Policy Process Steering Committee (PPSC) TRANSCRIPTION Wednesday, 18 February 2009 20:00 UTC

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http://gnso.icann.org/calendar/#feb

Participants present: Jeff Neuman - (Registry constituency) elected chair Avri Doria - NCA - GNSO Council chair J. Scott Evans - (IPC) Mike Rodenbaugh - CBUC Bertrand de la Chapelle - GAC Gabriel Pineiro - NCUC Catherine Sigmar - gTLD registries Greg Ruth - ISPCP im Ruiz - Registrar

ICANN Staff

Ken Bour Liz Gasster Marika Konings Margie Milam Glen de Saint Géry

- Coordinator: Excuse me, this is the conference coordinator. At this time, the call is being recorded. If we have any objections, you may disconnect. You may begin conference. Thank you.
- Jeff Neumann: Okay, everyone, welcome to the PPSC meeting on February 18, 2009. I'm going to ask Liz Gasster to read the roll to make sure we have everybody. Liz?
- Liz Gasster: Great. We have Jeff Neumann, Glen DeSaintgery, Avri Doria, Gabriel Pineiro Ken Bour, Jay Scott Evans, Bertrand de la Chapelle, Liz Gasster, Marika Konings, Margie Milam and Greg Ruth.

And for those who may not be familiar with all the staff name - oh, and Mike Rodenbaugh just joined.

Mike Rodenbaugh: Hey.

Liz Gasster: We have several staff people, Marika, Margie, Glen and (Ken) and I. So quite a number of staff people.

Jeff Neumann: Okay, thank you, Liz. So the agenda that I have for today is to do - to give an update on the volunteers for the work team and statements of interest which I think Glen has sent around emails earlier on. Number 2 is to review and discuss the work team rules including the concerns that Mike has raised and then come up with a path forward.

> And then finally to go over the Mexico City agenda which I attached on the - I attached to the agenda to go over those items and see if anyone has comments on it. Does anybody have anything they'd like to add to the agenda?

Mike Rodenbaugh: Well I guess it would be helpful if we have time to discuss the what the plans are for Mexico City.

Jeff Neumann: Right, that was agenda Item 3.

Mike Rodenbaugh: Oh, sorry, thank you.

Jeff Neumann: That's okay. You still sound a little under the weather, Mike.

Mike Rodenbaugh: Yes.

Jeff Neumann: All right. Well let's go with Number 1 which is an update of the volunteers for the work teams. And actually let me add - I'll add an agenda item too under that is an orientation meeting planned for Tuesday that Glen has sent around an email on. I believe everyone on this - on all the work teams should have gotten it.

So Glen, the - you sent around now - or actually I should say Liz and Glen. The Wiki is updated with all the members of the work team? Is that correct?

Glen DeSaintgery: This quite honestly, I haven't looked at the Wiki but I will. And I will get it updated.

Jeff Neumann: Okay.

(Todd): Actually I'm on the Wiki but it doesn't matter.

Glen DeSaintgery: Pardon?

(Todd): I said (unintelligible) I'm not sure, the last time I checked that I'm on the work teams.

Glen DeSaintgery: Okay, then I'll get it updated.

- Jeff Neumann: Yeah, I mean, but (Todd), you can join the work teams, either of them, both of them or you can have...
- (Todd): Yeah, I said I would join both.

Jeff Neumann: Both - okay. Yep, we'll get you on both. And I believe everybody has also filed a statement of interest. And if you click on each of the work teams on the Wiki page you will see a link, hopefully, to the statements of interest, I believe. Or I believe it's going up there.

Glen DeSaintgery: No, it's going up there.

Jeff Neumann: Okay, it's going up there. But Glen has sent around...

Glen DeSaintgery: Because they (bid). Some of them have not come - have been slow in coming in.

Jeff Neumann: Okay, all right.

Man: Jeff, I have a point of order.

Jeff Neumann: Sure.

Man: Just for myself to understand. Is there any point where we would stop taking applications to be on a work team or are they open to members to join at any time during the process?

Jeff Neumann: You know, I think that is a good first item for the work teams to address.

Man: All right, I just - I'm just a little curious because I'd hate to get, you know, in depth in August. But we'll let the teams work that out themselves. Thank you for answering the question.

Jeff Neumann: Yeah, I don't believe - there haven't been too many people that have joined the last few days or week, I think maybe a couple of individuals.
But other than that, I think it's been pretty much set. I don't believe that it's been too much in terms of changes.

- Man: And Jeff can I...
- Avri Doria: And if I could add something to that. In general, over this year, with various working groups and everything else there's a slight trickle at a couple of intervals when things happen where you'll get one or two, three people asking to join something. But really it doesn't seem to happen. So I don't know that it's an issue unless the one or two new people coming in. And whenever I've let new people into teams at this point, it sort of adds some setbacks, read the archives, listen to the old meetings before you start to say too much.

But...

Man: Right.

Avri Doria: But that's history. That's not a recommendation. It's...

Man: All right...

Avri Doria: (Unintelligible).

Man: Thank you so much.

Jeff Neumann: So it sounded like Mike, was that you that wanted to say something?

Mike Rodenbaugh: Yeah, basically what Avri said, you know, we have less people in the group slightly but we just put the (unintelligible) on them to catch up and not delay the group.

- Man: Okay.
- Man: Right.
- Man: Thank you.
- Jeff Neumann: Okay. And then the next item that Glen sent to around to anyone on the work teams and I believe everyone on the steering committee is on one - at least one of these work teams. There is an orientation planned for this coming Tuesday by ICANN staff but specifically by (Rob) on the (GNSM) improvements process as a whole.

There are two times that are set forth on this call to be the same content for each call. And everyone should have received an invite. These are not mandatory. Some of you are quite familiar with all this so you might feel like you don't need to attend. But for the people that are newer to the process or just want to hear the stuff again as a refresher, you're more than welcome to join either of those calls.

Was there anything else you wanted to say about the orientation or does that cover it?

Woman: I think that covers it. I mean, it's going to be open to both the operations steering committee, work teams and the PTSC work teams.
 And so it's going to be very generic and, you know, more background information and not particularly specific to the tasks that, you know, our

groups are going to be engaged in substantively. But it's the intent is just to get everyone on the same page and particularly individuals who may not have worked previously in ICANN groups.

