Policy & Implementation Working Group Meeting
TRANSCRIPTION
Wednesday 26 November at 20:00 UTC

Note: The following is the output of transcribing from an audio recording of the Policy & Implementation Drafting Team meeting on Wednesday 26 November 2014 at 20:00 UTC. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. The audio is also available at: http://audio.icann.org/gnso/gnso-policy-implementation-20141120-en.mp3

On page:http://gnso.icann.org/calendar#nov

Attendees:
Cheryl Langdon-Orr – At-Large
Anne Aikman-Scalese – IPC
J.Scott Evans – BC
Michael Graham – IPC
Tom Barrett – RrSG
Amr Elsadr – NCUC
Chuck Gomes – RySG
Alan Greenberg-ALAC
Greg Shatan – IPC
Stephanie Perrin – NCUC

Apologies:
None

ICANN staff:
Mary Wong
Marika Konings
Amy Bivins
Karen Lentz
Berry Cobb
Steve Chan
Terri Agnew

Coordinator: The recordings have started.

Terri Agnew: Thank you. Good morning, good afternoon and good evening. This is the
                  Policy and Implementation Working Group call on the 26th of November,
                  2014.

                  On the call today we have Cheryl Langdon-Orr, Amr Elsadr, Tom Barrett,
                  Chuck Gomes, J. Scott Evans, Greg Shatan, Anne Aikman-Scalese and Alan
                  Greenberg. I show no apologies for today's conference.

                  From staff we have Marika Konings, Mary Wong, Berry Cobb, Amy Bivins,
                  Steve Chan, Karen Lentz, and myself, Terri Agnew.

                  I would like to remind all participants to please state your name before
                  speaking for transcription purposes. Thank you very much and back over to
                  you, J. Scott.

J. Scott Evans: Thank you, Terri. This is J. Scott Evans for the record. As we oft do, first I
                  want to remind everyone to use the raising hand function; it is on the top left
                  hand of the Adobe Connect room. If you are not on Adobe Connect, if you
                  would let us know when you want to make a comment by just letting us know
                  you'd like to get in the queue and you'll be remembered and brought into the
                  discussion at the appointed time.

                  And does anyone have a update to their Statement of Interest that they need
                  to bring forward at this time? Hearing none, let's move on to our agenda. The
                  agenda, as you can see, is listed in the far right hand rail. You'll see there so
                  we've done the roll call.

                  Now we're looking at this - the IRT principles. I think this is a document that's
                  in front of you, it's in the center screen. For those of you that if you have
                  difficulty reading anything you can control the size and everything down at
                  that bottom rail; it has - you can make it larger or smaller, you can also scroll
                  on your own.

So we're just going to continue our discussions from last week. I think we've had a bit of online discussion with regards to service on an IRT and whether it should be mandatory or whether there needs to be sort of mandatory representation.

And I think Chuck, if you wouldn't mind going over the comment you made on the list for the group for those who may not have done because you were chairing the particular call in which you're referencing back to. And I think Alan had a comment as well on the list. If we could just bring that forward here in our oral discussions I'd appreciate that very much.

Chuck Gomes: Sure. In listening to the MP(R)3 recording from last week's meeting that I missed, I heard a comment, I think it was made by Jonathan, that the IRT should be representative of the various groups.

And we covered that quite a few weeks ago now. And Alan also made a - Alan Greenberg made a comment on that on the list that was accurate. And my comment on the list and what I'll repeat now is, is that we should always encourage full representation and IRTs being as representative as they can be.

But the bottom line is, is that you're not going to always get good representation nor do you always need it. And I use the IRTP, the Inter Registrar Transfer Policy, the original one back in, I don't know if it was 2003, 2004 or somewhere in that range, where we didn't really have IRTs then but that's what it was.

And most of the participants were registrars because they were the ones that were directly impacted in it and had the best operational expertise. That worked out fine. It wasn't that others couldn't participate, they could and they were welcome.

But we didn't - it really wasn't necessary and we're all very busy so there are going to be times when doesn't directly impact us when we'll probably elect not to participate. So again, we encourage representativeness and full participation and it's always open but we don't need to require that IRTs be fully representative.

J. Scott Evans: Okay, great. Any other comments or concerns? You know, I said that Alan but I believe Greg Shatan had made the very same point...

Chuck Gomes: I think you're right.

J. Scott Evans: ...on the list as well. Okay, so I agree that that's closed out, everyone. Can I see - oh I'm sorry, Amr, go ahead.

Amr Elsadr: Thanks, J. Scott. I think Alan's in the queue ahead of me and Marika raised her hand before I did as well.

J. Scott Evans: Oh I'm sorry, I apologize. I had scrolled down so we'll do Alan, Marika then Amr.

Alan Greenberg: Okay thank you. It's Alan speaking. I just wanted to support what Chuck said but - and I just got into the meeting and I haven't read the current words in what's on the screen so maybe it says it already. The important part is yes we encourage everyone to participate who wants to but we - IRTs must have expertise that may be needed to support and critique the implementation.

So, you know, there may need to be explicit outreach to make sure we're covered in the disciplines that we indeed will need to do the job properly.

J. Scott Evans: Right, I think 1b, Alan, this is J. Scott - further states, the call for IRT volunteers should clearly identify the needed areas of expertise, the scope and approximate timeframe for the roles of IRT participants and the value to the group it's expected to bring.

Alan Greenberg: Yeah.

J. Scott Evans: I think your - the need for areas of expertise is covered there.

Alan Greenberg: Yeah, I think I'm saying something stronger than that.

J. Scott Evans: Okay.

Alan Greenberg: A call for participants does not always receive the necessary people. Everyone's busy. Not everyone reads things. There may need to be - there may need a - sorry, let me try again. There may be a need for a explicit outreach in addition to just an open call for participants and listing their expertise.

J. Scott Evans: Okay. In 1c it states, second sentence, "The call for volunteers may need to reach beyond the working group members to ensure broad participation by parties directly impacted by the implementation and parties with specialized expertise needed for implementation. In some case additional outreach at the start or at a later stage of the IRT may be necessary to ensure that appropriate expertise is available and that directly affected parties are involved in the IRT."

