Affirmation Reviews Requirements drafting team
TRANSCRIPTION
Wednesday 13 January 2010 at 15:00 UTC

Note: The following is the output of transcribing from an audio recording of the Affirmation Reviews Requirements drafting team meeting on Wednesday 13 January 2010, at 15:00 UTC. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but **should not be treated as an authoritative record. The audio is also available at:**
http://audio.icann.org/gnso/gnso-arr-drafting-team-20100113.mp3

Present on the call:
William Drake - NCSG - drafting team co-ordinator, Caroline Greer - RySG representative, Chuck Gomes - RySG - GNSO Council chair, Zahid Jamil - CSG – CBUC, Wolf-Ulrich Knoben - CSG – ISP, Kristina Rosette - CSG – IPC.

Absent - apologies
Olga Cavalli

ICANN Staff
Liz Gasster
Margie Milam
Glen de Saint Gery

Current subscribers to the Affirmation Reviews Requirements drafting team

William Drake - NCSG - drafting team co-ordinator
Caroline Greer - RySG representative
Chuck Gomes - RySG - GNSO Council chair
Tim Ruiz - RrSG
Zahid Jamil - CSG - CBUC
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Olga Cavalli - NCA - GNSO Council vice-chair

ICANN Staff
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GNSO Secretariat

Margie Milam: I do not. I'm actually just going through my email, for some reason that didn't make it into my calendar so I'm trying to dig that up right now.

Chuck Gomes: Okay thanks.

Margie Milam: Oh and I just have it from Glen. Here we go.

Bill Drake: Chuck?

Chuck Gomes: Yes Bill.

Bill Drake: Could you (unintelligible) that you'd prepared, did you send that to the list or can I - can I download it directly off here (unintelligible).

Chuck Gomes: I'm sorry, the - my own personal summary that I did, is that what you're talking about...

Bill Drake: Yeah.

((Crosstalk))

Chuck Gomes: ...review. I didn't do anything with it except send it to the Council list so...

Bill Drake: Oh you did send it.

Chuck Gomes: Yeah. That was sent, you know, before our meeting last week. So we can - I don't have any problem with it - Margie or Liz could you add that to the Adobe Connect window?

Margie Milam: It's been there, isn't that what you...

((Crosstalk))

Chuck Gomes: Oh I'm looking at it, it's right there, okay. Good enough, sorry.

((Crosstalk))

Glen DeSaintgery: Chuck, can I do the roll call, sorry, and then we can start because the recording...

Chuck Gomes: Yeah.

Glen DeSaintgery: ...has been started.

Chuck Gomes: Okay you did confirm that. Thank you, go ahead.

Glen DeSaintgery: Thank you. On the call we have Zahid Jamil, Margie Milam from staff, Chuck Gomes, Caroline Greer, Wolf Ulrich-Knoben, Bill Drake, Kristina Rosette and Liz Gasster also from staff and myself, Glen DeSaintgery. Thank you very much.

Chuck Gomes: Okay I'll kick things off as GNSO Council Chair and I'm on this group in that capacity not representing the registry stakeholder group, Caroline will take care of the representing the registries in this regard. I think one of the first tasks we need to do after a brief statement in terms of what our task is to see if we have a volunteer and confirmation of someone who would be our leader on this little drafting team.

The purpose, as I suggested in the Council call last week, is to very quickly come up with some - at least an outline of some draft comments that the GNSO Council could submit in response to the proposed AOL review approach that staff posted and that's due at the end of the month so there's not a lot of time especially since we all want to have plenty of opportunity to vet any proposed comments with our various groups.

So we're shooting to get a first crack at that done if possible this week so that we can start vetting it further.

A second task besides that is to start working on a plan that we can also propose to the Council for how nominees would be endorsed by the GNSO, any draft team members from this group would be endorsed by the GNSO. There are no procedures in the proposed plan for that. It essentially is left up to the SOs and ACs to do that.

Nor to my knowledge do we as a stakeholder group have any process specifically for that. So we need to come up with that. Now there's just one of the reviews that is kicking off very quickly and that's the accountability and transparency review. And so that's the one where we will have a need to have a process for very quickly.

All that said I hope that everyone has reviewed the - not only the affirmation of commitments but the proposed approach that for which comments have been solicited so we won't take time to review that. Certainly if people have questions we can talk about that.

That said is there someone that would like to volunteer to kind of take lead? There have been a couple of people on the list that have, you know, taken some lead there in a nice natural way. So if any of you willing to do that? Any suggestions by - of someone on the list?

Both Bill and Caroline kind of took the lead in generating comments and so forth, either one of you willing to kind of be our overall coordinator? It's going to be a short lived little drafting team because of

the time constraints. But it would be helpful to have someone that kind of takes charge.

Caroline or Bill either one of you willing to do that?

Bill Drake: Sorry, I (unintelligible) things going on in the next few days but I can do it.

Chuck Gomes: Okay, Bill all right thanks, I appreciate that. So if that's okay with you I will turn this call over to you and I'll just participate like everyone else.

Bill Drake: Well that's fine but (unintelligible) Chuck, there's no way to download this document directly, not over Adobe Connect, I'm not picking it up.

Chuck Gomes: So you're not able to download it from Adobe Connect, is that what you said?

Bill Drake: I don't know how to.

Chuck Gomes: Oh okay. Yeah I haven't tried. I haven't tried. Tell you what, I will send it to the list while we - while you go ahead and kick off some discussion here. Okay?