Jeff Neumann: Okay. And then on - and we'll talk a little bit more about this. The real kickoff meetings are in Mexico City. And we'll address that under Item 3 of this agenda.

Well I want to jump into the meat of this call which is to review the work team rules that are on the Wiki and they've also been sent around on email a few times. But specifically discussing the concerns raised by Mike Rodenbaugh on the current work team rules.

So to (unintelligible) I just want to ask Mike and anyone else on the call, except for the extent that the work team rules - I'm sorry - except for the extent that the charters of the two work teams incorporate the work team rules, did anyone else have any issues with the actual charters? Again, not the work team rules but the two charters.

Man: No.

Jeff Neumann: Okay, it sounds - and that's the feeling I got from the emails but I just wanted to double-check. So with respect to the work team rules, why don't I turn it over to Mike to go through his concerns. Mike, a number of these items were actually discussed on the last call. And Liz did a good job of kind of documenting on how we came out on those.

> But I thought it would be good for you to, you know, raise the concerns again and then for us to just talk through them as to why, you know, we didn't do anything else on this. So if you want to just start or if you want

- if you're not feeling well maybe I can go through the document. It's your choice.

Mike Rodenbaugh: Well, you know, I don't want to belabor the point, especially because I know you talked about it last week or two weeks ago. I'm sorry I could not make that call because of a business commitment. But my voice is a little bit shot here.

> But you know, I did review the output of the call in Liz's mail and I just don't feel like my concerns were very well address, frankly. And also, they're not just my concerns. I know (Tim) had concerns along the same lines as well at least.

You know, by the by, I just feel like this is such critical work that we should not be leaving so much discretion up to the chairs. That's essentially the nut of it. And I feel like we can do better to quantify what some of these terms are supposed to mean. I mean, my plain reading of the two bullets, rough consensus position where a small minority disagrees but most agree and strong support but significant opposition, these mean exactly the same thing.

So at minimum we need to clarify what the differences are between those two categories.

Jeff Neumann: Okay, so does anyone want to jump in and address that? I can certainly try to recap what we talked about last time. But if anyone else wants to jump in?

(Ken Bower): This is (Ken), Jeff.

Jeff Neumann: Oh, hey, (Ken), good to hear from you. You want to jump in...?

(Ken Bower): You know, I was trying to look at - get caught up here a little bit with some of Mike's changes. I'm looking at some questions. But my concern is the same as Mike's and those particular bullet points that I'm not sure a Chair is - at least, if I was the Chair and I look at those and say well, you know, this rough consensus, strong support, I'm not sure I'd know what the difference is.

> Or it would be difficult to tell what the difference is, I think. And it's one thing to have it on paper but just being involved in some of the working groups I've been involved in, I think it, you know, life is a much different situation. And I think it's going to be difficult.

So I don't have any great solutions or suggestions. But I do - I am concerned about those two particular...

Jeff Neumann: Okay, well I think, you know, let me go back a step and just say, you know, we inserted a statement in there that says a rough consensus is not necessarily measured by numbers alone. Obviously unanimous consensus would be numbers, right? But rough consensus is not necessarily measured by numbers alone. Mike had inserted a comment of how else is it measured.

So I want to open it to people on the call and expressed opinions last time as to why they believe that numbers alone could not measure rough consensus versus majority support.

(Ken Bower): And Jeff can I - or before we go there, I just want to - can I just explain one case that might help...

Jeff Neumann: Sure.

- (Ken Bower): Clarify where my concern is
- Jeff Neumann: Sure.

(Ken Bower): And it kind of relates to some of Mike's questions too. And it's for example, we have a working group and there are clearly some individual users or registrants involved representing, you know, anyone but themselves. And maybe one or two of those are in disagreement.

> Now how does that compare from a consensus view point if we have an entire constituency that may not be in agreement. You know, what's the weight. And I'm not sure we have a great answer for that. Maybe that's what this - what the working group - work teams should sort out. Those are the kinds of things I get concerned about.

Avri Doria: Can I insert a comment or ask some questions?

Jeff Neumann: Sure.

Avri Doria: This is Avri. I think one of the things is when we get to these working groups and I know there's always a balance on us which supposed to be compensating as individuals. And it's not a constituency representation opportunity at that point.

> Now having said that, obviously if you have many people from the same constituency participating then they may have common views just as you have many people participating from the same company or

the same nation or the same, you know, sex, you may find yourself with common views.

But I thought the notion on working groups is that it's a flat space of individuals participating as individuals and it's only in the creation of charters that you'll have constituencies and be in the commenting of the work. And (unintelligible) that you end up with constituencies. So I think that that's one point.

I think that there is a, you know, there is sort of a quantity quality balance when you're saying (unintelligible) consensus which means that, you know, there's very few view points outstanding. And those very few viewpoints still won't come up on the same company, same country, same constituency so you're in a very few number.

For example, the new GPOD, we called a rough consensus even though we had one constituency basically, you know, a good part of it. And then just a last comment when you get the majority, you're really talking about - it's kind of half-and-half but a little bit more seems to be on one way.

So it's not quantitative in that you don't count but, you know, people can pretty much see the difference between most everybody with some exceptions. And it's pretty split but there seems to be, you know, a favor there, there's a pretty split when a favor there is actually more difficult to call than a rough consensus.

Man: I'm sorry, Avri but that, I don't know, you just seemed to make our point even more clear. Because you basically just leave it up to the

discussion of the Chair to make that call. And it's all very, very fuzzy as to how they might do that.

Avri Doria: Well, the thing is, it's up to the Chair except that if the Chair makes that call and everybody screams, no, no, no - that's wrong. Then either the Chair has to back down so the Chair has to be careful making that call or it's get appealed back up to the next group saying, we got a Chair that just can't call things right.

And that's the mechanism that actually makes it work is that, A, everybody can scream bloody murder about a broken call and be - it can be appealed.

(Tim): This is (Tim). The issues that he raises then, Avri, is - and I admit, you know, I'm the registrar right. So the policy that comes out of this work ends up being regulation (unintelligible) registries the same way.

So working groups are going to be approached in that way, where it's this flat thing with this individual. Then we need to put a lot of thought into who we invite into those working groups so that the policy work that they do, you know, has the right experts, it has the right people, it has the right mix so that we can make really good recommendations.