Alan Greenberg: Okay. I did give the caveat I think I hadn't read the current version. Okay, thank you.

J. Scott Evans: All right, I'm just making sure that, you know, when you raise this point if you would look this over, B and C of Roman Numeral 1 and see if that is getting to where you want or if you think that needs to be stronger because, you know, you're a good drafter. Let us know.

Alan Greenberg: No I don't think - you - slavery is illegal; we cannot force people to do it.

J. Scott Evans: That's correct.

Alan Greenberg: All we can do is make the call as explicit and targeted...

J. Scott Evans: Yes.

Alan Greenberg: ...as necessary. And I think that - that's covered as a principle, it's covered as well as it needs to be.

J. Scott Evans: Okay, super. Thanks, Alan. I'm going to go to Marika then Amr.

Marika Konings: This is Marika. I just wanted to confirm that based on the comments that Chuck has made if the group would find it helpful that we add under 2 - Roman 2 - IRT Composition - probably be a number C that basically conveys that point that, you know, encourage representatives and full participation but not require IRTs to be fully representative. That may reflect the point and really put on record as well what we mean with that. Would that be helpful?

J. Scott Evans: I think - yeah, I think it's always helpful. And, Cheryl, you can speak to this as well, you know, because these are being drafted for hopefully people who are not involved in the process now. And so what you're hoping is you're giving them some guidelines and answering some questions like an FAQ. And I think it would be very good if we're as explicit as possible where we have consensus.

Cheryl Langdon-Orr: Yeah, I agree totally, J. Scott. Cheryl for the record.

J. Scott Evans: Okay. Amr.

Amr Elsadr: Thanks, J. Scott. This is Amr. Yeah, let me start by saying I completely agree with Chuck and Greg's notes on this about whether there should be - IRT participation should be mandatory or not. I do wonder though on issues that

may arise where there is a question of whether there's a n emerging issue that may be a policy issue if there's a need for a policy discussion or not.

And I'm wondering if it might be prudent perhaps to stipulate that although membership in an IRT is not mandatory, for example, for working group members but should the PDP working group chair should his or her participation be mandatory or not in the event that they need to chair some sort of consensus call among the IRT members on whether to send a certain issue or escalate a certain issue to the GNSO Council for a possible policy discussion or not. Just a question going on. Thanks.

J. Scott Evans: Yeah. Thanks, Amr. Here's what I would say. This is J. Scott for the record. A couple of things: one, you're finding out now, you're hearing in this group that we're working with that there's an exhaustion that people reach. Alan and Chuck and Marika are all delving into this, all the issues that are happening with the accountability and the IANA transition.

And I think that sometimes having any sort of mandatory - one, it's going to slow work down because that person may not want to participate anymore or they may think they've given their pound of flesh to that issue. I think they certainly should be asked and - but I don't think we can force it.

And I think if you do that what you do is you start putting up roadblocks to work getting done and solutions to be found. And so I just think people move on the issues. People's companies may force them to deal with issues and say you've done that, now I need you over here. And I think you're spiraling down a dangerous rabbit hole if you do any sort of mandatory. That's my personal opinion.

I see that we have an agreement from Alan. But Amr, since I'm addressing you and you have a point. And Cheryl, I want to come back to you if you have another point.

Amr Elsadr: Thanks, J. Scott. Yeah, I agree as well. And it was just a question and there is also another issue where the implementation of a certain policy may actually take place quite a while after the PDP working group has done its work. And the chair may not actually be available.

J. Scott Evans: Right.

Amr Elsadr: So perhaps something we could do to address this is that if a chair - a PDP working group chair is not a member of an IRT then perhaps the IRT should elect a chair at the beginning as well. I only bring this up because previously if I'm not mistaken we had discussed that the GNSO Council liaison would serve to perform the duties required if a consensus call is required.

I don't think this is a very appropriate role for the GNSO Council liaison to an IRT and so if the working group chair is not available then perhaps the IRT should select a chair just in the event that a policy discussion does come up.

J. Scott Evans: Okay. Thanks, Amr. I will point out that in this draft document we're talking about it's the GDD representative that acts as the chair. That's how it's done, it's the staff person that would sort of drive this along. So we wouldn't have the chair election.

I see Alan Greenberg's hand is up.

Chuck Gomes: Marika was up on that.

J. Scott Evans: Oh I'm sorry, Marika, then Alan.

Marika Konings: Yeah, this is Marika. I was just going to comment indeed on Amr's point. I think first of all indeed, you know, what we've been talking about that the person who will be responsible for, you know, any kind of assessment of consensus should that be needed is actually the Council liaison to the IRT.

I don't think we've ever spoken on the chair of the PDP working group fulfilling that role or having any kind of requirement on that person to participate. And I share the views that J. Scott just shared because I think that would probably give us even less of a pool of people if they know that in addition to chairing a PDP working group it's sometimes a commitment of, you know, over two years, they would also have to chair the IRT or take a lead role on there.

I think some people may think twice before they would sign up for that. So I would be very hesitant to go down that path. Although their participation should of course be encouraged because they will have invaluable knowledge on the PDP and the policy recommendations (intend) thereof.

On the Council liaison function and the chair, I think, you know, J. Scott, you already stated that as well, the idea is that the liaison would only come in in those situations where there is a need to have a kind of assessment where things are. And I think...

J. Scott Evans: Right.

Marika Konings: ...we're assuming that is really in exceptional cases. I think it would be very awkward to actually form the appointed chair, as you said, you know, it's the GDD staff that will be leading those meetings and at least from my experience to date, you know, they do a really good job at that.

And so I think it would be very awkward if you would also put appointed chair in the IRT where there's no real role for that person. And as said, participation seems to vary quite a lot in IRTs, it's not a real formal structure and people seem to chime in more if they have issues that they are specifically interested in or want to comment on but if things aren't going as, you know, they're happy with it they don't really seem to care too much at least from what I've seen so far.

So just wanted to put that on the record. And as you said as well, that is, you know, I think explained towards the end of the document where I think it talks about the role of the Council liaison, I think that's in - where are we - 5e.