Bill Drake: Okay that's fine I just (unintelligible) type on. All right well then as we discussed on the list that was set up for this meeting there are several different components. I haven't read Chuck's thing yet so I'm not sure how much he goes into all this.

But the first obvious point was the question of the size of the group which we discussed on a conference call - on the conference call. And

if you'd seen Janis's response to Chuck's email it appears Janis is thinking (unintelligible) with some of the sentiment that we expressed in the conference call.

I don't know - has everybody read Janis's message?

Chuck Gomes: Yes.

Bill Drake: I assume everybody has? So Janis is suggesting that the (AATRT) should have 15 numbers, 1/3 governance and 2/3 governmental in which case main SOs should have more than one representative in it.

So we were sort of suggesting ourselves that might be desirable. So it seems like that won't be a very hard (unintelligible) to push if Janis was on board with that thinking. But does anybody have any particular thoughts on the question of size or how we should address it in the letter?

If not we can just draft - if somebody wants to help me draft that we can just draft a couple of paragraphs quickly stating the (unintelligible) after that.

Chuck Gomes: Since nobody else is saying anything, let me ask a few questions. These are just - if we have more than one GNSO drafting team member and let's say we go with I think it was Olga's suggestion that there be at least two, one from each house, how would - any thoughts in terms of how we would - obviously there are two stakeholder groups in each house.

Has anybody thought through some of the issues with regard to how we would do it, select one, does it matter which stakeholder group they come from? Issues like that are bound to come up as we deal with it within the GNSO.

Kristina Rosette: This is Kristina. I'm very leery at this point of our saying okay the person on this Review Team A is going to be from the registry stakeholder group and the person on Review Team B is going to be from, you know, the commercial stakeholder group and C is going to be from noncommercial and D is going to be registrar until we know who's interested and what they identify as kind of their select - better word - qualifications.

Chuck Gomes: And of course one of the things we need to do is to figure out what qualifications we really think apply as well.

Kristina Rosette: Yeah, I mean, I do think we should strive to have, you know, when all is said and done a representative that each stakeholder group that is interested in having a member on our review team has had an opportunity for that person to be considered. But I don't want to assign slots at this point.

Wolf Ulrich-Knoben: It's Wolf speaking. So I have the one question (unintelligible) each with a team so I understand, for example, that the security stability team shall be one or two members from the GNSO, (CNSO), (ASO) and (ALAC) all together so that's what I understand it means.

It could happen that the GNSO is not in a position to be qualified or to be selected to have a member in this team. Is that correct?

Bill Drake: That's how I read it. And I read some things about that on the list I think before you were added, Wolf. I don't know how other people feel but it seems to me GNSO needs to be there for sure rather than chairing a limited number of slots.

Chuck Gomes: And that's certainly - could be a position we take in our comments.

Wolf Ulrich-Knoben: Yeah.

Bill Drake: How do we deal with Kristina's point?

Caroline Greer: This is Caroline. I mean it seems like we're sort of working in a vacuum, I mean, one of the questions that we had raised was was there any possibility of getting an early insight of the list of criteria that the selectors themselves would use to select the review team members.

                   You know, in the absence of seeing that we're really working in the dark here, I mean, you know, we don't know what they're going to use so therefore, you know, what are we going to use? Are we going to be completely at odds with, you know, whatever they consider to be important? I certainly think that's something we should push for in the comments.

Chuck Gomes: And from Janis's response to the questions I sent I got the idea that he himself, I don't know about Peter, but he himself is looking for the public comment period to guide him in that selection process.

Caroline Greer: Yeah, Janis did seem, you know, fairly wide open. I take it you got no response from Peter on anything Chuck, no?

Chuck Gomes: I have not seen anything from Peter. The...

Bill Drake: I suspect that Janis will be particularly sensitive to the questions you addressed (unintelligible) given his experience in (Wisif) and (IDF) and all those other contexts as well and the governmental concerns about that which raises some challenge for GNSO given our (unintelligible).

Chuck Gomes: Now back to Kristina's question it seems to me that we need to try, and unfortunately like Caroline said, I think we're going to have to do it somewhat of a vacuum as far as the rest of the community and the selectors etcetera. So - but it's to decide what really are the qualifications.

I mean, the document does give some high level qualifications of the people that are going to be reviewers. But Bill I think was the first one to raise the really critical question, are the review team members there to represent their respective groups in the review process or in contrast to that are they there to do an objective review based on the criteria that have been established?

Those are very different roles and would significantly influence the people that you would want there. On a side discussion I had with Bruce Tonkin on this subject he and I were talking about, you know, should - would it be better to have insiders doing - on these review teams or would it be better to have people who have a good understanding of the community but aren't necessarily insiders of it?

That's the kind of question I think we need to answer in this process. And until we know the qualifications how do you really decide, you just pick people who volunteer? What do you people think?

Bill Drake: Yeah, and I asked another question are people clear in their minds as to whether or not the amount of (unintelligible) that actually comes in our case from the Council? Because as I read through the staff documents I'm not clear on that.

Chuck Gomes: It says the SOs and the ACs. It does not specify as I recall anything with regard to where within the SOs or ACs those people would come from.

Bill Drake: Right but the GNSO is not the Council. So...

Chuck Gomes: I agree, that's my point.

Bill Drake: Okay fine. So one of the questions I asked as well in the group as we try and think about qualifications and how we're going to (test) people is, you know, how do we ensure consistency and neutrality in assessing any candidates that are from outside the Council in relation to candidates from inside the Council too because it might be a natural thing too for people to favor those they already know and trust and have worked with.

Chuck Gomes: Well doesn't that become one of the first criterion that we have for any candidates and that is neutrality?