It can't just be an ad hoc volunteer group of anybody who wants to join. And, you know, especially when we're talking about how the Internet today, where, you know, I can go out in half an hour, I can create a dozen different identities and submit a dozen different, you know, interest statements. And, you know, who knows, or I can have, you know, my kids and my neighbors and, I mean, there's got to be some sort of way of having this working group be the representative so that the recommendations that it produces to and gives to the council can be viewed in some sort of light, if that makes sense.

- Man: Right.
- (Tim): And it's a flat thing where that's relevant, I don't see how it's going to work.
- Man: So (Tim), I think you just helped make the point as to why we can't just use numbers alone. If you have a lot of individuals on a group and, you know, these are individuals who haven't participated before and so they're kind of new, you don't know where necessarily they came from, you have statements of interest, you can't just say, well, 75% of the people participating support it and therefore it's got rough consensus. Or you know, 51% and therefore you have majority.

You really have to evaluate the opposition as opposed to just quantifying it.

Jay Scott Evans: I think also, we can't use this in a vacuum. I mean, you don't get to just set up camp at an ICANN meeting and set up a work group. I mean, under the new thresholds there needs to be thresholds that were met and there needs to be an entire process that's being looked at and redesigned, instituted before this even gets - a workgroup even gets constituted. And then it has to go through public comment where the constituency level has the ability to weigh in to both the council and the board. And then it has to go back to the council and the council has to consider it more to constituency level. And then it goes to the board from the council.

So with all of these layers checked and double-checked and an appeal process involved, I mean, I think that you're - I mean, you know, I've heard both (Tim) and Mike say, well, I don't really see the difference between rough consistence and (unintelligible) but a significant opposition.

Well I can tell you, the majority of people will say, well if I'm a loser it's the third bullet. So I mean - and that's always going to be. So to do this - you've just got to do this there is going to have to be - are we going to have to use the appeal mechanism as a way to check and balance this. We have to use some members to participate to police the Chair's actions to make sure they are reflective of what's going on in a work group.

And then the constituencies at the GSNO level is going to have to measure the process and make sure it's working correctly.

Man: Right. And let me just add to that - to Jay Scott. I think the Chairs will be super-conservative - at least for the first couple PDPs and work teams and working groups. And I also believe this is an item that the working group/work team will work on, right?

Jay Scott Evans: And I think some of my points need to be explored further. But what I really, I mean, we're not saying that these rules are going to be the

work team rules that will be applied to the whole process when we finish this exercise. We're saying for these two groups, this is what we're going to do with the understanding that work team group is going to take these and look these and explore further the questions that both Mike and (Tim) have raised.

But I'd hate to see us get all hung up when we've got a June pressurized time line, you know, we're going to stall the council and nothing is going to get done if we don't start getting some things done.

Man: Well, you know, I appreciate that. I just don't think we're giving the Chairs enough guidance to go on. And I think that we should spend a little bit more time trying to clarify exactly what we want them to do.

Avri Doria: Hi, can I point - this is Avri again.

Man: Sure.

Avri Doria: I think one of the things are - I think that maybe this may be an issue for the working group team. But at the moment, we're only really talking about the charters for these - I mean, the working group - the working team method for these two teams.

Man: Right.

Man: Right.

Avri Doria: Right. So certainly within the working group team, you know, I'll probably still argue against you in terms of making (unintelligible) stuff.But it's - that's a later discussion than the one we're having now.

- Man: And any issue that any of the work teams have can also be escalated to the PPSC to the steering committee.
- Man: And we can solve a lot of this, just vote for Jeff and I as your Chairs and we're going to do a great job.
- Man: Yeah, that's a statement that should not have been made.
- Man: I'm just...
- Man: In light of this particular process, do we need to even ask the Chair to make that call? Why can't the chair just report? You know, it's going to come to a point where this has been thoroughly discussed, everyone's views have been considered, you know, here's where we are and they'll make a call.
- Man: Yeah, I think a chair will make a call. And then my guess would be the chair would communicate that call to the work team. You know, like if I were the Chair of the PDP work team and for some reason I thought that we had rough consensus with a small minority, I'm not just going to put that in a final report and let it go. I would bring that up on a call and say hey, my interpretation of this is that we have rough consensus, you know, what are your thoughts on that?

Ultimately the Chair would have to make a call but I don't think the Chair would do that without running it by the work team or working group or whatever they're running.

Avri Doria: Yeah, I think there's another piece too - I'm sorry.

Man: No, go ahead, Avri. I'll take (unintelligible).

Man: It's a label of here's the majority view and who supports it. Here are the other views and who supports those.

- Avri Doria: And that's part of what's included is the fact that the report that says we had rough consensus, etcetera, also contains all the views of those who didn't agree. So again, the full picture is there. Anybody can read it and say, how you possible go on the offensive when you had this strong (unintelligible) views that you didn't address properly.
- Man: Right. So all I'm saying, Avri, is then we don't need the label. Maybe that'll solve Mike's concerns, my concerns. And these, you know, the steering committee will, you know, frame it however for the council.

Bertrand de la Chapelle: This is Bertrand.

Man: Yes.

Bertrand de la Chapelle: Can I chime in?

Man: Yes, absolutely.

Bertrand de la Chapelle: I think the issue that we're addressing here is absolutely substantial to the evolution that we are supposed to have put in place.
What is basically at stake is the change in the say the GNSO has been working, if I understand correctly, from this notion of the task forces where basically the weight and the composition allowed for natural and easy voting methods.

What is at stake here is introducing the work group methods or working group methods that we will have to design. But one of the core elements of a working group approach is precisely this notion of rough consensus. And a portion of the work that we'll have to be done will be to have this very discussion a bit further, what are the conditions in which a Chair can call rough consensus.

And to piggyback on what was said before, it is not a responsibility as far as I understand for the Chair to say, I decide that I call rough consensus. The way I understand what has been explained to me concerning rough consensus is that there is a responsibility for the Chair at a given moment to say exactly what you said before. It seems that there is a rough consensus and there is a general (uproar) saying no, there is not. Then there's no rough consensus.

But the other point was also the question or representation. And the very core distinction between the participation as Avri said, of individuals in the group with the objective that the groups are balanced as possible and representative of the different view points, not so much the consistencies but the difference of view points. And the fact that afterwards, the constituencies will validate the quality of the work of the group in the process but also, when it reaches the council.

And here we have one element or articulation between the two work teams that we've established. Because the way of the working group will be validated is precisely an issue that we will discuss in the PDP work team. And so the two issues are articulated and the reason why we have a problem at this moment is that some how there is sort of a self reference. We are trying to solve the very (unintelligible), the very issue that will be the subject of the working groups for the work teams.

