Transcript
GNSO Drafting Group on Cross SO/AC Working Groups
10 November 2011 at 16:00 UTC

Note: The following is the output of transcribing from an audio recording of the GNSO Drafting Group on Cross SO/AC Working Groups teleconference on 10 November 2011 at 16:00 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-cwg-20111110-en.mp3
On page:
http://gnso.icann.org/calendar/#nov

Attendees
Jonathan Robinson
Alan Greenberg
Jaime Wagner

ICANN Staff:
Liz Gasster
Glen de St Gery
Nathalie Peregrine

Apology:
Julie Hedlund

Absent:
Rosemary Sinclair
Jeff Neuman
Tim Ruiz
Wendy Seltzer

Coordinator: Excuse me. I would like to remind all participants this conference is being recorded. If you have any objections you may disconnect at this time. You may begin.

Jonathan Robinson: Okay, so, Liz, would you like to do any preamble or should I just get straight on with it.

Liz Gasster: I think we should do a roll call. If, Nathalie, if you can do the roll call.

Nathalie Peregrine: Of course, Liz. Good morning, good afternoon, good evening. This is the CWG call on the 10th of November. On the line today we have Alan Greenberg, Jonathan Robinson and (Jaime) Wagner.

From staff we have Liz Gasster, (unintelligible) and myself, Nathalie Peregrine. And we have apologies from Julie Hedlund. I would ask you to please state your name before speaking for transcription purposes. Thank you.

Jonathan Wagner:Thank you, Nathalie. So, It's Jonathan Robinson, we'll kick off right away with the call. We've got a small group and I think we should - I hope - we've got a bit of momentum going at the Dakar meeting and I'd really like to keep that going if we can.

So let's just deal with a couple of - I mean, I don't know if Alan and/or (Jaime) you've seen the agenda I've put out. I know put out relatively late today but in any event it's up in the top right of the Adobe connector.

Liz, I'd really appreciate it if you could, as you said, aim to capture as much of the discussion as you can and then just circulate that on a red line version of the document. That would be much appreciated.

And so let's move straight into these administrative matters I've talked about. I think we should probably refresh the list - I don't know, there's a couple of people I have in mind. I mean, Edmon can be brought onto the list for this if he's not already, on the mailing list.

I think that Chuck said that he was prepared to sign up to the mailing list and be involved so he would be someone we could engage as well. I don't know if anyone else - if we can - it might be worth emailing each individual person that's subscribed and saying, you know, I know Christina sort of formally resigned but I'd quite like to just tidy up the list, add anyone we can.

And, I don't know, Alan or (Jaime), if you if you've got anyone you know who's - other than the names I've mentioned who you would like to add to the list.

Alan Greenberg: Well, I did see a whole bunch of emails of people who said they wanted to participate...

Jonathan Robinson: Mikey. So, I don't know, Liz, is it realistic for you to prune the list by a mail shot out to individuals who are on it and say, look, are you in or out and also to invite Mikey, Chuck, Edmon to confirm that they want to be added to the list?

Liz Gasster: Yes.

(Jaime) Wagner: I remember - excuse me - this is (Jaime). I remember that Bill Drake was involved in the first round then he - I don't know if he's still on the list.

Jonathan Robinson: I'm not sure if he is still on the list or not but certainly - I mean, certainly, my suggestion is that if anyone who was on the list gets an individual email saying are you still involved or not and if they no reply or reply in a negative, we take them off and we add any sort of fresh blood just to try and finish this off between now and the end of the year.

Liz helpfully mentioned - and moving onto one - that's 1A and B really of the agenda. On 1C we've got date and times for calls. I think it's - we've really got a couple of options here.

We've ought to try and get something in before Thanksgiving or we leave it til after the thanksgiving weekend now. So that - well, there's a week from now - it would be Thursday, 17th, two weeks from now would be Thursday 24th which is the Thanksgiving problem. Perhaps we pick it up on Tuesday the 29th and then do it on Tuesdays thereafter.

Liz Gasster: So the one problem with Tuesday the 29th - it's Liz - is that the staff is going to be out of commission.

Jonathan Robinson: Okay.

Liz Gasster: So you'd be on your own.

Jonathan Robinson: They're still not back from the weekend at that stage?

Liz Gasster: Well, because this staff strategic planning session the whole week of the 28th of November through the 2nd of December. While we could set up the call for you, we're not going to be able to staff the call.

Jonathan Robinson: Yes, okay. So let's do -

Alan Greenberg: It's actually a vacation but they call it strategic planning.

