ICANN Transcription
GNSO Review Working Group
Thursday, 07 June 2018 1300 UTC

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Recordings may be found on page: http://gnso.icann.org/en/group-activities/calendar and

https://audio.icann.org/gnso/gnso-review-07jun18-en.mp3

Attendance:

Lawrence Olawale-Roberts
Rafik Dammak
Wolf Ulrich-Knoben

Apologies:
Sara Bockey
Jen Wolfe
Lori Schulman

Staff:
Marika Konings
Berry Cobb
Emily Barabas
Julie Hedlund
Andrea Glandon

Coordinator: Recording has now started.

Andrea Glandon: Thank you. Good morning, good afternoon and good evening. Welcome to the GNSO Review Working Group call on the 7th of June, 2018 at 1300 UTC. On the call today we have Rafik Dammak, Lawrence Olawale-Roberts, and Wolf-Ulrich Knoben. We have apologies from Sara Bockey and Jen Wolfe. From staff we have Emily Barabas, Marika Konings, Berry Cobb, Julie Hedlund, and myself, Andrea Glandon.

I would like to remind all to please state your name before speaking for transcription purposes and to please keep your phones and microphones on mute when not speaking to avoid any background noise. With this I will turn it over to Wolf-Ulrich Knoben. Please begin.

Wolf-Ulrich Knoben: Thanks very much, Andrea. This is Wolf-Ulrich Knoben speaking. Hello, everybody. So we are going ahead today with our review implementation charters. And Julie has sent out an agenda for today. I think at first we go through the consensus call which is going to end today, and then we have on the agenda also the draft report for the OEC and for the Council, what we are talking about and then diving into the charters which are still open to discuss. I think that's my agenda and I would like to hand over to Julie please.

Julie Hedlund: Thank you very much, Wolf-Ulrich. This is Julie Hedlund from staff. So the first item, excuse me, is the consensus call for the implementation charters for Recommendations 26, 27, 28 and 29 and that is on stakeholder group and constituency membership and statements of interest. So that charter is out for consensus call through the end of today, June 7. Thus far there have been no comments or objections. If there are none, as of the end of the today, then this charter will be deemed to be agreed to by full consensus.

Wolf-Ulrich Knoben: Thanks, Julie. This is Wolf-Ulrich speaking. From speaking from my part for our constituency, there will be no - not any further comment to that so it's okay with that so but as usual we will wait until end of business today and

then you can circulate it. Thanks very much. Are there any comments from others? Not seeing so, Julie, go ahead with the next item please?

Julie Hedlund: I will bring that up. So the next item is the two week review of the charter for Recommendation 6, 33, 35 and 36 and let me just get that up here in a moment. Soon as I can find it. Sorry for being slow here. A lot of - I haven't been on Adobe Connect for so long I'm forgetting what I'm doing. Let's see, Andrea, I assume this was loaded? For some reason I'm not…

Andrea Glandon: Yes. Which one are you looking for?

Julie Hedlund: The charter for 6, 33, 35 and 36.

Andrea Glandon: The first four documents on the top there are the ones that were loaded.

Julie Hedlund: Okay.

((Crosstalk))

Julie Hedlund: Let me try to expand the title, it's hard to see.

Andrea Glandon: Yes, and I had to remove some characters because…

((Crosstalk))

Julie Hedlund: Yes, because it's too long?

Andrea Glandon: Yes.

Julie Hedlund: Okay so there's plan, draft, progress report, update. Let's see and one called "Report." Let me see if this is it. Yes, okay great. Sorry for the delay there, everyone. So I've got the charter up here. So where this stands is we sent this out two weeks ago for review, this version of the charter. And this was

with all of the - all the changes reflected - the latest changes reflected based on the discussion on the call two weeks ago. So I can just run through those briefly but those are the changes that were out for - that were out for review. So we had some text that we added to the suggested implementation for Recommendation 6.

And so that recommendation - that suggested implementation says that "GNSO support staff already gather and publish on the working group wiki the membership data. These data could be expanded to include statistics on diversity for each working group if the CCWG recommendations are approved, these data could be linked to a diversity section of the ICANN website." And added to that was, "Staff notes that publication of these statistics may be subject to compliance with the General Data Protection Regulation, GDPR, such as the direction to a privacy notice and the purpose of the data collection, for example, see the statements of interest wiki at," and then there's a link to that.

