LSE Briefing on the GNSO Review Report to the GNSO Council and constituency members
October 13, 2006 at 17:30 UTC

Moderator: Philip Sheppard, Ken Stubbs and Alistair Dixon

Attendees: Marilyn Cade, Preeti Piplani, George Kirikos, Alistair Dixon, Philip Corwin, Steve Delbiancho, Ron Andruff, Jim Baskin, (Business Constituency) Jon Nevett, (Registrar Constituency), Garrett Sern (Registrar & Registry Constituency) Michael Palage, (Registrar, Business and Intellectual Property Constituency), Caroline Chicoine (Intellectual Property Constituency) Ken Stubbs (Registry constituency), Nick Ashton Hart, Bruce Beckwith (At Large Advisory Committee), Sophia Bekele, Avri Doria (Nominating Committee appointees to the GNSO Council)

Denise Michel, Glen de Saint Gery (ICANN staff)

Prof. Patrick Dunleavy, Simon Bastow, Oliver Pearce (LSE)

The GNSO Review Report:
http://www.icann.org/announcements/gnso-review-report-sep06.pdf
the annexes
http://www.icann.org/announcements/gnso-review-annexes-sep06.pdf

Note: The following is the output of transcribing from an audio recording of the London School of Economics briefing to the GNSO Council and the constituencies on 13 October 2006. 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://gnso-audio.icann.org/LSE-GNSO-20061013.mp3

 The Power point presentation that was used may be found at :

http://gnso.icann.org/correspondence/LSE-03oct06.pdf

Coordinator:	This is the conference coordinator. I would just like to advise everyone that the call today is being recorded. If you do have any objections, you may disconnect at this time.
(Philip):	Thank you very much.
Glen:	I'll find out from the coordinator about that for you.

(Philip): Okay. It's good to see who is on the call

Glen: Yes.

man: Is there an online meeting that is available for all of us?

(Philip): No, I think the conference leader basically lists the names of who's on which…

Man: Oh, okay.

(Philip): …makes the moderation a bit easier.

Man: I thought you might have set up something so we could use slides, but…

(Philip): No, we're not that nice really.

Man: No problem.

Coordinator: Excuse me, (Nick Ashton Hart) joined.

Marilyn Cade: Hi, (Nick).

(Nick Ashton Hart): Hello.

Ron Andruff: Ron Andruff has also joined the call. Ron Andruff also joined the call.

Philip Sheppard: You're very welcome.

Ron Andruff: Good evening, good afternoon, good morning.

Marilyn Cade: As it is, (Ron), what part of the world are you at?

Ron Andruff: Today it's Bangkok.

Marilyn Cade: Uh-oh.

Ron Andruff: Just got to Bangkok this afternoon and Beijing on Wednesday.

Philip: Tad late there, isn't it?

Ron Andruff: It is a tired late my friend, about 12:35. But it's not as bad as the boys in Australia, let's put it that way.

Marilyn Cade: Yes, apparently when we designed ICANN, we should have also thought about time zone manipulation, huh, (Ron)?

Ron Andruff: Well, no, you know, when I'm out on the road, (Marilyn), 24 by 7, that's how it goes, you know. Nobody seems to know where I am so people phone me night and day.

Marilyn Cade: I think there are probably other people on this call who are over-identifying with you.

Ron Andruff: Yeah, I could appreciate it.

((Crosstalk))

(Philip):   It sounds a splendid idea.

I think we're ready to start. I'm going to do a roll call in a second just so we will know who's on the line and where they're from.

(Glen), are you listening?

(Glen):		yes

(Philip):	Excellent. Could you do the roll call for me?
(Glen):		Right.

(Philip):	Could you do the roll call? As your name is announced, perhaps you can just say which constituency you have any affiliation to.

(Glen):		Marilyn Cade, Business Constituency.

		(Philip Shepherd), Business Constituency.

		(Preeti Piplani), Business Constituency I am with AT&T

		(George Kirikos Business Constituency.

		(Simon Bastow) from the LSE.

		Denise Michel, the Vice-President of Policy for ICANN.

		(Alistair Dixon), Business Constituency.

		(Caroline Chicoine IPC.

Garrett Sern)…

Garrett Sern)…Registrar and Registry Constituency.

(Glen):   Thank you.

                 Ken Stubbs Registry Constituency.

                 (Michael Palage).

(Michael Palage):   I got three of them there, (Glen). I would - I participate in an
                 individual capacity with my consulting company in the business
                 constituency. I am non-voting member I think Class 3 within the IP
                 constituency. And then I am alternate voting representative for (.coop)
                 and the registry constituency.

(Glen):   Thank you, (Michael).

                 (Steve Del Bianco), Business Constituency.

                 (Philip Corwin), Business Constituency I think.

(Philip Corwin): Yes, that's correct.

(Glen):   (Patrick Dunleavy), London School of Economics.

                 JonNevett Registrar Constituency.

                 (RonAndruff), Business Constituency.

                 And (Nick Ashton Hart), Business Constituency.

Man: Actually…

(Glen):   Have I left out anybody?

(Nick Ashton Hart): Actually I am with At Large

(Glen):   Oh sorry, it was At Large

(Nick Ashton Hart): Right.

(Glen):   Thank you, (Nick).

(Nick Ashton Hart): Yes.

(Glen):   Have I left out anybody?

(Jim Baskin):   Yes, this is (Jim Baskin), Business Constituency.

(Glen):   Thank you, (Jim).

(Bruce Beckwith):   (Glen), this is (Bruce Beckwith) also with At Large

(Glen):   Welcome, (Bruce), thank you.

(Philip):   Okay, (Glen), thanks so much, that seems to be it.

                (Patrick), then, if you would kick off just talking us through those prior
                slides of your presentation and any thing else you want there if you
                want to add an introductory remark.

Just in terms of timing, I have a hard stop in 1-1/2 hour's time. If we're still - a whole queue of questions, I'm happy to handle the moderation to somebody else there.

And, (Patrick), what's your own timing on this?

(Patrick Dunleavy): Well, I'm fine. That's fine by me.

(Philip): Okay. Then we'll see how it goes by then.

So if you'll kick off please.

(Patrick Dunleavy): Yes. Okay.

Well, I'm going to concentrate on the first few slides in response to (Philip's) suggestion.

Marilyn Cade: (Patrick), it is (Marilyn), sorry. Might I just suggest, there are probably our people on the call who don't have your slides.

(Patrick Dunleavy): Right.

Marilyn Cade: Just an FYI.

(George): (Marilyn), it's (George) here. If people go to gnso.icann.org and then click on mailing list and then go to the counsel list, the October 2nd posting has the PowerPoint slides as well as link to the original documents (unintelligible).

(Glen): Easier than that, (George), if you go to the gnso.icann.org and you click at the top on the rated 'master calendar' and you go to the 3rd of October, you will find the presentation there.

(George): Okay.

(Philip): So, there we are, we have two links. And, (Patrick), off you go please.

(Patrick Dunleavy): Right. Well, you guys are all linked up, I believe you said master calendar, what was that last thing you said

(Glen): Master calendar?

(Patrick Dunleavy): Yeah.

(Glen): And then go to October.

(Patrick Dunleavy): Right.

(Glen): And then you will see on the 3rd October.

Denise Michel: (Unintelligible) is a bowling place and a video store. We're not (unintelligible). Yeah.

Philip: That sounds like (Denise Michel).

(Philip): (Denise), you just come off mute, I think.

(Patrick Dunleavy): Okay. Right, I'm on now. So you thank you very much for that.

So what I'd like to do is just sort of mention in terms of reference the way we do things, the brief that we had and the view that we've taken of what GNSO has achieved so far, and then just the sort of four principles.

So if we go to sort of Slide 3 of the presentation, the terms of reference that we have cover these four main themes representativeness , openness and transparency effectiveness and regularity and compliance.

We don't say very much about regularity and compliance although there are -there's one or two issues about ICANN bylaws and, you know, timing and so forth and basically our recommendations there are directed towards sort of bringing the two to synch with reality, so that the bylaws don't set down the timings that can't be achieved

So most of the focus is on the representativeness of the GNSO council and the GNSO constituencies, openness and transparency, how you do this, and for people to find out what GNSO council is doing and how it's operating and effectiveness.

So we use these various tools.

It's not possible when you're doing this kind of to point to, you know, any one method that will on its own you know, rejuvenate certain strong recommendations. So what we've done is we talked to a very wide range of people. We had an online survey and consultation. We went to the Wellington meeting and sat in on a number of meetings and talked to the people there. And we've done a great deal of work

within GNSO and ICANN information to try and put together and add up the activities.