Liz Gasster: I wish it was. And you know better.

Jonathan Robinson: I reckon I wouldn't mind getting a couple of calls in at least two or three before the end of the year so...

Liz Gasster: We could possibly address it - it's Liz - if people are able to attend on the 2nd of November, the Tuesday call, you could possibly, you know, just try to stick to Thursdays in general but have a call - or Tuesdays either one - but then have a call the 22nd, skip two weeks and then pick up again the week of December 5th, either the 6th or the 8th.

Jonathan Robinson: I like that.

Alan Greenberg: It's Alan. I can do the 22nd but I have a couple of (A log) calls so we'd have to work around those for me anyway.

Jonathan Robinson: Right. Thank you, Alan. I'd like to go for then Tuesday 22nd, Tuesday 6th and Tuesday 20th and with a clear objective of finishing this off by then.

Liz Gasster: Okay. So we're switching to Tuesdays officially and we have an issue of the time -

Jonathan Robinson: I would say a doodle poll that covers the 22nd, 6th and 20th and we just seek a commitment on time on that. Why don't' we just go with the best...

Liz Gasster: Very good. I'll work with Nathalie on that.

(Jaime) Wagner: Excuse me. This is (Jaime). I would - I have a problem on the 2nd from 12, 14, here which means I would say 1500 UTC to 1700 UTC, see, I have a problem.

Alan Greenberg: That overlaps with my problem so...

Jonathan Robinson: No problem in either case. We'll put a doodle poll out and we'll put a wider widow on it then. I'll suggest a wide window so we capture what's possible.

So, Liz and/or Nathalie, if you guys could put a wide window in there from, I guess, more or less around 1200 UTC through till something like 2000 and we'll put a nice wide window on there.

Liz Gasster: You won't be seeing me at 1200 UTC but...

Jonathan Robinson: Well, maybe a little later. I was trying...

(Jaime) Wagner: I would suggest from 1100 UTC...

Liz Gasster: You won't be seeing me then either, (Jaime).

Jonathan Robinson: Liz, as early as -

Liz Gasster: That's a little early in the morning my time but that's okay, Julie will be back.

Jonathan Robinson: Okay. Well, as early as Julie and/or yourself can make it.

Liz Gasster: That's okay. We'll cover it. I'm being facetious.

Jonathan Robinson: Okay. Great. So as early as you can have the relevant staff member on and then we'll run the window to something like 2000 or even 2100 UTC.

Liz Gasster: Very good.

Jonathan Robinson: Thanks very much. All right. That deals with I think. Is there any other comments on point one, this sort of administrative stuff.

(Jaime) Wagner: There will be a doodle, yes?

Liz Gasster: Yes, (Jaime).

(Jaime) Wagner: Okay.

Jonathan Robinson: So, then really my thought is to how we deal with this now, Alan and (Jaime) and Liz, is that we continue to talk through the points and I actually wouldn't mind (retching) back a little.

One of the things that I had hoped to make a remark although it's slightly less relevant given that Alan was in Dakar but certainly, (Jaime), from your point

of view, I think it's really worthwhile reading the transcript from Dakar and just going through that.

There were some pretty salient points that I thought we had a good momentum and there were some well-informed people there. And, in fact, I intend to reread it and try and pull out any other points for our next call.

But in the meantime I suggest we continue to walk through on the draft principles, comment and effectively edit collectively so that Liz can update it because where I think I'm taking this with your support hopefully is that we're going to edit this document collectively and jointly and then this will be the basis on which we say that the GNSO understanding of the functioning of (CNVGs).

So the first point I want to go back to is actually the very first bullet, I just wanted to do a Jeff-like check on this because where we've edited, say, either prior to a PDP or following a PDP - I mean, the thing that happens prior to a PDP is an issues report I suppose but I guess it doesn't - does that language cause any problems,

Liz, if you look at that in terms of process or anyone else? Does it look sensible, just thinking about the way in which a PDP might come about?

Liz Gasster: Well, of course, you know Alan is an expert on this too so I may defer to him - this is Liz - but one of the things in the new PDP, the revised PDP that's now readying itself for board consideration is even potentially prior to an issue report - a whole data gathering effort for potential policy issues basically to be sure that there is a framework or foundation or information available upon which an issue report can even be prepared.

You know, on some policy issues there are very well discussed or understood by the community and maybe don't need as much preparatory work but other policy issues that may just come to the counsel's attention without a whole lot

of prior work having been done, benefit from things like workshops and data gathering even before an issue report.

