Policy Process Steering Committee (PPSC)
Work Team (WT)
TRANSCRIPTION
Friday 12 November 2010 at 14:00 UTC

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http://audio.icann.org/gnso/gnso-ppsc-20101112-en.mp3

On page:
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Participants on the Call:
Jeff Neuman - Registry Stakeholder Group - Work Team Chair
Alan Greenberg – ALAC
Avri Doria

ICANN Staff:
Marika Konings
Gisella Gruber-White

Absent apologies:
Tim Ruiz

Coordinator: Please go ahead.

Gisella Gruber-White: Thank you. Good morning, good afternoon to everyone. On today's PPSC call on Thursday the 12th of November - Friday the 12th of November, apologies, we have Jeff Neuman, Alan Greenberg, Avri Doria. From staff Marika Konings, Gisella Gruber-White. And we have apologies today from Tim Ruiz. Can I please just remind you to state your names when speaking for transcript purposes? Thank you, over to you Jeff.

Jeff Neuman: Okay thank you very much. It is - we have obviously a small attendance here from the PPSC. We have Alan from ALAC and Avri from the Non Commercial Stakeholder Group which does not obviously present a quorum.

What I will do is put this again on an email but the plan is for future is to get email comments on the responses that we got back from the working group work team on the questions that we've sent to them back in I believe it was September.

And so I think they've addressed almost - no, well they've addressed all of the issues. And so I think, you know, we need to have a discussion on that on email.

The goal is to have - we are scheduled to have an hour - I believe it's an hour-long session either on the Saturday or Sunday of Cartagena. And what I would like to do and I'd like to see done is to formally have a consensus call of the steering committee on that date to send the full report including the responses to the council so that they can start their deliberations and their process on moving forward with those recommendations.

We also have scheduled some time on the council agenda where we will present the report and their ultimate recommendations. And so, you know, then they'll get their process started. You know, I think the working group work team did a great job in addressing the questions. I think certainly the explanations of how they got to what the changes were to the report are certainly well explained.

You know, I have a couple comments on it not as a chair but as a registry that I've heard from other registries. One of those being I think there was a change to the - there was - it's really only one comment and it's the definitions of consensus, yeah, the definition of full consensus, consensus and so on down the line.

I think there was a statement added that says that sometimes a consensus is referred to as rough consensus or some other term. I think the registries are okay with the definition of consensus but not okay with that second sentence

because it seems to imply a lower standard than consensus if you use the term rough consensus.

And I know that sometimes those are used interchangeably but we don't want a chair down the line to say well it may not have been consensus but I'll call it rough consensus and that's kind of creating another definition.

And the reason that matters is because the contracts specifically use terms like consensus and we do not want as contracted parties for there to be any confusion that - what the - what's considered rough consensus is equivalent to consensus if that makes any sense.

So it's not a problem with the definition of what is consensus it's a problem with the second sentence saying that they're equal.

Avri Doria: This is Avri if I can question-comment?

Jeff Neuman: Sure.

Avri Doria: And I think both Alan and I were part of the group that wrote these answers which makes judging these answers somewhat interesting. I think that there was definitely a differentiation between full consensus and consensus.

Jeff Neuman: Sure.

Avri Doria: And perhaps the issue - because these are - and this recommendation as a working group is meant to be wider than just PDP usage. And so in fact the definition you see for consensus is actually the definition of near consensus or rough consensus because consensus from a dictionary point of view means full consensus and so full consensus would actually be redundancy.

So it was meant to indicate - now it's quite possible and perhaps what you want to see added is a line that says when a working group is part of a PDP,

etcetera, etcetera, they should only use the term consensus and should avoid the term rough consensus in any report.

Or that could come out of the PDP group in terms of looking at the working group guidelines. But to say that well just because these other terms are used we want them stricken because well we don't want to see those terms used, even that's what a consensus word we're actually means doesn't change anything.

Jeff Neuman: Well again I think the problem is not with the definition of what is consensus. And I understand what you're saying about the dictionary would define consensus as a - basically unanimity. But I just think that - I hear what you're saying for PDPs but I'm not sure why we need terms like rough consensus - why we ever need to use those.

Avri Doria: Because people know them. Because they're terms of our - in the industry and working groups. When most people come to ICANN and they hear the word consensus they think full consensus or unanimity. It's only when they read the definition.

So if they read the definition of consensus and it says hey and from your other life you may know this as near consensus or rough consensus because those are other terms that are used with the same meaning it allows them to link in the strangeness of ICANN's definitions with things they know from the rest of the world.

Jeff Neuman: So I'm fine with putting those things in like an FAQ or something but not into, you know, the registries are not fine with including - it is very significant and I would - I'm not sure why it would be something that you all would insist on having in there.

It's going to be - and I know you'll probably hear the same thing from the registrars because again these - there's no other world that I can think of and

I challenge anyone to find that other world where something that a body comes up with like this becomes binding on other parties.

