergence in the community on how something should be implemented.

And I think in the new gTLD process I probably (unintelligible) as examples...

Chuck Gomes: And this is Chuck. Before I give it to Alan and Greg this comes back to what I brought up last time at the beginning.

We're going to have to, you know, fix the outline year and the organization of things because it was a fair conclusion on your part because this really does come under an implementation heading. So that's fair.

But I think we agreed last time at Cheryl's suggestion that we go ahead, work through the principles and then we need to go back and agree on an overall, a meaningful outline and then put things in the right place.

And this may be one of those that we want under policy or policy and implementation or just implementation. We can decide that later I think.

So all right let's go - let me go ahead and go to Alan.

Alan Greenberg: Thank you. I think the discussion we just had shows just how hairy and convoluted the processes we're talking about are.

The case in point vertical integration was a PDP that was chartered at the request of the board to address an issue that came up during implementation that had not been adequately addressed or in sufficient detail addressed by the gTLD PDP.

So that's one of the few cases where something came up during implementation that actually did go to a PDP.

And, you know, this is an iterative process. It was an issue that was not adequately addressed for various reasons during the gTLD policy.

It was a substantive enough that it was felt that it should be addressed as a policy issue and then we ended up not being able to come to closure on it.

It shows just how messy some of these things can get and perhaps this is the best example of that.

Now when this statement was written notice it says ICANN staff. It did not say the board. That statement was not precluding the board making a decision when the community can't come to closure.

So it doesn't address the outcome of the vertical integration and wasn't meant to address the outcome of vertical integration in this particular statement.

It - that - this statement is simply a restatement of what we now say earlier that's saying if there are substantive policy implications discovered during implementation the community, the stakeholders must be involved in the resolution of the process.

Chuck Gomes: Thanks Alan. Greg?

Greg Shatan: Sorry. I was on mute. But I think the conversation we just had, you know, is - shows why, you know, we kind of need to be a little more concrete in these, the overarching principle of - especially when people came up with three different thoughts about what the contacts are...

Chuck Gomes: You're very low volume right now.

Greg Shatan: Okay sorry. I think three different people came up with three different kind of thrusts for why what we were talking about here. So I'm just I think we need to be - we need to cram this in a more particular fashion. I think we're getting there.

Chuck Gomes: Okay. This is Chuck again. Now with regard to the - what's been added there with A do we have that earlier? So if we do we probably don't need it again. And I don't have it in front of me right now.

Didn't - did we - was that one of those that we...

Marika Konings: This is Marika. I basically tried to capture I think what Alan was trying to say and the idea would be that this would maybe replace the second sentence.

Because I think what is really the key here is the last part or I think what you're trying to convey because I think indeed the first part we said before but I think the key part is what you want to get is the last part where it says should be left to ICANN staff to decide or to give executive powers or however we went to word it. But I guess that's the key sentiment you want to convey in this principle.

Chuck Gomes: Okay thanks Marika. Chuck again. So let's just talk about the sentence. Was that - is everybody comfortable with that? Anybody not comfortable in the edits?

So if there are sustaining possible policy implications discovered during implementation stakeholders must be involved in the process of resolving the issues and it should not be left to ICANN staff to decide. Greg go ahead.

Greg Shatan: Just a couple of comments I'm not sure exactly how to resolve them drafting-wise. The first clause is kind of written in the passive voice.

But I guess the question is discovered by whom? Is it this, you know, discovery is kind of an interesting thing. You know, Columbus didn't really discover America, he just came upon it.

So, you know, what kind of - I think I mean I realize this is an overarching policy and I'm having a little trouble even articulating my concern. But whenever I see the passive voice I'm always concerned that we're kind of now talking about who the actors are going to be.

So and then the second, you know, question is is it the GNSO council? Is it individual stakeholder groups? Is it, you know, stakeholder organizations, your constituencies and even the general public?

Chuck Gomes: This is Chuck. I'm going to respond to something before I let you finish and Alan to go ahead. But my own personal preference would be the GNSO, not GNSO council but that...

Cheryl Langdon-Orr: Yes I agree.

((Crosstalk))

Chuck Gomes: ...(unintelligible) discuss that, you know. But it might actually be discovered by one of the constituencies or stakeholder groups that may be not necessarily the council. They'll probably bring it to the council's attention but and the council can respond accordingly but that's just a minor thing.

No Greg let me let - I kind of I think I stopped you before you're finished so if you'd like to continue please do.

Greg Shatan: Yes. I like the way it's rephrased better and kind of the second clause about stakeholders being involved I mean I think we can be - maybe we can be very non-specific here.

But the question is, you know, once again I go back to the idea is the Implementation Review Team sufficient or example of stakeholder involved in resolving an issue or maybe even the most likely way it should be resolved?

Marika Konings: And this is Marika because one of the concerns or issues I have by just saying GNSO you seem to imply that it's just someone in the GNSO or who is the GNSO? How is that done, the identification?

I mean the reason why I put GNSO council is that in the GNSO council you would, you know, the GNSO council would take a vote or adopt a resolution which may be brought indeed through the Stakeholder Group or constituency or, you know, someone else in the ICANN community.