And then with respect to Recommendation 36, we added text that, "Staff notes that with respect to cultural diversity, quote unquote, as it Recommendations 33 and 36, the working group may wish to refer to the definition provided in the report from the Subgroup on Diversity as follows, the geographic diversity being considered is in three forms, the region in which one lives, the region in which one was born, and the region in which one identifies culturally."

And then on the current processes and procedures relating to diversity, staff notes that, "There already are current processes and procedures relating to diversity in the GNSO." And then we go on to state what those are. And then also added a link, I see there's a typo there, we'll fix that. "See Section 11.3, GNSO Council," and then also relevant text from the stakeholder group and constituency charters relating to diversity.

And then moving along to the next section with respect to Recommendations 33 and 36, I won't necessarily read all this text but this is what we did send out for review for two weeks noting that Recommendation 33 includes the Nominating Committee in the list of entities that should aim to increase the geographic, gender and cultural diversity of its participants as defined in ICANN Core Value 4, which is not Core Value 2. "In a discussion with the GNSO Review Working Group on whether a GNSO review recommendation can extend to the Nominating Committee, working group members noted that the GNSO Council does provide suggestions to the Nominating Committee as parts of its recruitment for candidates for the GNSO Council. Working group members agreed that in the working group determination for this recommendation, it could be note that guidance or suggestions to the Nominating Committee concerning candidate attributes such as relating to diversity follows a standard practice."

"And the working group members also asked whether there were diversity recommendations relating to the Nominating Committee in the recently-completed review. Staff found the following recommendations from the independent review of the ICANN Nominating Committee Assessment Report that was published in January of 2018." And there's a link to those provisions.

And then with respect to Recommendation 36, we just added that text which comes before, "if the CCWG recommendations are approved the GNSO Council could apply its diversity criteria objectives to the selection of the membership of the PDP working groups." That was the only change there.

And a minor correction there on that page. And then now in the working group determination with respect to Recommendation 6, "The working group suggests that these data could be expanded to include statistics on diversity for each working group." And we added, the working group notes that the publication of these statistics may be subject to compliance with the GDPR as noted above as well."

And then also the text concerning the Nominating Committee as noted above has been added here in the determination. And then with - and then some additional text with respect to 35, that noting that the CCWG Accountability Work Stream 2 established a subgroup on diversity. So this was the recommendation to establish a working group in the GNSO and the proposal by the working group here that because of the composition of the Accountability Work Stream 2 Subgroup on Diversity, the working group agrees that the thorough and diligent work of this Subgroup on Diversity fulfills the requirement for the establishment of a working group in Recommendation 35 and that also it reflects the diversity requirement as well.

"Conclusion, based on its evaluation concerning the four GNSO review recommendations, the GNSO Review Working Group determines that the recommendations have been implemented based on current processes and programs and that no further action is required." So that covers the - all of the changes that went out for review. And then we can discuss those here and the - and then the working group can decide whether or not - if there are no additional changes then staff will send - will accept the changes and will send the charter out for a two week consensus call.

So I'll turn it back over to you, Wolf-Ulrich.

Wolf-Ulrich Knoben: Yes, thanks. (Unintelligible) for taking us through (unintelligible)…

Julie Hedlund: Excuse me, Wolf-Ulrich, I'm very sorry but you're breaking up quite a bit and we can't really hear what you're saying.

Wolf-Ulrich Knoben: Hello. Can you hear me better?

Julie Hedlund: That is much better, yes. Thank you.

Wolf-Ulrich Knoben: Okay. So thanks very much for guiding us through because it's - this charter is a little bit complicated, well, to follow with regards to all these

interrelations between the CCWG recommendations and the - and our recommendations here. And what we have to follow. But I think it's becoming clearer as well and also I think for the - from my point is here it must be clear so in the end when we come to a conclusion of these things to say for example, these recommendations have been implemented so far.

It must be clear to what extent they have been implemented. Does it mean, for example, in that sense that we rely on some parts on the recommendation of the CCWG and their execution which is still to be done and to be decided on? Or to what extent we are doing our own work here to implement it by ourself or to implement parallel or separate streams, different from that what the CCWG is doing. So that is my question in this regard.