Bill Drake: It's an ideal one, yeah.

Chuck Gomes: I mean obviously we've got to measure that and that's a challenge. But, you know, I think you're onto a good point that - does anybody here in this group have the same fear I do that this whole process could become a terrible political mess if the review team members are there with an agenda rather than to perform an objective review?

Kristina Rosette: I think it's - well I can see a mess for a lot of reasons and that's one of them. Actually, you know, I have some thoughts on Bill's question in that, you know, I feel pretty strongly that it has to be our position that the GNSO and not the GNSO Council, I'll get to that in a minute, representative to a particular review team has to be acting in a very broad, neutral, representative capacity.

Because otherwise you would have to think that the composition would have been structured such that you would have had more representatives from the GNSO to reflect the fact that there are different stakeholder groups and competing interests and the like.

And I think it is really important that we not limit this to Councilors. And I think it is possible at a very general level to come up with some criteria that you - that at least initially we may be able to start relying on. And somebody that is effective at communicating, somebody who is kind of neutral - I hate to use the word passionate -but, you know, I think the point of these reviews is to have people who can really kind of call it like they see it.

But at the same token somebody who - and again I hate to use the word political but I don't really know what other word to use - but that is capable of working in a very small group where you very well may have very strongly-held and divergent views.

I mean and I think there are certainly, you know, a number - a significant number of people (unintelligible) on the GNSO. And Chuck, as to the point you mentioned about insiders I guess it would depend on how you're defining an insider.

I mean there are some folks who believe that anyone who's ever, you know, some folks in community believe that anybody who's ever even been to an ICANN meeting is an ICANN insider. So, you know, then there are other folks who believe that, you know, it's the people who have been going to ICANN meetings for the past 10 years or people who, you know, sit on Council or however, I mean, how do you define that?

Chuck Gomes: Right.

Caroline Greer: And on the point of insiders, I mean, would you think that the role of the experts would be to temper somewhat, you know, any insider sort of activity? I'm not quite sure in my head what the expert's role is but that perhaps might be one of them that they are somewhat neutral and completely independent.

Chuck Gomes: And keep in mind that there are a couple different uses of experts in the proposal. One of them is that - is more an expert in terms of process that's kind of helping each review team. And there is also the possibility of experts who are more subject matter experts that can be used by the review team in its review.

Bill Drake: On the question of experts one of the points that I raised on our little list which we haven't addressed is also whether or not Council should

be able to suggest names for consideration, that regard or whether this would just be something that, you know, the selectors would just sort of pose a wildcard to take to the overall mix that they feel comfortable with.

Kristina Rosette: Can I - can I - well never mind, I'm not - I can't - I have a different question.

Chuck Gomes: Oh before we jump to Kristina...

Kristina Rosette: Yes.

Chuck Gomes: I think your suggestion, Bill, was a good one and that's a reasonable thing for us to propose in our comments that that option be provided.

Bill Drake: I mean they - at least that we'd be able to suggest names not that they...

Chuck Gomes: Yeah.

((Crosstalk))

Bill Drake: ...to it. Right, I mean, in the case of the actual members they are - if I understand it - found to select from the pool that's nominated right? They can't go off reservation in the same way that the Secretary General can with the (unintelligible) (IGF) and pull in somebody else. They have to pick from there.

But with the independent experts probably you can't meet the same demand so we could at least be tasked to be able to suggest names that we think would be suitable.

Chuck Gomes: Right. That seems reasonable that we...

Bill Drake: Does anybody have a problem with adding that?

Kristina Rosette: My only concern, Bill, with taking kind of a hard and fast rule is that I would like to think it's unlikely but what if you end up in a situation where for whatever reason there really can't be an objective agreement by the selectors that none of the folks who have been nominated really are ideal?

You know, the problem with taking that position is then you have to say...

((Crosstalk))

Kristina Rosette: ...okay well what other criteria and so on and so forth. But, you know, I just don't have a good sense as to whether it's likely enough to happen that we need to account for it.

Chuck Gomes: And there may be a way to deal with that, you're point's well taken Kristina, the, you know, to use an extreme example here if we were to just submit one nominee for example the accountability and transparency review team I think we would greatly increase the chance of that problem occurring.

That's why it maybe wise for us for several reasons to consider putting forth multiple nominees thereby giving the selectors some options not only for the reason you're citing, okay, but also because they also have to deal with issues of geographic diversity and gender diversity.

Kristina Rosette: Well, you know, Chuck, that's a really good idea. Maybe that's a way to solve the stakeholder allocation issue. In other words each - there would be four GNSO nominees, one from each stakeholder group, for each review team slot.

Chuck Gomes: That might be okay.

Wolf Ulrich-Knoben: (Unintelligible) oh why not?

Chuck Gomes: No...

((Crosstalk))

Kristina Rosette: But at least then you kind of take it off of - take it off of the GNSO's plate as to which...

((Crosstalk))

Chuck Gomes: You are being political.

Kristina Rosette: Hey I'm, you know, I'm all about everybody getting along all the time so, you know, I'm just trying to make it easy.

Chuck Gomes: That's good.

((Crosstalk))

Bill Drake: ...you don't get a nominee from each of the four?

Kristina Rosette: Well then that's the prerogative of the stakeholder group.

((Crosstalk))

Bill Drake: So as an internal, I mean, we have to separate what we're going to actually put into the letter from what our internal mechanism is going to be. I don't think we need to spell out all of our internal modalities in the letter right? So just something that was on the letter (unintelligible).