And so when we talk about the rough consensus, what it is, how it works, at what stages and under what criteria and how the work groups are formed, this is exactly the subject that we will have to address. So I wonder whether one element wouldn't be to just mention this notion of rough consensus without having something too detailed.

And just like there was an agreement on letting the work groups themselves decide on whether they will be relatively open or not, it will be typically in agreement among the members that the wording rough consensus in the trotter will be one of the topics that we will have to discuss anyway.

- Man: So (unintelligible), would your recommendation be to at this point leave the language as is and the wait? I mean, obviously the working group work team will address this issue. And that could retroactively change evils. Is it more of a kind of leave the language as is and wait and see or do you think there should be a current change to this language?
- Bertrand de la Chapelle: I think spontaneously the working as is could remain. But there is an understanding among the group that precisely what rough consensus call means is a key part of the discussion of the group. It seems self-referential but somehow this is also the nature of the kind of processes that we're in.

What we're doing here is creating a workgroup...

Man: Okay, I'm on another call right now and I wanted to get back to you...

Man: There's someone speaking - I'm sorry - if there's - there we go. Sounds like we were put on Mute.

Jay Scott Evans: I think that, you know, (this is) Jay Scott Evans. I agree with Bertrand that maybe a solution is to put a footnote under the three bullet points to say that there was considerable discussion about these points. And that the working group team needs to pay special attention to this and everyone realizes that this particular formation is fluid and may be subject to change depending on the work of the work teams.

(Tim): This is (Tim Just).

Man: Yep.

(Tim): If we're going to - if what I understand is correct, that, you know, census report is going to include the details and if the steering committee is going to consider the details and the consensus call is just a label, then I don't have a problem with how you define it.

But it's - because this is such a deep discussion, it just concerns me that at least some members of mine that maybe this label had more meaning that just a label. If that's that understanding it's a label but we're going to dig down beneath that to make sure we agree and that we're going to analyze it from a constituency point of view, blah, blah, blah, then they are just labels and how they're defined.

Man: Okay, Mike, what do you think of that?

Mike Rodenbaugh: I think it might help if we inserted some language to the effect that the Chair should strive to reach unanimous consensus positions in all instances. That would be helpful. And then I'd like a little bit more clarity on really how these things again are measured. Is it by constituency, is it by people because I'm - I think the concern has been expressed pretty well by (Tim), you know, that you can have somebody brand new coming out of the woodwork on this work team and so is their opinion equal to mine when I represent, you know, business constituencies. And these questions are not answerable based on the guidance we're giving now.

Woman: Yeah.

Woman: Mike, it's one, like, an amendment to what you just said. Is it so much that the Chair should strive to achieve full consensus or is it the working group should strive to achieve full consensus.

Mike Rodenbaugh: That's fine. But the Chair is the one that ultimately decides to cut off debate on an issue or not.

Man: So it says - you have to go back a paragraph - it says PPSC work team shall function on the basis of rough consensus, meaning that all points of view will be discussed until the Chair can ascertain that the point of view is understood and has been covered. And then it says rough consensus is not necessarily measured by numbers alone.

You would like to start out by saying maybe something like, although PPSC work teams shall strive for unanimous consensus or are you saying change that whole thing?

- Woman: Well, if you don't change it, they need to define it a lot better is my point. Unanimous I understand, unanimous ought to be what we're striving for. I think we all agree on that. Of course, we understand that's not always going to happen. But you know, at some point debate needs to be cut off, no question.
- Man: Right.
- Woman: The question is though when and what is a small minority and, you know, does that mean one person or does that mean one constituency? What's the...
- Woman: If I can add, I think that you've got two different discussions here. I think debate can only be cut off when all points of view have been expressed and understood, regardless of how many people shine on each side.

And then at the point at which the working group can say yeah, we all understand everybody's point of view but I disagree here, he disagrees there is then when you determine are you in rough consensus or are you pretty much split.

But I think those two are different and I think that's what was in part of our process, that it's not necessarily people, it's not necessarily constituencies. It's that all points of view have been considered. And even if it is only one small voice of a person with a point of view that makes a coherent point, it needs to have been considered and understood and then perhaps not agreed with but that's beside the point.

Man: May I contribute an external reference on the very good reference of Wikipedia on the notion of rough consensus?

Man: Sure.

Man: Which refers, of course, to the way it was used in the ITS that everybody's familiar with. But I can read aloud, it's working group make decisions through a rough consensus process. This consensus does not require that all participants agree, although this is of course preferred in general. The dominant view of the working group should prevail.

> However, it must be noted that dominance is not to be determined on the basis of volume or persistence but rather a more general sense of agreement. Consensus can be determined by a show of hands, humming or any other means from which the working group agrees between (unintelligible) rough consensus of course. Not that 51% of the working group does not qualify as rough consensus and 99% is better than rough. It is up to the Chair to determine if rough consensus has been reached.

And I think in - once again, it is not merely a label and it is very good and natural that the concerns that Mike raised were raised because it is a huge part, I believe, if the substantial discussion of the two work teams. On the one hand, on the work team on working group methodology, this will address in particular this notion of whether the participants of a working group are individuals or representative of a constituency have a certain weight beyond the convincing value of their argument or not. On the other hand, in the PDP work group, there will be the whole question of even if there is an agreement within the working group, does that consist - constituent a final decision of sorts that is pushed forward, upwards? Or is it submitted to a broader review by the constituencies that then can say, well, the agreement that was reached by the group was not a real agreement because we release from the object to that and we were not heard, for instance?

So the substance is not at all a light question. It is, on the contrary, the very essence of the discussions we'll have afterwards. And so I don't know what is a good reference but maybe a footnote as was said that indicates that this very notion of rough consensus will be a fundamental element of the discussion of the work group would (unintelligible) forward.

(Ken Bower): This is (Ken). You know, if that's going to be the case, I mean, then we need to do - to give a lot more serious thought to how we define these. And the reason I call it a label is if this work comes to the steering committee and the steering committee is going to evaluate it, have the ability to say, well, you know, we don't necessarily agree with the conclusion and make a different decision, then in a lot of ways then it is a label or whatever you want to call it.