J. Scott Evans: Okay. I'm going to go to Alan Greenberg and then Greg Shatan. But first I just want to say, Alan, I saw your note in the chat. You know, asking questions and getting your concerns addressed, even if they're in the text, in no way means to not been an active participant.

And I didn't - I hope in no way did I mean to make you feel like you shouldn't have asked your questions because I do want you to ask questions and I think everyone wants you to feel comfortable in your representation of your group. And we're glad for your questions even if they're here because we know everyone's very busy.

Now you can go ahead with your question or comment.

Alan Greenberg: Thank you, J. Scott. No, I didn't feel you targeted me at all. I was just apologizing because I do like to make sure when I speak I actually have something to say that adds something to the conversation.

Two things, number one, on requiring the chair of the PDP to continue on, I agree completely with Marika, you know, after two or three year effort to know you've signed on for perhaps another two year effort for the IRT, which it can be, is a bit too much.

That being said, a chair of a PDP has made an incredible investment in their own time, energy and I don't even know what, karma perhaps. That investment is huge and they have a vested interest in seeing that it's implemented properly.

So I think you're going to find most chairs, unless they've switched to a different industry altogether, are likely to want to participate but mandating it is a different matter.

The second thing is with regard to naming a chair or some other title for the volunteer side of an IRT, we're just learning. And if we find out in the next couple of years as we're going forward that we really need someone to lead the effort or to, you know, take polls of the user side and make recommendations, we can go back and change these rules. Let's not invent process that we don't know we need at this point. Thank you.

J. Scott Evans: Okay. Thanks, Greg - I mean, Alan. Now I'm thinking ahead of myself. Greg.

Greg Shatan: Thanks, J. Scott. Greg Shatan for the record. I think Alan said a lot of what I wanted to say. But I just think that in looking at now at 5e, I think there is, you know, recognition that the, you know, chairs perform, you know, multiple tasks. And actually having been - my very first ICANN experience was with Chuck as chair and seen a lot of, you know, great chairing over the years.

And there's - not only is there the kind of facilitation coordination but there's also kind of the drawing out of consensus and the kind of smoothing of relationships and just kind of getting things to gel, the kind of alchemy of it all. I'm not sure how much of that is needed in the IRT. I think the facilitation/coordination role can be played perfectly well by staff.

You know, maybe it's when that - the alchemy part of the role comes in maybe the GDD or rather the GNSO liaison can perform that role. And as Alan said, if it becomes something that is more than that maybe there's an indication that there's a policy issue that needs to be referred back up or maybe it's just an indication that the implementation here is one that raises a lot of issues and somebody might need to step forward with that.

But that could be something - I don't know if we want to say here or just implicitly within each IRT if they felt the need - if for instance the GNSO Council liaison could not kind of embroil themselves to that level that a chair needs to be embroiled we can leave it open either implicitly or explicitly in here that they, you know, could choose a stakeholder chair if necessary. Thanks.

J. Scott Evans: Okay. Thanks. Let me go over here. I think we next have Tom and then Marika.

Tom Barrett: Hi, J. Scott. I have a question regarding the - it's really about the composition of the IRT. And there are certainly - there are going to be stakeholder groups whose lack of participation may impact an IRT.

So although we don't want to make any participation mandatory and it might be nice to have a participant from the original PDP, you may want to have some language saying if a significant stakeholder does not have representation on the IRT then some additional efforts may be warranted to find someone to represent that stakeholder group.

J. Scott Evans: Okay. Thank you, Tom. I'm going to go with Marika and then Alan.

Marika Konings: Yeah, this is Marika. On Tom's point, please see - I put 1a but it should actually be 1e, which I think talks to that point of making sure that stakeholders are actually impacted, you know, additional efforts may need to be taken.

The point I actually had my hand up for was in response to Greg. I think that probably is an issue where - and maybe that's something indeed we want to spell out if, you know, if the IRT is of the view or for some reason your liaison cannot perform that function I think it's for the IRT then to go back to the GNSO Council and escalate that - or I shouldn't use escalate, I see in the chat (unintelligible) the term - but should go back to the Council basically

saying, look, we have an issue here. The liaison is AWOL. You know, what do you want us to do?

Because I think as well again, you know, this case the issue eventually will need to go back to the Council so I think it's really important that the liaison function is the one that performs that role.

But of course there should be a way for the IRT or for staff, for that matter, because I think, you know, staff also has a first point of contact the liaison to discuss with so that there is a way of escalating, not escalating, raising with the GNSO Council if, you know, there is a view that the liaison is not reachable or not doing the role that they're supposed to be. So maybe that is something we can spell out.

And that may still include the Council telling the group, well, we don't have anyone available to do this job but we've seen, for example, you know, you have the PDP working group chair and that person is willing maybe for this occasion they can perform that role.

But as said, (unintelligible) comfortable if that is something that goes back to the GNSO Council for them to address and decide on how they want to handle that issue.

J. Scott Evans: Okay. Thanks, Marika. Alan.

Alan Greenberg: Thank you. Alan speaking. Tom's comment is relevant that it is conceivable that some group should be represented on the IRT and they haven't stepped forward. However, that's true in spades and probably to a much more important extent on PDPs. And we've never figured out how to really fix that. So I'm not sure we need to worry too much about it on the IRT.

If we're going to put any effort into it we need to figure out how to make sure the actual policy-setting group has adequate people from all - involved and concerned parties. Thank you.

J. Scott Evans: All right. So let's go down and look at the section where there were significant changes made and that's Section 5, Roman Numeral 5. Okay. I see that there's been some discussion going on in the chat box with regards to 5e. I apologize, I think I dropped the ball on redrafting this and I'm going to need to redraft it; the escalate issue that Anne has been discussing with Mary and with Amr.

There's only one issue, I think my comment last week was this thing is just so cludgy to read it's a little difficult. So I just - I think I just spaced it. I was supposed to do this and I apologize and I'll get to it this weekend.