Chuck Gomes: Now what are the - okay so let's say we go that approach; we have four nominees - up to four, one from each stakeholder group. At some point we're going to have to talk about the responsibilities of - if one of those people are selected we're going to have to be very clear that their role there is not to represent their stakeholder group but rather to make sure that they represent the GNSO in the broader sense.

And obviously their primary obligation is to fulfill the review task responsibilities. So what I'm saying - and I think everybody understands this without even saying is is that going that approach we should be very clear up front that this isn't a, you know, if the commercial stakeholder group nominee is the one that Janis and Peter select in the first review that person isn't there to, you know, they're the winner so they get to represent the business views...

Kristina Rosette: No, absolutely not...

((Crosstalk))

Chuck Gomes: ...much broader - and I know we all understand that but I just don't - I think we need to make that clear up front.

Zahid Jamil: This is Zahid.

Bill Drake: Hi.

Zahid Jamil: Yeah, I think that's actually good because it'll take the heat off any who's nominated in reporting back and being asked questions from their stakeholder group constituency. I think that's a good idea. We should mention it.

Bill Drake: Yeah.

Caroline Greer: Then I guess we would leave the balance considerations to the selectors themselves rather than the GNSO getting into that? Is that the idea? Yeah?

Bill Drake: Can I - we're kind of wandering a little bit but that's okay. Can I just raise one other point of this? Two different dimensions to the notion of representation though. I mean, one is somebody goes in there from the business group and says okay I only think the business really is a consideration, obviously that's not what we want.

                 But another aspect of representation is what type of coordination or consultation, if any, should they be having with the GNSO? And in our early conversations on the list I'd choose the analogy to the multi-stakeholder advisory group in the (IGF) where you had situations

where people who were nominated by particular stakeholder groups then sort of just completely went off on their own, (unintelligible) that all about what was going on, share information, etcetera and just treat it as a completely - like they were completely off (unintelligible).

And some people have problems with that. And so the question is do we, you know, what kind of understanding do we want to have with these non-representatives have in the way of accountability responsibilities? I mean do we feel that they should be reporting to the Council from time to time on the name issues, soliciting inputs, passing along any inputs on name issues? Or do we just - we get them onto the review team and we let them go and we don't hear from them for however many months or whatever happens happens.

Chuck Gomes: Unfortunately on that we're back to the working in a vacuum because the - there's no guidance. And there's a process for each working - each review team develop its own methodology; the review team gets to do that itself.

And so the review teams could in essence, the way it's proposed right now, decide that there is no communication between the various SOs and AC members during the process except through the public comment period.

In fact I think the way it's proposed right now is that the intent is that it would be through the public comment period at the various stages where there would be broader input. So your question is great Bill but ultimately it's going to come down to each review team itself developing its methodology. They have the last say in terms of methodology, in terms of what happens.

So I think we should talk about what you're suggesting. But it may be determined by the methodology that's finalized by the review team itself.

Kristina Rosette: Well, but Chuck, I have to - I actually have to disagree because, I mean, I would think that if you're going to have a review team on transparency that you may want to have transparency for the full review team process.

And that perhaps one of the things that we could recommend in our comments is that there should be an ongoing - there should be an obligation for communication back. I mean, you know, what I'm not clear on is are these review teams just essentially kind of get to go off into their black hole and there can be no communications outward until they come up with their report?

I mean if that's the case I would certainly think that we would have an issue with that. And if it's even open to question this would be an opportunity for us to take our position that there need to be periodic reports, that at least for the GNSO, the person selected to represent the GNSO that they do have an ongoing obligation to report back.

And, you know, that kind of brings me back to my, you know, do we need to be thinking about setting up kind of support teams for these people because I have to think this is going to be a huge time commitment.

And that in order to get people who are really able to participate effectively without ending up with kind of the same people who

participate on everything because they're the ones who have the time and they're the ones, you know, whose job it is - everybody on this call included - you know, do we want to create a mechanism so that those people have others available who can assist them?

You know, what exactly is the role of the consultant? You know, do we all think that everyone needs to have a consultant? I'm concerned that the whole kind of appointment and selection of a consultant process is going to eat into a huge chunk of the available work time.

Chuck Gomes: Yeah, by the way, what did you disagree with? I'm not sure.

Kristina Rosette: I disagreed with the idea that, you know, we're kind of operating in a vacuum. I mean, we are operating in a vacuum - I mean we are operating in a vacuum but I think it gives us an opportunity to say this is how we think it should be.

Chuck Gomes: Oh yeah, totally, yeah, we're in agreement there.

Kristina Rosette: Okay all right.

Chuck Gomes: I was just simply pointing out that the way it's mapped out right now in the proposal is that the review team itself adopts its own methodology. So we can suggest all we want, ultimately they're going to make the final decision. And that's the more reason why we should get the input in now.

Kristina Rosette: Right but I guess my point was is that to me whether or not there's any openness about the review team activity kind of goes above and

beyond in my view what should be considered the methodology that each review team can pick for itself.

In other words I think there should be kind of certain general principals that apply to all the review teams and that above and beyond that sure they could pick, you know, how often they meet, that type of thing. But I do think it's important that there be certain baseline principals that apply to all the review teams.

Because otherwise trying to - even if you're not wanting to participate but you just want to kind of stay on top of what's going on it's going to be impossible.

Chuck Gomes: Yeah, that's a good point to make in our comments.

Bill Drake: I agree with Kristina that I understand your point the review teams are going to settle on the methodologies but I think we - it would not be better for us to raise this point early on and suggest that we think that they - at least to the GNSO but the more general rule it would be good to - the participants to take on those kinds of obligations (unintelligible) from time to time and being able to serve as a sort of a translator of any inputs.