But if the steering committee is capable of that and if that's the intent, which I think it is, then I'm not as concerned about how those consensus calls are defined. But if there's some implication that there's some binding result based on this consensus call of the steering committee (unintelligible) then that's a whole different story. Man: Well then let's look at the policy process steering committee's charter. What power have we given them? The definition of the charter.

Man: Not much.

Man: Responsible for reviewing and recommending process used within the GNSO for developing policy and recommending any changes. So it's the PPSC that reviews and recommends.

Man: Correct.

Man: It's not the work team. The work team deliver its conclusions to the policy process steering committee. They review and they decide what to recommend.

Man: Exactly. And so that's why I - so maybe the choice of saying it's not a label is a bad way to phrase it. But that's why I'm not as concerned after giving some thought as to how we define that. And I think it's good to have at least good instructions for the Chair.

Man: And again, the council...

Man: It's possible but as long as we are going to - the steering committee is making the final call. You know, I'm not concerned...

Man: They're not making the final - they're only making the final call of what goes to the GNSO council.

Man: Right. And then at that point...

Man: That's what I meant, that's what I mean.

Man: Right, it's got more public commentaries after that. But constituencies can step up and say we disagree.

- Man: All right.
- Jeff Neumann: So what I'm hearing is that if we need to insert a footnote after this section basically stating that we one of the fundamental issues that the working group work team needs to look at is this whole notion of what constitutes rough consensus. And that each work team should strive to achieve unanimous consensus but we recognize that that may not always be possible.
- Man: And that the because this is a fundamental issue, these the work team will look at these work rules and they are subject to change based on the, you know, whatever determinations and recommendations the PPSC sees fit or something.

Jeff Neumann: Based on what the PPSC sees fit or what the ...?

Man: What team is going to look at the rules and consider the issues that Mike and (Tim) have raised. And then they will make a recommendation on either consensus - unanimous consensus, rough consensus or whatever to the PPSC. And the PPSC, as I understand the charter, reviews it and decides what then it will pass on.

> It could say, yeah, well we've got 100 other questions. You need to look at these too before we go up to the GNSO council. They don't adopt (host sale) as I understand whatever they're handed.

Jeff Neumann: Okay.

Man: They review, discuss and recommend.

- Jeff Neumann: So I have the three points are that the this is one of the fundamental issues for the working group work team to evaluate, work team should strive to achieve unanimous consensus but we recognize that that may not always be possible. And three, that these work team rules are subject to change based n the evaluation of the designation of the (unintelligible) by the PPSC?
- Man: The evaluation of whatever recommendation that come out of the work group by the PPSC.

Jeff Neumann: Okay, recommendation that come out from - just writing this down.

- Man: Liz?
- Liz Gasster: Yeah, I'm sorry.
- Man: I'm thinking you need a slide. I don't remember seeing it where you go through this last part we're talking about where it says work teams report in, policy steering committee does this and then it goes up to the GNSO council.

Jeff Neumann: Okay, that's for the orientation you're talking about?

Man: For orientation. I'm just thinking that that workflow needs to be in a slide if it's not. And I don't remember seeing it.

Liz Gasster: I know - I think there's one place where it talks about the PDP saying those are the steps but I'll make sure it's in the overall.

Man: Okay, thank you.

Jeff Neumann: Okay, so Mike Rodenbaugh, you've been a little silent the last few minutes. Would that satisfy, keeping the language as is but dropping a footnote that has all three of these points?

Mike Rodenbaugh: You know, frankly, no. I'm not happy with the footnote to resolve the issues. But I do not want to belabor the point. I am heartened a little bit with the realization that this group is not going to be a rubber stamp on the working team output because something that I pushed for in PPSC charter. Certainly I never intended to be that way I think others might have.

> And as long as, I suppose, it's subject to change based on practice, I'm not hearing any consensus around the specific changes that I've proposed. Although I'm also not hearing any reason why they don't make sense. So perhaps you discussed that in the last call and I missed it.

You know, you're asking me if I'm comfortable with the footnote resolving, the easy answer is no. But I don't know what choice I really have, Jeff.

Man: Is it the fact that it's a footnote or do you want to see it in the text itself?

Mike Rodenbaugh: I'd really rather see it in the text.

Man: So possibly an italicized text below this would do - would that be okay?

Mike Rodenbaugh: Yeah. And I think - did you have in there the notion that, you know, there's going to strive for unanimous consensus?

Jeff Neumann: Yeah, that was Point 2. Point 1 was that this is one of the fundamental issues that the working group work team needs to evaluate as part of its job. I mean, we'll word it better. Point 2 is that the work team should always strive to achieve unanimous consensus but we recognize that may not always be possible.

And Point 3 is that these rules are subject to change based on the evaluation that the recommendations that come out of the working group work team by the PPSC.

- Mike Rodenbaugh: Okay, can we do anything to discuss some of my specific questions about how these things are measured in terms of people and constituencies? And also the question about, you know, the fact that usually constituency reps are not going to be able to say they have consensus of their constituencies (unintelligible) all cases.
- Man: Well it's my understanding that, Mike, that the point that Avri made early on was at the working team level that you're participating as an individual. Not as a constituency and for that reason, you, as Mike Rodenbaugh, would get no more weight than an individual.

Now there are, as I understand the process, the constituency has - it's on the council, there are constituency reference on the PPSC but they're not at the working group level.

So the constituency would weigh in and the PPSC and council levels. And then the public comment period.

Mike Rodenbaugh: Okay. So then there needs to be adequate time between the work team output and the PPSC review of that output in order to get constituency consensus. And in our constituency, that means basically 30 days.

(Tim): Yeah, this is (Tim).

Jeff Neumann: Okay.

(Tim): That would be fine what Mike - the point Mike just made just a minute ago. The only issue I think we need to keep aware is maybe it's - well it's just that it's - there's no opportunities for constituency representatives to be constituency representatives in the work teams and get constituencies used. Again, I see once the work team is done, the potential for, you know, the complete, you know, potential reversal of what is considered consensus once those views are obtained. I hope that wouldn't be the case, just the potential need to be considered and aware of.

Man: In my experience - and I'll let Avri speak to this too - the constituencies do participate and they do get their things out. There are individuals there that are actively involved in the constituencies that while it may not be a consensus position of their constituency, it's a general direction that their constituency wants them to go in. Avri Doria: I mean, I think we would know in a working team that when Mike spoke or when you spoke that while there wasn't necessarily constituency consensus behind it that this was a point of view that was well represented within that constituency. And people would know that when I spoke, there was nearly one person braying in the wind.