But let's take these changes one at a time. Let's look at 5a which reads, "Meetings of the IRT are scheduled by the GDD project manager in a timely manner in consultation with the members of the IRT. The GDD project manager is expected to circulate the draft agenda to the IRT at least 24 hours in advance and will send out the call-in details and other relevant materials to all members of the IRT."

Any comments, concerns about this? I see that - can't see it here but it looks like Chuck made a comment.

Chuck Gomes: I just - this is Chuck...

J. Scott Evans: Yeah...

((Crosstalk))

Chuck Gomes: ...I added the "in consultation with the members of the IRT."

J. Scott Evans: Yeah, got it. I see Alan, your hand is up.

Alan Greenberg: Yeah, thank you. I really don't like being so specific in this thing saying the GDD project manager will circulate. The stuff needs to be circulated. To be blunt, we have had circumstances where the GDD project manager is perhaps not the best person to be circulating meeting invitations and things, certainly in the case of one I'm thinking of, they have been exceedingly confusing and have caused more problems then they have fixed.

And maybe somebody else should be doing that work, someone who's, you know, more used to doing the administrative type parts of that process. So I don't think our principle should be so specific as to say who should do something; we say - should say it needs to be done.

J. Scott Evans: Okay, any other comments? Do other people agree with that or you find the language as it reads - it just disappeared.

Marika Konings: Yeah, this is Marika. I'm actually going to share my screen because I'm...

J. Scott Evans: Oh okay.

Marika Konings: ...basically made the edit that I think Alan suggested.

J. Scott Evans: All right well wait, before we do that, I want to make sure we've got consensus on that. Anne does not agree with that and Chuck's hand is up.

Anne Aikman-Scalese: Yes, thank you J. Scott. It's Anne. I don't disagree of course with what Alan said about his experience in IRT. But in general I think the principle should be that somebody is responsible for circulating the materials even if it just says, you know, GDD staff were - something so that it's clear who's supposed to getting the materials out. Thank you.

J. Scott Evans: Okay. Chuck.

Chuck Gomes: Yeah, Chuck speaking. And I have a question for Alan because his concern
                 would also seem to apply to the first sentence where it's making...

J. Scott Evans: Right.

((Crosstalk))

Chuck Gomes: ...GDD project manager the lead of it. So I'm curious what he thinks on that.

J. Scott Evans: Okay, Alan, you had your hand up and Chuck has asked you're a question.

Alan Greenberg: I agree completely. I missed that one. I think principles should be saying what
                 needs to be done and somebody on ICANN staff who owns this task needs to
                 make sure that the principles are followed or the detailed rules that we build
                 following the principles are followed. I don't think...

J. Scott Evans: Okay.

Alan Greenberg: ...the principle needs to specify the body that needs to do it.

J. Scott Evans: So in other words if it read, "Meetings of the IRT are scheduled in a - should
                 be scheduled in a timely manner..."

((Crosstalk))

Alan Greenberg: Must be scheduled and draft agendas...

J. Scott Evans: Must be.

Alan Greenberg: ...must be sent out and...

J. Scott Evans: Okay. The draft agenda is expected to be circulated. You don't even have to specify staff, Marika, I think it just needs to be circulated to the IRT at least 24 hours.

((Crosstalk))

J. Scott Evans: Just take out any assignment of who's going to do it and just make it the principle of things that needs to be accomplished. Cheryl is agreeing. We got - Anne does not agree with that. I think Anne stated she believed that it should be assigned to a specific person. Yes, Alan.

Alan Greenberg: Yeah, at an operational level of course things need to be assigned to a particular person or particular group or something to make sure they get done. This is a principle. It's not the staff management aspect of it. So I'm not going to go, you know, fall on my sword over this but I really think it's misdirected to identify people in a principle when - or different organizations handle these things in very different ways.

J. Scott Evans: All right...

Alan Greenberg: I mean, as an example, Marika does not - Marika is a superb person to help us with the drafting but she doesn't send out the announcements of the meetings.

J. Scott Evans: Right. Anne.

Anne Aikman-Scalese: Yes thanks, J. Scott. This is Anne. I think Marika had it right the first time, she just said, "By GDD staff." And I certainly was not maintaining that it should be a specifically named position or person, I just think it should be clear that it's GDD staff that sends out the materials.

J. Scott Evans: Okay. Thank you.

Anne Aikman-Scalese: And Marika's first pass at that change worked perfectly for me.

J. Scott Evans: Okay. So how many people - Amr agrees with that - agree with that because we need to get this - I want to move on so Cheryl's okay with that. So let's just put that in by GDD staff. I see Greg Shatan, Chuck, so we've got consensus. There'll be other people I cannot see - and some other people may have raised their hands and I cannot - or yes I see Michael Graham has agreed so we're doing pretty good.

Marika Konings: J. Scott, I have my hand up as well.

J. Scott Evans: Oh okay, I'm sorry. I just want to say Stephanie Perrin from the chat says it's good to name someone being responsible; the project manager can always delegate. Okay. I see we have Marika's hand up.

Marika Konings: Yeah, this is Marika. I also want to reiterate that indeed these are our principles. I think some of the more details we've seen as well in, you know, the consensus framework where we speak specifically about who has assignments for which things.

So, you know, I'm, you know, we had an issue here; I'm happy for it to be GDD staff. At the same time I'm not really sure whether indeed, you know, this is something I think that staff will assign.

And a bit similar and some of this language is based as well on what is in the PDP Manual, for example, where I think we always talk as well about a PDP staff manager. But you know in reality as well there are more people usually supporting one PDP and, you know, there is one lead person and that person will delegate those tasks to whoever is in that team.

J. Scott Evans: Yeah.

Marika Konings: And it's just a question of indeed getting it done. So there's always a staff manager doing those specific roles. So I think it's a bit similar here so if people feel more comfortable having GDD staff I think, you know, looking at Karen, you know, being from the GDD team or Amy, you know, if they have any concerns about it I think from our perspective whether it's in or out, you know, it's something that will get done and, you know, will take note of the guidance that is provided here.