So this discussion forum or community working group I could envision being formed, say, on a new and emerging policy issue to help define kind of the scope and nature of the problem before a PDP is done.

And so to me it does make sense but it's more with that element that we've begun to really develop of needing to do more fact finding anyway and being as informed as possible before we kick off a formal PDP.

Jonathan Robinson: All right. So just taking a word out of your mouth then, Liz, I would say then maybe to help define the scope issues and concerns or following a PDP blah, blah, blah.

Alan Greenberg: Can I get in? I have a more general question first. It's Alan speaking.

Jonathan Robinson: Yes, Alan.

Alan Greenberg: Yes, is this list under limit purpose two - specifically related to the fist two bullets - is this both of them must be satisfied or either of them must be satisfied? I don't know the intent of the section to start with.

Jonathan Robinson: It's a good point. I would have thought in the absence of something else that it would be - that's an and or an or, isn't it? We need an and or an or...

Alan Greenberg: It certainly can't be an and because not every cross-working group is going to be related to consensus policy or (do) a PDP.

Jonathan Robinson: Yes.

Alan Greenberg: I mean, we have a whole bunch of work across the cross-constituency working groups over the last few years and very few of them have been related directly to PDP issues.

Jonathan Robinson: Really, this bullet point - Go ahead, (Jaime).

(Jaime) Wagner: It seems to me that the third bullet is more of a but and then and or an or.

Alan Greenberg: I was going to get to that in a moment. I think we need to be --

((Crosstalk))

Alan Greenberg: -- careful what we're doing here. I mean, yes, prior to a PDP - and as Liz pointed out - the new PDP rules exclusively say you should do preparatory work to make sure you really understand an issue but I can't remember a PDP that was done either in my time on counsel or even prior to it where there weren't workshops or discussion groups or things prior to a PDP being at request or an issue report. So I...

Liz Gasster: Well, (fastflux).

Alan Greenberg: Pardon me?

Liz Gasster: (Fastflux).

Alan Greenberg: There was a working group that, you know, in the discussion which led to that.

Liz Gasster: It was - you know what it was...

Alan Greenberg: It was useful. It didn't do anything definitive but -

Liz Gasster: It was the fstack report. It wasn't a working group.

Alan Greenberg: And there were workshops at ICANN meetings and all sorts of things.

Liz Gasster: Not on (fastflux). I don't want to get in the weeds but...

Alan Greenberg: No, no, no.

Liz Gasster: In general, you're right, Alan, and I think in general - this is Liz - in general we were just kind of codifying in the new PDP what was happening anyway.

Alan Greenberg: I'm not disagreeing but I can't think of anything. I mean, even (fastflux) there was an fstack report on it.

Liz Gasster: Right.

Alan Greenberg: And there was discussion about the fstack report which led to the PDP eventually being initiated.

Jonathan Robinson: So just to help close this down - and it's Jonathan speaking - perhaps the real question really is only, as far as I can see, is two-fold. After the first bullet is it and or and/or and between the second and the third bullet points it's really a but.

Alan Greenberg: It's Alan. I would have ordered them differently. I think the second bullet is the crux of the issue.

Jonathan Robinson: Correct. So let's put at the top then.

Alan Greenberg: Provide the information or recommendations in some vague form. The second bullet is an example of when it might be done but not limited to that. And the third that's going to be pointed out is, you know, but it's not even a limit use to, it's a but remember consensus policy can only be done using the appropriate SO rules.

Jonathan Robinson: Right. Well, that's very helpful, Alan.

Alan Greenberg: It's not only rules. Consensus policy, certainly for the GNSO, has to be done not only using the rules but using a GNSO working group, not a cross-constituency working group. The subtle difference because the membership can be anyone who wants to be on it but nevertheless...

Jonathan Robinson: Yes, so that works for me. So, Liz, I think what we're saying is we put the second bullet point first and we probably follow it - we sort of - we can sort - the second bullet point is could be for example or something like that. For example, a discussion forum, an example might be a discussion forum and then the third point in any event consensus policy development should not occur using CWGs but using the current -

Liz Gasster: Right. It's Liz. I have that. I do have a suggestion though which is perhaps you'd want to consider then combining the second and third bullets, what'll now be the second, you know the one about PDP.

And the reason why - see, I don't view it so much as - it is an example but it helps to clarify a major concern that people have about how would this jive with a PDP. And so it is a very helpful explanation of a particular case of how it would affect a PDP or work related to a PDP.