Kristina Rosette: Well and how are they going to gather input between public comment periods unless they have the opportunity to come back?

Bill Drake: Exactly.

Caroline Greer: Yeah, I agree with Kristina on that, I mean, I would be uncomfortable if I didn't see the review team members from one end of the year to the

next particularly for endorsing them from the outset. You know, I do think there needs to be some sort of check and balance in the review team itself.

So I certainly would be in favor of seeing some sort of periodic high level report in between the public comment period.

(Mike): Hi, this is (Mike), can I make a - can I get in the queue?

Bill Drake: I'm sorry, go ahead.

(Mike): Yeah, I was thinking, I mean, this is a group of people who are going to have to come out with what could be a criticism of processes as a critique. And if - whatever they submit back as a report to the GNSO is a public interim report.

And my question I guess is to what extent of detail or attribution as to who's saying what and what views have been discussed within the review teams would be a question because it may impact the level of independence if you will or the pressure that may be put on them if they were to come out before they submitted the final report as to what kind of a critical stand they were going to take.

I mean, after all the Board would be able to see what they're saying if the GNSO gets reported. It's just a question. I'm not suggesting that they should be opaque and not be transparent but it is something to consider.

Bill Drake: Okay I wasn't actually planning on trying to Chair this meeting but do people want me to take a queue and proceed with a more structured approach or should we take on a more free-wheeling?

Chuck Gomes: I think the free-wheeling is working pretty well.

Bill Drake: Okay that's fine. Sure, I concur. Now...

Caroline Greer: Sorry, I was going to say - to pick up on Kristina's point about it being quite an onerous undertaking for one person to take on given the length of the reviews and the amount of work that they have to do, what would people think about them having an alternate - I think in the (IRT) team...

Kristina Rosette: We did...

Caroline Greer: ...something similar. And how did that work? Was it effective?

Kristina Rosette: It was. You know, and I know that they had alternates available for the (FTI). I just think that where you've got such important work being done in such a concentrated period of time, you know, there are going to be times when people, you know, there are other professional or personal obligations may prevent them from, you know, from being at a meeting.

And I think having alternates are a great suggestion whether it would fly or not I think it's worth a shot.

Bill Drake: Kristina, could you say more about what you think a support team would do because I...

((Crosstalk))

Kristina Rosette: Well I, you know, without having a real good sense as to what exactly each member of the review team is going to actually physically do it's hard to say. Having said that, you know, it may be that some of the responsibilities and some of the work involve, you know, kind of reviewing current practice, collecting information, you know, assessing, you know, various, you know, maybe for example - I don't even know.

But the, you know, one of the teams that's going to look at, you know, accountability and transparency, and there's the whole analysis of the public comment period. And, you know, people have to look at how many public comment periods were there, how long were they, how long were the documents put out, how many people commented, you know, how many different people commented.

I mean if that's the type of work that is expected to be done by the members of the review team that's a huge undertaking. And I just think that it may be the case that some of the things the members of the review team are going to be asked to do are things that it would be great to have a group of people, you know, little worker bees that you could call on for help.

Chuck Gomes: It's not a bad idea actually. It becomes a resource pool...

Kristina Rosette: Right.

Chuck Gomes: ...to specifically identify that that - the review team member or members in our case could consult with as needed if they have questions.

Kristina Rosette: Right or if they just, you know, need assistance on physically getting something done.

Bill Drake: I understand your thinking Kristina but I worry about how some people might interpret that. I mean, it could be - I could easily imagine some folks saying well there's these kind of nebulously formed support teams that operate on their own logics and who knows what is really involved in them and what are they really doing.

And that could turn into what is a big debating point about how that all is operating.

Kristina Rosette: But maybe each review team as opposed to each GNSO representative on a review team could have its own support team. I don't know, I mean, does (Jack) have any information about what kind of resources are going to be available for these teams?

Caroline Greer: Just talked about administrative support and the budget review but then it defines administrative support as being external contractor and hired for the meeting rooms, meeting organization...

Kristina Rosette: Right, yeah. I mean, I didn't see anything that really got into kind of the nitty gritty.

Caroline Greer: Yeah and there's not a lot of money really dedicated to that so I don't think it's foreseeing that, you know, they would be doing more aligned with what you're saying Kristina.

Bill Drake: Would the...

((Crosstalk))

Bill Drake: I'm sorry, go ahead.

Margie Milam: Sure, I wanted to comment. I'm not sure we know what type of staff support would be expected for this. In fact I think we're - we've been sort of told that, you know, staff is really just, you know, isn't likely to be actively involved like we do with, you know, GNSO activities for example. So I think it's going to be a different structure but we just don't have enough information at this point.

Kristina Rosette: Are we - just looking at the working methods it looks as if the review team is going to be expected to, you know, gather quantitative and qualitative facts from different internet communities, making use of the most appropriate data gathering tools, organize consultations with the community and then there's this independent consultant who, you know, as you noted, Caroline, is really just going to be kind of administrative.

                   I just think that this is - this could end up being such a huge amount of work for one person that you're really going to limit your pool of people who are interested in participating because they just can't.

Chuck Gomes: Yeah, I think you're right.

Bill Drake: What about the idea of review teams for the (unintelligible) as a whole rather than for individual people?

Kristina Rosette: I would be fine with that, I mean, that would accomplish that same goal.

((Crosstalk))

Chuck Gomes: What was your point again Bill? I missed it.