J. Scott Evans: Okay. All right, so I think we can move on from this one. Let's go to 5 - Roman Numeral 5b. This is J. Scott for the record. Under read the provision in. "There is a presumption that all IRTs" - I think there's an extraneous "of" there, Marika.

"There is a presumption that all IRTs will operate with full transparency with, at a minimum, a publicly archived mailing list and recording of all IRT calls. In the extraordinary event that the IRT should require confidentiality, the IRT is expected to conduct its meetings in accordance with the Chatham House Rules, footnote," and it gives a link to a definition of Chatham House Rules, "as the preferred option."

Now having read that aloud, that's Roman Numeral 5b, take any comments or concerns that anyone has with regards to 5b. Marika, is your hand old or new?

Marika Konings: No this is Marika. I just put it up.

J. Scott Evans: Okay, go ahead.

Marika Konings: This is Marika. Just for the record and, you know, Mary may have already pointed it out last week as well, I just want to point out that the original language that is there is exactly what is in the GNSO Working Group Guidelines when they talk about the specific issue of, you know, requiring

confidentiality. So just want to make note that by changing it now we're no longer aligned with the language that is there.

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

Greg Shatan: This is Greg Shatan. I guess I'm just a little concerned or curious about the selection of Chatham House Rules. I didn't - I must have missed the discussion on that for which I apologize. But, you know, Chatham House Rules don't just go to confidentiality; it's kind of more of a...

((Crosstalk))

J. Scott Evans: But this says that you would only invoke Chatham House Rules where you have to have - you're talking about something that's confidential. It's not...

Greg Shatan: Right.

((Crosstalk))

J. Scott Evans: ...saying that they would apply to every discussion.

Greg Shatan: Yeah, no I understand that. I'm just thinking that there's not necessarily a one to one linkage between Chatham House Rules and confidentiality.

Cheryl Langdon-Orr: May I?

J. Scott Evans: Yes, Cheryl.

Cheryl Langdon-Orr: Thank you. Cheryl for the record. Greg, the invocation of the Chatham House Rule, singular, is something that has been used in a number of high profile ICANN internal and external exercises including right back to the first ATRT.

So that it allows when a situation requires for a group that should be absolutely open and transparent to go (unintelligible) and to take something off the public view that when they come back to the table and continue discussion that there is the high level in principle in keeping with Chatham House. That says whilst no attributions as to who said what are ever going to be released, so that degree of confidentiality is there, that there is a reporting back to the record on the outcomes of what has been discussed. Thank you.

J. Scott Evans: Okay, thanks Cheryl. I'm going to go to Alan and then I'm going to Marika.

Alan Greenberg: Thank you. Perhaps the wording is expected to because there are times when you need confidentiality and not report anything from a particular discussion. But I'm happy with the wording. It's sufficiently vague. It doesn't mean it's mandatory. You know, I'd prefer to see something a little bit more flexible but I can live with what's there. Thank you.

J. Scott Evans: Well, may I suggest - this is J. Scott for the record - could we say the IRT "should" conduct its meetings in accordance?

Alan Greenberg: I would add the word "normally" which says there are...

J. Scott Evans: Okay.

Alan Greenberg: ...going to be times when that is not the appropriate answer.

((Crosstalk))

J. Scott Evans: Okay. Cheryl, is that a new hand?

Cheryl Langdon-Orr: No, it's me being silly and not putting mine down. I apologize.

J. Scott Evans: Okay. Greg.

Greg Shatan: That is a new hand. I was wondering whether "is encouraged" rather than "expected" or "should" should be in that spot.

J. Scott Evans: I'm fine with that because I think that says the same thing. I can live with that any way it's just a general principle. Alan, can you live with that?

Alan Greenberg: I can live with it. I'm not going to go to the wall on this kind of...

J. Scott Evans: Okay.

((Crosstalk))

Marika Konings: Sorry, J. Scott, could you just repeat it? I just got kicked out of Adobe Connect so we may have lost the screen as well I guess.

J. Scott Evans: Yeah, so you take out "expected to" and just put "is encouraged to." And if you want to do you could put "is normally encouraged to." Okay?

                  Greg, is that a new hand? Okay, Marika, is that a new hand?

Marika Konings: Yes, my hand was still up but went down as my Adobe Connect crashed. Let me see if I can share the screen back...

J. Scott Evans: Okay.

((Crosstalk))

J. Scott Evans: So the IRT is normally encouraged to conduct. Go ahead.

Marika Konings: I just wanted to note that I think the reason why this is here as well as in the GNSO Working Group Guidelines - I don't think it's as much relating to confidentiality of a conversation or topic but I think it's more relating to

sharing of confidential documents and information. And I think that is what has occurred, for example, I think in the - what was the name of the group again, the DNS...

((Crosstalk))

J. Scott Evans: ...a situation where you're talking about security issues and somebody on the team wants to talk about something that's happened at their company...

Marika Konings: Exactly.

J. Scott Evans: ...so they can give an example to the group so the group can understand how this can affect a business. But they don't want that in the public record because their stockholders and their CEO are going to cut their head off. So I can absolutely understand.

And what we're trying to do is, you know, as I explained to Amr in the chat, it's not expected this will occur but when it arises they need to have some sort of guidance to how they're supposed to proceed or everything grinds to a halt while they go find an answer.

Marika Konings: Yeah so this is Marika. If I can just add to that? So I think that's why it specifically talks about a set of rules and procedures because I think, for example...

J. Scott Evans: Right.

Marika Konings: ...in the DSSA, and thanks for helping me out, I think they created a separate Webpage. I think people were signing nondisclosure agreements.

J. Scott Evans: Right.

Marika Konings: So I think it's more than just, you know, Chatham House Rules about how we have conversations. Additional procedures or rules may need to be developed to have that conversation.

J. Scott Evans: Yeah.

Marika Konings: So I don't know if we want to lose that aspect.

J. Scott Evans: Okay. Stephanie. Your mic is still turned - oh there you go.

Stephanie Perrin: Yes, yeah. I was basically going to make the same sort of point that Marika I think just made. And, forgive me, I'm coming from having just retired from government and if government were given an easy out like the language that you have proposed there nothing would ever be published, you know?