But I wouldn't like, well, to stop the discussion on that and on questions with regards to the charter itself and to the work which has been done here by staff. Thanks.

Are there any questions from the floor, any comments from Rafik or Lawrence to this at the time being? None for me, that's - Rafik? So Julie, was it clear what I was - what my request is here in this respect because I'm looking just forward and thinking about, you know, when we conclude, well, this recommendation has been implemented. It must be clear what is the status of the work of the implementation itself. It may be that some of these recommendations are going to be implemented through the CCWG recommendations.

Julie Hedlund: Thank you, Wolf-Ulrich. This is Julie Hedlund from staff. So I'm just going to run through the determination because I think what we - what we had discussed is that they are implemented irrespective of the CCWG recommendations. But let me see if that's clear here or if we make a different determination. So and maybe it needs to be emphasized more clearly as well.

So starting with the working group determination on Recommendation 6, which is that the GNSO record and regularly publish statistics on working group participation, so we do note the linkage to Recommendation 8 of the Cross Community Working Group. And we note that until Recommendation 8 is approved, the GNSO support staff already gather and publish on the working group wikis the membership data. Okay, so here I think this is a good example of what you're pointing to.

"The working group suggests that these data could be expanded to include statistics on diversity for each working group. If the CCWG recommendations are approved, these data could be linked to the diversity section of the ICANN website." And then we note the possibility of compliance with GDPR. So I guess one could argue or perhaps what we need to make more clear here is that while a piece of this recommendation may be addressed by the fact that statics are already gathered and published, these statistics do not explicitly describe the diversity characteristics of a working group.

And that is something that could be then modified if the CCWG recommendation is approved. So let me just stop there and see whether or not we need further clarification - or make it more clear the sort of two parts or two pieces to this implementation.

Wolf-Ulrich Knoben: Yes. Thanks, Julie. This is Wolf-Ulrich speaking. Well, just giving you an example, there's one recommendation which is on the diversity side so which where you have also - also made reference to the CCWG recommendations with regards to their recommendation, you know, to impose, if I'm right, I think, on each group SO/AC constituency and so, that they should come up with some information related to their charters or whatever. I think it's - I'm not sure which recommendation that was but you have to - you could look at this and where all these recommendations were referenced to.

So and we are saying, okay, we are in line with that - with those recommendations from the CCWG and take it as a recommendation. So that

would mean, okay, that's kind for us how we see our implementation work has been done, however, the implementation is not then - not finalized because the constituencies or the group have to take over that task and have to do it, so that's what I mean.

Julie Hedlund: Right. This is Julie Hedlund again from staff. So we have - so this is - we have two things here. We have Recommendation 6, which is really sort of a small subset of what the CCWG is recommending. So, I mean, the CCWG Subgroup in Recommendation 8 has, you know, capture, analysis and communication diversity information, you know, on an ICANN website, that's all maintained in one place, that produces a report. And but just looking at some of the - I'm just going to move up and look at some of the other recommendations too because I think there's - there are - we have Recommendation 8. I'm looking for the one that you had mentioned as well.

So here under Recommendations 2-5 in the CCWG, there we have that each SO/AC group should identify elements of diversity mandated in their charters, etcetera.

Wolf-Ulrich Knoben: Yes, that's…

((Crosstalk))

Julie Hedlund: That's I think what you were referencing.

Wolf-Ulrich Knoben: Yes, yes.

Julie Hedlund: And that actually - I think sort of the thing to consider here is so CCWG Recommendations 2-5 again, go beyond what the GNSO review recommendations stipulate on a much broader - so I think what we were trying to say is that - that - or what we maybe hope to say that many of the processes and procedures that currently exist do capture the, you know, some of these elements and then if CCWG recommendations are

implemented then those actually go beyond what the GNSO review is recommending.

So for instance, with Recommendation 6, we're, you know, regularly publishing statistics but Recommendation 8 of the CCWG and Recommendations 2-5 even go far beyond what Recommendation 6 is asking. Same with Recommendation 33 and 36. And I guess the possible dilemma for us as a working group is that if we need to wait for the CCWG recommendations to be implemented - even if we wait for them to be approved if their implementation is tied to the implementation of Recommendations, you know, of these GNSO Review recommendations, it's quite likely that that will occur much later than the deadline for completing this GNSO review.

