Policy & Implementation Working Principles Sub-Team
TRANSCRIPTION
Thursday 12 December 2013 at 1900 UTC

Note: The following is the output of transcribing from an audio recording of the Policy & Implementation Working Principles Sub-Team meeting on Thursday 12 December 2013 at 1900 UTC. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. The audio is also available at:
https://icann.box.com/shared/static/2tpcsccdqtjk9kqlas5b.mp3
On page:http://gnso.icann.org/calendar#dec

Attendees:
Michael Graham – IPC
Cheryl Langdon-Orr – ALAC
Alan Greenberg – At-Large
Greg Shatan – IPC
Chuck Gomes- RySG
Nic Steinbach- RrSG
Avri Doria - NCSG

Apology: none

ICANN staff:
Mary Wong
Marika Konings
Nathalie Peregrine

Nathalie Peregrine: The recording has been started. Good morning, good afternoon, good evening everybody. This is the Policy & Implementation Working Principle Sub Team meeting on the 12th of December 2013.

On the call today we have Alan Greenberg, Chuck Gomes, Greg Shatan, Nick Steinbach and Michael Graham. From staff we have Marika Konings, Mary Wong and myself Nathalie Peregrine. We received no apologies for today's call.

I'd like to remind you all to please state your name before speaking for transcription purposes. Thank you very much and over to you.

Chuck Gomes: Thanks this is Chuck. Now I see Cheryl in the Adobe but I take it she - we haven't connected with her in the audio is that correct?

Nathalie Peregrine: That is correct yes. We are trying to reach her now.

Chuck Gomes: Okay. So Cheryl if you can confirm - well she can't hear me so never mind.

Alan Greenberg: Everyone not present please put your hand up.

Chuck Gomes: Thanks Alan. Okay now the only reason I'm taking off with the lead is because nobody's volunteered to do that for the sub team.

This is the as Nathalie said the Policy & Implementation Principles Sub Team also known as sub team 0B. And let's just get going.

So I - thanks for having the word document up. To me that's a good way for us to tackle issue by issue and keep track of comments. I hope others are okay with that and find that useful. Alan go ahead.

Alan Greenberg: Thank you. I have two comments. Number one first I'll I apologize for being silent on the list and not commenting on the document. I've just been distracted by other things let us say.

And the second is just I wasn't on the group that created this drafting team. Can anyone explain the name 0B?

Chuck Gomes: I asked that question some time ago but let's let Marika answer it again.

Marika Konings: Yes this is Marika. I think it explains itself when you look at the work plan because basically we identified that there were a couple of sub teams that were needed to look at the deliverables for charter questions. And had, you know, are linked with numbers of the charter questions.

But then after that we realized that there were some tasks that needed to be done before we could actually start with the charter question.

So we had the - I think what was sub team 0A which was the work - or I think the 0A is the working definitions sub team and 0B is the working principles sub teams.

So in this address it was easier or shortest to do the 0B instead of working principle sub team so hence the name.

Alan Greenberg: With 0A disappearing this became really obscure but thank you.

Chuck Gomes: Okay. Now my suggestion and this is open to discussion by everybody is that we just go through the principles one by one.

I don't think it's necessary to read all of the comments on them unless that's helpful to someone but see kind of get a feel for where those of us that are on the call are at with regard to the principles whether there might be some rewording of some of them or maybe we throw some out or add some or whatever.

Anybody object of that approach? Okay seeing no objections let's start. And is there anybody that's not on Adobe?

Cheryl Langdon-Orr: I'm finally here Chuck thanks.

Chuck Gomes: Oh hi Cheryl. It's good to hear your voice. We didn't know if we were going to be able to have that privilege today.

Cheryl Langdon-Orr: Well I was going to see if the ladies could set up the Adobe Connect for audio but this will work.

Chuck Gomes: Okay.

Cheryl Langdon-Orr: Plain old telephone service will work.

Chuck Gomes: Okay good glad you're on the call. So is there anybody that's not in Adobe that's just on the voice audio?

Okay everybody...

Nathalie Peregrine: No there is not.

Chuck Gomes: Good that's excellent. Okay so let's start with principal one. So you can see that Marika and I changed - exchange comments on number one.

Anybody else want to comment now and let me ask this Marika or are you going to or Mary are one of you going to keep the pin on this document or do you need someone else to do that?

Marika Konings: This is Marika. I'm happy to try to keep track as we move along. It maybe after we go through things and confirm where we're at because...

Chuck Gomes: Yes okay.

Marika Konings: ...sometimes things move around. And but I'll try to...

Chuck Gomes: And my suggestion would be that we as people make comments that we just add them to the comments string on this and create a new version after this meeting.

Now the detailed comments can be added later if you want to just note. And you don't have to do it in Adobe but just so there captured I think that would be helpful. Alan?

Alan Greenberg: Thank you. I'll start off with my standard speech of we're in this situation and with all of these working groups because the term implementation has taken on so many different meanings and there are different phases to it.

And therefore I think stating that the policy and implementation process without being more specific must both be based on multi-stakeholder model is something I don't think I could agree to.

There are certainly phases of implementation which do not need to be based on the multi-stakeholder model.