So there's a lot of efforts in our work to not rely on any one piece of information, any one view, but we triangulate a lot of different pieces of information, and we try and get to recommendations and, well, and analysis and also recommendations that come from that. But just different points of view.

(Unintelligible) we just - we'd like to say that this is an independent piece of research which is our brief. Obviously we listen to everybody that we talked to very carefully). So it does of course respond to what people say in the ICANN and GNSO community and it's not being influenced by the ICANN staff .

Moving on to Slide 4, obviously GNSO has put in a fantastic amount of work and we worked it out at around 35,000 hours and the workers were all unpaid and that means that all of you are contributing very heavily to the success of ICANN and GNSO.

And obviously GNSO has, you know, attracted participation from a large number of people. And I think, you know, this phone call is one example of that. There aren't many organizations who will get these many people together for a 1-1/2 hour call on a Friday night.

So, you know, we want to put upfront that we recognize this being a tremendous amount of work done

So although we are making a suggestion for changes, we'd like to stress that they're not in any way criticisms of GNSO or of ICANN, they

are just things that have emerged out of the - listening to the very wide range of views that we've undertaken.

So the four principles which underline most of the - all of the recommendations that we made and most of the analysis are that, you know, any changes that might be made GNSO council and its constituencies, operations, should enhance the representativeness of the whole process.

And I think that, you know, some concerns were voiced throughout about the difficulties of attracting participation at the moment and the relatively restricted range of participation. So we don't have a lot of committed participation. It's not necessarily as broad as it should be And it's not necessarily arranged in a way that people that are currently outside GNSO care get involved if they wanted to.

Similarly, GNSO is really remarkably invisible to the wider community ICANN is terrifically visible as we documented in the report, and much discussed.

But, you know, only a tiny fraction of the ICANN discussions recognize or incorporate GNSO. And then within the GNSO constituencies, you know, there are even less visible than GNSO itself.

So one of the main suggestions in the report is that it doesn't really make sense to have a good membership structure that's based around the least visible part of the organization. And that, you know, moving to a structure where people can become members of ICANN which is very visible and then can also be assigned to in our interest to GNSO and then use one of the constituencies within that and we need

probably a simpler structure constituencies that would really help to make the things more visible and more transparent, more representative because we think that would expand participation.

The Web site needs to be cleaned up and all sorts of smaller changes need to be made to improve documentation, and also to give somewhat more predictability really in what GNSO is doing so just, you know, sort of two-year plan in which the work is pretty firm .
The third principle is that we think that GNSO structures at the moment are rather kind of grounded in the way things used to be a few years back. And they've not really been, you know, as flexible and adaptable as they perhaps need to be with the Internet, because change does happen very, very quickly on the Internet, and so you really need to make sure that the constituency structures are set up in a way that doesn't exclude, doesn't have a time limited relevance, is flexible, allow people to, you know, intervene, get involved easily.

And that's really the key underpinnings of the suggestion at the number of constituents be reduced from six to three. Basically one for business, one for the registration interest, and one for civil society. And there needs to be a bit of a push to make sure that there's more outreach and how these constituencies relate to the broader print out.

And finally, there's a sort of cluster of changes that are suggested that arise out of, you know, what was put, there's a lot of different views put to us about the way the GNSO Council operate under the current weighted voting and under the current 66% consensus policy.

And our feeling was that when we looked at what different people were saying and while they are saying it and how they put it, it was a little bit

clear that the consensus were a little bit low and people did have kind of rather perverse incentives to try and sort of just bouncing very marginally over the consensus level. And that they perhaps, you know, that was an impediment to the GNSO council developing more, you know, really strong consensus policies.

And so we are suggesting a slight increase in the level of consensus, we're suggesting the removal of weighted voting by arranging the votes of the new constituencies so that different interests, their representation in terms of business and - would have, if they acted as a block, if all the representatives are acting as a block, they would have a veto. And the civil society plus Nominating Committee would also be able to veto.

So that there would really, you know, the only way you'd be able to get things done would be to reach much stronger genuine consensus position sounds a little bit, you know trivial , to say you get…

((Crosstalk))

(Patrick Dunleavy): …you get more consensus by raising the bar. It's a very small raise of the bar but the reconfiguration would help we think would have GNSO accounts until we, you know, genuinely consensus on there, a unanimous decision.

We think that, you know, people when they know they have to compromise will make compromises, when they think they might be able to get it where without making compromises, then they tend to stick on position, maximize their gain.

So that's the sort of the basis where we actually thought the reference pulls together the different views, and we hope that of course the specific changes that are suggested will need to be, you know, very fully in, it's going to be discussed by GNSO, by the constituencies, by the board and GNSO together. And, you know, it's not possible that - those were all the possible permutation, you know, how many people this constituency has and how many people might be in that constituency. There's a lot of different permutations. In fact there's an infinite number of permutations.

But what is important really is to try in, you know, a genuine way to make sure that any changes that are suggested and discussed and taken forward do respond to this set of key principles that we hope would attract, you know, a unanimous agreement.

And that's really where I'd like to stop and go to questions, if that's okay.

(Philip):   Excellent. Thank you very much, (Patrick).

Actually what I'll do is try to group the questions according to the four principles, not necessarily in numeric order because I think some may be more interesting than others.

But first kicking off with principle one which concerns the representativeness and cover recommendations one to six which was broadly covered, concepts like transparency throughout the call, participation rate, and the nature of where participations take place.

Let me take a queue people have some questions concerning those areas to do with principle one.

(Michael Palage):   I'd like to be in the queue, so, this is (Mike) up at the queue there so this is (Mike Palage).

(Philip):   Okay. If you could always say your name first, that would help me very much. (Mike), thank you.

Who else? Anybody else here on principle one?

Okay (Mike), off to you.

(Michael Palage):   All right, thank you, (Philip).

First, I would like to thank the LSE for a very comprehensive report and I actually do agree with the most recommendations. Regarding recommendations 1 through 6, I agree with the first recommendation as well the second.

The one - Recommendation 3, and that deals with the need for greater coherence and standardization across constituency operations.

I don't necessarily disagree with that. I just, from a business standpoint, I think there needs to be, if you will, a better a cost-benefit analysis as to the amount of money that would need to go help each constituents be operate effectively.

And I guess to my question to be able to the LSE staff , is had - did they look at the operation within each constituency because there are

some that actually provide a secretary of like service and in fact that registrar is actually I believe are considering going that way as well.

And with interesting to look at the numbers based upon my discussion to what be proper if you will level of support may be needed so that's if you will my questions or common in connection with Number 3, Recommendation 4, no problem; 5 - with regard to Number 6 and this had to do with direct stakeholder participation. My concern here, I think in this was raise by the LEC going there Web teleconference and it went to the issue of how membership if someone was to come forward and sign up for ICANN membership, they would then be I think allocated it to a particular group or constituency. I used the term pigeonholed.

As discussed at the top of this call, I participate within many constituencies, within the GNSO, and I in fact also worked with someccTLD operators as well. So from that standpoint, I would have significant reservations about potentially being told I only could participate here or there. This is particularly in light of the evolution and reform process where this was extensively debated within the community, and it was in fact at that time rejected.

So I guess those would be my comments and questions in regard to the, if you will, the first bundle of recommendations.

(Philip):   Okay. Respond to that, (Patrick).

Marilyn Cade: Philip are you taking a queue on this topic or are you just going to go…

(Philip):   Yes, I have a queue around here. I had (Mike) in it. So are you saying you'd like to join?

Marilyn Cade: Actually I would like to join, it's (Marilyn).

(Philip):   Okay. Anybody else for the queue?

(Alistair Dixon): (Philip), can I join? This is (Alistair Dixon) here.

(Philip):   (Alistair), and anybody else?

                   Okay, well, if you could try and keep questions to synch as a group and then that will help (Patrick) in his responses.

                   (Marilyn), off you go.

Marilyn Cade: And I will - I have two categories, I have two kinds of questions I think and maybe two categories.

                   One is question for you about the present situation related to turning ICANN per se into a membership organization since that was examined as a legal issue at the time that we founded ICANN and was rejected as a possibility due to liability issues and other problem in the legal environment in which it is presently incorporated so I wanted may be (Patrick) for you talk a little bit more about your concept of membership realizing that the actuality of the membership organization is not in any way a legal practicality at this time, but I thought you perhaps a concept more in mind, you might explain?

And my second tranche of questions I'll save because I think it comes later in the discussion about - that we'll probably get into it.

(Philip):   Okay, thank you very much.

(Alistair).