And people would be able to tell the difference between that and they would be able, you know, to make their judgment that yes, I know it's just my spot, you know, we understand that there is a constituency there.

And so while people participate as individuals and I think that's a very important thing to keep in mind, we all recognize that to some degree it's a fantasy and we belong (unintelligible), we belong to constituencies. We have ATLU cards, you know. And that's known about us.

So when we speak, the rest of the baggage that we carry is indeed there. But the definitional notion is that we participate as individuals so that the constituency isn't burdened by what someone said that was a member of the constituency, even though the person said it with some of that weight behind them.

And it becomes a very dynamic thing. And, I mean, having spent 20 years in the AITF and I know I was doing technology and not policy, it essentially works. It falls apart periodically and there are appeals. But it essentially works.

Jeff Neumann: So Mike brought up a point that he thinks there should be ample time for between the work team report to the PPSC (unintelligible) constituency views on the work team report.

Man: I think there's going to have to be because at the PPSC level, you're serving at the behest of your constituency.

Avri Doria: Right. And at the PPSC level, we've already said if it's full consensus.
 So whether we define a full 30 days or we define a, you know, until all the members are ready, you know, because it's full consensus at the PPSC level you kind of got it.

Man: Yeah.

Man: Well, but...

Avri Doria: Yeah, speaking informally is good but you've kind of got it.

Man: Well let's be a little bit careful, right, because the PPSC's rule is not to do - may not be to do a complete reevaluation of everything that the work team did, right? I mean, there is...

- Man: I think it's a view of the recommendation and I don't know if you reevaluate it. If you don't agree with it, I think you've got to say why and set it back down.
- Man: Well what is it that you don't let me just play devil's advocate. What is it that you don't agree with? You don't agree that the work teams' results were actually their results or you don't agree with the decision the work team came to?

In other words, even if there was unanimous consensus, let's say the work team decided that the total PDP could be 90 days, right? And we

all think that's kind of ludicrous now but let's say the work team said 90 days is an appropriate time for a full PDP to last. Is that the PPSC's role to say, I completely disagree with them or is it I disagree with the process they used? What is it we disagree with?

- Man: I think it is all right to disagree with anything that they do because it's our job to make the recommendation to the council.
- Man: Yeah, I think it has to be justified. In that instance, I think you can point to enough justification to saying 90 day times never work.
- Man: You know, obviously I don't think that's a very good example. But we shouldn't be stating hypothetical because it really could be any issue that they come up with.
- Jeff Neumann: Right. So putting aside the hypothetical, the question is even if the work team has unanimous consensus on a position, is it the PPSC's role to disagree with that position even though there was unanimous consensus?

Bertrand de la Chapelle: This is Bertrand.

Jeff Neumann: Bertrand, yes.

Bertrand de la Chapelle: Yeah, I think what this discussion highlights is whenever there is a process that goes bottom up from a work group to another layer then another layer then another layer, like particularly PPSC, then the council, then the board. At each level, there is a distinction between process revision or substance revision. In terms of process revision, I could imagine that the PPSC, for instance, says there was a consensus call made by the Chair that transferred the results of the group. But there seems that there is significant discontent within the group, all from other constituencies outside that consider that this cannot be a consensus or this is not appropriate so it sends it back or it can be on the substance.

It is not up to the PPSC in that case or to the next level to change on its own the substance of the recommendation. But there can be reasons, I suppose, where on the substance something seems not working or not appropriate. And maybe the PPSC or the council or maybe the board at each step can ask to move one step backwards and rework on the special (unintelligible) aspects.

The two notions are different and complementary. One is on the process, whether the due process has been followed. And the other one is potentially on the substance but each level should not be rewording what has been prepared as the lower levels. At any case, it should be sent back.

Jeff Neumann: And I personally agree with that - I'm sorry - let me just - personally agree with that. I just - I think that really the PPSC's role would be to send it back as opposed to substituting it's own judgment...

Man: I think you're correct. And I think one of the difficult things we've got, Jeff, is a lot of these issues have yet to be explored because the work team hasn't done their job.

Jeff Neumann: Right.

Man: All of this is going to be defined by the work team itself. This is our general understanding. And I think that's the way we have to perceive this point. But we can't decide everything because it's - all I'm saying is I think there are enough stops in the process at the PPSC level, at the public comment level and at the council level along with appeals that at least to get us going. There's enough a stop-gap measure to help us so that it doesn't get away from us which I think is some of Mike and (Tim)'s concerns.

And there is just - I think we're going to have to go with sort of a general understanding and let these teams drill down. I think Mike's point about 30 days is excellent and we need to do that now. We need to say that we're going to give them 30 days once it gets to the PPSC for them to talk to their constituencies.

But the rest of it, we sort of need to take into debate and let it formulate with the general understanding that we're still percolating things.

(Tim): This is (Tim). You know, I don't understand why the PPSC couldn't reformulate. I mean, what - where is it in our charter that would prevent us from doing that. Aren't the work teams there to support the responsibilities that have been assigned to the PPSC?

So I don't think we - I don't know, I don't see any reason why that should be closed off. You know, maybe that's not what other groups have done in the past but that doesn't make them, you know, the only way of doing something.

Man: And I think those are two...

- (Tim): PPSC is one assigned with the responsibility that should be an open possibility that we don't necessarily send it back. We tweak it and we send it on our own.
- Jeff Neumann: Right. So let me just let me jump in there and say, it's not closed off. I think I just gave my personal viewpoint and probably something in would argue if it came to that point.
- Man: Right. And I think that's valid.
- Man: Right.
- Man: But I think both the views highlighted, there are different positions about that and that needs to be explored.
- Jeff Neumann: Correct. All right, let's go back a second and lets the overall goal, what we're trying to accomplish here is to get these work team rules to a place where we can get the work teams kicked off and started next week or a week and a couple of days in Mexico City.

So I'd like to get these work team rules to a point where we can get that work done. So we have the italicized text that we're going to add, raising those view points. Mike had brought up a question on his ideas about what he added with, you know, numerically based and whether it was based on constituencies.

I think we've answered that in the sense of the PPSC to get constituency review after the work team submits its report. Mike, does that answer your questions or...? Mike Rodenbaugh: Yes, I think so.