Bill Drake: I'm sorry, I garbled what I was saying. What about the - Kristina in her comments sort of offered an alternative that there could be support teams for the review team rather than for the individual representatives to the review team. So that might be something worth suggesting if people think that's a good idea.

Chuck Gomes: Yeah, that seems much more complicated in terms of setting it up because of the diversity of the total review team. How would that - I can envision a support team for the GNSO people on the review team; it's a little harder for me to envision how that could be implemented in any ready fashion for the whole review team.

Bill Drake: That would be up to the review team. I worry about the opposite, Chuck...

Chuck Gomes: Yeah...

((Crosstalk))

Bill Drake: ...having a support team...

Chuck Gomes: Yeah.

Bill Drake: ...other representatives don't get a support team, there's no clear rules for how the support teams operate, etcetera, you know...

Chuck Gomes: Yeah, it's a legitimate concern Bill, I don't disagree with you. And I think too that the GNSO review team members on any given team would always have the ability to come back to those of us in the GNSO if they needed assistance - needed questions answered and things like that so that kind of exists already and it avoids the optical issues.

                   I have a totally different topic when you want to get to it, Bill, that I think we should comment on.

Bill Drake: Go ahead.

Chuck Gomes: And that is the whole idea of the indicators. And I commented in our email - on our email list in this regard. I think in my own personal opinion one of the most important things in this whole process is the - the identification of the indicators that the review teams will use because the more objective and measurable those can be made the less chances of this being a political process rather than a legitimate review.

                   There are always those who want to expand ICANN's mission in our community. And to the extent that the indicators are established - are objectively measurable that the review team members then have to, you know, weigh those, that lessens the chance of political activity and going beyond ICANN's mission.

Bill Drake: But Chuck we debated this in our little list I think before most of the people on this call joined the list. But I have less faith than Chuck that,

you know, objective metrics that are going to (unintelligible) all the political problems. But Chuck just one thing I wanted to point out to you, looking at the back of the Page 12 it says that the indicators be defined by the review teams during a face to face meeting.

So that implies that the indicators are going to be developed after the group has already been formulated.

Chuck Gomes: Yeah, agree. But there's a public comment period associated with that process as well if I recall.

Bill Drake: Right but I mean...

Chuck Gomes: All I'm saying, Bill, is that to me it's important for us to emphasize the importance of the indicators and how they are ultimately defined in this process. I'm not suggesting we try to define them now but that to the extent that they can be objectively measurable - and I know that's an ideal - that's important.

Bill Drake: As I understand you were expressing the hope that they would (unintelligible) but anyway let's see if we can identify takeaways in terms of what this group is going to try to do in the short term. I mean we're writing - is this letter going to Janis? Is that correct?

Chuck Gomes: Oh I'm sorry...

((Crosstalk))

Chuck Gomes: We didn't understand all you said there Bill.

Bill Drake: Sorry it's my Skype. Are we writing to Janis here - the letter that we were suggesting?

Chuck Gomes: No it's a - it's in response to the request for public comments on the proposed approach.

Bill Drake: So just, yeah, okay. We want to specify something about the size saying that we think that the Council should have two and then we'll define internally how we're going to do that, is that the point of agreement or no?

Chuck Gomes: Yeah, and again let me back up a half a step here. There are two tasks we have, one of them is to prepare some draft public comments from the Council. Secondly - and this doesn't need to be a part of the public comments itself - we need to be developing our own internal methodology for endorsing nominees.

Bill Drake: Right so...

Caroline Greer: Yeah, I was going to ask - Part 3 of that, I mean, I think both should be done in parallel, Part 1 and Part 2, because Part 2 could throw up some comments that we need to put forward for the public comment period but...

((Crosstalk))

Caroline Greer: ...I don't see that Part 3 needs to be done for the end of January is that right?

Chuck Gomes: Yeah, the comments are due the end of January.

Caroline Greer: But we don't necessarily need to come up with our own internal process?

Chuck Gomes: Oh right. That's correct. But I agree with you that doing the things in parallel - not selecting the candidates but doing them in parallel is very important because they do - they are interdependent.

Caroline Greer: Right.

Bill Drake: Well what I was trying to ask is for the point that we would want to have - what points do people feel should be included in the public comments and the modalities - the internal modalities are separate. One point that was raised was the size issue. Are we in agreement that we should have the text on that point?

Chuck Gomes: Yeah, I think there's been enough communication even in the Council as a whole on that issue that that needs to be included.

Bill Drake: Okay. Then in terms of the other points that might go into that kind of a public comment which of the ones that we were just discussing would we want to raise? Do we want to raise the question of support teams, alternates and those kinds of issues?

Caroline Greer: I think we should, yeah, I think we certainly need to stress the point that adequate support is needed for the review team members. And maybe even go as far as putting forward an idea like having alternate and administrative teams as Kristina said.

Liz Gasster: Hey Bill it's Liz, and at the appropriate time I'd like to ask whether you want to consider adding another point that we haven't discussed yet.

Bill Drake: Well there's no time like the present.

Liz Gasster: Oh okay. One thing I was wondering is whether anyone's concerned about the potential - how they would treat a review of GNSO aspects of - particularly I'm looking at 9.1 and, you know, the fact that we have GNSO improvements under way to revise the policy development process to facilitate enhanced cross-community deliberations.

For example they're adding another review onto implementation work associated with the previous work review that we haven't implemented yet. And whether we should raise the need to provide some deference to or opportunity for all the improvements that we're still working on to get done before we review them.