(Alistair Dixon):   Thanks, (Philip).

My question, I have just a really specific question in relation question - to Recommendation 5. And I mean I agree with the principle of promoting global distribution, the relevant indicators, I'm just - I'd just to like to understand how this distribution might be achieved particularly with the sort of the constituency groups that are suggested. So I'd just like to understand what suggestions LSE has brought for achieving why there's sort of the global representation.

(Philip):   Okay, thanks very much. I think it's probably enough (Patrick), off you go.

(Patrick Dunleavy): Okay. Well, maybe I could start with (Michael's) point about recommendation six and Marilyn's points about turning ICANN into a membership organization.

We are not suggesting that ICANN should become a membership organization and indeed we couldn't make any such suggestion because that would have been, you know, way beyond our brief . We didn't look at ICANN as a whole. So we only looked very - in a very focused way of GNSO.

What we're suggesting is that insofar as there is a membership basis for GNSO activities, it's currently rooted in the constituencies and goes up from the constituencies through GNSO to ICANN. That doesn't make any kind of sense because constituencies are very invisible - ICANN is - GNSO is not very visible and ICANN is much more visible.

So we're suggesting that the existing membership function without in any way implying that ICANN should become a membership organization but that it will be better arranged and organized by allowing people to, you know, be a member of ICANN as a whole, and then to hop into the relevant parts of ICANN in order to do the relevant stakeholder participation a bit.

So that…

Philip Sheppard: (Patrick) – just as clarification did you see necessary, as (Mike Palage) was suggesting, that everybody should participate directly in ICANN without adhering to one of the constituencies or other groups that maybe or that that would simply be an option for those who wanted to participate more deeply in the policy aspect?

(Patrick Dunleavy): Well, I certainly think that, you know, if the people were able to sort of join as a member of ICANN, whether the membership is the, you know, is the controlling part of ICANN or not is an entirely another thing, but they would be able to then, if they wish, to be allocated to one of the - one or more of the support organizations, and then they would be able to join one of the constituencies within the GNSO. That was what was suggested.

We're suggesting that they shouldn't be able to join multiple constituencies within the GNSO.

But (Michael) does have a very good point about -- could you if you, taking out this membership with ICANN, could you join GNSO and (CCNSO) and so on at the same time. And I don't see, you know, I myself don't see a reason why not in both organizations, and many actors will have interest that, you know, would lead them into interactions with both supporting organizations. I'm just trying to stress that we've only looked at GNSO, so we haven't look at (CCNSO) at all either.

So I hope that's sort of clear. What we're suggesting in so far as currently membership roles and activities which are organized through constituencies within GNSO, and more sensible and likely a way that would attract, you know, wider participation through people joining the most visible body ICANN and then being able to come into GNSO and into other supporting organizations if they had other supporting organization within GNSO join one constituency but not multiple constituencies. That's what we're suggesting.

Michael Palage : I guess, (Philip), my follow-up question is, what is the…

(Philip):   Yeah, (Mike), before a follow-up and (Patrick) will run through the points we had and then we'll come back to that.

(Patrick Dunleavy): (Michael's) second question was about, you know, the activities of the constituencies. And I think we did find it quite costly in information to find out how the constituencies are set up and organized.

And we did feel that there would be scope especially the number of constituencies to have perhaps constituencies that operated in a somewhat more standardized way. Of course it would still control constitutions and on, but they would, we hope, try to achieve a kind of greater degree of some commonality within the way they operated so that it would be - it would be easier for people to understand how they were developing their positions and then putting into GNSO affair.

And we felt that that the best way in which ICANN would be able to helping that would be to also, you know, somewhat more support constituencies to achieve a more consistent role.

And I think if the constituencies attracted wider membership, we would expect on the suggestions that we've made, there would need to be ICANN support for GNSO constituency to help them to deal with a wider range of members.

On (Alistair's) point finally about recommendation five -- it is a tricky thing to, you know, to establish what would count as a successful ICANN representation because of course - GNSO representation, because GNSO is seeking to represent the views of people who have interest and involvement in (domain name) issues. And it's not, you know, easy to identify independently of their sort of joining GNSO constituencies already who is in fact is interested in these issues.

And - so we did a thorough job as we felt able to do with the available GNSO and ICANN information about who is involved in the organization and documenting that.

And we don't reach any sort of strong conclusion on that except that they've got, you know, there are some variations between constituencies and there are some - that seem to be sort of, you know, doing better than others, you know, try to gain participation of the relevant groups.

But, you know, what we're worried about is that many of the people who spoke to us in interviews, either the sort of representatives of constituencies that they tended to disagree with, or indeed they represent as much as the whole GNSO process. And there was a relatively widespread feeling that, you know, that representation needed to be broadened and needed to be better balanced.

(Patrick Dunleavy): Okay, thank you very much.

(Mike), I'll leave you the follow-ups. (Marilyn), unless you have follow-ups as well.

Marilyn Cade: I do, yes.

(Michae Palage):   Thank you, (Phil).

And let me just say that I fully agree with the LSE with regards their need to increase the representativeness of the GNSO process as well as document. That's not in question and I fully agree with those two broad points.

I guess my question, again this goes back to the one constituency limit. This was something that I heard first during the last consultation. And I guess my question is, I can't find it in any other recommendations. So I

guess, you know, that's - my first question is, can LSE point to one of the 24 recommendations and say this is where the one limit per - one limit constituency rule has been proposed?

And I guess the second question or more of a statement is, let's just look at the business constituency for example in which I participate. (Ron Andruff) who's on this call in behalf of (RNA), his consulting company or his company, also is the president of the Registry.

We have (SITA) which is a member of the business constituency which is also the sponsoring organization for the.aero. We have Nokia who is a member of the business constituency which is also one of the shareholders of (.Mobi). We have the representatives of (.Berlin) who hope to one day become a TLD registry participate. We have AOL-TimeWarner which not only is a member of the business constituency, also one of the world's largest ISPs, but is also an ICANN accredited registrar.

The reason I sort of just give this representative list raises, is this was the discussion that was such - was so well argued back in the evolution and reform process that I just don't see how the LSE and their recommendations for making this one constituency limit, I don't see how they, if you will, refuted what was discussed then and I can't find it in the specific recommendations.

So I guess that - those are my two follow-up points.

(Ron Andruff):   (Philip), may I just - this is (Ron Andruff) speaking, may I just make a comment on that since I was brought into that conversation at the top?

(Philip):   Yes, (Ron), do that.

(RonAndruff):   Just very short. I want to draw the distinction, (Michael) and to others
                 on the call, that (RNA) partners is the - is my holding company and the
                 company that is an active company working and doing things with
                 regards to the Internet. I am the president of that company, managing
                 director of that company, to be clear. And so for that reason I have
                 maintained my position within the BC) as a business constituency
                 member.

                 You've never seen me and you'll never will see me at a registry
                 meeting. In fact that's the domain of our CEO to determine who is that,
                 and that person is Cherry. So Cherry is the registry representative for
                 the Trialliance Corporation, not (Ron Andruff).

(Michael Palage):   I understand that, (Ron). But you are being …

(Philip):   Let's not have a dialogue on that, (Mike).

George Kirikos: I'd like to join the queue.

(Caroline Chicoine):   (Caroline).

((Crosstalk))

(Philip):   …for (Pat).

                 (Marilyn), le me take your follow-up and then, was that (Caroline) also
                 asking for air time?

(Caroline Chicoine): Yeah, it's separate, Number 2.

Philip: (George) Kirikos would like to join the queue.

(Philip):   Okay, all right.

                   (Marilyn), you're follow-up.

Marilyn Cade: I'm desperately looking for my notes for myself. Hold on here.

                 I think my - it's more of a clarification, (Patrick). One of the things that I
                 noticed in the excellent appendix and the charts that you provided that
                 were useful in providing visual backup to the information you provided.
                 What I didn't really fully understand and might ask you to comment on
                 is you interviewed a -- and you may want to hold this for later -- but you
                 interviewed an extremely percentage of people who are not involved in
                 ICANN, and I assume that you did that because you were looking for
                 how visible is the GNSO, how well marketed, so to speak, is the
                 information about how to participate, et cetera, et cetera.

                 So, I'm - that's kind of a two-part question. If that was the case, is there
                 information available to us about the methodology in the questions that
                 you used in interviewing people who aren't part of ICANN? We can
                 take that offline, I'm just going to ask that end part of the methodology
                 but I don't want to bog this call down.

(Philip):   Okay, (Marilyn), I think let me just sort of put that on hold for a second
                   in terms of the line we're pursuing. That was a separate subject rather
                   than one before.