So indeed, you know, coming to - I think that aligns with Greg's point indeed like how specific do we want to be here by identifying indeed that it's a GNSO council decision that may be brought by others.

Indeed it's the Implementation Review Team that identifies (unintelligible) the implication during implementation which are then, you know, recognized or ratified by the GNSO council?

Or I think, you know, we're kind of going in here already that I think the Working Group discussion. So I see the challenge in here in the conveying I think what we're trying to say without actually prescribing how that process should go. But I don't really have any answer on how to do that.

Chuck Gomes: Thanks. This is Chuck. Before going to Alan I guess I'm less concerned about GNSO at the beginning. I was - I'm not too concerned. Maybe I should be with regard to who identifies the policy implementations.

But where it says stakeholders that's where I would like - where it seems like GNSO should be involved where stakeholders is a pretty vague term, of course GNSO is pretty broad too. But let me leave that there and go to Alan.

Alan Greenberg: Thank you. This whole thing is in the context of what preceded it. We spent several hours talking about the sentence which talks about a mechanism for identifying when there is a policy implication.

This is now addressing fine we've identified. We flagged, we recognized whatever the word is we've used that there are policy implications in what we thought was implementation to address them. This sentence is what it's talking about.

I would strongly object to the GNSO being identified here because there are too many parties who are not present in the GNSO.

There are stakeholders who are deeply affected by decisions of the GNSO who have no voice in the GNSO. And therefore I would vehemently object to GNSO being recognized there and certainly even more the GNSO council.

We said we need mechanisms to recognize when there are problems. We don't know what those are. But this says whatever those mechanisms are, however we found out there's a policy implementation this is providing a principle as to how we resolve that.

So I don't think we need to go back to print the - to the basics and say who recognizes it. If for whatever reason we come up to the stage where this policy we want bottom-up.

And I thought we said that overall way at the beginning but if we didn't we're saying it again or we are saying it again. Thank you.

Chuck Gomes: Thanks Alan. Avri?

Avri Doria: Avri speaking. I guess I strongly disagree with Alan's vehement objection. As far as I'm concerned it should be the GNSO council.

It's been identified by whomever at - but it should be the GNSO council that is notified of this identification. And it should be the GNSO council that then needs to take it further -- do something about it.

Everybody has to have a method of notifying and raising the flag on the GNSO. And if there's not then perhaps those mechanisms do need to be created but there is any number always for other groups to notify the GNSO hey there's a problem here.

So I think it has to concentrate on the GNSO council and it has to be somebody that can filter the variety of interrupts that might be raised.

We talked about this as an interrupt. The previous one we talked about in the context of a non-maskable interrupt being raised in software notion.

Here we're talking about the interrupt handler. The interrupt handler seems to me most appropriate to be a function of the GNSO council. Thanks.

Chuck Gomes: Thank you Avri. This is Chuck. Before given it back to Alan I am much more comfortable having GNSO council the way it's worded now.

GNSO council should be notified and involved in the process. So I'm okay with that other change so I'm okay there. Let me turn it to Alan.

Alan Greenberg: Yes thank you. Avri disagreed completely with something I didn't say. I was objecting to the term GNSO as in drafting which is now long gone that said the GNSO council if something is identified by the GNSO council.

I was objecting to the GNSO being the identifier, not the resolver. We've already decided the GNSO is the body under which auspices policy decisions are made. That's in the bylaws. That wasn't the context that the word - term GNSO or GNSO council was in the sentence that I was commenting on at the time.

Chuck Gomes: Thanks Alan. Let's go to Greg.

Greg Shatan: Hi it's Greg. I guess my concern here now - and I, you know, took after Alan's comments that we're supposed to look at this in context, you know, pulled up the written - the last document I had in my email a list of how this, you know, falls into this not pursuing to continue working on the outline as well.

But the - this is kind of - this is under principles relating to ICANN staff is the major heading and then this is the second minor heading which is ICANN staff limitations.

And I think, you know, what this principle should primarily be talking about it what are the limitations on kind of the latitude of ICANN staff and not on the question of when a division is identified by whom and whether it, you know, report it to the GNSO council.

You know, I think we're kind of putting, in fact if we want a process to deal with that kind of division it should probably go somewhere other than under ICANN staff limitations.

Chuck Gomes: That - yes and I think - correct me if you think I'm wrong on this Greg -- Chuck speaking again -- but I think we can deal with that once we come up with an outline and really decide where to put things.

But if you think that's not - that we shouldn't put that off I'll certainly, I'm okay with that.

((Crosstalk))

Tom Barrett: (Unintelligible). Sorry to talk over you. I'm okay kind of capturing the issue here. But I think we can at least put a footnote that we need to kind of take this issue of division of, you know, discovering divisions and who discovered it and who - where does it go. And that needs to be a separate - needs somewhere - needs to be somewhere else. So as Alan said this section kind of flows is after you have that division and after something's happened, you know, what is - what are the kind of limitations and towers of ICANN staff under those circumstances?

Chuck Gomes: Okay thanks Greg. Tom?