Or some way of recognizing that significant work is underway and that a review vis-à-vis the GNSO is going to be a review of an evolving situation.

Bill Drake: Where is the point made that you're referring to about the GNSO?

Liz Gasster: Well it's not GNSO-specific in the (AOC). In, you know, 9.1 where we - it discusses ensuring accountability, transparency in the interest of global Internet users in the (AOC) and where it talks about, you know, the policy, for example - I'm just using this as an example - the policy aspect of, you know, ICANN's commitment to robust public input.

We are in the process of enhancing our ways of soliciting public input and our ways of managing working groups and making them more open and our ways of enhancing the (PDP), things that are related to the (AOC) review. And so my question is, you know, how is the review team going to treat that work in progress?

And does the GNSO want to point out that there's - we're in a transition point where it could be premature to examine certain things that are already being examined and where effort is already underway to improve them.

Chuck Gomes: Wouldn't those sorts of things, I mean, if a good methodology is being used I would have to think that the review team would have to take into consideration the evolving nature of changes in their reviews.

Bill Drake: I would hope. And so, I mean, your point is to establish (unintelligible) deference (unintelligible) underway already?

Liz Gasster: Yeah, or, I mean, I'm not sure - it's more a question, again, than a specific suggestion of how to handle it. But I would be concerned that they're going to review something that's in the process of being reviewed right now.

And like for example the (PDP) and our, you know, we are trying to do many of the things that this (AOC) is focused on but to my mind it's premature to judge works in progress and their adequacy when we're exactly trying to address those concerns in the detail that's under way.

In other words to review it once is, you know, or one review following on the heels of another review before we've had a chance to

implement that review might not be prudent. So you either want to give deference to the GNSO's pending work and maybe get a waiver on, you know, or something to avoid a situation where they're reviewing and adding onto something that we're trying to work on right now.

You don't want too much instruction, you know, they could judge outcomes before we've developed them.

Bill Drake: Was that a look at the draft terms of reference that staff put together for the accountability transparency team talked about the Board, the (unintelligible), the public input process. It's not specific to - it's not clear to me how much (unintelligible) GNSO...

Liz Gasster: I think you're right, it's not specific to the GNSO. I'm only, you know, I'm only acknowledging GNSO is the major policy development entity within ICANN.

Bill Drake: Right.

Liz Gasster: You know...

Zahid Jamil: Liz, I think if you look at the draft terms of reference for the first review and you see Paragraph 2e which is sort of reproduction from 9.1...

Liz Gasster: Right.

Zahid Jamil: It talks about assessing the policy development process (unintelligible) enhance cross-community deliberations, in effect (unintelligible) the policy development. So your point about (PDP) and how that process

is at the moment being implemented sort of might tie in there so that would be reviewed by the review team.

And I think that just sort of having that placeholder there maybe at this stage - and maybe at the public comment stage, I don't know which one is more appropriate. But it would help in giving some sort of context to the reviewers to say, look, hold on before you review this just make sure you know that, you know, this is an ongoing process. I think that's a fair comment.

Liz Gasster: That's all I'm saying, thanks, yeah.

Bill Drake: And we'll have Council representatives there and if we do have a mechanism in place for them to convey inputs in a timely manner then it should be the case that that, you know, a sense of where the Council's view is on that to be...

Zahid Jamil: Sure.

Bill Drake: ...passed on (unintelligible).

Zahid Jamil: That, yeah, absolutely.

Bill Drake: Which is another reason to argue for the kind of reports that we were suggesting before where there not be a sealed box entirely.

Chuck Gomes: So it seems like our - a very specific action item out of this call that would be helpful is a first-draft even if it's just an outline of what our comments might include for this group to critique a little bit further on the list and see if we can get to a point where - because very quickly

we need to get some sort of a draft set of comments that we can put out to the whole Council for them to share with their various constituencies and stakeholder members.

Bill Drake: Right. Well and this is why I'm asking which elements of the various points we've covered do we see as being germane to this comment. I mean the numbers are one thing obviously, the question of whether it's a closed box or how independent the people are is another point. Which of the other points that we've raised need to go into this thing?

Chuck Gomes: Well at this stage if - it would be better to err on including too many things and then we can trim it down.

Bill Drake: Okay, good point. Well if...

((Crosstalk))

(Mike): Sorry, this is (Mike). I had a question on the word consensus that's been used for the document. It's also in the draft terms of reference. And having just come out of the (SC) I'm just concerned how do we define consensus because it says if there isn't consensus then it would be majority, that's what the TOR said, the draft TOR said.

How do we define consensus? Is that universal consensus or would that be consensus of some other definition? Maybe Margie can help us here?

Margie Milam: Yeah, I actually don't know the answer to that. Consensus is one of those terms that just doesn't have a definition across projects. And I know in the (unintelligible) group we came up with a definition because

that we didn't really know how to apply it. And I think that's probably a fair point to raise in the comments as well.

(Mike): Because if you have one representative from the GNSO and they don't agree with many things going on in the review team but the definition of consensus is such that even if they disagree it would still be termed as a consensus review team report. That would be something we may want to think about.

Bill Drake: Yeah I don't know whether they're contemplating also minority reports and things like that.

Chuck Gomes: Yeah, it does and...

(Mike): Yeah, there are.

Chuck Gomes: They did contemplate that.

Bill Drake: Okay good. People who haven't spoken much (unintelligible) something different?

Caroline Greer: Bill it's Caroline, are you able to summarize then the points that we've covered and that you think we might sort of kick off on? I'm kind of making a list here myself; perhaps we can cross-check with each other.