Marilyn Cade: Sure.

(Philip):   (Caroline) and (George), were your questions related to the…

(Caroline Chicoine):   Recommendation number 2.

(Philip):   …about multiple representation?

(Caroline Chicoine): No, it was regarding recommendation number two.

(Philip):   Recommendation two, okay. I'll come back to that then.

                  And, (George), your point?

(George):   Yes, it's a broader question about conflicts of interest.

(Philip):   …question.

(George):   It relates to (Mike's) point and (Ron's) discussion…

((Crosstalk))

(George):   …has any recommendation on how other organizations handle this
                  conflict of interest when members are allowed in multiple
                  constituencies because there's always going to be issues of related
                  companies, for example, one might join the business constituency or
                  the new business super constituency as a corporation but then also be
                  in the civil society as an individual entity. So there's already the issue
                  of relatedness and being members of related companies. So I was
                  wondering how you all see this - those conflicts of interest that are

naturally going to arise, handled in other organizations that perhaps ICANN and the GNSO can learn from.

(Philip): Okay. Thanks very much. (Pat), over to you.

(Patrick Dunleavy): Great. Yes. I mean, I think this is a really interesting kinds of issues. And it kind of shows the, in terms of the old adage, that there's nothing - have a complex when you look in more detail, you can see that it's more complex. So I think it's, you know, it's like taking a microscope to a structure of course when you, you know, when you look closely, you need to provide more detail.

I think the basic point that we would make is that ICANN has a bottom-up stakeholder involvement. And as I think (Ron Andruff comments to (Michael) suggest, there are existing ways in which companies particularly that have different interests, but also, you know, people within companies that have different interests can participate wearing different hats.

And so we would assume that - I mean, at the moment, it's not really a massive problem of GNSO that people are joining, you know, and signing up large numbers of people, let's say business people signing up large numbers of people in the civil society area.

But we would assume that our company has, you know, registration and business interests but they work - have a planable system in place for managing that and that they would have different people representing different views.

And obviously, you know, you would perhaps want to think about conflicts of interests if you saw for example large corporations joining up hundreds of employees in the civil society thing and then lobbying for corporate things, then that would be a problem. But that's not a problem that exists at the moment.

At the moment, the main problem is to get, you know, as many people as possible into - involved with and commenting on and discussing and interacting with GNSO. And that's what the changes and suggestions that we've made are designed to enhance really.

So, you know, you need to think about that possibly in the future and possibly think about having rules if you saw problems arising, but it's not an immediate issue is my suggestion.

(Philip): Yeah, certainly I think historically in the BC it's been the case and there have been separate people representation. (Ron's) example was a very good one and I think the BC is always like judged its members by the nature of their participation in terms of its appropriateness.

Anyway, let's move on to a question that (Caroline) had on recommendation two.

(Caroline Chicoine): Yeah. I was just curious in terms of motivation because when I read it, you know, where it requires show how many of the members have participated in developing the positions, and, you know, like everything, there's quantitative and qualitative measures.

And also, there's just - there are some organizations that some people belong but they just never actively participate even though they're, you

know, included in all the emails. Some of them just because of time constraints given a lot of the deadlines that ICANN poses oftentimes will rely kind of, you know, for lack of a better term, bigger players that have the resources to kind of at least draft up something.

And so I'm just curious as to what, you know, it concerns me when it does show how many members which to me implies, you know, quantity as opposed to quality.

(Philip):   Okay, (Patrick)?

(Patrick Dunleavy): Yes. Well, this recommendation comes out of a good deal of business in tuning of constituency position-taking that was done by, you know, a wide range of people. As I mentioned, some people were in tuning the basis for, you know, do you take basis and say that they felt was, you know, opposed to them.

Some people including, you know, some people who haven't joined GNSO constituencies and some people in sort of ICANN more broad, beyond GNSO has doubt without the, you know, the number of actual participants who have been involved in the production of constituency positions.

And I think that the point would be that this is not in any way a recommendation that's motivated by a sort of critical thing about how things have been, but in order for GNSO to carry weight within ICANN more generally, it's very important that people should be able to relatively easily establish, you know, the process that went on leading to the articulation as constituency positions and then how that led to into the council.

And I think the current difficulty and uncertainty produces a lot of myth, if you like, about how slender the basis for some position-taking has been. And so the recommendation is really just designed to help clarify things and to create incentives of these people constituencies to have the broadest possible input and content.

And some of the other things that we are suggesting including, you know, having a plan on GNSO council issues, getting the timing for the PDP out and not sort of having, you know, bylaw timing that you're not addressing. I think all of those are designed - and having more outreach activities by constituency.

So we hope that all of that would mean that it's easier for constituencies to get a broader range of members be involved and it's easier for them to explain the basis of the participation.

So, it would be great if we could go beyond that as (Caroline) suggests. And I'm sure there'll be quality focused on the number of people involved is that it's a rudimentary, that it's relatively easy to sort of establish, whereas thinking about quality of discussions and so forth and deliberation.

(Caroline Chhcoine):   Well, I like your idea about process, though, versus quantity. You know, what that means it's a process because that…

(Patrick Dunleavy): Yeah.

(Caroline Chicoine):   …is very clear whether something was just a sham or a true, you know, consensus of the constituency.

(Patrick Dunleavy): Yeah.

(Caroline Chicoine   Thank you.

(Philip):   I think, (Patrick), to me, the other - I mean, this is not a problem that we
                   need to find a way to ICANN. I wonder if you have learnings
                   elsewhere. I mean, I - my normal day job working within the European
                   Union, precisely the same - the thing happening in online consultations
                   that European Commission may do about some policy options
                   whereby, you know, there is one entry made on there on behalf UNISA
                   of representing all the employees federation in the 25 countries of EU
                   and maybe one contribution from the multinational company Nestle
                   and maybe one contribution from an individual who runs a bakery in
                   Hamburg.

                   And often these are counted together numerically in terms of the
                   contributions received let alone the analysis of them. And it is difficult,
                   isn't it, to distinguish between a voice that is speaking in a more
                   representative role as an association would or, you know, in behalf of
                   the company with a broad interest. But I think the smaller ones. If you
                   have experience from some other organizations, something to look up
                   that's helping you to stay.

(Patrick Dunleavy): Well, of course, I think if you had, you know, well-organized
                   constituencies that were prepared and also relatively larger
                   constituency which is what we're suggesting in terms of having two
                   constituency, then I'm sure that there would be a capability for the
                   secretariat there to try to get the best overall picture of the quality of
                   their participation as well.

But, you know, I think what most governments do around the world is actually they do basically just count participants as a sort of rudimentary check on how many the - how many people are involved. And I think that, you know, that's what we're suggesting, is a minimal process of constituencies being clear about - making clear to the other constituencies, to the council, and ultimately for the ICANN board, how - why the participation has been - if they could also develop indicative of the quality of participants and of the quality of deliberations. That was of course very helpful.

But I think, at the end of the day, you know, ICANN board is sitting with a submission from GNSO council that they also have some other voices, some of them aren't talking to board members directly, some of them are talking to the government advisory committee..

The board is also in a position of trying to balance out what they think about these differing inputs. And I think anything that makes, you know, more clear what the basis of the GNSO input is going to be helpful for enhancing input to GNSO.

(Philip):   Okay. Let's, if we may take leap to principle four which I think has some of the meatier recommendations. This is in terms of the enhancing to reach consensus it contains Recommendation 19 in terms of reorganization of constituencies into three, making council smaller, abolishing the way to voting system, raising the threshold towards a 75%, and indeed offering also the way that the council votes directed to the board.

Who have questions on any of those issues?

((Crosstalk))

(Philip):   Steve Delbianco

(Jim Bascan):   (Jim Baskin).

(Philip):   That's (Jim Baskin). Who else?

(Steve Del Bianco): (Steve Del Bianco).

(Philip):   (Steve Del Bianco). Who else?

(Alistair Dixon): (Alistair Dixon), (Philip).

(Philip):   (Alistair), okay. Who else?

Marilyn Cade: And (Marilyn)

(Philip):   And (Marilyn). Who else?

Palage: Michael Palage

(Philip):   Okay. Who else?

(George):   (George Kirikos would like to join too.

(Philip):   (George). Who else?

(Ken):   (Ken Stubbs too, (Philip).

(Philip):   Say again, (Ken).

(Ken):   Yeah.

(Philip):   Yeah. Okay. All right, that's one, two, three, four, five, six, seven --
                   could I ask you to (unintelligible) questions without too much
                   background and then we'll (unintelligible) group those and see if
                   (Patrick) can handle those.