And if you look back in - look forward to the ALAC principles, you know, we use terminology that I think was said if there is substantive

impact to the community to any part of the implementation phase then it must be based on a multi-stakeholder model.

So I think we need to qualify here as long as we're using the currently undefined or multi-defined words like implementation.

Chuck Gomes: Thanks Alan. Help this is Chuck. Help me understand what an implementation shouldn't still be based on our multi-stakeholder model?

Alan Greenberg: Well there is certainly going to be aspects which are...

Chuck Gomes: Remember to identify yourself for the recording.

Alan Greenberg: Sorry it's Alan speaking again. There are going to be aspects of implementation for any given policy that are truly implementation that are what Jeff Neuman has been calling execution.

And there are decisions to be made which have to do with the details of the process perhaps, the physical implementation, you know, which database system do you pick?

Remember we're talking about a generalized the policy not necessarily anything specific. So there are going to be aspects which are purely what we envisioned when we used the word implementation that is the GNSO decides all of the policy and then tosses it over all the staff to implement.

When we started using that model we did not envision that staff would be making decisions which altered the policy, or enhanced the policy, or elaborated on the policy.

We now know that's not an accurate description of what happens in the real world at least for policies as complex as the new gTLD policy. And probably as complex as the privacy proxy one that we're working on right now.

But there are going to be aspects which do match the original model that is this is something you can toss it over the wall to the technologist, to the lawyers, to the administrators to implement.

Chuck Gomes: Thanks. Go ahead.

Alan Greenberg: And again I'm carefully using the multi-defined term implement there just to confuse everyone.

Chuck Gomes: Okay thanks. Greg?

Greg Shatan: I would agree with what Alan this is Greg Shatan I would agree with what Alan just said. And I think that if, you know, look at the next page of the comments that we're discussing, you know, it says that, you know, certain parts of the implementation process at least certain parts, you know, do not need to be bottom up.

So I think that the statement is, you know, at a very high level maybe accurate and subject to, you know, again agreeing to with what Alan said not everything needs to be, you know, multi-stakeholder.

But also I think that the multi-stakeholder concept, you know, wouldn't necessarily be applied the same way in a policy process as opposed to an implementation process.

So I think there needs to be, you know, some nuance added to this that would express that because otherwise I'm concerned that this could be this statement could be, you know, yet another kind of though I know it's not intended to be, you know, it could be, you know, another kind of weapon in the policy versus implementation battle to, you know, say that, you know, you can't implement anything until it's - unless it's done multi-stakeholder just like policy is done.

And I think the point is that implementation can't be done just like policy is done because policy takes so dang long to work out. And implementation needs to be done at least in somewhat more of a real-time atmosphere.

You know, that said there are certainly as Alan said aspects that would be multi-stakeholder. There may even be aspects that may be bottom up.

And there I think somewhere in all this we should acknowledge, you know, the concept of, you know, implementation and review teams as being kind of a at least a multi-stakeholder tool to have a voice in the ongoing implementation without necessarily using the multi-stakeholder concept to slow implementation down.

You know, to some extent we need for the multi-stakeholder model to meet the implementation timeframe and not vice versa. Thank you.

Chuck Gomes: Thanks Greg. Alan?

Alan Greenberg: Thank you. You know, I started off by referencing the first ALAC
principle. And I think those are the kind of words we need here.

That doesn't define it with a high level of clarity but says the intent.
That is if people are going to be impacted -- and later on we use the
term obligations and I'm going to critique that as well so I think
impacted or affected is a much clearer term -- then the community
needs to be involved in the decisions.

And that, you know, that's going to vary if we're doing another new
gTLD process versus doing, you know, the locking of a domain sharing
UDRP.

You know, that details will very highly. And whether an implementation
review team would be sufficient for a new gTLD policy is questionable.

You know, look at how many hundreds of people and thousands of or
hundreds of thousands of people hours were involved in that
implementation review team which constituted the whole community
over four years.

So the details are going to vary but I think the principle has to say if
we're effective we need to be participants.

Chuck Gomes: Thanks Alan. Nick?

Nick Steinberg: Yes I mean I think in principle the idea that only, you know,
implementation would need to be consulted for multi-stakeholder

model when you're affected sounds really good. But I just don't really understand how you would practically apply that principle.

So I think depending on the decision there's going to be someone on some side of the issue who's going to say look this is impacting me.

So I think that there has to be another step that's somehow gets that, you know, a significant impact, an impact to X, something that's farther than just if it impacts an affected party or even some process for impacted party to say look this is affecting me.

I think as it stands now that there's really no way to say this implementation decision is impacting me right?

I think that's a lot of the frustration is that the implementation kind of, you know, leapfrogs affected parties effectively.

Chuck Gomes: Thanks Nick. Michael?

Michael Graham: I thought you would call Marika first. We're still talking about one. I think maybe we're - our discussion is being a little bit more specific then called for with this general principle that they be based in the multi-stakeholder model which I think acknowledges that in some cases the constituencies need to be involved and in others they need not.

But all of that derives from as I understand it the multi-stakeholder model which is looking after the interests of stakeholders throughout that model.