So reorder them but maybe consider saying a discussion forum, et cetera or related guidance but policy development must occur using current SO rules. It would not be for policy development itself. You actually could combine the second and third concepts.

Alan Greenberg: It's not only should, it's may because there's by-law rules about policy development, at least for GNSO and maybe even for the CCNSO, I'm not sure, or ASO.

Jonathan Robinson: Yes. So that can be...

(Jaime) Wagner: I think...

Jonathan Robinson: (Jaime)?

(Jaime) Wagner: This is (Jaime). I think the third bullet is main concern - as I said in Dakar, I think the most who (CCWG) come from GNSO entirely because of this third point and the potential conflict with the PDP and how it would be perceived other SOs or ACs. So I think this but point, third point serves to calm down some nerves in GNSO.

Alan Greenberg: Yes, (Jaime), I agree. It's actually irrelevant because the rules are clear. It can't be a policy development process but we may as well diffuse the anxiety at the beginning and now have to deal with the question.

Jonathan Robinson: I think that's very sensible, Alan, because actually - and (Jaime) of course - because really that's - it's part of the sort or reason for its existence for this little drafting team now, as (Jaime) says, to calm nerves of scope and limits of this.

So I think it is important to be explicit about that even though as you rightly point out, Alan, that technically is covered by the by-laws, it doesn't do any harm to explicitly cover it, yes.

Alan Greenberg: we know someone's going to raise it if we don't so we might as well.

Jonathan Robinson: Correct.

Liz Gasster: With the logistical or process question, would you all prefer that I - when I capture these additional thoughts accept the red lines - start with the red lines accepted that we got to date under limited purpose these three bullets that we're discussing and then redline the reordering.

Jonathan Robinson: Yes, I think that's probably a good idea. At least that sounds like a sensible way of doing things.

Liz Gasster: Okay. Just want to make sure that way you'll be able to follow -

Jonathan Robinson: Yes, what the most recent changes were.

Liz Gasster: What transpired as of this call?

Alan Greenberg: It's a shortened of document that the salient thing is to look at the results anyway so.

Jonathan Robinson: Yes.

Alan Greenberg: On a hundred page document it's important to redline to see the differences. On this one, I don't much care.

Jonathan Robinson: So with you - and I suspect we should accept that as the scope for now. We may look at it again on the newly redlined document but move on and try to make a little progress on some of these issues around the practice as well and see if we can't flush out and improve or accept one or more of these other bullets.

(Jaime) Wagner: Jonathan?

Jonathan Robinson: Yes. Go ahead, (Jaime).

(Jaime) Wagner: I never know if I'm on mute or not. This is (Jaime). I would like to when we move to the practices point I would like to discuss - the one that I think is more critical and it appears on the second bullet there, OSOs and (ASUs) (prove) a single joint charter. This is something that I think we should discuss further.

Jonathan Wagner: Yes, fire away then. What are your thoughts on that.

(Jaime) Wagner: Well, I have more doubt and (certitude) about that because I don't know - there are problems with different charters but I don't know if we imposing a common and single charter if we are not taking away and raising some resistance from other parts of the community. (I) would perceive these as limitation of scope.

Jonathan Wagner: Alan, did you have a direct thought on that?

Alan Greenberg: I do indeed. I'll start off with a clip from a book I read many years ago. They were talking about business practices and it said a policy is something defined to eliminate a one-time occurrence which is not mentioned in the policy. And I think that's what we're doing here.

If you remember the actual history of this - we're talking about JAS - the GNSO adopted a policy due to a typographical error, they actually adopted a policy that had one of the clauses missing but adopted it. It turned out the one posted in the motions list was not the one the group had recommended.

The GNSO adopted it, the ALAC's said, fine, if they adopted it, we'll adopt the same thing and went ahead. It was only on the re-chartering that there was a problem. I cannot remember of any group in my history every being re-chartered halfway through like this one was.

It was a rather unique set of circumstances and to highlight it as a major issue I think it is setting the stage for saying we're going to be having - we're going to have disputes between the ACs and SOs.

Jonathan Robinson: So the next outcome of that argument, Alan, is that you think that it is acceptable to have more than one charter?

Alan Greenberg: Well, if you look at what happened in JAS, you know, a highly unlikely set of circumstances resulted in two charters which ended up working completely fine without a problem as long as the charters were easily delineable so you could see which was different.