                   Off you go, (Jim).

(Jim):   Okay, thanks.

                   My question relates to the proposal for the 75% figure for - and how -
                   what would happen in the case where - ICANN board is supposed to
                   take inputs from the GNSO as the lead constituency or as the lead
                   support organization and (domain name) issues. If the GNSO cannot
                   come to a consensus on something because they can't reach 75%,
                   what is the board to do?

(Philip):   Okay.

                   (Steve).

(Steve Delbianco):   My question would be that the benchmarking that is done by LSE
                   may have revealed how other organizations, whether they actually
                   require consensus at all in lieu of a simple majority, and what does
                   your benchmarking show with respect to the percentage level that
                   organizations use over the consensus?

(Philip):   Okay.

                     (Alistair).

(Alistair Dixon):   My question relates to the proposal to actually collect several
                     constituencies into one and how the LSE would suggest that the
                     different interests within those basically effectively for all the
                     constituencies are reflected in terms of GNSO council representation.

(Philip):   Okay.

                     (Marilyn).

Marilyn Cade: My question is about the rationale that suggested that fewer councilors
                     will make more informed decisions.

(Philip):   next in the queue.

                     (Michael)?

(Michael Palliage): Thank you, (Phil).

                     I guess my question is more along the lines of, did the LSE consider
                     abolishing voting in total because when you look at most of the
                     animosity that goes on or some of the discussion that, I want more
                     votes, I want more votes, who has more power. You talked about, well,
                     you only can participate on one constituency because you might be
                     trying to get to the deck.

If you look at the council, it is not meant to be a legislative body. It is meant to be a body that is supposed to help the consensus development process. And if you would just remove voting and just allow the different super constituencies as you document it and to sign off and say, yes, this is representative of the viewpoint in our constituency. And then, forward it to the board because I think that is something that I think really does need to be put on the table and look at just doing the way with voting except in the instances of putting someone on the board, and if you we're selecting a chair.

But, I think this is something that needs to be discussed because one of the earlier comments said, what happens if the GNSO can't decide on a consensus decision, what will the board do?

Well, as someone who served on the board, the direction - the fiduciary duty that a board director has is to act in the best interest of the corporation. And that's what the director has to do. So, I think if the GNSO really wants to, if you will, function as it's envisioned in the GNSO bylaws, it need someone to help build consensus although it does created scenario where my people…

(Philip):   (Michael), your question is good. You're giving background now.

(Michael Palage):   Let's get to the question, right? Well, the question is, can we do - did the LSE consider doing away with voting…

(Philip):   Okay.

                  (George).

(George):   Hi.

I was wondering if you also have recommendations on how best to handle cross constituency interactions, whether they - for example, on policy matters should be done very early in the process or whether it should be done at the council level. What is the best practices that (LSE can recommend to encourage consensus building?

(Philip):   Yeah. Thank you.

(Ken).

(Ken):   ..the number of constituencies, how would you deal with the registries and registrars can have sufficient commonality   to form just a single constituency that is currently not just theory, its practice?

(Philip):   The question – Commonanlity, Was that word you used, (Ken)? You say commonanlity

(Ken):   Well, yeah. Commonanlity is not at all support in practice or even (unintelligible).

(Philip):   Okay.

Patrick can you make a stop, I think we have again a question on 75%, on benchmarking, of interest representation, is less more in terms of voting on one council, why vote at all on policy, how you would manage cross constituency interactions and this is about the commonality between the two on the supply (side) if you like between the registries and the registrars.

(Patrick Dunleavy): Okay. Good. Well, thanks.

I think a lot of these questions do, you know, sort of link together. And so, about the benchmarking of other organizations, about the consensus, we were very (struck). But compared with other bodies of a similar kind, GNSO does take an awful lot of votes. And some of the comments I think that, you know, that were made to us did say that GNSO council had become sort of overly like a legislative body.

And I think, you know, the other bodies don't use a simple majority system. I mean, the normal way of doing the kind of technical part related to that GNSO council is concerned with is really to strike a balance somewhere between a kind of, you know, 2/3, 75% level, and complete unanimity, so that most bodies doing this kind of work will tend to try and reach limited unanimity not maybe completely limited, but unanimity of all sort of right-thinking people.

You may have an odd person who's taking a very different very self interested position. And so, the, you know, the unanimity might come down from that. So, that would be more the kind of thing that you'd expect in most bodies. And other people in some of the bodies told us that they very rarely took votes.

And it's common, you know, as we've mentioned in other calls, for example, the European Council, has either unanimous voting or qualified majority voting. And normally, even on the qualified majority basis, although the level is 72%, the level of agreement with the decision is usually much more like 90%, 95%, relatively rare even 50% percent. So I think what we're suggesting are measures that we hope would help move the council more towards this style of operating).

Now, the question from (Jim) did raise an interesting point. What is the implication in terms of the council if the council can't reach a decision?

When we made our suggestions, we did do various kinds of technical analyses which we haven't included in the appendices because they are sort of theoretical rather than practical.

But raising the, you know, the decision rule from 67% to 75% does have a small impact on what you call the likelihood of decision score (unintelligible) technical method we have, for estimating how likely it is under various kinds of assumptions that the organization will reach a decision.

So, you know, if you raise the question of voting, you will slightly, but not very appreciably you will very slightly increase the chance that GNSO council would not be able to reach a decision.

But it's far too small in effect to, you know, that we would expect to see anything result in practice. And what's really overwhelmingly important is the quality of deliberation that's going on in the body and the sort of spirit within which people are participating. And that was one technical factor of increasing the threshold.

And that's really what our response is to Marilyn's question. We think that the Council body is quite a large body. And moving it down in size to 16 people would tend to have positive effects on the quality of deliberation and the ability of people to work with each other. And, you know, there's quite a lot of technical reasons and other reasons why that would operate.

Yes. I think two of the questions related to reducing the number of constituencies and then the need for there to be some balancing out of different interests within the local constituencies or slightly larger constituencies that would be different

I mean I didn't - it's kind of important for GNSO council that develop possible - the number of positions and the types of positions that are being taken will effect the different interest.

We don't think that it would be a very big departure from the way things are the operating now really in terms of how people work to go to a single business constituency it certainly came up in some of our interviews and we were struck   by the effectiveness of cross-constituency work between the business, the IP, ISP constituencies already.

So, we'd hope that that would be a relatively straightforward process - and integrate the business constituency to operate. And obviously they wouldn't be an extension of membership of constituencies the maximum participation involvement and make sure that you're covering all the interests.

One of the things about the new integrated business constituency, it would be a very flexible structure that would be able to respond to different business interests over time and would be able to incorporate those.

On the registration constituency, we had a discussion with the registries in another phone conversation and (Ken) was saying that it

would be very difficult for registry and registrar to work together. And there was some evidence with that on the phone conversation.

Our view is that over the next, you know, span of years, you know, there will be likely to be developments in the way in which registries and registrars operate. And that it would be helpful to have a single registration constituency within which we obviously need to have a sort of representation of the registries, particularly a smaller group.

It might be that if it was completely increasable to get - to move on that line you might have to perhaps go for a sort of an even number of seats for this registries and registrar each to have - but the important thing would be, you know, to see really if after full hearted discussions, right, there wasn't some way of the registration interest being able to, you know, work together in a relatively constructive way.

(Philip):   We had from Marilyn, the recommendation to - or an advantage of small accounts for them and…

(Patrick Dunleavy): Yeah.

(Philip):   …we had some discussion on that in the last call

(Patrick Dunleavy): Yeah. Well, I've already mentioned in my earlier response the importance of, you know, possibly moving away from a slightly vote-based registry mode of operating that, you know, the councilor has tended to have. And we make really a whole set of recommendations which are not in this principle four but elsewhere, that are designed to help out the council to be an effective body. So we're really suggesting a more effective body .

But through this process of running the business effectively, we suggest that using more possibilities with smaller representation of council members on the government task forces and more in government and outside experts we suggest the concentration on face-to-face meetings of the council because, you know, there's ample evidence that it's very difficult for people to sort of deliberate flexibly in, you know, teleconference calls and positions that we can't really interact face-to-face.

We're suggesting support for people to, you know, be able to get to the face-to-face meeting as well. And we're suggesting, you know, a slightly smaller number of councilors, reduction from 21 to 16 would be helpful in enhancing the quality of GNSO deliberation.

But also, you know, things like having a relatively hard to reach consensus level does have the effect of everybody recognizing how the work goes that they are going to have to deal flexibly with other groups. But they can't really just sort of make progress, but they will end up in lots of decision if they just go forward with the kind of standing constituency position.