I don't think it's saying that, you know, constituencies necessarily need to be involved with implementation itself.

Decisions are being carried out but that in considering the whole process we need to keep in mind that multi-stakeholder model. That's the way I'm reading this.

Chuck Gomes: Thanks Michael. Marika?

Marika Konings: Yes this is Marika. Actually I had a question in relation to Alan's comment or maybe a clarification because he's saying that the multi-stakeholder model needs to be in effect or applied when there is a significant impact to stakeholders.

But are you meaning if there is a different impact from what the policy recommendations intended because obviously it's quite clear that policy recommendations will have a certain impact on contracted parties.

And my understanding is if there are concerns or issues about that those are raised through the policy discussions.

So do you mean basically that if as part of the implementation discussion there is an additional impact beyond those originally foreseen that multi-stakeholder model needs to be involved or are you saying so basically whenever there is an impact even if that is already foreseen as part of the policy recommendations the multi-stakeholder model needs to be applied?

Chuck Gomes: Alan do you want to respond to that?

Alan Greenberg: Yes. I can tell you what I mean. And I'm not quite sure how to phrase it however in a concise way. What I mean is that if during the quote implementation process a decision point comes up and how that decision is made is going to have, you know, significantly different impact on the parties.

Put another way is if the PDP assuming this came out of a PDP. If the PDP team had thoughts about this issue they would have put the details in. But, you know, they didn't go down that path or didn't think that far or hadn't foreseen it.

Now I completely agree that the challenge of how do we judge when something is of that category or not is going to be challenging.

But I think that's the substantive issue is is a decision is being made where the community feels that a debate must be had.

Chuck Gomes: Thanks. Okay I'm going to jump in now. I appreciate it.

Cheryl Langdon-Orr: Oh. I'm going to cry.

Chuck Gomes: The - I guess I'm looking at multi-stakeholder different than some of you because I don't think just because you have something that's an execution or that is implementation of something that was detailed enough that it's pretty clear in terms of how you implement it that that is not multi-stakeholder.

The implementation even though it may be straightforward and not need further community involvement doesn't in any way go contrary to the multi-stakeholder model is still multi-stakeholder.

Now as you can see I put in parentheses here that, you know, we talked in the drafting team about this. And the one of the conclusions I thought was pretty well excepted was is that - and some of you most of you have said this in your comments just now that the need for multi-stakeholderism doesn't end when you go from policy to implementation.

Now the implementation part may be just a matter of the policymaking body confirming that things were implemented as intended and according to the policy but that's still multi-stakeholder. You're relying on the council of the supporting organization to at least confirm that.

And I think also on this we have to look at -- and some of you did this as well -- you have to look at this one based on other principles because they're interrelated.

For example, you know, Greg mentioned principle two. But there's also a principal down there that says, you know, basically if things are administrative you go ahead and do it. That does not - that doesn't mean it's not multi-stakeholder.

Now I think last of all before I turn it over to Cheryl maybe it's a matter of the way this is worded.

So maybe something like this would work better. And we don't need to discuss I'll throw it out now but I want to go to Cheryl and Alan first.

Maybe we should say something like the need for multi-stakeholder principles doesn't end when you switch from policy to implementation.

And then of course some of the other principles and maybe we need to combine those other principles with this one rather than treating them separately. And I'll stop there and turn it over to Cheryl.

Cheryl Langdon-Orr: Chuck this is Cheryl. And as is often the case you just go and steel the words out of my mouth in the second part. You must stop doing that Chuck.

Everybody's going to think we followed each other. The two things I wanted to raise the first one was I thought there was an opportunity now we've discussed these impacts and the degrees of impacts perhaps coming under some form of testing or criteria establishment that we toss those terms back to the 0A team because it's a term issue.

I think it's actually one believe it or not Michael that we should pick up the impact and the various degrees thereof.

So significant impact significant community impact blah, blah, blah which means it's off our plate and on to our plate on another sub team. So that's one point.

The other point was I was going to suggest that the enshrined values that we all believe it in the multi-stakeholder model type talk should be an overarching one.

And then we go into the principles as subs of those. So that's very much which you were just saying Chuck.

And I think if we do that it will A make our work easier but B make it less of a risk. And I see the way these are written now as a risk that some people will use this as leverage for road blocking when an outcome is simply not going the way they would like it.

Now I think in the discussions we've had here so far there's been some really good phrasing and terminology used when Marika asked Alan to clarify.

And there was a couple of decision points that he articulated that we could draw some work from. Thank you.

Chuck Gomes: Thanks Cheryl. Alan?

Alan Greenberg: Thank you. Two things first of all I tend to agree with what Cheryl just said. And I'll phrase it a different way.

We never want the multi-stakeholder model to become the equivalent of a veto for one small segment of the multi-stakeholder community.

And, you know, so whatever we do we have to make sure that saying there has to be involvement does not give vetoes.

And there's always the danger that these processes can be used as an effective veto although we would never use that word.

I cringe a little bit Chuck at, you know, when you say what we mean by the multi-stakeholder model is, you know, well it has to be involved when it's necessary but not always because people have different interpretations.