So I think somewhere near the bottom not near the top we should say, you know, we'd expect cross-constituency working groups to be working off of a single charter. If there is some really exceptional circumstances sometime in the future which requires some deviation from that, so be it.

Jonathan Robinson: I have to say that...

Alan Greenberg: The groups will make a decision at the time of how to handle it. It's such a tail - end of the tail case.

(Jaime) Wagner: I think the language of the second bullet should go along with the wording of the first bullet whenever possible and not be so point rigid about a single charter but recommend a single charter and maybe with a more but not to say well, should, I think should is something strong, too much strong.

Alan Greenberg: Or it is expected or something like that.

Jonathan Robinson: Okay.

Alan Greenberg: It's not something likely to occur in our lives again and if it does there may be good reasons for it.

Jonathan Robinson: So it's Jonathan speaking. Yes, I think we've got to be a little careful because we're obviously - although we are the ones participating we are a relatively small group on the call.

I feel that I've heard fairly strong consensus for this whole single charter point. Notwithstanding that, I agree with you guys that we could soften that slightly without compromising it totally.

So it seems to me that a form of words which indicates a, you know, a desirable preference, a strong, you know, that this would be the norm would be for a single charter but not to preclude it entirely. I'm happy to go along with that for the moment.

I suspect we may get pushed back when it goes to the GNSO but let's work with that and see how strongly the GNSO as a whole feels. I'm happy that Liz finds a form of words to try and reflect that.

Liz Gasster: Well how about something like - this is Liz, how about something like typically all SO's and AC issues approve a single joint charter whenever possible.

Alan Greenberg: It's Alan speaking, the title of this section is practices and this is an outcome not a practice. I think we need to first focus on the practice of how do we get the charter or charters, heaven help us for cross constituency working group.

And I think that's the more critical issue. If you look at the JAS, the original charter was done by the GNSO and accept - agreed to by the ALAC. If you look at the DSSA one, the chairs and maybe vice chairs of the various ACs and SO's got together privately, drafted a charter which was then rubber stamped without changes by all of the organizations.

So we've used different models in the past and I think we need to talk about the practice of how is it we get to a charter without each of the groups then nitpicking and reworking as happened on the JAS recharter.

Jonathan Robinson: Well Alan...

Alan Greenberg: And becomes almost impossible to reconcile.

Jonathan Robinson: If you take that view then really what I would think this section needs, this practices or working practices or you know needs something, needs to be broken down into some of the key sequential sections of the evolution of a community working group.

In other words, one might have a subsection on chartering, a sub section on operating practices in which case you know we might talk about for example whether or not they use the rules of a GNSO working group.

And the consequences of the outcomes of the work, in other words that this is not PDP policy, but it is this and so on so maybe what we need to do is break down the second section into as I say the key sequential points in forming executing and concluding a community working group.

Alan Greenberg: I like that.

Jonathan Robinson: Liz do you think you could do that? It's really - I mean the key points would be as I say it's formation, execution and conclusion as the three phases really or you know phase one, phase two, phase three.

Liz Gasster: Because of drafting process?

Jonathan Robinson: No of the entire working group's life of the community working group's life. And then under formation we could deal with chartering in that way.

Alan Greenberg: How does one get formed and get chartered? How do they work and then how do they report?

Liz Gasster: So this would be a new section, like instead of practices, or in addition to practices?

Jonathan Robinson: It's subsections underneath it.

Liz Gasster: Okay. So one formation, one execution or are those...

Jonathan Robinson: Yes, reporting, conclusion, outcomes. We need to - and then we just - and then the existing bullets that are under practices should fit under one of those three sections if you've got some left overs, then we'll deal with them.

                     But that might frame our thinking a little better.

Alan Greenberg: Yes, at this point it's practices and outcomes or something, I'm not sure outcomes is the right word. But if you think of one of the results of the first section is a charter coming out of it, it's a part of (unintelligible).

Jonathan Robinson: How about this Alan, operational CWG.

Liz Gasster: That's what I was wondering and I think that's the second one though, isn't it? Formation operation and outcomes?

Jonathan Robinson: Well I was thinking the overarching heading was the operation of CWGs and then it's sort of formation, execution, conclusion.

Alan Greenberg: We're moving the word practices.

Liz Gasster: What does the word execution mean in this case? Stop Alan.

Jonathan Robinson: Doing the work of.

Liz Gasster: Okay.

Jonathan Robinson: Not skilling off.

Alan Greenberg: Although on JAS when representing the ALAC it felt like it was the latter definition.