So I think ICANN is not mature enough that they could get ready to move to the next maturity level and have some decent detailed procedures about exactly why things wouldn't be public. The example cited of commercial confidential information that shows a risk is a perfect one.

And I think there should be some kind of procedure, you could even borrow from government for your procedures as to why things, but (unintelligible) boards have the same kind of thing - as to why the information wouldn't be public.

But otherwise to just leave it as kind of in principle things should be public and sometimes Chatham House Rule ought to apply - too vague I think. Now I realize that's a lot of work but unless it's already been done somewhere.

J. Scott Evans: Yeah, okay. Alan.

Alan Greenberg: Given these are principles I would be happy - maybe Stephanie wouldn't - with something, you know, subject to demonstrable needs for confidentiality for business or related reasons.

J. Scott Evans: Well, Alan, I mean, not to get in too much work, we already say in extraordinary - in the extraordinary event - extraordinary event. And I think that that's pretty clear.

Alan Greenberg: I can live with that; I was just trying to offer alternate wording.

J. Scott Evans: Yeah. Yeah. Stephanie, is your hand still up or? And Marika. Marika?

Marika Konings: Yeah, this is Marika. Sorry, getting off mute.

J. Scott Evans: Okay.

Marika Konings: I just made a suggestion in the chat whether people would object to adding, at the end of the sentence, "and if necessary additional rules and procedures may be developed by the IRT in coordination with staff" to bring back that aspect that it may be more than just the rules around how you discuss but it may also require additional mechanisms or tools that would, you know, ensure that confidential...

((Crosstalk))

J. Scott Evans: Yeah, sure. I'm fine with that. And I see for the vote on checkmarks if people agree with that. I think Anne's got a comment. Anne.

Anne Aikman-Scalese: Yes, thank you, J. Scott. It's Anne. I pasted the Chatham House Rule in the chat and it might be helpful, you know, Amr had said, hey, what are we talking about, and so I went and found it. It's pretty simple.

It starts with the - states it's about not revealing identity. So I'm not sure if we're talking about a known or an unknown thing here but citing to that rule does not seem bad to my mind.

J. Scott Evans: Yeah. Yeah, Chatham House Rules basically says - and most boards of directors have this - it basically says that you can tell someone what was talked about; you just can't attribute it to anyone. So you can say there was a robust discussion about a security issue when XYZ happens but you wouldn't say Microsoft said that they've had this problem repeatedly. You don't get that specific. You stay sort of airplane mode, the 60,000 foot level.

So - but I think Stephanie has raised some concerns, and I think that they're - again, it's a trust issue, right? With how much transparency there is. And so I think adding this language that's just been added in purple at the end gives some flexibility to sort of set out some examples and some procedures that might allow the trust as we mature as an organization to come into play. That would be my perspective.

Marika, is your hand up again? I see Anne, you're agreeing; Amr's agreeing. We just want to give people flexibility so that as the trust is built we can, you know, okay everybody is agreeing so we're going to say we've got consensus on 5b.

Five C there were no changes made to it so let's go to 5d. And I'm going to read it for the group for the record. This is J. Scott again.

"If there is a lack of participation resulting in a meeting being canceled and there are decisions being postponed the GDD project manager is expected to explore the reasons," parenthetical, "for example, issues with the schedule of meetings, conflicts with other activities or priorities," close parenthetical, "and attempt to address them," parenthetical, "for example, review meetings scheduled," close parenthetical period.

"However," comma, "should the lack of participation be reasonably deemed to be the result of IRT members seeing no specific need to attend the calls as they are content with the direction of the implementation is going, ICANN staff can continue with the proposed implementation plan as long as, one, a notice of this affect is sent to the IRT; and, two, regular updates are provided including," and I'm not sure - this looks a little strange to me, "including on decisions being taken on the mailing list and deadlines for input are clearly communicated" period.

So it looks like basically this is saying, to sum up in an executive summary, this is saying that if there doesn't seem to be participation the GDD project manager is supposed to review if that's a scheduling issue or a workflow or priority issue with regards to the members. If after doing this and making a reasonable inquiry into that nobody says anything they're to assume that they're just happy with the way the work is going provided that they are - they let everyone in the team know that that's what's happening because they've had that comment. And they're giving them regular updates on the work, the decisions they're making and they're getting all that to the mailing list.

Tom Barrett, I see your hand shooting up with such anticipation. Please, come forward, sir.

Tom Barrett: Yeah, I wonder if we need to define what is meant by "lack of participation." And so if you have 10 members of an IRT and only five showing up, can that call for meetings being cancelled? Or if there are people willing to participate can that - can you just justify canceling meetings?

J. Scott Evans: Okay. Marika has her hand up.

Marika Konings: Yeah, this is Marika. Just based on past experience, I think even if one member shows up basically the meeting goes ahead and staff just walks through what they wanted to discuss and basically has that on record what they wanted to discuss. So I don't think it's - it's similar like, you know, with

PDP working group if we only have one person say, look, this is not representative so we're going to cancel the meeting.

I think the way recent IRTs have approached it is basically, you know, the call is scheduled, you know, if one person - and I think even with no one showing up I think we've just run through the meeting and just basically put it on public record and then send it out to the mailing list saying, look, for those that weren't able to participate, you know, here you can find the recording of that session in which we've outlined where we're at and what we're, you know, asking for input on. You know, please review this, listen to it and, you know, come back to us by X date if you have any input.

So I think it's less about canceling than basically just making sure that as we proceed that indeed lack of participation is not due to other reasons than, you know, people just being happy how things are going.

J. Scott Evans: Okay. Okay. Well maybe we need to state that one of the things that we said provided that is that meetings continue to take place for the record or something to that effect. Marika, are you saying that's what's happening anyway so we would just be codifying the reality. So we put that down as one of the provisos under 1 or 2.

Marika Konings: Can you just...

J. Scott Evans: ...provided...

Marika Konings: Yeah, can you just repeat what you would like to see added?