I'll give a concrete example of recent one. When Fadi held the nine the 7 o'clock meeting in Buenos Aires and to talk about One Net and he had sent out an email to the chairs of the ACs, SOs working - or constituency stakeholder groups saying we need a body within ICANN to act as a coordination body please self-organize, you know, talk amongst yourselves and come up with something that you think works.

That was viewed by some people as a violation of the multi-stakeholder model because the request came from the top.

Cheryl Langdon-Orr: Yes.

Alan Greenberg: And I thought that his technique was completely reasonable. He says, you know, we need a body.

You guys at the bottom decide how to do it and come back and make a recommendation or just do it I think he said. And that...

Cheryl Langdon-Orr: Yes.

Alan Greenberg: ...but that was viewed by some as a violation of the multi-stakeholder model because the request came from the top.

Cheryl Langdon-Orr: Yes it became heresy. It was incredible.

Alan Greenberg: And so I think we need to be careful that assuming everyone's world view is the same when we talk about multi-stakeholders and thank you.

Chuck Gomes: Thanks Alan. So this is Chuck again. We let me ask another question. And I agree I think with just about everything everybody has said about except for maybe that it's not - that implementation doesn't still need to be in a multi-stakeholder model.

But what activities and implementation would you see that wouldn't follow the multi-stakeholder model?

Cheryl Langdon-Orr: I think Alan gave some didn't he? I mean...

Chuck Gomes: Well yes but I countered some of those. So let's go through them one at a time. This is Chuck again. So name one of them Alan?

Cheryl Langdon-Orr: Cheryl the database selection.

Alan Greenberg: Writing - deciding on which database to use. Another one is...

Chuck Gomes: Why is that not...

Alan Greenberg: ...writing the contract language.

Chuck Gomes: Why is that inconsistent with the multi-stakeholder model?

Alan Greenberg: It...

Chuck Gomes: If that supporting organization has recommended that something be implemented okay? And that was done in a multi-stakeholder way then

all that's happening is you're doing what came out of the multi-stakeholder process.

That's not...

Alan Greenberg: And I get I guess the difference is in your terminology I mean if you look at the trademark clearinghouse for instance they have done I don't know how many thousands tens of thousands of person hours of development, you know, to implement the policy or implement the implementation or whatever, you know, to execute it to carry it out that's why I like the term execution better because it can be viewed much more as the engineering part of it not the policy part.

And, you know, currently our terms are so imprecise. And as I said people have different views of how multi-stakeholderism should work that, you know, and if you believe no decision should be made without asking everyone what they think then that's a recipe for making - getting no progress and no headway at all.

Chuck Gomes: Yes I get that this is Chuck again. Before I go to Greg let me respond to something there though. I don't think the trademark clearinghouses is the example you wanted...

Alan Greenberg: Probably not.

Chuck Gomes: ...because in that case IBM did a whole bunch of stuff on the technical side without involving the impacted parties. And so for several months now all that's being fixed.

Alan Greenberg: Chuck I agree. It wasn't a bad a good case. And besides under our current ICANN definitions the whole trademark clearinghouse is implementation, you know, it wasn't policy.

It was a bad example. And almost any example we give in today's world is going to be bad because the words we use are so confusing.

All I was trying to suggest when I started this thread is that we put words in there to say that there - to say imply or whatever that there are some aspects of the overall what we're calling implementation which may not involve a bottom up decision process.

Chuck Gomes: Which is principal two but yes we're agreement there.

Alan Greenberg: We're yes. But it's the terminology. Your terminology I'm afraid can be read by some people as every step of the implementation...

Chuck Gomes: Yes.

Alan Greenberg: ...must be done under a multi-stakeholder...

Chuck Gomes: Yes and that's what we want to fix. This is Chuck again.

Alan Greenberg: Yes.

Chuck Gomes: So yes no. I don't think we're really far off from one another. But we just need to work on words I think...

Alan Greenberg: Yes correct.

Chuck Gomes: Cheryl?

Cheryl Langdon-Orr: Thank you Chuck Cheryl here. And I'm busy typing at the same time because yes I think we're kind of in rampant agreement. But we need to be really careful.

Chuck I think you're being far too kind and generous in your ability to believe that other people will behave reasonably on this.

I think we need to be as lock tight as possible and as detailed as practical to put some bright as lines as possible. Am I being clear here?

That what we don't mean is that the enshrined principles of our ICANN multi-stakeholder model get to be rehashed and rehashed and rehashed at various points in the process unless certain criteria happen.

For example during an already established implementation phase from a policy outcome a decision note is met that a reasonable person and here I mean the legally wonderful in the corner of every lawyer's room reasonable person would assume there is a let's say the term is significant impact from that decision.

At that point we all want to look back. But on something such as let's use the choice of the database.

Do we really want to have no less than three months of expressions of interest or calls for quotation from at least three entirely different based companies from at least three entirely different geographic regions?

Do you see where we're heading it's down a rabbit hole. And I really want to avoid that because trust me some people will take us there. Thanks.