So we'd hope that those things taken as a whole would have a positive effects on the ability of GNSO council to reach, you know, a good level of consensus. So, the 75% is not a particularly high level of consensus to reach, and most other organizations I think doing the kind of work that GNSO council is doing to try to reach a relatively high level of consensus. And we think that the whole package of measures would help to do that.

Marilyn Cade: I have a follow-up, it's (Marilyn), that's directly related to this topic. Can I ask it?

(Philip):   Okay.

(Philip):   Who else has follow-up on the same thing?

(Jim Baskin):   Yeah, (Jim Baskin), I have a follow-up on that.

(George):   (George) also.

Ken: Ken also .

(Philip):   And (Marilyn). That's for four us, okay. Take them in the same order as the original question. So, (Jim), off you go.

(Jim Baskin):   Okay, thanks.

                  I'm afraid I'm not going to be able to make it into a five-word question. But this consensus thing still bothers me because if you go with the start of 16 members of the GNSO council and it's a lot different than if you have 100 or 1000 people trying to reach consensus where they're all really unrelated or they have their own ideas.

                  But when you have constituencies represented within the council and you're suggesting for instance five members for the registration group and five members for the business group and three for civil society et cetera, those people generally going to be - are going to come in being told by their constituents how they should vote. And so, you are going

to have blocks. You're going to have five votes for the registration all voting the same way. You're going to have five votes from business all voting the same way. That means that any - that either of those two large constituencies can be detail anything that they don't like. And therefore, there'll be no output from the GNSO, and I'm concerned that with no outputs from the GNSO then the - then ICANN have to work in much more a vacuum and GNSO can't do the job it's supposed to do.

(Philip):   Okay. Thank you.

                 (Marilyn).

(Jim Baskin):   I wanted to find out what your thought was on that potential problem.

Philip: (Marilyn).

Marilyn Cade: My question goes in a related area, recognizing that ICANN bylaws require to be a bottom-up of consensus based, I use that term generally here. I recognize a number of the improvements you suggested.

                 My question is why - given that the GNSO and its constituency supported by the board rejected the change in the size of the council that LSE is proposing, why we wouldn't we just improve the present size, leave the size as it is, but make the improvements suggested or some of the improvements suggested, improving expert advice, improving the quality and the number of staff, improving the support for face to face meetings, and because the volume of policy work is growing, yet LSE seems to be thinking that we can basically take people and their jobs and dedicate them to being policy want from the

council, and I don't see the logic of that. I see the logic of the improvements but I don't see changing the side of the council as an improvement. And I wanted to understand more about the logic.

(Philip):   Okay.

                (George).

(George):   This goes to the first question, how the cross-constituency interaction. You mentioned that the IPC, the business constituency, and the ISPs have worked together, how do we - what process is do we put in place to encourage that between the registry, the registrars, and the civil society? Should that be done in an early stage because if you took it to a capital stage, the positions might be entrenched already?

                And as the first question mentioned, you know, once you have those blocks ready, there's not going to be a lot of movements. How do you encourage that earlier in the process?

(Philip):   Okay.

                (Ken).

(Ken):   Yeah. Well, mine is not - just a clarification.

                I believe that you indicated in the comments that you made regarding your conversation with the registry - was not be possible for - in the registrar in effectively work together as a constituency. And I need to know if that position is also deliberate - number - and the position that we received from the people that we - was consistent with one that we

presented with - beyond the call which used when I refute what I had indicated there.

(Jon Nevett):   Hi. This is (Jon Nevett from the Registrar constituency. And I wouldn't characterize that we don't feel like we could work with the registry but it's - I think there's a differing in trust and it would be difficult especially between when you're talking about the difference in size of the members of the two constituencies. I think it would be extraordinary difficult because they're in a different size and in a different interest to be combined into one constituency.

(Philip):   Okay. Thank you Jon, Patrick over to you in those sequences.

(Patrick Dunleavy): Yeah. Okay. Well, going back to this point. I mean, in any organization, you have really - when you're thinking about voting, you don't have voting. You have really two big end points. The first of these is, you know, the majority of rule which is good for getting things done but risky to people and, you know, there could be a 51% majority against it.

On the other hand, if you go to the other extreme which is 100% then you become vulnerable possible hold out by on people who comes sort of blackmail everybody else and withhold their concerns. And so, again, you may not be able to progress.

So, I think when organization go for an immediately likely 67% or - they are looking for a sort of trade up between two points and the one hand, you know, gets a lot of things done but also done the risk of having, you know, just now in majority policy with 51% or with 100% get nothing done because of hold out.

So, we - in that logic applies to GNSO and certainly agrees with the, you know, concept on this 67%. So we're not really making a very large of proposition for change. We're just suggesting that at the moment because it's a balance of the different interest and others that are involved and because with the presence of weighted voting. It is a sort of temptation for big blocks like on the one hand with it the powerful registration and on the other hand being creative than the three business constituency.

There's a panel so there's a lot of people have pointed was - people to sort of hope that they can claim some of the main council members and then get to the consensus level without actually having to make the confession or do the deliberation and then opposing groups of the suggestion that they thought.

But that's really what we're saying. It's not - if you're going to go for an intermediate level of voting between 50% and 100% - we're saying that the current level is just a little bit non-functioning and let the high level actually were the main block or counter block they might have heard each other recognized that they can't get any positive action at all unless they can - and again, beyond the side and also possible …

If you know that from the start and then if you want to have course of action then of course, you will have to makes some concessions.

So we thing that the, you know, in theoretical terms we could set out this analysis for you guys if you want to get involved in the intricacies of how much change. So, it's a very small change in the likelihood of the GNSO reaching a decision.

(Jim):   This is (Jim). I want to get back in the…

(Philip):   Okay. Patrick could you finish off ?

(Patrick Dunleavy): I do agree very much that, you know, having people from different
                  constituency talking with each other from the earliest time is a very
                  good idea. And actually, what we suggest in the report is that it's quite
                  – difficult at the moment for people from one constituency from the
                  other constituency likewise. And that's really again, and part of the
                  rationale for suggesting you know, through a constituency and
                  somewhat more standardized modes of operation and somewhat more
                  transparent in how they operate reporting. For example, how many
                  people are involved in public?

                  All of that will depend I think taken together to help even constituencies
                  but understand how the constituency work, recognize the legitimacy,
                  the concerns, and the interest that have been -represented by the
                  other constituency, and to engage in appositive way.

                  We do also think that, you know, one of the - some of the other
                  recommendations with a smaller recommendations about the
                  constituency working together on other issues for examples, in terms
                  of expanding their reach, their ability to reach different part of the entire
                  community, doing outreach work, learning from each other mostly
                  discussing with the ICANN center, ways in which they operate.

                  So, there might be, you know, sort of lots of joint working between
                  constituencies and that would be incredibly helpful for, you know, the
                  effective operation of GNSO council deliberation of improving the
                  quality of deliberation.

So, I don't much agree with his point.

On (Marilyn's) question, with only a positive work is growing but we're certainly not suggesting that, you know, during those account member should be more. We're suggesting that in a way that they should be less. So we're suggesting that some new to be, you know, a reallocation of workload really between the council members who attentively sit on all these council phone calls, there tend to be a lot of phone calls, there tend to be a lot of voting going on phone calls

(Philip): Hi, it's (Philip), I just got disconnected for a second. Sorry.

(Patrick Dunleavy): There's - tended to be a slightly unpredictable way in which issues get raised. There hasn't been a kind of two-year plan that we're suggesting which would mean that people have kind of assurance about how things are going to get incorporated.

So it's been rather a sort of slightly obsessional thing to be a GNSO council member. You tend to be very alert and very anxious all the time in order to, you know, best represent interests that you're seeming to represent.

So that's been a little bit leading to sort of some over-commitment I think perhaps. And what we're suggesting really is, you know, it's not essential for task forces to be dominated by GNSO council members. They really shouldn't be about half of them GNSO council members.

There should be more use of a wider range experts within the Internet community. There should be an ability, you know, for experts to be

brought into possible, if possible, to work in a more focused way, perhaps sort of take a week and really try and crack the problem. There should be more use of expertise within the staff. There should be some commissioning of expert reports on really difficult issues. There's an awful lot that can be done to reduce the workload on GNSO council members.

And then all of that would lead up to, you know, focusing on having a very well-briefed, well-supported GNSO council members via meeting in a predictable way with clear agendas and a good plan of where are we going in terms of work, where they, you know, we wouldn't be able to sort of bouncing parts of the goods. You would have to get genuine agreements in order to meet forward. And all of that we think would help produce the, you know, much better quality GNSO deliberations, and, you know, a genuinely speedy and more effective method of working.