J. Scott Evans: Regular meetings are held for the public record, comma, and regular updates are provided, you know, so after 2, yeah. So it would say, "Regular updates are provided for the public," you may say, "Regular meetings are held for the public record. Regular updates are sent to the IRT members." Something like

that. Chuck, I see your hand is up so, Marika, hold on just in case he has a comment here.

Chuck Gomes: Thanks, J. Scott. Chuck speaking. You know, I don't want to be unkind on this but some members not participating are less critical than others. What we're really concerned about, if you have critical players that aren't attending is the kind of problem we're trying to deal with. Now I don't know if we want to even go down that path but it's not necessarily just lack of participation by every member of the working group. There are certain ones that are more critical than others in some cases.

J. Scott Evans: This is J. Scott. I agree, Chuck, but I think at some point we can't be apparent. I mean, if you're seen as critical and they've done, they've reached out, they've checked schedules, they've done all those other things, we can't allow someone just to shut down the system because they refuse to show up.

Chuck Gomes: I'm okay with that. This is Chuck. So I just wanted to point that out.

J. Scott Evans: Okay. All right well let's do that. I just want to say, Marika, we somehow codify that the meeting is still being held for the public record because you said what happens if only one person shows up, you go ahead and do that. Let's just put that in there.

All right, let's move on to 5e.

Marika Konings: J. Scott, are you still there?

Cheryl Langdon-Orr: Have we lost J. Scott? Yeah.

Terri Agnew: And this is Terri from staff. His line - his phone line did disconnect.

Chuck Gomes: Okay, this is Chuck. I'll pick up until he rejoins. Going to E, "In the event of disagreement between ICANN staff and the IRT or any of its members on the

implementation approach proposed by ICANN staff, the GDD project manager, in consultation with the GNSO Council liaison, if appropriate, shall exercise all reasonable efforts to resolve the disagreement."

"Should the disagreement prove irreconcilable despite such efforts the GNSO Council liaison is expected to make an assessment as to the level of consensus within the IRT or whether to escalate the issue to the GNSO Council for consideration using the standard decision making methodology outlined in the GNSO Working Group Guidelines. If the GNSO Council liaison makes the determination that there is consensus for such escalation the following procedure applies."

And that's to be defined following working group agreement on the above operating principles. So let me stop there and open it up for discussion. Amr, you're first.

Amr Elsadr: Thanks, Chuck. This is Amr. No, I'm not completely opposed to this approach. My only concern is a GNSO Council representative on the IRT becoming prematurely involved in an issue that hasn't been raised to the GNSO Council yet.

I would personally feel easier if a regular volunteer from the working group, whether it was a previous working group chair or another volunteer selected by the IRT members carry out this role.

And one thought that does come to mind apart from just the premature involvement of the Council at this point is also that a Council liaison might be fairly new to any form of issue whether it's the substantive policy issue or actual procedures and policy process. I'm sure he or she would have a lot of support from staff in carrying out any duties necessary but Council members are elected and they leave and their terms end.

And I think it would be a better idea if the IRT members just pick someone who they feel confident then to carry out this role as opposed to whoever the Council liaison might may or may not be. Thanks.

Chuck Gomes: Thanks, Amr. Before I go - this is Chuck. Before I go to Marika, could you suggest how you would change the language in E? And maybe you want to - if you want to think about that that's okay, I can go to Marika and come back.

Amr Elsadr: I could take some time to think about it. But generally what I am suggesting is that at the beginning of a - when an IRT gets together at the beginning if the work that they select someone, a member amongst themselves, especially if the original working group chair is unavailable to carry out this role if the need arises.

So it wouldn't be someone who's selected on the spot, it would be someone who's predetermined to carry out this role if any sort of policy issues comes up during the implementation.

J. Scott Evans: Hello?

Chuck Gomes: Thanks, Amr. Let's go to Marika and then I'll go to Alan.

J. Scott Evans: Okay, guys, I'm back. I apologize...

((Crosstalk))

Chuck Gomes: Okay.

J. Scott Evans: ...I was talking to the phone just running my head for like two minutes not paying attention to the chat. And it was like, you're not on the phone anymore so.

Chuck Gomes: J. Scott, let me bring you up to date. This is Chuck.

J. Scott Evans: Chuck, just go ahead and keep the conversation going.

Chuck Gomes: Oh okay, all right. So we're talking about E, as you were getting ready to start
                  and probably talked to yourself about. The - and I read it, Amr made a
                  question whether it should be the GNSO liaison and Marika's next in the
                  queue. Go ahead, Marika.

J. Scott Evans: Okay.

Marika Konings: Yeah, this is Marika. I have to disagree here with Amr because I think
                  actually, you know, the reasons he outlined are exactly why you want
                  someone like the Council liaison in that role because you're looking for
                  someone neutral that doesn't have a stake in the issue and is there just to
                  make an assessment, not to rule on the substance of the issue but really look
                  at, you know, is there indeed is there a way to resolve this issue between the
                  groups? And if not it should be escalated. Is there consensus on doing so?

                  I think as well it's really important to take - to factor in that IRTs do not
                  operate like working groups. And I know working groups we usually have, you
                  know, a big pool of people, it's obvious who is going to be active. But at least
                  from the IRTs we've seen it is a relatively small group. And the ones who
                  actually show up for calls is even smaller.

                  So I think here's a huge risk involved in having, you know, kind of chair
                  appointed or do it on the spot because the changes are so frequent where I
                  think if you make clear up front that, you know, this is the role of the liaison
                  and the liaison is appointed by the GNSO Council and will be replaced should
                  there be a need for or if, you know, the term expires.

                  I think that's at least a permanent feature that will be in an IRT. And again it
                  doesn't mean that the liaison has to be in all the meetings, it's just someone
                  that can be brought in and kind of a neutral manner try to resolve any

differences that may exist. And if needs to be raised with the Council that person as well of course then the direct link. So I just wanted to state that for the record.

Chuck Gomes: This is Chuck. Thanks, Marika. Alan, your hand was up next.