And given that that the Board has not, you know, approved the CCWG recommendations, you know, the CCWG I think is presenting its final report at ICANN 62, and that's based on the comments they received in the public comment period and then also I think questions from the Board that they need to address, then the Board needs to approve, then the recommendations as approved would need to be implemented. So the question for this working group is to what extent can we say that these, you know, can say that the GNSO Review recommendations are implemented you know, as we stand now and then they will be supplemented perhaps by the CCWG recommendations once those implemented.

Because we you know, we otherwise are running into, you know, missing our deadline to, you know, get these all implemented. And I see Rafik has his hand up. Go ahead, Rafik.

Rafik Dammak: Okay. Thanks, Julie. So I thought we did that - the CCWG recommendation (unintelligible) and giving, how to say, working on the foundation for the whole ICANN community within the different SOs ACs and also groups who work on diversity. And so what come from there and also in term of (unintelligible)

help the GNSO but, I mean, (unintelligible) GNSO all the stakeholder group (unintelligible). So what I can see in our own recommendation for the GNSO Review is let's say is to prepare the ground for whatever come as implementation from the CCWG.

So here we are trying to see if there is any gap between what they have before and what is coming. And that way we avoid the duplication and also that we have to (unintelligible) the work. So I say that we are preparing the ground for what is coming that can be more positive and I guess we can maybe something that we share with the OEC and see if they can give us some guidance or feedback.

I mean, it's one problem we have in ICANN in general so (unintelligible) take so much time, at the end it maybe becomes a little bit, but here (unintelligible) so much report, the GNSO review and we did this so let's try to give the foundation so after we - and even the CCWG recommendation are implemented we will get a totally (unintelligible) maybe we don't have like office of diversity but we have some probably some staff support and more (unintelligible) stuff to help. So this is kind of how I would frame this (unintelligible).

Julie Hedlund: Thank you very much, Wolf-Ulrich. That was - I was having a hard time hearing that but I see Emily is doing a great job of capturing it so just I see what she's got here as perhaps it's the role of the GNSO Review to look at what has happened and what is coming and consider our work to be a matter of laying the groundwork for the CCWG Accountability recommendations implementation. This is a common challenge in ICANN that efforts overlap because the timeframe for each project is long.

That's - those are extremely helpful points. Wolf-Ulrich, any - or anybody else, any thoughts from you with respect to this approach?

Wolf-Ulrich Knoben: Yes, well thanks very much. I think that's good, you know. I wouldn't like to overcomplicate that effort. I understand well there is an overlap between these different approaches here. And I would like also well to - not to state (unintelligible) with that group or keep that group here longer working, yes, it must be just if questions arise I think we in our group we understand, you know, what's going on and how we see that developing and that we are doing some parts of it, making recommendations here, and, you know, some more details is going to be done through the CCWG recommendations later on.

So I would (unintelligible) is that somebody has the impression okay, so we are just shifting our work or - not our work but our work to others, well, like to the CCWG which came up with the recommendation saying okay, there is something, you know, look at this and after they have done their implementation then all this work is - has been covered which we were looking at as well, you know, so we have to be clear but that our part is - has really been done to that and then that there are additional points, well, which are covered then by the CCWG recommendations. So far I think the approach is okay. Thank you.

Julie Hedlund: Thank you, Wolf-Ulrich. This is Julie Hedlund from staff. So I think those are good points. I think that we should make that clearer in the charter here and also bring this out as Rafik notes, there's a point where we could seek - we see feedback, because I guess, you know, from a staff point of view, if - because there are so much overlap and in fact because the CCWG recommendations go well beyond what the GNSO review is recommending, it would seem if not redundant perhaps even inconsistent to do a separate implementation of just these elements when it's quite likely that there'll be some sort of implementation arising from the CCWG recommendations.

So, you know, we do have an overlap and perhaps a redundancy and maybe what we do is make that clearer here with some text as well as calling it out in the OEC report because I think that we're so very close, I mean, really this - these are - these four recommendations are the only remaining

recommendations that need to be, you know, agreed to on a consensus call as implemented. And so, you know, it would seem a shame to then have these held up sort of in limbo awaiting a determination on the CCWG recommendations.