(Philip):   Okay. Thanks very much. I have to as moderator leave the call in a couple of minutes, but I'm expecting continued interest and good participation still.

              (Ken), you're still with us? (Ken), are you still with us?

(Ken):   Yes.

(Philip):   Yeah. You know, (Ken), can I ask you take over the moderation.

              What I was suggest moving on is cover the perhaps two of the meatier principles, just to take an open session in terms of questions on any areas, not so far covered, some of the areas around principles for you

to do a better Web site I think are areas where there's a great commonality. So we don't need to cover those in quite (unintelligible) detail.

Would that be right for me to hand over the mantle of moderator to you?

(Ken):   Well, I got to be coming off the call about 15 minutes because I have another conference call I need to prepare for. And if we're still on that point of time, I'll ask either (Alistair) or (Marilyn) if they wouldn't mind to step in at that point of time.

(Philip):   Excellent. That's outside of me. I think it really should be a straightforward talk here. So thank you very much everybody for attending.

(Ken):   Yeah.

(Philip):   Sorry, I can't be with with you folks for any longer now.

((Crosstalk))

(Ken):   Thank you, (Philip). I hope you can now hear me clearly. If not, I'll turn it over to (Alistair) right now.

First of all, is there any more follow-up on the conference that we just had?

(Jim Baskin):   Yes. This is (Jim Baskin)…

((Crosstalk))

(Ken):   …going. So please go ahead.

(Jim Baskin):   Okay. I still - not sensing that we're talking completely about the thing
                   issued when we talked about the 75% requirement for consensus in
                   that. The response I keep hearing is that the groups that are at each
                   other will have to come to comprise in order to accomplish something.
                   And that doesn't always run through because if one of the groups
                   benefits from a lack of consensus or benefits from the status quo, they
                   don't have any motive - motivation to compromise. So I'm still - I'm
                   really concerned that what we're talking about with the 75% is the
                   possibility of - vote to be able to blocks any kind of progress from the
                   GNSO and thereby leaving all the decisions up to this board of
                   directors of ICANN with no input from the GNSO -- no official input.

George: All right. Sure. I like to input that. May I go ahead?

Ken: Yeah. Please.

George: Yeah. I was wondering when if that consensus can be achieved by
                   bundling multiple issues into one super issue. For example if you have
                   (WLS), people may not be able just point any consensus on that but if
                   you tie it together with some other issues like WHOIS for example, you
                   might be able to reach that 35 threshold and then compromise if the
                   two are bundled together somehow?

Jim: You mean like…

George: those are bad examples.

Jim: …like stuff in the US government.

George: Well, they don't get use like that.

Jim: Well, I mean, they're forcing people to vote yes on something they don't like in order to get something they do like.

George: That's the nature of compromise.

Jim: But if you tie things together that are not really related - well - I don't - I'm sorry. I'm getting those debates when one - were - setting up a purpose on today's call or something.

(Patrick Dunleavy): Well, I think that those - that debate is exactly is how organizations work. I mean, it is certainly and, you know, one of the things you need to worry about was sort of moving towards 100% rule which is that it can be overly favourable for people have interest in the status quo. But I think that the input we have had in the interest in status (quo) would also been a regional comment (suggest) also would have to recognize that there were costs involved in the for GNSO council. And so, that within GNSO council if agreement cannot be reached. So that, if agreement cannot be reached then GNSO council will presume they have to have what one earlier on has suggested just sort of condense of the constituency views and then send it up and then ICANN board with their expertise based on their own judgment of the division intention.

                So there are usually cost for not reaching an agreement.

(Patrick Dunleavy): And obviously, you know, you said you want to do - have a certain arrangement. That cerates an incentive to agreement where everybody would know that their interests were being protected.

Jim: What's the cost again to the constituency that doesn't want to see action?

(Patrick Dunleavy): Well, the cost is that the - I have an important role within the GNSO council. This means, that formally hands it to the board without GNSO council reaching a decision unless the constituency has, you know, taken control of the board.

Man: Is the process for - the board, it happens to act in - without any input from the GNSO, it favors one group over another in their mind, and they don't have any incentive to have anything to go from the GNSO but up to the board.

((Crosstalk))

(Patrick Dunleavy): …or that they, you know, that they control the board then they would want to not have a GNSO council decision that is absolutely right. But then if the constituency controls the board and, you know, they're going to get their way any way .

                  So, just to - the - moving from 67 to 75% is a very small movement and we're trying to make as I say on technical analysis that you do it makes very little, makes it somewhat slightly very very slightly harder to reach a decision.

Jim: A huge difference because the - there's a difference between one constituency voting no as a block - it's defeating everything or having one constituency not be able to defeat everything and that other constituencies, if they can get together can make it happen.

(Ken): This is (Ken). Can I make an option (regime) here? You're talking - in an all or nothing. The principal responsibility of the council is to advise and bring policy - get a policy that would come up the board has less than what we trying to define as a super majority not necessarily need - can now accept advice. As a matter of act or - is not - accept the policy anyway unless a very percentage of the board members vote against accepting this policy. I mean, we're making - it sounds like all or nothing. If the council sent a policy recommendation - with 71% - approval it would be very hard for us (unintelligible).

So I mean, it sounds like the board (unintelligible)…

((Crosstalk))

Jim: You're breaking up.

(Ken): I'm sorry.

Man: You're breaking up so badly. We - I can't understand you.

(Ken): Okay. Well, I apologize. What I was trying to say…

(Caroline Chicoine): This is (Caroline). I think it kind of brings up Mike Palage's point about, you know, the importance of voting.

And in your comment, (Ken), about getting at least position so that ICANN can then make an educated decision, you know, with or without consensus.

Ken: That's correct gentlemen.

Ken: (Unintelligible) with this phone and I also have (unintelligible).

(Alistair) or (Marilyn), do you…

Alistair: I'm here Ken. I'm happy to take a vote.

((Crosstalk))

Ken: Obviously I appreciate it.

Alistair: I think we're moving into a discussion rather than question so can I take a queue for questions.

Marilyn Cade: It's (Marilyn). I am back. I just have to wait for about 10 minutes so I've just returned and I'm just noting that.

Alistair: Okay. Do we - do I have anybody who has a question?

Alistair: (George)? Anybody else?

Okay. Go ahead, (George).

(George): This goes to a recommendation 11 about the chair being more visible within ICANN and carrying more institutional weight.

ICANN itself does a very god job of public relation. They have internal and external throughout (unintelligible). Do you think that the GNSO need something like that to increase the publicity, well, within ICANN and to the wider community?

(Patrick Dunleavy): Yes. I mean, our view is very much that we were quite struck when we went around and about talking with, you know, how many of them said to us that they really know very much out of GNSO operated, including you know, people on the Board and people who were in senior positions in the ICANN structure.

And our general view is that GNSO's role and prominence within ICANN needs to be somewhat enhanced and that an easy and useful way for that to happen is for the GNSO chair who already is playing a key role which is definitely recognized by people, you know, recognized by people in ICANN as a key role.

So their position really, his or her position to be somewhat more institutionally recognized. And will also concerned, if you like, that there was a sort of a bit of disconnect between GNSO Council and the board in the sense that board members are elected but they then do not operate as sort of delegates of GNSO , they operate in the general interests of the board.

And there are so many from GNSO Council does not, you know, strongly linked as they might be between GNSO and the board. And that needs to be improved communication.

And one least one way might be for the GNSO Council Chair to be a liaison on the board or for the GNSO Council Chair to automatically become a board member after serving his chair.

Any of these limits and a number of other circumstances raised interesting ones in the registry conversation as well but, you know, what really does need to happen is that a very important role is the GNSO Chair needs to be more institutional recognized with ICANN.

The link between GNSO Council and the board needs to be strengthened. The links between the GNSO Council Chair is one of the key policy linkage within ICANN and the Chair of the Board and the president of ICANN and all those things need to be somewhat more formalized and there might be a range of different ways that that were set out in the report, very difficult to do because the GNSO council chair is already a busy person and this would tend to add somewhat to their work loads.

But we do think that it would be a positive thing for GNSO Council and it would enhance it's visibility more broadly within ICANN.

Marilyn Cade: (Alistair), this is (Marilyn). I have a follow up question.

(Alistair):   Go ahead, (Marilyn).