Jeff Neumann: Do we need a statement in here that says - well this is the work team rules, not the PPSC rules? Or perhaps a note in the - on the Wiki under the PPSC charters since that's already approved, just saying that's our intention to give at least a 30 day period for constituency views after the work team submits it's report. Some kind of notation.

Liz Gasster: Jeff, it's Liz I'm having trouble hearing you. There's some kind of background noise and I know I'm supposed to be catching this.

Jeff Neumann: Sorry...

Liz Gasster: To do. So I don't want to miss what you're suggesting.

Jeff Neumann: It sounds better. It sounds like someone put their phone on mute which got rid of that echo. I guess my point is that we go with the text that we were talking about in italicized form in a paragraph below the one that we were just addressing, the bulleted points.

> And that somewhere we put in some notation under the charter but not in the charter because this - that would require a DNSO approval, that the PPSC intends to have at least a 30 day period after the submission of the work team report - work team reports to allow for constituency or to allow people to go back to their constituencies to solicit their view points.

Man: Yes, I think that would be helpful.

- Jeff Neumann: And Liz, we can work on we're just putting it in the Wiki. So we can work on...
- Avri Doria: I'm sorry (unintelligible) this is Avri and I've got to leave now for another call. But I want to say that I think this is all cool and I think part of it is guaranteed by (unintelligible) have unanimity at this level. So we should be okay.

Jeff Neumann: Right.

- Avri Doria: But anyhow, I'm going to hang up on this one now. Bye.
- Liz Gasster: Yeah, and unfortunately, Jeff, so do I.
- Jeff Neumann: Okay.
- Liz Gasster: Margie, I think is still on. So bye.
- Jeff Neumann: I think we're done with this subject. And I think just briefly I just wanted to go over the Mexico City agenda.
- Liz Gasster: Okay. If Margie can stay on so I can jump off. And...
- Man: Jeff?
- Jeff Neumann: Yeah.
- Man: Are we going to...

Liz Gasster: I want you to send me the italicized points. Margie, if you have them that'd be great or I can listen to the transcription. But I just had a little trouble hearing that whole section.

Okay, sorry to jump off. Thanks.

Jeff Neumann: Okay. So Jay Scott, to answer your next - your question you started bringing up, the path forward then is to get this paragraph documented, send it around to the group. And assuming we hear no objection that this is, you know, next week, that that's going to be the document that's presented to the work teams in Mexico.

Jay Scott Evans: Okay.

Jeff Neumann: Anyone disagree with that? Okay, hearing no disagreement and hopefully still having most of the people on the call, the proposed agenda that I put out for Mexico City I discussed a little bit with some ICANN staff. We have from 9:00 am until 12:00 pm Mexico time on Saturday and the morning on March 1, 2009 - Sunday - reserved for the GSNO improvement steering committee and work team.

> What we thought - what Jay Scott and I talked about as well is having the first hour and 15 minutes on Saturday to basically do some introduction. It's a full meeting between the PPSC and the two work teams. Do some introductions followed by a presentation that I would give or Jay Scott or a combination on what is in the current PDP followed by a presentation by - prepared by the policy staff at ICANN as to what the concerns were expressed by the board and what the work team should be looking at.

And then doing a brainstorm session by the work team members again, this is combined - of their perceptions of the current PDP. Now this fourth item is not a solution meeting in the sense of we don't want people to come up with solutions saying, you know, I think the PDP should be 200 days long, right?

What we really want to hear and just get out there, no matter how, you know, whatever their perception is of the PDP. You know, so the timelines are too short, the - maybe the staff saying we don't have enough time to do an issues report. It could be anyone else. Just basically throwing out there all the perceptions. We thought it would kind of be a useful exercise before the work teams kind of separated out.

We'll take a work break between 10:15 and 10:30 and convene the individual work teams where we would basically start the substance of the kick off meeting. Does anybody have any thoughts on at least the first hour and 15 minutes as to what our thoughts are in doing that?

Jay Scott Evans: This is Jay Scott. I like it.

Jeff Neumann: Didn't you help come up with it?

Jay Scott Evans: I can vote for myself.

Jeff Neumann: Mike, is that okay?

Jay Scott Evans: He may have dropped off.

- Jeff Neumann: Well he's still showing on here. Greg? Greg Ruth's still on, (Ken), anyone have any thoughts on that first part of the agenda?
- Greg Ruth: It sounds okay. This is Greg.
- Jeff Neumann: Okay.
- Bertrand de la Chapelle: This is Bertrand, it's fine. I will have to check a problem, a conflict of timing with the at large summit where I have to make a presentation on the (unintelligible) but I will juggle.
- Jeff Neumann: Okay. Yeah, there's a lot going on and unfortunately, there's conflicts. And again, we intend - and policy staff can confirm - that the intention is to have a conference bridge for those that don't arrive in Mexico at that point.
- Woman: Yeah, I'll look into that.
- Jeff Neumann: And then what we thought would happen on March 1, that Sunday, the day after, would be to reconvene the two teams and the PPSC to just for a short period of time it wouldn't necessarily be long at all and it wouldn't have to start at 9:00. I'm not sure what time we have in the morning ouch what time we have in the morning to but I believe we have the entire morning.

I think it would just need to be an hour for all of us to get together at the most and just kind of discuss what happened the day before in the individual work team meetings and then to make sure we all have an understanding on the path forward.

- Man: Jeff, the only request that I would have is that we make it mid-morning if we have the whole morning. So if one of the work teams wanted to meet first thing in the morning because they didn't come to a conclusion they wanted to on Saturday, they could before we got the whole group together again.
- Jeff Neumann: Yeah, I was intending to do that because I know people like to sleep, anyway.
- Man: Yeah, I mean, so it'll be up to the groups whether they want to meet or sleep.
- Jeff Neumann: Right. So I was thinking something like 10:00 if we have the whole morning...
- Man: Yeah.
- Jeff Neumann: Like 10:00 to 11:00 or something like that.
- Man: I think it's super.
- Bertrand de la Chapelle: Just one question. Is there any possibility sorry of not having the two work teams meeting at the same time for the very few who have taken the burden of participating in both especially as this is the kick off to he meeting? Can we combine the 28th and March 1, for instance?
- Jeff Neumann: Yeah, I think, Bertrand, I think you're the only one that's on both work teams.

Bertrand de la Chapelle: I wonder whether Avri's not.

Jeff Neumann: No, she's not.

Bertrand de la Chapelle: She's not?

Jeff Neumann: No.