So here's a suggested action item, staff could accept the current changes but add some additional text concerning what we've just discussed here and call that out in a consensus call for two weeks. Also recognizing that, you know, also noting that we will call this out in the OEC report as well. And I see Wolf-Ulrich is saying, "Agreed."

Then staff will take that action item and Rafik says, "Plus one." And then Wolf-Ulrich, if it's okay with you staff will go ahead and move to the next item which is the update to the OEC and the GNSO Council.

Wolf-Ulrich Knoben: Yes, please go ahead, Julie.

Julie Hedlund: Okay. This is the wrong one. Get that document up. Okay. So with respect to what we just discussed, the - since this - excuse me - since this report is due to the OEC by tomorrow, and actually staff is hoping to, you know, to finalize it today and send it if there were no further changes from this discussion, then, you know, conceivably we could have all, you know, we would - if we put the consensus call out for Recommendations 6, 33, 35 and 36 today, then we note here that those are, you know, for - there's a draft implementation charter that's out for consensus call.

I think probably we don't necessarily want to say expected to be agreed by full consensus. But now that I'm thinking about it that's probably something we shouldn't say just because we shouldn't presume. But we could add here that some text with respect to the question we wanted to raise to the OEC on those recommendations.

So I think this needs to be modified to bring up the issue that we just discussed and then that text also should be added to the part of the report that - where the details are concerning those recommendations. So if I just move to that section. Let's see. I think that is, hold on. Sorry for this. There it is.

Okay so where we actually talk about these recommendations we'll need to adjust the text here to reflect the text in the, you know, the revised text that we have and then also again put in here the, you know, that the text that we just discussed, where we're sort of laying the groundwork for, you know, for the CCWG recommendations and, you know, that there is an overlap but, you know, we would consider then that, you know, in raising the question with the OEC that we could consider that these recommendations are implemented currently but then will be augmented at the point that the CCWG recommendations are implemented.

And I see - I'm sorry - and now that I've said all that, Wolf-Ulrich Knoben notes that he lost his connection and will be back. So let me just stop there and see if anybody has anything they want to raise while we're waiting for Wolf-Ulrich to come back. Not seeing anything. So Andrea, if you want to let me know when we get Wolf-Ulrich back?

Andrea Glandon: Yes, will do.

Julie Hedlund: Thank you. I see Wolf-Ulrich was typing. Thank you, Wolf-Ulrich, says "I'm fine with the report. Do we need a final report?" I think we do. And so this is Julie Hedlund again from staff. I think we do need a final report. I think what we're providing to the OEC here is still what would be considered the update, the mandated update at a six month interval. I think that we'll need to see if there are responses from either the Council or from the OEC. And given that we'll be calling out a specific issue relating to the diversity recommendations, I think we'll want to see specifically whether there's a response from the OEC.

And then I think if it's determined, you know, if the OEC is, you know, doesn't have any concerns about what we suggest with respect to implementation, then I think that we would probably modify this report to, you know, make it as a final report and then also submit that to the OEC you know, probably I would say in the -let's hope in the July timeframe and then depending on responses from the OEC, and then what we would want to do also is we would need to get a motion in front of the Council, we would need the Council to agree that, you know, based on the final report that all of the recommendations are implemented.

Once we have that motion I think then we submit the final report indicating that the Council has approved it and send that onto the OEC and seek their approval. I think that would be the procedure that we'd need to follow. So it's premature I think to try to do that with this report just because we do have an outstanding, you know, possible question with respect to the diversity recommendations and also just because I think the timing is difficult around the ICANN 62 meeting. And I don't think we want to try to get a motion into the Council as well, that also might be difficult.

And I see that the operator is dialing out to Wolf-Ulrich. And maybe what I'll do is I'll switch over the slides because I'll suggest a change there as well. So I'll just wait and see if we can get Wolf-Ulrich back.

Wolf-Ulrich Knoben: Can I use my microphone? Hello?

Julie Hedlund: Hello, Wolf-Ulrich. Welcome.

Wolf-Ulrich Knoben: So can you hear me?

Julie Hedlund: Yes, we can hear you.