Marilyn Cade: (Patrick), I happen to be familiar with both - with the (ITU), with the (IETF) and WC3 and the (WiMax) Forum and number of other quasi-standards, quasi policy bodies and I'm interested in your comments that ICANN is not visible enough and that the reality is that the only people who know what the (ITU) does are the parts of the government

that are associated with (ICT)s. Same thing is true for the technical experts.

The (ITU) may have a brand name but really, its functions aren't understood except for the technical experts in government regulatory entities that it is involved with. Same thing really true about the functions that the (IETF) see average domains user or registrant doesn't know what the (IETF) does or even the average web user doesn't necessarily know whatWC3 does.

So, you - it seem to me that one thing that you guys were doing and I as interested in this is you we're equating that you were identifying a need for almost a broad set of users not necessarily the technical experts, and I use the term technical broadly, but just users to know more about what ICANN does.

And that - I'm not sure I understood the logic of that given the fact that ICANN's mission is supposed to be narrow in focus.

That's one question.

The second question is whether you look at the other two supporting organizations for how they manage themselves and whether you gave consideration to the need for an executive committee across the three supporting organizations or an executive committee within the GNSO.

Alistair: Okay. (Patrick), do you want to respond please?

(Patrick Dunleavy): Yeah. I just like to stress that the statement about the GNSO chair being more visible. It's really about strengthening the visibility of the

GNSO within ICANN and the Internet community and people involved already with ICANN.

It's not part and parcel of, you know, forwarding GNSO visibility to the incremental visibility as a whole.

So, on (Marilyn)'s question, we, of course, didn't make any recommendations about announcing the ICANN's visibilities except in relation to the ICANN Web site which is also the GNSO Web site and where we have drawn attention to a number of problems about that which would probably - I mean, that certainly need to be improvement in the overall approach in the ICANN web site.

And I think it would be pretty well agreed by the people that for an Internet based body like ICANN it is very important that the Web site is very fully visible and needs to perform the best practice and it's easy to navigate.

And so - and we make these recommendations about that. I mean, the recommendation is for obviously the GNSO part of the web site and ICANN web site as a whole.

But it is a significant fact we haven't made any comments at all about enhancing ICANN's visibility and in fact, if you look at our report, you'll see in details which shows ICANN's. What's not being high is GNSO's visibility within that boarder ICANN.

Marilyn Cade: Uh-huh. You know, I just don't understood that but so maybe I should use the analogy of the key sector within the (ITU) that my point was really - given that ICANN is supposed to be a technical - more of a

technical body with a narrow mission focused in a particular area I was interested in whether you were trying to drive toward very broad and very general visibility and awareness or deepening and strengthening awareness and visibility within those people who - would be - I don't want to use the terms suitable. That's not my terms, you know.

But it was within the people who really would have an interest in participating in policy-making. But - and the work associated with policy makings, or if you were driving for participation and awareness of, you know, just the general average Internet user population.

(Patrick Dunleavy): Well, we certainly didn't make any position at all about ICANN visibility general, or average to the user. Of course, we didn't study ICANN as a whole we only looked at GNSO.

Woman: I'm sorry but - what I'm saying is for the GNSO's visibility.

Man: Right. I think that, you know, our terms of reference were to look at the representativeness and transparency and that's what we focused on in the study.

So, it's not that these are obsessions of ours this is what we were asked to investigate and that's what we're do. And we were asking the state and obviously because they are embodied in ICANN's bylaws

I think that if you are suggesting that ICANN and the GNSO are a sort of narrowly elite body and that it's very technical and so forth, then I think there should be perhaps need to launch a movement to review the ICANN bylaws that the terms of representativeness and transparency wasn't there.

But at the moment, you know, that's the relation that we have and other bodies are set up in a completely different ways from ICANN in that way but I think most people would think, you know, one of the foundations of ICANN is the credibility, has been bottom up stakeholder involvement aspect and really that's the reason why is ICANN is very wildly supported by countries and interests across the world because they believe that is valuable. So, anyway, we were working within the established terms of reference that were given to us.

Alistair: Okay. Thanks, (Patrick). Go ahead. Any other question that the people would like to ask?

Marilyn Cade: Alistair I'm going to make a follow up clarification because I think (Patrick) has actually not understanding my point and given we're transcribing this, I think that's probably not helpful to either side here.

Man: Just - (Marilyn), I mean, I just want to make sure that we are also giving an opportunity for others.

Marilyn Cade: Right. Right. And I don't need to do that now. I just wanted to say that I probably need to do that later.

Man: Okay. Sure.

Is there anybody else who is having questions at this time?

Okay. (Marilyn), go ahead.

Marilyn Cade: I'm very familiar with ICANN's bylaws. My point but I think I am miscommunicating my question.

Within the scope of those bylaws, we have - in creating ICANN as we - both of us know we have the mission and the core values but ICANN has a narrow mandate to focus on the unique indicators.

So, with that as kind of parameter here, my question was, were you, from the GNSO perspective, thinking that we needed to be visible outside of the population of people who are interested in making policy and understanding policy about the unique indicators? Then maybe that's a little clear.

Patrick: Yeah. We certainly weren't being in any way prescriptive and as - if you look to our reports, when you look for example at the ways in which we looked at the representativeness of the business constituency, the Intellectual Property constituency and so on, you will obviously recognize that the very important factor is that, you know, not everybody out there in the world is interested in domain name issues.

And in fact, it is a relatively restricted group of interesting people who are interested in the kind of issues that GNSO is handling. And that of course is very important to - in customizing

You know, by looking, you know, to see who these people are and what those interests are. And so, that's why the report, you know, doesn't do any kind of clue that there are so many businesses in the world and only x number of them joined the GNSO constituencies or anything like that.

So, you know, we recognize that GNSO has a very specific, you know, relatively esoteric ring in it and only a certain portion of interested people would want to be involved with this.

And - but this is very important that there be some sort of arrangement to attract as many of those as it is possible to attract and I'm not saying that it is a lack of interest.

It's also very important that this condition has changed and initially (unintelligible) some (unintelligible) to involved. How easily or effective would they find the set up, how would they be able to, you know, how easy would they be able to make their voices heard and so on.

So, these various issues are what the report is focusing on.

Marilyn Cade: Thanks,

Alistair: Is there any other questions for (Patrick)?

Alistair: (Patrick), I have one in relation to representativeness

Firstly , did you consider the implications for global representativeness from Council members from reducing the number of council members

And secondly, for somebody who lives in the part of the world where it takes a day to get any meeting elsewhere in the world?

Your suggestion for more face to face meeting so I can understand the psychological reasons for that. The relationship sort of reason for that stuff in terms of going to Europe requires 2 days to get there and 2

days just to get back. Did you consider those implications and that recommendations.

Patrick: Well, obviously there's a very important - I think that the global residents and that issue was raise with the large number of people and there was a concern about this sort of dominance some of those are sort of English speaking people some what

Obviously, the current structure does allow, you know, that there are various constituencies to have one member from, you know, from the 3 main regions, Europe, North America and Asia Pacific.

But our suggestion of moving to larger constituencies with more or less representativeness in these constituencies would, we think be probably consistent in maintaining that global representation.
 it's very important that GNSO Council actively structures in such a way that the over work loading commitment involved in being a council member is not very quickly as to put everybody else from wanting to do that.

And at the moment, a whole range of factors that were raised by many different people including for example, the fact that approximately members are sitting for the nominating - from the nominating committee nobody else is being paid to have expenses or accommodation.

And we think that, you know, GNSO has such an importance in ICANN that it does make sense paying expensive and .. But what we are suggesting in the move to more face to face , not necessarily an extension of the existing the face to face meeting time but in terms of

what all the others are suggesting and, you know, really making good use of the time GNSO Council members have together so more preparation of issues using expertise, more use of task forces. All of these are designed to help make sure that when council meeting to take in place that, you know, that are properly prepared for the good plan of work , council meetings being progressed, and that it is worth people's while going, and it's easy opportunity for people to attend because they're not picking up all the costs

Everything, you know, if you take that together although it is obviously you will be meeting specifically more around the three ICANN conferences anyway globally around the world.

So, we don't think that the global recommendations would be adverse to maintaining at the global representation.

Alistair: Okay. Thank you.

I see that we have basically two hours so thank you very much (Patrick) for responding to everybody's questions and thank you everybody for - and for participating in this call.

And yes, I think it's good. I think we'll have to close. So, thank you everybody.

Patrick: Thanks a lot.

(George):   Have a nice weekend everybody.

Alistair: Sorry, (George). Did you want - did you have a question?

(George):   No. No. Just saying have a nice weekend to everybody.

Alistair: Oh sorry. Thanks.

END