Jonathan Robinson: Yes, I realize.

Liz Gasster: Coming back from Dakar.

Alan Greenberg: Has everyone recovered from Dakar by the way?

Liz Gasster: Not really, (unintelligible) is the man to ask, he had a rough trip.

Jonathan Robinson: Me? Yes but that wasn't anything to do with being in Dakar that was just early winter flu which - I think we've lost (Jaime) more or less.

Alan Greenberg: He said he wanted a dialogue several times in the chat.

Jonathan Robinson: Yes, I think Natalie's on the case I hope.

Liz Gasster: He's been dialed out too, he's connected now.

Jonathan Robinson: Thank you, so (Jaime) just to try and summarize where we got to, are you online (Jaime)?

Alan Greenberg: Maybe muted?

Jonathan Robinson: (Jaime) you there?

Woman: I show that (Jaime) is connected.

Alan Greenberg: And not muted?

Woman: Correct.

Jonathan Robinson: Let's ask him on the chat. Okay so just to - I guess we'll give him a minute to come back in.

Alan Greenberg: Jonathan it's Alan, while we're waiting I would suggest that one of the things this document will need is along with each of the points a little bit of a discussion as to why we came up with that conclusion.

Jonathan Robinson: That's a really central suggestion and the way one might do that Alan and Liz is form these bullets into a table form, so instead of just being a list of bullets down the left, we might have a table which says practice motivation or you know activity issue motivation or something along those lines.

Liz Gasster: Rationale maybe?

Jonathan Robinson: Pardon?

Liz Gasster: Rationale maybe?

Jonathan Robinson: Yes sure, that's fine. Something along those lines so it says clear. That's very sensible. I appreciate that and in fact we could do that up at the top as well on the scope area as well, the same format I think is very useful to explain the thinking.

Because really what we want to do is put this before the GNSO and say this is where we've got to, do you accept it as the GNSO position or do you want to revise it and the clearest way to helping them understand why we're proposing it is to have that rationale there, so that's great.

Alan Greenberg: Yes, I think we want to be careful about what words we use and when we propose it to them, because I don't think we want the GNSO refining this to the Nth detail and then formally going to the other groups.

Jonathan Robinson: No, and that's a good point Alan and I think we've sort of been round that loop a few times and you are right and so I think we need to make it - make our understanding clear when we present this.

And that is that this is a GNSO agreed position but with the understanding that it hasn't had significant community input and really needs to be put out to the whole community now for input refinement and development.

Alan Greenberg: Yes, I think this GNSO is likely to be a lot less rigid than one six or eight months ago would have been on this kind of topic.

But there's no - but there's a need to set expectations.

Jonathan Robinson: Yes.

Liz Gasster: This is Liz, just to comment along that is that this group won't actually develop something that's a GNSO agreed thing.

Alan Greenberg: It's GNSO agreed starting point but we need to make sure...

Liz Gasster: I mean you'd have to decide whether you want to try to get the GNSO agreement before you hand it off or you know seek more participation and collaboration with the other SOs or ACs or just seek GNSO concurrence to move ahead with all the SOs and ACs including the GNSO.

Jonathan Robinson: Here's the sort of if you like what you might call the fudge that I've thought of in how to deal with this is wherever possible we take input in from other groups in forming this initial GNSO position.

So it's not done in a silo and in absolute isolation. However we recognize that it's (unintelligible) to last year, we're going to open it up to be a broader activity and try and get an - if you like an ICANN community agreed framework for CWGs on the back of this.

And hopefully we've been open enough that it isn't - other work we've done isn't thrown out completely and it's taken as a constructive and sensible starting point.

Alan Greenberg: Jonathan with regard to that I have a 1A agenda question. If I remember correctly in the GNSO's meeting with the ccNSO it was the ccNSO who raised the issue you know essentially saying what, you're doing this without talking to us?

If I remember that correctly, shouldn't we work a little harder to get one ccNSO person on this group?

Jonathan Robinson: Yes, we should and I'm happy to take that action on myself. Okay (Jaime) let me briefly summarize for you where we've got to. We looked at those first three bullet points. If you can confirm either orally or via the chat that you can hear us now?

(Jaime): Yes.

Jonathan Robinson: Great (Jaime). Just to bring you up to speak then, we obviously looked over those first three bullets and we talked about some reordering and sorting that out. But then we talked to practices for CWGs and we've agreed to essentially rename that section to something like the operational CWGs.