Chuck Gomes: Thanks Cheryl and no disagreement at all. I agree with that. We do want to avoid that. I guess a question for you before I go to Greg is -- and we don't need to answer this right now we can come back to it -- but should we have a principle that there maybe it's a sub principle of where we're at that says that criteria must be developed and enforced with regard to when, you know, a more bottom up process or whatever how - whatever terms we want should be used. And I'll just leave that and turn to Greg.

Greg Shatan: Thanks Chuck. This is Greg Shatan. I, you know, following on the our hypothetical database choice one of the things that I was concerned about in looking at the idea that this, you know, must follow the or be based on the multi-stakeholder model is the idea that somehow each stakeholder group should somehow have a voice in choosing the database.

And that, you know, in essence that the database that the choice of the database would almost be subject to a working group model, you know, with everyone meeting, you know, for 90 minutes, you know, every two weeks to discuss the database until the database was chosen, you know, some years later, you know, if you - you'd never get a database that way. So...

Cheryl Langdon-Orr: You can help fashion one that was no longer relevant.

Greg Shatan: Exactly. So that's my concern is the multi-stakeholder model isn't necessarily the working group model.

The effected parties is an interesting issue because the issue - if only the affected parties kind of get to weigh in or participate other parties may feel like they're affected to or they're affected by the way that the affected parties interact with the implementation team as well.

And not to take this off course a little bit but in thinking about this and also seeing a note in the chat, you know, couldn't the definitions team help us?

You know, first I would say that, you know, definitions and principles are inexplicably intertwined even though we've inextricably extricated them for the purposes of these subgroups.

And in thinking about, you know, obviously, you know, a lot of the issue here is that people try to, you know, wrap a, you know, kind of big thing up in an implementation blanket and kind of try to sneak it through or alternatively people try to take something that's implementation and call it a policy so that it won't happen.

You know, that kind of, you know, issue that we're has some, you know, some extent brought us all together over the last, you know, several months and today.

And that's part of what we're trying to avoid. And I think another way of looking at this -- and this may be a terrible, you know, way to define it but it's kind of the way I've been thinking about it -- is that there could

be some kind of policy neutral implementation such as the choice of a database should be policy neutral.

In other words it doesn't it's not one of those devils in the details that changes really the way the policy ends up turning out.

And then there is kind of implementation that really effects policy, you know, such that, you know, I think as somebody said earlier on the call if the working group had, you know, faced that issue it would have been controversial.

It would have there would have been, you know, different voices with different, you know, significant opinions.

And in essence how that implementation takes place really changes how the policy turns out. You know, as someone once said a camel is a horse created by a committee.

And if, you know, the implementation team is discussing whether or not there should be a hump or the size of the hump and should there be one or two humps is that in essence policy and not merely implementation?

And, you know, maybe I'll stop there. But I think the idea of kind of policy neutral implementation versus kind of policy affecting implementation and maybe whether that second - first can - should be called execution and the second kind should be called implementation or the first one should be called implementation and the second one should really go back to policy.

But I think that we're trying to distinguish between things that are more or less mechanical would be noncontroversial if every stakeholder, you know, had a chance to look at it.

And those that, you know, would be in essence kind of controversial or at least, you know, call for or thought and robust discussion because the last thing we want to do is to take execution, or mechanical, or policy neutral implementation and slow it down to the speed of the PDP. Thank you.

Chuck Gomes: Thank you Greg. Your term policy neutral has - is quite popular as you can see in the chat. And a quick question before giving it to Alan and that is and again we can deal with this later but do we need is that clear enough on its own or should we ask the definitions team to define it? And I'll go now to Alan.

Alan Greenberg: Thank you. Yes in it's wisdom the group that came up with the sub teams and the order of the sub teams and said that definitions can run in parallel with the policy with principles I, you know, I think was an error.

We're sitting here trying to define principles using terms which are ill - ill and multiply defined. And is it - it's not particularly surprising that we're having difficulty.

So I think we either have to defer to the definitions group and sit by until they finish their work and hope that they meet the needs that we see in the definitions by the time they finish or we need to come up with interim definitions ourselves to state in the policy.

And I think we're doing that right now. And in fact we may be in a better position to feedback good definitions to the definitions group then work in the other direction because we're not only trying to define things we're trying to use them.

And all of the problems and foibles of bad definitions will become very obvious to us as we're trying to use these definitions in establishing principles which cannot be misunderstood by people.

So I like the policy neutral implementation. I hate it because it's using the word both policy and implementation in one definition.

You know, but I think things like execution policy neutral implementation the in between phase was called by some people as implementation design followed by execution.

I think we need to come up with some of those working definition so that our principles have clarity.

Using the term policy neutral implementation implies that some parts of implementation are policy. And therefore that is in conflict with the term policy.

You know, so I can propose ones that I'm using in discussions. Maybe other people need to do the same thing or maybe, you know, I can do it and let people critique it because I think we need precision in the words before we can come up with principles that will be agreed to and understood. Thank you.

Chuck Gomes: Thanks Alan. Greg is that an old hand?

Man: It was before mine so must've been.

Greg Shatan: Yes an old hand.

Chuck Gomes: Okay thanks. Thanks Avri are you able to talk a little bit because you take exception it looks like to -- this is Chuck by the way -- take exception to the policy neutral term?