So we've spoken about the size of the review team, proposal of experts, adequate support of review team members in whatever shape or format that takes, objective indicators to Chuck's point, representation of stakeholder groups by the review team members.

And, you know, we haven't really come to any firm conclusion as to what from that would take.

Chuck Gomes: And communication.

Caroline Greer: And communication, yeah.

Chuck Gomes: Yeah.

Bill Drake: Chuck, are these your notes down here - the discussion notes?

Chuck Gomes: I'm sorry, I didn't understand you, Bill.

Bill Drake: At the bottom of this page are these your discussion notes?

Margie Milam: No, it's me, Margie, I've just been taking notes as we've discussed and issues.

((Crosstalk))

Chuck Gomes: So that's helpful. Thank you.

(Mike): I had one more question, guys. On Page 11 of 11 they talk about the definition of review terms of reference and the TORs. And it says that the proposed process says that the Board would recommend the adoption of resulting terms of references so the recommendations that come from the Board.

But the review will be the final decision makers. I'm wondering since this would entail assessment and evaluation of Board as well should the Board be recommending stuff on the TOR for the review team to then make a decision on and just wondered how that would work.

Bill Drake: (Unintelligible) again in the background?

(Mike): I'm reading from Page 11 of 11. And I'm reading the last line on Page 11 of 11 which says after considering the initial proposal and community input the Board will recommend adoption of the resulting terms of reference, going on to Page 12 - adoption of the resulting terms of reference.

Review teams will make the final decision on the adoption of terms of reference of the review. So I'm unclear as to, you know, so it's a team that goes to the Board, then the Board approves it, adopts it and then it goes to the review team and the review team then seems to have this unclear power of either overriding all of that or not and I'm not clear on that.

Chuck Gomes: I think they - that the review team does have the power to override it the way it's proposed right now.

(Mike): Sure.

Chuck Gomes: And I think what the Board is trying to do is to, you know, fulfill what they believe their fiduciary responsibilities are and have some good input there. But ultimately because this - the review teams need to be independent of the Board - and they say that right up front - that the review team has the right to override.

(Mike):   Okay.

Bill Drake: Now there's a good deal of clarity for the review team which I think is quite admirable actually. In terms of starting to draft something (unintelligible) just a couple people who will inspire putting together a first couple of paragraphs that we touched on some of the main points of these (unintelligible) or what?

Chuck Gomes: Well Caroline you've been doing a good job can you work with Bill on that?

Caroline Greer: Sure, I'd be happy to, yeah.

Bill Drake: Okay.

Caroline Greer: So why don't we talk offline Bill then kind of organize...

Bill Drake: Yeah.

Caroline Greer: ...how we could do that between ourselves and hopefully come up with something over the next couple of days so the subgroup...

Bill Drake: Yes.

Caroline Greer: It's probably easier once we have a...

((Crosstalk))

Caroline Greer: ...we can, you know, it'll help focus us all a little better I think.

Bill Drake: Sure, sure. Does anybody else want to join that effort or leave it to the two of us to throw something out to people which you can then rip apart? Okay.

Chuck Gomes: And if you guys just send something around to the list then we should be able to do quite a bit of work on the list. We really should shoot for a target of not later than the middle of next week at getting something out to the Council otherwise we're going to be running out of time very quickly.

Bill Drake: Right. Well hopefully we can get something, Caroline and I, together as the first starting - oh Zahid wants in, okay, so then the three of us can try and put something together by hopefully Sunday or so that we could talk to the group, maybe earlier I don't know.

Chuck Gomes: By the way, Zahid volunteered to join the two of you in your work.

Bill Drake: Right. I said that. In terms of timelines does that sound okay that the - come back to you with a few paragraphs, a starting point in say the next (unintelligible) because this is Wednesday. Caroline do you have an ability to move faster than I'm currently thinking or no?

Chuck Gomes: And then the rest of us should respond - if you get something out to the rest of us by Sunday then we should try and turn around our comments within 24-48 hours. And hopefully by Wednesday of next week have something - even if it's not totally perfect yet - that we can start vetting with the full Council.

Bill Drake: That sounds right to me if it's okay with others.

Margie Milam: Bill, this is Margie. Do we need to set up another call or do you guys want to do the next phase of this work simply online?

Bill Drake: I think the three of us could probably Skype and figure it out and so on. I don't think we need to get too complicated would be my guess.

Margie Milam: Okay.

((Crosstalk))

Bill Drake: Zahid, I don't know what your time parameters are in terms of - but we'll figure it out.

Margie Milam: Okay.

Zahid Jamil: That's fine, Bill, I can join in, no worries. I mean I'm able to adjust as long as we're sort of on the time zones maybe a little bit of difficulty but I should be able to work with it no problem.

Bill Drake: All right. Okay it's been an hour are there any main highlight points that we haven't touched on already as a starting point?

Chuck Gomes: Just the comments are the first priority. I think once we get those going we can continue our work in terms of our own internal GNSO methodology on this thing but that's not as time sensitive at the same time like Caroline pointed out it does affect some our comments possibly.

Bill Drake: Okay. Well the three of us will go off to the woodshed and try and come back to you all with something in a couple of days.

Chuck Gomes: Good.

Bill Drake: All right?

Chuck Gomes: Thanks.

Caroline Greer: Great, thanks everyone.

Bill Drake: Okay.

Glen DeSaintgery: Thank you.

Wolf Ulrich-Knoben: Thank you.

Wolf Ulrich-Knoben: Thank you (Mike).

(Mike):   Take care, bye.

((Crosstalk))

                        END