And when that happens you're going to get those parties that are bound by what comes out very sensitive on the use of terms and terminology.

Avri Doria: Then define that as a PDP document. That's the PDP document say.

Jeff Neuman: But the problem is, Avri, that you don't want to hold up the acceptance of this working group document. What if you have...

Avri Doria: Well obviously the council is going to be able to change anything it wants so they might as well change it. But I just don't think we should but that's just from the perspective of somebody that's on the lower committee. I think changing it is silly.

((Crosstalk))

Avri Doria: When you get around to voting on it you'll go ahead but I...

Jeff Neuman: Avri, Avri, Avri, hold on. You added that sentence in; that sentence was not in the last report and I don't believe there was a comment on adding that.

Avri Doria: No there was a comment on explain this better I believe. I believe that we ended up doing that because there was a comment that sort of said it's not clear. I'd have to go back and remember why we asked for the work to be done. But there was comments that it wasn't clear.

Jeff Neuman: And I think you've added more ambiguity to it.

Avri Doria: Well...

Jeff Neuman: And that's the registries comments.

Avri Doria: Well and as I say as a council member it'll be your option to strike it assuming that council can do that. It's possibly the PPSC's option to strike it though I'll probably be against it.

Jeff Neuman: Right. So we'll have to talk about that.

Avri Doria: Yeah.

Jeff Neuman: So that's the issue that, you know, of all of them that's the one that we care the most about. I don't know if you all have any issues with - it's hard to ask these questions because you were on the - both of you were on the team that approved it...

Alan Greenberg: No I was not.

Jeff Neuman: ...but...

Avri Doria: Oh okay I'm sorry, Alan, I guess it was - I forget...

Alan Greenberg: Cheryl I think is the one that...

Avri Doria: It was Cheryl that was on it, sorry.

Jeff Neuman: Okay so Alan, well I'll ask Avri do you have any comments on the stuff that you changed that you would still have a question on?

Avri Doria: No I think we put a lot of work into it. I think we talked about a whole lot and such, I mean, full disclosure, I think I'm the one that actually wrote those lines. And, you know, but they were approved by the group. But, no, I think I'm fine with our answers. And I think that...

Jeff Neuman: Okay.

Avri Doria: ...you know, if the PPSC has the option to change them on its own though some of the policy-stricts among us might question that action without sending it back again. And I think that, you know, again the council is always free in its managerial role to decide what its managerial role means and change the work that's been done. But then again I'd recommend against it.

Jeff Neuman: Okay.

Alan Greenberg: Council these days has not been inclined to change things on a line basis although it has happened in a few cases. Usually however only with the agreement of the working group or the chair of the working group or something that the change is reasonable.

Jeff Neuman: Right.

Alan Greenberg: I don't think council has made any individual changes to things that were disagreed with by the original working group.

Avri Doria: I think they're working on it at the moment on that SOI/DOI deal.

Alan Greenberg: Yeah well depends on the final resolution if they're - well, okay, it could be; we could.

Avri Doria: That was actually fun because I had an excuse to read the Board Governance Committee's report again and noticed that the SOI/DOI was actually in there. But it should be interesting to watch the GNSO remove it.

Alan Greenberg: It's not clear one has to remove it; it's...

Avri Doria: Well anyway...

Alan Greenberg: ...certainly the implementation that was suggested and used is not workable and is too confusing to people but anyway...

Jeff Neuman: So okay well that's kind of a debate that we're not, at this point, it's not really our debate so...

Avri Doria: Although we do include that by reference in this document.

Jeff Neuman: Yeah that's true and we also discuss it in PDPs. So Alan do you have any comments on the support that you want to put onto the record now? Obviously we're going to open it up for emails too. And actually if you do have a comment I'd ask you to first say it on this call and then put it in email anyway or someone could recap and put it in an email.

Alan Greenberg: I don't - I don't have anything at this point. I unfortunately did not do sufficient prep to come up and give specifics; I should have but I didn't. But...

Jeff Neuman: It's okay. You wouldn't be the only one.

Alan Greenberg: No well I could have just not attended the call because of that but I decided to come anyway.

Jeff Neuman: Right. So that said I think what I'll do again - the plan is that I'll give a period of time until - I don't know, we don't have to live by that - the deadline - the ICANN deadline because we're not publishing anything right now.

So I'll give a deadline of a week from today to submit comments to - email comments and then tell everyone to be prepared to discuss and finalize those to a point where we can do a consensus call at the Saturday - I believe it's Saturday meeting of the PPSC so that we could present it and send it to the council at that meeting and have them work their magic.

Alan Greenberg: Jeff, as chair what definition are you going to use for consensus during that call - during that meeting?

Jeff Neuman: I'm going to hope for full and...

Avri Doria: That was our guideline wasn't it, that we do things by full consensus?

Jeff Neuman: Right, that is our guideline...

Avri Doria: Unless we decided in advance that we weren't going to.