Bertrand de la Chapelle: Okay, if l'm the only one then it certainly doesn't make sense. Okay.

Jeff Neumann: And I believe they'll both be either transcribed or...

Bertrand de la Chapelle: But actually, one of the reasons also why I'm asking that is I wonder it wouldn't be better to have a joint session rather on the first day and have the separate sessions in the - on the 1st. Because one of the key challenges that I highlighted in other discussions from the OAC is the fact that there is a strong articulation and relationship between the way the working groups are going to function and the way the PDP is going to function.

> And so I'm wondering, especially at the start of the discussion, it wouldn't be good to have a broader common vision among all the different actors on what are the elements that connect one group with the other in terms of substance.

Jeff Neumann: Yeah, so I think that - so that was kind of our intention by having the first - on the 28th having the first hour and 15 minutes be the work teams combined so that we could go through what the current PDP is,

what the board recommends - I'm sorry - what the board's concerns with the PDP were.

And then to have kind of a joint session as to what people's perceptions are of the current PDP and working groups. So after - they could take that knowledge after the first hour and 15 minutes to break out a 10:30, you know, after a little break to break out for an hour and a half to meet as individual work teams.

And then meet combined on March 1 to discuss what the individual work teams had discussed the day before. This actually enables us to have a joint meeting then two separate meetings then come back to a joint meeting.

Bertrand de la Chapelle: I wonder whether an hour and 15 minutes will be enough to have any discussion among the groups? Because typically the type of discussion we had in this call took about an hour. And it's one of the elements that will necessarily pop up at one moment or the other.

> And I wonder - but it's just a suggestion - whether it wouldn't be better to have the first day mostly together in order to distribute the articulation between the two. Because in any case, there's an hour and 15 minutes plus an hour and a half. It's very short. There will be a relatively large group.

> And then having the two work teams working parallel on the 1st, even with just a brief getting together at the end if necessary. But I spontaneously would think that it is better to have a broader discussion all together at the very beginning a bit longer and then split on March 1st.

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Jeff Neumann: Jay Scott, what are your thoughts?

Jay Scott Evans: You know, I personally think that if we - we're having a primer on this next Tuesday - two calls to sort of set everybody up on the background. Don't forget that, Bertrand.

Bertrand de la Chapelle: You're right.

Jay Scott Evans: Then we're going to come in to have a meeting where we sort of get the lay of the land again and do a white board session or a - on the TDP itself. Then we're going to break into to two groups to sort of - but if we have - we have got to get this moving. And you know, the whole point, the reason we're doing this is so that you have the afternoon the late morning on the 28th and the early morning, should you see fit as a work team.

> So you possibly could have up to 2.5 to 3 hours of time as a work team before you get back together with the group. But we really have to intensify the workgroup team when we have people face-to-face. And it is the responsibility of those who want to participate to make sure they sort of have a general understanding of everything by attending the primer next week and reading the Wiki and all the background materials.

But these groups have got to get started. We've got March to June. And they really need to start drilling down into the detail work of each team. So I feel comfortable with the schedule as Jeff and Liz and I put it together. I see Bertrand has some points. But unfortunately, I don't know if time dictates that we're going to be able to give it that level of detail.

Bertrand de la Chapelle: Yeah, I see the argument. But if I may share a general remark regarding the subject we're addressing. One thing that I've seen in the last three years that I've participated - 2 years and a half that I've participated in ICANN processes - is a general trend that takes a long time to establish the groups. And then there's a rush to get to the solution or the details without often spending time enough in a broader setting to exactly identify what are the points.

> And I am just a little bit afraid that by splitting too quickly - and we're just talking about changing one day and the next, and it's not about a lengthy period of time - whether the common understanding of the articulation between the work that the PDP work group will make and the work group team will make will not be sufficient.

People will be rushing, I am afraid, without enough - I'm perfectly conscious of the time constraints. But I feel - and it's just my sense of course - but I feel that this is a perfect illustration of one of the things that we want to improve. I'm afraid that the one hour and 15 minutes will be much too short to get the common understanding. But I may be wrong.

Jeff Neumann: So you know, I'm not sure - I'm thinking about your statement about common understanding. I think really the aim at the beginning is to just set forth what the PDP is and where each work team fits in. And I think when the work teams split up, if it seems like to the Chairs or to the people in the work teams that there's not a common understanding, I think that's one of the perfect things to address on the 1st. Bertrand de la Chapelle: Anyway, I think we are just toying with two days, basically. If at the end of the brainstorming session there is a feeling that there would be a benefit in keeping the discussion going in that format, I suppose it wouldn't be that hard to modify on the spot.

Jeff Neumann: Correct. I think...

Jay Scott Evans: Absolutely.

Bertrand de la Chapelle: So let's do it this way and we'll see.

Jeff Neumann: Okay. Anybody else have any questions or comments?

Jay Scott Evans: Anybody awake?

Jeff Neumann: Is anybody still on? Yeah, we still have a few left on.

Margie Milam: So Jeff, this is Margie. Just to confirm, we're leaving the schedule the way it is in the email you sent out?

Jeff Neumann: Correct.

- Margie Milam: Okay, got it.
- Jeff Neumann: We just need to confirm what times are available to us on March on Sunday.

Margie Milam: Okay.

Jeff Neumann: I (unintelligible) GNSO agenda is morning.

Jay Scott Evans: Yeah.

- Jeff Neumann: So if we do have all morning, what I'd like to do is schedule for 10:00 to 11:00 for the combined teams. And this way, if the individual teams want to meet earlier than that, they can based on the discussions they had the day before. So we should still have the rooms but not necessarily do the meetings - that's kind of a wait-and-see.
- Margie Milam: Okay.
- Jeff Neumann: Okay. And so Margie, I'm going to put down in a on the first item, I'll just document my notes from that on the three items that we put in on the italicized text on the work team rules.
- Margie Milam: Okay.
- Jeff Neumann: And then you and Liz can just massage it and, you know, if you want make it sound better. And then we want to forward it out to the group.

Margie Milam: Got it.

Jeff Neumann: Okay, are there any other questions, comments? All right, well I look forward to seeing everybody in Mexico City in just a week and a half.

Man: Okay.

Jeff Neumann: Okay, great. Have a safe flight everyone out there.

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Man: Thanks, you too.

Jeff Neumann: Okay, bye.

Man: Okay, bye.

Woman: Bye.

END