Tom Barrett: Yes I had a similar comment in that I think that implementation can be done by other folks other than ICANN staff.

And so I don't want to be silent on the fact that we don't want to give executive powers to other folks such as ICANN board. Maybe they've outsourced it to someone else.

But the fact that we don't want - we want to make sure this maintain - this is a community process and not giving executive powers to someone else.

Chuck Gomes: So no...

Tom Barrett: So I don't know if we have to have a...

((Crosstalk))

Tom Barrett: ...conditional principles or if we have to make this a more general principle.

Chuck Gomes: Yes so Tom...

Marika Konings: This is Marika. I'd like...

Chuck Gomes: ...this is Chuck. So were you suggesting should be - say I'm sorry. Should not be left to implementers to resolve by themselves.

Does that deal with your concern? And it would - so to resolve by themselves. I don't know...

Marika Konings: This is Marika.

Chuck Gomes: ...there may be other problems with that but I'm just trying to come up with an idea.

By the way we're just about out of time and I'm aware of that. So but did you want to respond to that Tom?

Tom Barrett: Well we could use implementers including ICANN staff and board.

Marika Konings: This is Marika if I can just add because the board is not an implementer. Basically if you look at all the resolutions at least on PDP recommendations that the board produced, the CEO is directed to develop an implementation plan. That's basically I think how the language at least for all the PDPs have been supported so far how the language is written that the CEO's directed to develop an implementation plan which then is directed to the staff under the CEO so...

Chuck Gomes: And we're probably not going to have time for this now. This is Chuck again. But the board can direct that certain things happen in implementation. And so I think that's where Tom is coming from. I think we'll probably have to postpone that to the next meeting to work that through.

                 Let me turn it over to Alan briefly. And then there's a couple things we've got to do in closing for today.

Alan Greenberg: Thank you. We're trying to make this one statement to cover everything that we've ever talked about. And it was simply a statement saying that the bottom-up stakeholder model must be used to resolve policy issues that are discovered during implementation.

                 You know, as far as I'm concerned if - I - if staff subcontracts then that staff is still doing it. They're still making the decisions and paying the bills. Whether it's done with a contractor or an employee is moot in my mind.

                 And last I heard the board is executive function and they can make decisions.

Cheryl Langdon-Orr: They should.

Alan Greenberg: And, you know, so I don't think we can preclude the board from making decisions. You may want to get rid of the board as a result but that's a different issue.

So I think we're trying to cover too much with this. It was a simple intent and I don't think we should try to cover everything in this one sentence that we are already seeing other places. Thank you.

Chuck Gomes: Thank you Alan. And I think as far as I can tell this is the last principle or set of principles that we need to resolve.

And unless people want to go longer we're going to have to defer this one to next week.

And then also next week start looking at the overall outline and an efficient and effective way of organizing these principles and then after that or maybe in doing that we begin to fit things where they go.

And that may itself result in some other edits that we need. But I think we've got most of the hard work except on this one behind us.

Now what I've done is I've indicated to the Working Group Leadership Team, the chairs and vice chairs and staff that I think we can - we should be able to have a principles document in advance of the March 5 Working Group meeting.

And I think that still looks realistic but we'll probably need two more meetings to wrap everything up.

If next week we can finish this one that we're working on right now and it may be more than one and then get a good start on the outline then I think we could use the following week, the last Thursday in February to kind of just make sure we - final tweaks and so forth so that we can right after that or

shortly after that meeting send our proposed principles document to the full Working Group with plenty of time before March 5 for the working Group then on March 5 to comment and respond and go from there.

Now all that said I'm going to be on vacation most of next week. So if it doesn't - if it's not too inconvenient I will try to be on the call. But I would like to have someone who will take charge in case I can't.

And it - reasonable possibility they won't be able to. So like I said I'll try if it doesn't inconvenience my wife and friends that we're with and so forth.

But if not is there someone that would be willing to take the leadership next week if I'm unable to make the call?

Cheryl Langdon-Orr: Chuck Cheryl here. I'm happy to herd catch.

Chuck Gomes: Thank you very much Cheryl. I really appreciate that. And I said I'll try but I think it's pretty clear where we need to go next week. And it'd be really nice if we're pretty far along on the outline and where things are going to go by the end of that meeting next week if that's possible.

So first finish the one we're on and then work on the outline and where things go. And then hopefully we - Marika and (Mary) can help us get a document that we can all look at shortly after the meeting next week and then with the plan then of the following week trying to pretty it up and make final edits and so forth and anything else that we find we missed.

Any problems with that plan? Any other comments? Okay well we've got a lot done today thanks to you guys., I again complement you for the excellent team work. And I join Greg in applauding there. And so I wish everybody a good rest of the week.

Again if you think of some things though between now and next week's meeting please put them on the list so that people can think about them and be prepared to respond.

And if anybody has any ideas on the one that we didn't finish today feel free to put those on the list too.

That said thanks everyone and talk to you next time or maybe the next time after that.

Cheryl Langdon-Orr: Okay bye.

Nathalie Peregrine: Thank you very much (Lisa). You may not stop the recording.

Coordinator: Thank you.

Avri Doria: Bye everybody.

END