                You think everything has policy implementations. And I think to be very literal that's probably true. But is there some way we can modify the term or another term that would help us provide some guidelines?

Avri Doria: Yes this is Avri speaking. Thanks for asking. And the reason I'm being slow to get involved is because of everything else I've been doing. I haven't been involved yet in this group as I meant to be.

                My problem is that I don't believe that, you know, whether it was it happened in the scientific realms or anything else that anything is ever completely separate.

                So you have in my mind a degree of interaction between policy affecting and policy neutrality action to perhaps a limit.

                So that you could say things like picking the database is or picking the CMS that you use is purely a technical solution.

                And yet in that there are capabilities defined there are interfaces that become possible so even the simplest. Now in many cases you're

going to look at that and say oh yes, yes, yes but those policy issues don't matter to us in this case.

So it's not that something is policy neutral it's that the policy that it affects doesn't happen to be something we cared about.

If the original process that we got all the way down to when the CMS was going to be picked was we have to provide better user interface for modifying and aggregating content and for being able to search that content based on certain fields.

And then we get down to the decision of what CMS that becomes quite significant and it becomes (unintelligible) decision.

If in other words it's just an unnamed back end that nobody cares about then perhaps it is nearly policy neutral though even then not.

So and so I have a feeling that my perception is actually in a different realm then you're all talking because you're talking like there's a time when policy ends as opposed to there is a time when policy reaches the point that we don't really care about that. But it doesn't end and so that's where I end up with issue. And so sorry.

Chuck Gomes: No apologies needed because we need to as several people have pointed out we need to be precise. And the more holes we can poke in stuff the better our - what we come up is going to be.

Before I go to Cheryl I want to call everybody's attention to principle four a minute because I think it relates a lot to what we're talking about.

And that's the idea of the integration, you know, there's a continuing integration of policy and implementation. And I think we all understand that. And that that's part of what we're talking about right now.

The challenge will be to come up with some guidelines that people can use to benefit from these principles whatever principles we do come up with. Cheryl go ahead.

Cheryl Langdon-Orr: My perspective what it does is make even more important the concept of an impact test coming into play.

And that there needs to be an opportunity where we can have community saying a reasonable person would assume that a decision about insert whatever it is the database da, da, da it doesn't matter has a significant impact on community or just on our community because. And if that is the case therefore it has to go back into a different loop.

So I just wanted to come in and say that whilst I'm definitely not in the camp of having principles that are far to open for what we can see as micro-manipulation and micromanagement because I don't think that's an efficiency I think we do need the safety nets of having the ability to say hang on.

This has a significant impact therefore those terms need to be defined as a sidebar. And therefore it needs to be addressed properly. Thank you.

Chuck Gomes: Thanks Cheryl. Looking at the chat as well as some of the comments that are made I'm getting the impression that if we do use the term

policy neutral or some variation of it it would be helpful to have a definition of that.

And so might want to pass that along to the definitions team if people think I'm right on that.

The now okay so let's again focusing on principle one let me first of all ask this understanding that we're going to have to connect some other sub principles or whatever I think okay?

And is there a rewording of that based on our discussion so far today that might work better than what we have there?

I think one of the things that I think is important we want to avoid a situation that ICANN staff and I guess in essence the board too came to where they basically made the conclusion that this is implementation so we don't need to consult with the community.

And I think I suspect that we're all in agreement on that. And so is there any - are there any suggestions I threw out one but does somebody have another suggestion as how you would reword a high level principle that the community needs to be involved in many cases beyond just policy development? And I'll stop there and see if anybody has any suggestions.

Alan Greenberg: Chuck its Alan. Could you say that again I think I agree but try saying it again?

Chuck Gomes: Oh it was really more of a question Alan. This is Chuck. I was how could we word number one forgetting the subparts that we're going to

have to work with -- I'll come to that in a minute -- that would fit more of what we're all saying understanding that we have some slight variances but again I understanding I think that we have more common ground than not. So and while you're thinking about that let me go to Cheryl.

Cheryl Langdon-Orr: Thanks Chuck Cheryl again. I think what I'm going to say in response to your question is I wouldn't be rewording one. I'd be putting an overarching principle in.

Chuck Gomes: Which would be?

Cheryl Langdon-Orr: And which I think as I sort of said earlier somehow made sure -- and this is not trying to wordsmith this is giving pardon the pun just principles on what the word should be saying -- should be really clearly articulating the enshrined values of the multi-stakeholder model.

And the wide input that is sought from community on policy development and processes that could be called into effect on policy outcome whatever that language can be a think needs to be a super sentence.

And then we go into the principles and start dividing up policy the implementation underneath that. Sorry thanks.

Chuck Gomes: Thanks. No, no need to say sorry. That sounds very constructive to me. But I'm going to ask you to do something if you would.

Would you in the next day or two put that into writing so that...

Cheryl Langdon-Orr: No.

Chuck Gomes: ...it's not just those of us on the call but...

Cheryl Langdon-Orr: No. I'm catering for a function for 70 people. And in fact I have, you know, sauces to make and turkeys to do right now.

Chuck Gomes: How much time do you need?

Cheryl Langdon-Orr: So not in the next few days. Sorry.