Jeff Neuman: Correct. So, yes, so Marika, you've got a comment.

Marika Konings: Yeah, this is Marika. I've actually posted in the Adobe Connect the two dates and time for the meeting so it's actually on Saturday the 4th of December from 2:00 to 2:45 local time there will be a presentation to the GNSO Council of the working group guidelines. And on Sunday the 5th of December from 9:00 to 10:00 where there is a PPSC meeting scheduled.

And one question I have because, I mean, we did put this session on the agenda on Saturday as, you know, the face to face meetings are basically the only (moments) allow for a little bit more time to dive deep in certain issues with the council so I thought it would be a good opportunity to already, you know, present the guidelines as they will soon appear on their agenda.

So the question would be because in principal we need to provide the documentation relating to that issue by Monday. So I guess there are two approaches either we just, you know, send the current version and just say look this is what we're discussing now we're still - this is not final yet, there' some, you know, some small issues we're working on. But just, you know, to meet the deadline here is a ready document.

Or we don't send anything and just do the presentation but don't provide any documents to the council yet so then we don't break the rules but we still have an opportunity to present what we have ready by that time. And then, you know, once the PPSC reaches consensus then is when we actually submit the documents. So I guess there are two approaches we could follow...

((Crosstalk))

Jeff Neuman: So in deference to the fact that Tim still has comments and that he was on the call a couple days ago and I unfortunately messed that up and some others didn't show up either but in deference to Tim I do not want to send this document to the council. I think what I would prefer to do is to come to consensus at the meeting, get the email comments now, present, you know, a presentation to the council, let them know that we will be submitting it to them because my guess is that they're not going to be ready to do anything on the document at this meeting even if we got it on the agenda.

So it's my strong preference to not send it to them at this point. I think we'll just be instigating with Tim and I do want to show proper deference because he does have more than one - more than just the issue I raised. In fact that may not even be one of his issues. I don't know what his issues are but he did make it sound like there was some stuff that was pretty important to him.

So I think I want to opt for the second one, not publish it. You know, we can let them know that - where it is on the wiki and we could certainly give them an update but let's not send it to them.

((Crosstalk))

Marika Konings: This is Marika, okay that's fine. I just wanted to make people aware, you know, of the deadline. And again indeed I don't think there's any, you know, we won't have time to get it on the agenda because the agenda is already

being developed and there is as well this, you know, eight day deadline that applies to considering documents at that meeting.

And I don't know if it's - the council hasn't officially discussed but I think they've applied as well the 15-day rule for their meetings there. So I think it's fine we just present it then. And I'm happy to prepare some slides for that session that basically follow I think the outline.

And if there is still, you know, if we still have question marks by that date, I mean, we might as well raise them maybe in that discussion and see if there's a council feedback.

And it might be another opportunity as well to really get some council input if they see any, you know, glaring issues. I think it's better if they, you know, raise them now instead of the PPSC submitting the document and then the council having to send it back again because they, you know, there are certain areas that they have questions on or don't agree with or would like us to change it.

So it might be an opportunity as well to really get some questions on the table and avoid what has happened in some of the OSC discussions where things were adopted, you know, without proper discussion or not properly realizing what they actually adopted and then people are not happy with how the new practice is run. So I think if we can have that dialogue I think that will definitely help.

And another question I would have then turning to - does the PPSC want to meet again?

Jeff Neuman: You mean prior to the...

Marika Konings: You want to set up a meeting before - yeah, do you want to set up another meeting before Cartagena?

Avri Doria: No.

Jeff Neuman: So was that Avri that said no?

Avri Doria: That was Avri that said no.

Jeff Neuman: Yeah I'm not - at this point I'm not seeing a reason to get together on the phone. I will say though that if there are some strong objections by - from Tim we'll try to resolve them on email. If we have to we'll see if people are available for a short call to address but at this point I don't see a reason to do so.

Marika Konings: And you will send out a note to the PPSC asking everyone to, you know, provide their input and outline the plan for Cartagena?

Jeff Neuman: Yes.

Marika Konings: Okay great.

Jeff Neuman: I will. If you could send me - and what I'll do is I'll send that - if you could then solidify the time for Cartagena when the meeting is as well? And I think it's almost solidified right? But I think the agenda (unintelligible) Monday? But...

Marika Konings: Right, that's correct. But this is the GNSO schedule so I think that one is already firm basically for Saturday and Sunday. I'll double check with Glen but I don't think there are any further changes there because I think all the meetings have been confirmed for the Saturday and Sunday slots.

Jeff Neuman: Okay so then I'll put that in - and let me know by the end of today if you think that's not the case otherwise I'll just include that time in there in the email.

Marika Konings: Okay great.

Jeff Neuman: All right? Great, any other questions? All right I think we can stop the recording and if anyone wants to spend another 10 minutes on vertical integration...

Avri Doria: One thing back to your previous point.

Gisella Gruber-White: (Barbara), if you could just stop the recording please?

END