And to break that down to three subsections which is really about the formation, primarily the chartering, the operation or the work of CWGs and then the conclusion of CWGs. So break it down into beginning middle and end of the life of a CWG.

Then we'll separate out these different bullets that exist into those different areas and then finally we will take each of those and put alongside them a rationale for why we've worked with, come to each of those points.

Alan I think we'll stick to 60 minutes, I don't think we need to go on for 90, I think my preference is to stick for 60.

Alan Greenberg: That was my assumption but I just realized we were getting close and I wanted to ask.

Jonathan Robinson: Yes thanks, appreciate you checking that. So I should have made that clearer. But so that's where we've got to (Jaime) so these are formal - almost like a table where you'll have a box on the one side which will be the statement or the bullet and a box on the right hand side which rationalizes what our thinking was there.

(Jaime):   Okay. Good idea.

Jonathan Robinson: Yes it wasn't mine. I think it's a challenge to take this a lot further without actually reformatting the document in that way. And I think we can if we work at it we can do some of this on line.

Does anyone else have anything on the existing comments now that they'd like to raise before the documents are restructured along the lines we were talking about?

(Jaime):   I don't see any major problem with the - the only point I would like to point out is the one that I brought up earlier that is along the lines of the wording of the second bullet, that's all.

Jonathan Robinson: Yes, I think we captured that (Jaime) so hopefully we've got that and that's understood.

(Jaime):   Okay.

Alan Greenberg: I have a question on the fourth bullet under practices. That seems to be counter to the previous statement that says it may not be GNSO workgroup guidelines.

Liz Gasster: Actually I think we just didn't get that far because recall that we changed the GNSO in bullet one to appropriate.

Alan Greenberg: Okay.

Liz Gasster: Right, and that's as far as we got, so you're right, I think that would be a - the following edit would be appropriate working group.

Alan Greenberg: Yes, by the way I think the word whenever possible is politically incorrect. You're presuming the GNSO takes precedence over any other rules and I'm not sure that that's politically the way you want to phrase that but we can define that when we start working on the details in earnest.

Jonathan Robinson: Yes, I think I agree, that could probably go given the (unintelligible) session appropriate already anyway.

Alan Greenberg: I mean it turns out the GNSO is the only group that has relatively detailed rules at that level, at least I believe that's the case. The ALAC may some day and is probably going to pattern it on the GNSO's work.

   But you know we know not all animals are equal but the GNSO is more equal than others.

Jonathan Robinson: No, but on the other hand if one has appropriate working group guidelines and it just happens that only one group has got some working group guidelines.

((crosstalk))

Liz Gasster: Well maybe be elected and adopt them officially but didn't Cheryl - there wasn't some intent there to adopt the GNSO.

Alan Greenberg: No, as I said the ALAC has been using them to the extent they are applicable, they're not always applicable but we haven't gotten to the stage of actually writing a detailed set of where there's differences and where there aren't.

                 But yes, they're good working group guidelines and we tend to be following them when it seems to make sense.

Jonathan Robinson: Right, all right.

(Jaime):   I would rephrase borrows in Alan's saying that it's not some animals are more (weak) than others but some groups are more formal than others. And GNSO, this is the more formal group I ever participated in.

Alan Greenberg: For better or worse, you're right.

Jonathan Robinson: Yes, okay. So I guess the other thing that I wouldn't mind just spending a few minutes on then is this item three then having sort of made some progress in the structure organization and substance of this document.

                 Is it - we've talked about at the beginning having probably - hopefully three more calls and I'm expecting that at the end of those three calls we've got what's starting to look like probably a two page document to deliver to the GNSO for their consideration.

                 Just - I wouldn't mind just thinking through how - what happens at that point? I think we then - we form a new group in sort of core to one of next year that really does bring on board, is a community wide effort to take this forward.

But what do we expect to deliver to the GNSO and what do we expect the GNSO to you know - is it part of a motion? Is it simply a report? It's probably just a report for discussion isn't it?

(Jaime): May I interrupt, (grab) something, not to respond to you Jonathan but to add another concern that I have is that it seems to - I don't know if it is part of this group's target, I don't think so.

But I think there is the need for some reach out effort after - to the other SOs and ACs to formalize the outcomes of this - of the conclusions of this group, of this drafting team I would say.

And then I don't know how this reach out effort would be taken. That's a route that I would like to add and if somebody can give their thoughts I would appreciate.

Liz Gasster: Jonathan I can - this is Liz, I can offer one suggestion.