Chuck Gomes: Okay. So as soon as you can would you put that in writing please?

Cheryl Langdon-Orr: After the next few days yes I'll have a go.

Chuck Gomes: Thanks. Alan go ahead?

Alan Greenberg: Yes let me give a non-PDP example that may guide us in trying to pick words for that apply in the world we're looking at.

The decision of whether ICANN should set up a regional office in Singapore or Hong Kong is going to have a significant impact on parts of our community but it's not something that needed to be decided by the multi-stakeholder model. Somehow we have to enshrine that concept. I don't know how.

Chuck Gomes: Well I want you to think about how okay? Not necessarily in this meeting but, you know, this has been great discussion and we now we have to be able to translate all the things that we're saying...

Cheryl Langdon-Orr: Operational...

((Crosstalk))

Chuck Gomes: ...which are consistent than inconsistent into a way that it's helpful for the community, for staff, and for the board.

Man: Yes.

Chuck Gomes: Now another question that I'm going to throw out to have about five minutes so I want to kind of wrap up next steps and so forth in the next five minutes.

But a lot of us have talked about the need for some guidelines some criteria and so forth in terms of when there needs to be more community involvement.

My question for the group that we can take some maybe quick responses on is do you think that the principles that we're tasked with developing and proposing to the broader working group should involve those guidelines or is that something that would be an implementation issue that's handled later? Alan?

Alan Greenberg: Sorry that was an old hand.

Chuck Gomes: Okay. You need to get some new hands.

Alan Greenberg: Sorry all of me is getting rather old at this point.

Chuck Gomes: Me too. So what do you think about that? I mean should this little sub team sub team 0B try to develop some guidelines or is that something that should be done later either by the working group or maybe even after the working group presents its recommendations?

Alan Greenberg: Chuck I'll - I won't put up an old hand but...

Chuck Gomes: Go ahead Alan.

Alan Greenberg: ...I think the exercise of trying to do that of trying to set up guidelines, you know, before we have the principle I think will help us design the principles.

So I think that's a useful exercise. I'm not sure...

Chuck Gomes: Okay Alan...

Alan Greenberg: ...it's part of our mandate. And I'm not sure it's a deliverable. But I think it's a useful exercise.

Chuck Gomes: Thank you Alan. This is Chuck. Anybody disagree with that? Okay so one of the things we're going to need to do here is start doing that.

Now another question before we close today which of the principles that we have right now do you think should be integrated in the sense that they're sub principles of one major principle or so forth?

Greg before he had to leave of course mentioned principle two. What other principles kind of go together in this general topic that we've been talking about today?

Alan Greenberg: It's Alan. I'll hazard a guess. I suspect once we come up with terminology which is not multi-defined they'll be a lot fewer principles.

And therefore they either get eliminated because they are intuitively obvious based on the definitions or the redundant I suspect.

I don't know that for a fact because I don't think, you know, until we do it I'm not sure we know the answer.

Chuck Gomes: Okay. Anybody else have thoughts on that? Chuck?

Cheryl Langdon-Orr: It's Cheryl here.

Chuck Gomes: Yes.

Cheryl Langdon-Orr: I'm if we're turning this on -- and this is not an answer to your question unfortunately -- but it's a thought that your question spawned in my head whilst I'm thinking about bread sauce and brandy butter.

That if we're going to turn things upside down a little bit and have an overarching principle that somehow enshrines the multi-stakeholder model in the bottom up processes that we all value so much that perhaps where we go later on in all these principles to re-articulate the very important core values out of the bylaws.

And then I would go so far as to say and perhaps add any principles from other statements that come in noting I am not limiting that to the existing ALAC one there may be some there that we all agree can be collected but there may be others that come in from other advice that is

yet to be brought to the table on that thinking hopefully of GAC that we might get rid of all of those up front and above what then is an enumerated list of principles.

And then if we do that because there is some repetition if you think about the timeliness all that I think what is a principle eight or nine I can't remember sorry core value eight or nine one of those numbers anyway out of the bylaws, you know, acting with the speed that's appropriate to the Internet line.

You know, so some of that language that we've then got in our other proposed principles might be able to be shrunk you know what I mean?

Chuck Gomes: Yes. Thanks Cheryl. Nick?

Nick Steinberg: Yes I think as far as combining I think this whole conversation that we've had today is kind of an extension of the comments we had back and forth in number three and is touching a lot on those issues.

So I think there's room for three to become at least maybe not a subset but some are integrated in with one.

And I think as far as the other kind of putting together, you know, there's some that are a little bit more on the administrative side. So that would be like the corrections principal maybe some of the timeliness ones.

I think that there is, you know, another grouping there of some kind of administrative overarching principle.

But I think three and one are really getting at the same issue at least the discussion that we had today on number one.

Chuck Gomes: Thanks Nick. And I think that some of those principles may actually be part of the guidelines for example the administrative or error correction things like that. So we've got a little bit of start in the guidelines that Alan suggestion would be a good exercise for us.

So okay we're out of time assuming we're only going to go an hour which I was. The - so Cheryl you have an action item. First action item is to get your catering function done.

Cheryl Langdon-Orr: Thank you.