Wolf-Ulrich Knoben: Yes, so I'm not using my microphone on the laptop here because the telephone connection is a little bit difficult. So thanks very much, Julie, for the report. It's clear that was my only question is, you know, do we need to do anything after, you know, so we have provided that in (unintelligible) question. So with regards to the - the slides here, my question is I'm also fine with the slides is it - oh no, the call is coming in. I think so.

Julie Hedlund: There.

Wolf-Ulrich Knoben: So can you hear me?

Julie Hedlund: Yes, we can hear you.

Wolf-Ulrich Knoben: Okay. So the question was here is that a presentation to be given in Panama during the Council meeting or to the OEC because I understood, you know, there was a slide presentation for the OEC as well for the Council. Is that the case?

Julie Hedlund: Yes, that's correct, Wolf-Ulrich. This will be on the agenda for the GNSO Council meeting. So it would be a…

((Crosstalk))

Wolf-Ulrich Knoben: Okay.

Julie Hedlund: …brief presentation. It's not clear yet whether or not the OEC will actually require a presentation. That's something I'll need to coordinate with our - the support staff group. Last time they did not need a presentation but we'll see if they will and, you know, what the timing of that would be.

Wolf-Ulrich Knoben: Okay. Good.

((Crosstalk))

Julie Hedlund: And staff can give that or, you know, Jen, depending on the timing of it so we'll work out the details with the support staff.

Wolf-Ulrich Knoben: Okay. That's clear. Thank you.

Julie Hedlund: And just to note that we'll - because we do have that question relating to the diversity statistics, we'll update this Slide 4 to call out that question and we're also - we're also going to take out the - that these are agreed by full consensus on 21 June, 2018 just because I think that's presumptuous. That may well be the case but I think because we have this outstanding question I think simply state that they're out for a consensus call ending on 21 June. And we can verbally report there are any questions or concerns raised, you know, either by the Council or (unintelligible). Perhaps even do a quick update of the slides if we have any questions that, you know, that are raised .

Wolf-Ulrich Knoben: Okay, Julie, thank you. Are there any questions from the others or any comments? Not yet. Well that's fine, I think it's fine to go, yes.

Julie Hedlund: Very good. So what staff will do is go ahead and make the modifications to the report and the slides and we'll send those around and we'll also (unintelligible) the charter and we'll send that out for consensus (unintelligible) today. And then the question is whether or not the working group meets the 21st of June in two weeks? You know, I'm not sure what we'll need (unintelligible) talk about unless there were any questions raised from the Council or from the OEC in the intervening period.

                   We could keep the call, you know, just in case but I would be surprised if we would have any feedback at that point, you know, given that everyone is busy, you know, preparing for ICANN 62. I see that Rafik says, "I don't think we need a call." Wolf-Ulrich, what do you think?

Wolf-Ulrich Knoben: Thanks, Julie. Well, I'm with you in general. So I also I could not make the call in two weeks from now because I'm on travel already. And so the only question is if there is a case, so why should we just do as a placeholder just in case, you know, if there is something from any constituency or so because today we have been, you know, this group participation today so not - the IPC was not available today and other constituencies as well not, just keep it as a placeholder but not put it to the notes as a placeholder but I think if there is no specific request from somebody so then we can skip it.

Julie Hedlund: Thank you, Wolf-Ulrich. This is Julie Hedlund from staff. So let's (unintelligible) but we'll note that this will be a placeholder. And what we'll do is a couple of days before the call we'll assess with the chairs whether or not there's a need for the call and if not we'll send a cancellation notice.

Wolf-Ulrich Knoben: Okay great thanks.

Julie Hedlund: Then this is Julie Hedlund again from staff. Thank you very much. That was all we had in the agenda today unless there was any other business that anyone wanted to raise?

Wolf-Ulrich Knoben: No, thanks Julie. Thank you very much for guiding us through. And thank you all the participants, well, also for being here today. So I'm not - could be that there might be one of our calls but it's not - it's never the last one, let's say. But so we'll see though what's going to happen with the other - with the other recommendations. And anyway so I think mostly you I will see in Panama then and we can talk about, yes. Thank you very much and have a good day.

Julie Hedlund: Thank you so much, Wolf-Ulrich. Appreciate it. And thanks for the (unintelligible) and in the recording, thank you all of those who will be listening.

Andrea Glandon: Thank you. This concludes today's conference. Please remember to disconnect all lines and have a wonderful rest of your day.

END