Jonathan Robinson: Yes.

Liz Gasster: I think you know there is a SO AC chairs list when this group finishes you know it's draft it could recommend to the council that a request be sent to the other SO and AC chairs forming a joint group to review this.

And this group could even draft the note to those other SOs and ACs if there were specific you know structure or process or approach that this group recommended for conducting that joint consultation.

Jonathan Robinson: Yes, I think that sounds very sensible because what we could say is that you know the GNSO drafting team has given some decent consideration to the issues.

Taken some soundings outside of the GNSO, and puts this forward for as a starting point for consideration by the broader grouping and that could work very well.

Alan Greenberg: Do we need something in between though? I mean I don't think we want to the GNSO to pass a motion approving this because that almost sets an expectation that we're putting our dagger down and you know and force - trying to force the issue.

This is what we believe, on the other hand we may want to ask for input from the stakeholder groups to what extent they have concerns or things and then either do an iteration or pass those concerns on to the other ACs and SOs along with the report, something like one of those two.

Jonathan Robinson: Well my understanding is - and that's partly informed by the charter we agreed with the GNSO that we will report to the GNSO first of all.

And as part of that report we could recommend the step that Liz mentioned, or is that out of sync with what you were suggesting Liz?

(Jaime): Yes, I agree completely we should not go beyond the report and we should I think recommend this reach out effort to be done as Liz pointed out.

Jonathan Robinson: Okay, well that gives a fairly clear roadmap. Is that - is everyone on the same page on that or is that always...

Alan Greenberg: I'm fine with it but I have a little concern that if we're recommending something which any of the stakeholder groups or the councilors more importantly strongly object to that we are going to be presenting something as a GNSO position which might be at odds with parts of the GNSO.

So I'm wondering do we need a sanity check or an iteration you know and perhaps put out a preliminary report as for any comments and then a final report, I'm not sure.

Jonathan Robinson: Well that's sensible, I mean we could certainly do that Alan, we could certainly leave the ground subject to - we could put a report in subject to final review and comment by the GNSO.

Alan Greenberg: I mean I'm happy to say what we're saying is the GNSO position but not everyone in the GNSO may agree.

Jonathan Robinson: No, I've always thought - I've absolutely always thought that it needs to go to the GNSO for final comment and input as an entire group prior to it becoming the GNSO position.

It cannot be that we as a drafting team I don't think finalize the GNSO position. I think we - we finalize the drafting team's position, put that to the GNSO and seek final input which we would hope and expect wouldn't be radical change.

Alan Greenberg: But I would - when we've come to the final wording we'll have plenty of time to do that I would essentially say you know we seek agreement of the GNSO for the chair to present this to the other ACs as opposed to a formal motion approving this is the GNSO position.

Jonathan Robinson: Yes, that's a good way of putting it.

(Jaime):   Well I'm always learning from Alan. And I would say that the (dazzle) is why because he is home.

Jonathan Robinson: All right, well on that note I think that's probably taken us as far as I had hoped we would go today and I have a reasonably confident feeling that we

will manage to get to where we need to by the end of the year which is what I'd like to achieve.

So I'm open to any other comments or additions but if there aren't any then I think I'm happy to sort of wrap up at that point.

(Jaime): Okay.

Jonathan Robinson: Great, so Liz we were clear then on when the next calls might be and we'll do the poll on that.

Liz Gasster: Correct, we'll have just to summarize quickly we'll have calls scheduled for November 22, December 6 and December 20 and doodles will be sent out to confirm the time and we'll go as broadly for those days as possible.

And I'll restructure this set of draft principles into a chart where we can add the rationale and reorder them with the subcategories that have been defined on the call today.

Jonathan Robinson: Brilliant, that sounds fantastic. Okay great, well thanks everyone for your contributions and we'll be in touch on line and in a couple weeks time.

(Jaime): Bye bye.

Liz Gasster: Also be putting this on the mailing list as well to clean up who is participating and to add additional invitees.

Jonathan Robinson: Yes, very good.

Liz Gasster: Thank you.

(Jaime): And remember John was also in this group too.

Jonathan Robinson: Yes, John's been an active participant so I'm slightly surprised he's not here.

Liz Gasster: Oh John Berard, right.

(Jaime):   Well bye bye, thank you all.

Jonathan Robinson: Likewise, thanks Liz and thanks to your colleagues.

Woman: Thank you for calling, thank you.

Woman: Thank you, stop the recording.

Woman: Yes please.

END