Chuck Gomes: And then if you could...

Cheryl Langdon-Orr: I've got pickled pork soaking as we speak, you know, you've only got part of my attention here Chuck.

Chuck Gomes: Okay all right good thanks. And then that I think once you do have time to communicate that to the list I think that'll help us in terms of working further.

I'd like to encourage everyone to add comments to the document and just following the format that's there.

If you know how to do it go ahead and accept the previous comments and create a new red line that shows yours.

And then we - and always try to use the most current version. And then we'll have a string there under each one.

Now the other thing I'd like you to ask think about is looking at the different principles how they might group together?

Again that may depend on what Cheryl gives us. And so but at the same time like Nick just suggested three and one may be very closely related.

And then some of the things may be part of the guidelines you can identify those. But between now and the next time we meet -- and that's my last item and I see Marika has got her hands up she's probably going to talk about this -- but I'll say very quickly we need to decide when we're going to meet next. Let me turn it over to Marika.

Marika Konings: Yes this is Marika. Just to know what I did capture some of the conversation which I for now all groups on the common or principal one which I think where we started. But obviously some of this, you know, relates as well to the other elements.

So I don't know if it's still helpful leave this in a document and send it out as is and have people add to it or if I just take out all these notes and just put them in an email and then people can decide whether they want to add them or integrate them in development sections is that helpful?

Cheryl Langdon-Orr: That would be very helpful.

Woman: We're sorry Chuck.

Chuck Gomes: Which would what would be helpful Cheryl? This is Chuck to include them in the comments in the - in number one or to submit them separately?

Cheryl Langdon-Orr: To put them separately into an email so we can pick and choose.

Chuck Gomes: Okay. I think that's probably good. And then we can integrate them into the flow of comments as we see fit. Anybody object to that? And...

Marika Konings: Yes and this is...

Chuck Gomes: Go ahead Marika.

Marika Konings: Yes and this is Marika. So I'll just take it out separately. And, you know, I really apologize as well if I missed anyone's comments or, you know, I tried to keep track but I think some things were overlapping.

So, you know, feel free to add anything I didn't capture there of course into the document so we have it all there.

Chuck Gomes: Okay thank you. And Nick is that an old hand?

Nick Steinberg: Yes I'm sorry that is an old hand.

Chuck Gomes: Okay. All right well I think we'll wrap it up now. Okay great discussion. I, you know, hopefully in the next few meetings we can start narrowing in on specifics but this created I think a good foundation for moving

forward. And I appreciate the participation in this call in on the list. And one last question Marika is that an old hand?

Marika Konings: No it's a new one because I want to know about our next call.

Chuck Gomes: Thank you.

Marika Konings: Do you want to schedule same time next week for a call, or do we reconvene after the holidays, or do we need a new doodle poll for next week? Of course ideally the same time same date would be the easiest because we can confirm that now.

Chuck Gomes: Let's try and resolve that right now. That would be the 19th right?

Cheryl Langdon-Orr: It works for me.

Chuck Gomes: Same time same station is...

Alan Greenberg: Yes...

Chuck Gomes: ...anybody object to that?

Alan Greenberg: ...I won't be able to attend if it's that time unfortunately it's Alan. I do have I have an off premises meeting at that point.

Cheryl Langdon-Orr: Well what would work for you then Alan if we could just shift in time that day that was Cheryl?

Alan Greenberg: Two hours earlier two hours later would work.

Cheryl Langdon-Orr: I have a problem either way.

Avri Doria: I can't do the earlier.

Chuck Gomes: Who is that?

Avri Doria: This is Avri.

Woman: It was Avri.

Alan Greenberg: Avri.

Chuck Gomes: Oh Avri thanks.

Alan Greenberg: How about two hours later?

Cheryl Langdon-Orr: Two hours later that's not a problem for me.

Alan Greenberg: It's okay with me.

Alan Greenberg: It's later for Marika.

Marika Konings: That's okay.

Chuck Gomes: Well Marika really likes later especially on Fridays.

Avri Doria: Yes but this is a Thursday right?

Cheryl Langdon-Orr: It's only Friday for me Chuck.

Chuck Gomes: The humor in that you had to be on the early conversation before we started the recording.

Cheryl Langdon-Orr: Oh okay right.

Chuck Gomes: So...

Cheryl Langdon-Orr: Well we won't take Marika to a Friday as long as she promises not...

Chuck Gomes: Yes, no...

Cheryl Langdon-Orr: ...to take me to too many Saturdays.

Chuck Gomes: I think it's okay for me. So why don't we try that at least put it out there. And if there any big objections we can revisit.

But I think it would be good if we have one more call before everybody breaks.

Cheryl Langdon-Orr: Hell yes.

Alan Greenberg: Yes.

Chuck Gomes: ...for the end of the year so that sounds good to me. Thanks guys.

Man: Thank you Chuck.

Woman: Thank you Chuck.

Chuck Gomes: Okay.

Man: Thanks for taking the lead Chuck.

Woman: Okay.

Chuck Gomes: All right.

Woman: Bye.

Woman: Okay.

Woman: Bye.

Chuck Gomes: Bye.

                        END