Alan Greenberg: Thank you very much. I rarely disagree with Marika but certainly I don't think you can presume the liaison has no position on any given subject. There are PDPs and therefore will be IRTs where pretty much everyone on Council has a position. So - but I don't think that really matters. They have a responsibility to carry messages back and forth; that's what the liaison means.

And Amr is right that in any given instance the liaison may not be in a position to do the assessment. I think by adding the - if we add the phrase, "The liaison in conjunction with other IRT members will make an assessment," it has to be the liaison because the liaison is the one who has access to the GNSO Council list, who has speaking rights in a GNSO meeting and, yes, I know the GNSO can invite other people in exceptional circumstances but it's got to be a Council member who's carrying this message back and forth.

So we can certainly, you know, that liaison can consult with other people. We can explicitly say that or just leave it implicit. But it's got to be the liaison who's carrying the messages.

Chuck Gomes: This is Chuck. Thanks, Alan, for a specific suggestion. And I'll let - looks like Amr wants to speak so I'll let him speak. But everybody else, think about that change. And what I'll do next is see how many people are okay with that change. Amr, go ahead.

Amr Elsadr: Thanks, Chuck. I think - I think I agree with what Alan was just saying. And what I am saying is that, yes, I think the role of the GNSO Council liaison should be limited to carrying messages back and forth. And so the rest of

what is outlined in E should be, I think, ideally carried out by someone the IRT members select.

But like I said in the chat, I'm not diehard against this, I'm not going to (unintelligible) over or anything but I just - I personally - I would feel more comfortable with someone the IRT members select over the Council liaison carrying out this role. Thanks.

Chuck Gomes: Thank you, Amr. Chuck, again. Karen, you're up.

Karen Lentz: Thanks, Chuck. This is Karen Lentz. So I'm looking at this language and this is probably something that can be discussed, you know, getting into the actual procedure. But I think there's maybe some distinction between, you know, disagreement on anything or disagreement on something that, you know, does relate back to a policy recommendation or the, you know, statement of intent or something like that as opposed to, you know, there's this software versus that software so just wanted to raise that.

Chuck Gomes: Thanks, Karen. This is Chuck. J. Scott, do you want to jump in at this point now that you've heard some of the discussion?

J. Scott Evans: Yeah, I mean, I think that - this is J. Scott for the record. I think Cheryl and I would testify to the fact that this, you know, the whole point of when we did the governance review and we came back was that the policy Council, Amr, was supposed to be a manager of the process. And as part of making them responsible for managing the process we established, under the Working Group Guidelines, to have a liaison attached to each working group that would help manage that process.

And that one of the things - the first line to assist a chair in that particular assistance, but here just the IRT itself is to allow the liaison to serve as a role as sort of a mediator these things that when it should go to the Council. And

that puts on the role of clearly gives them responsibility for managing the process.

I think Alan makes the point, yes, that, you know, in our world people are always going to have interest so you can't say in a vacuum that they wouldn't have an interest but in fact they would. But I still think we need to have this mechanism there. I have no problem putting in, "In consultation with the IRT members," so that we make sure that they're not being left out of the process; it's not a sole determination by the liaison that it's, you know, consultative process between everyone.

So but I just think it has to be taken into place. I'm going to take Amr's last comment and then we're at the end of our hour so I'm going to draw us to a close. Amr.

Amr Elsadr: Thanks, J. Scott. And this is Amr. Excuse me, but I kind of disagree because I would make the distinction between the GNSO managing the process and a GNSO Council liaison micromanaging a discussion or a consensus call within the IRT. The GNSO Council's role in managing the process here would be to vote on PDP working group recommendations that come in and call for - after it becomes ICANN policy call for the formation of an IRT but that doesn't mean that the GNSO Council or a liaison appointed by them to a PDP working group or an IRT has any responsibility within that context besides carrying messages to and from the GNSO Council from that group.

J. Scott Evans: Well I will say here...

((Crosstalk))

J. Scott Evans: ...the Working Group Guidelines they specifically have that role so they do have that role. That's what the Working Group Guidelines say. It says they are the arbitrator of that and that can be appealed, it's very specific and laid

out unless I'm mis-remembering. Cheryl, you'll have to remind me but I believe they had specifically...

((Crosstalk))

Cheryl Langdon-Orr: Your member is perfect, J. Scott, absolutely perfect.

J. Scott Evans: They specifically have that role. So now whether you...

((Crosstalk))

Amr Elsadr: I stand corrected then. No, if that is the case then I do stand corrected. I would have to go back and...

((Crosstalk))

Amr Elsadr: ...the Working Group Guidelines.

J. Scott Evans: Yeah, there are several steps in there. There are several but the first is the liaison. So...

((Crosstalk))

Amr Elsadr: ...let me get back to that and maybe come back on list with this.

J. Scott Evans: Okay. Super. I'm going to bring us to a close because we're two minutes over. I want to thank everyone for their time. To all the North Americans or I should - that's even not correct because Canada has their Thanksgiving at a different time so for all the United States citizens whether in the US or abroad happy Thanksgiving. To all our friends from overseas, I hope you have a wonderful weekend.

And we will meet again next Wednesday, which is the 3rd. Chuck will be chairing that call. And we hope to move on. We're going to be sending out - I believe there's - one of the manuals will be coming out at the end of this call and that's what we hope to put a button on this at the very beginning of the call and move on into the manual that you will be receiving today. Is that correct, Mary and Marika? They will be getting the manual we hope to discuss next Wednesday today.

Mary Wong: J. Scott, this is Mary. Yeah, that's correct. And actually what we'll do is probably compile all there into a single document.

J. Scott Evans: Okay.

Mary Wong: To make it easier for folks to reference for future calls.

J. Scott Evans: Okay. All right super. Thank you all very much. Happy Thanksgiving.

Anne Aikman-Scalese: Happy Thanksgiving.

J. Scott Evans: Have a great weekend.

Cheryl Langdon-Orr: Yeah.

J. Scott Evans: All right bye.

Cheryl Langdon-Orr: Thank you, Bye all.

((Crosstalk))

Terri Agnew: Once again, the meeting has been adjourned. Thank you very much for joining. Please remember to disconnect all remaining lines and have a great rest of your day.

END