Policy Process Steering Committee (PPSC) Working Group Model (WG) Work Team (WT)
TRANSCRIPTION
Wednesday 13 October 2010 at 18:30 UTC

Note: The following is the output of transcribing from an audio recording of the Policy Process Steering Committee Working Group Model (WG) Work Team (WT) meeting on Wednesday 13 October 2010 at 18:30 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-ppsc-20101013-en.mp3

On page: http://gnso.icann.org/calendar/#oct
(All MP3's and transcriptions can be found on the calendar page).

Present: J. Scott Evans - IPC Work Team Chair
Avri Doria - NCSG
Jonne Soininen – Individual
Iliya Bazlyankov

Staff:
Gisella Gruber-White
Marika Konings
Glen de Saint Gery

Absent apologies:
Cheryl Langdon-Orr – ALAC chair
Caroline Greer
S Subbiah –Iindividual

Coordinator: Excuse me. I'd like to remind all participants this conference is being

                      recorded. I you have any objections you may disconnect at this time. You

                      may begin.

Gisella Gruber-White: Thank you. Good morning, good afternoon and good evening to

                      everyone. On today's PPC, PPSC Work Group call, sorry on Wednesday the

                      13th of October.

                      We have J. Scott Evans, Avri Doria, Jonne Soininen. From staff we have

                      Marika Konings, Glen DeSaintgery and myself Gisella Gruber-White. We

                      have apologies from Cheryl Langdon-Orr and from (Sabia) but please just

remind you to state your names when speaking for transcript purposes. Thank you. Over to you J. Scott.

J. Scott Evans: Right. This is J. Scott Evans and I am the chair of this group. I would like us (unintelligible) phone near the phone because I'm getting feedback.

I would like to power through, we only have one comment we need to consider, we did send around to the group a revised version with suggested language to cover, excuse me, the decisions that those on the call made last week, Marika is that the version you have on the PowerPoint, the one that we edited again and sent around?

Marika Konings: This is Marika. Yes that's that version.

J. Scott Evans: So it has everything. So what I would like to do today is just to power through point seven and consider the note sent around by staff regarding cross community groups and then send whatever we come up with around to the full list for consideration of the specific wording given that there is so few of us here today I think that would be a little bit more efficient and effective.

And then once we do that then do a call for consensus after we give a period of time to take in the list comments. That's okay with everyone? Avri you have your hand up, I'm sorry.

Avri Doria: That's okay. I have my hand up for a possible agenda item.

J. Scott Evans: All right. Please mention it now.

Avri Doria: Okay yes. There is a issue going in the COT working team of the OSC, that's the Council Operations Team.

J. Scott Evans: All right.

Avri Doria: And they are in the process of dealing with a bunch of issues in the SOI DOI.

J. Scott Evans: Okay.

Avri Doria: Since we have adopted their work wholesale I wanted to alert this group to the issue and if the group wants to actually I can spend a little bit of time explaining what's going on and what some of the issues around the edges are, but I certainly wanted to alert the group that there is goings ons in that area.

J. Scott Evans: Well can we go ahead since that was one of the comments made by one of the commentors that we've already covered that area? It was the IPC I believe made comments with regard to SOI and DOI. So why don't I just give you the floor and you fill us in?

Avri Doria: Okay. So the, there's three different issues that are being dealt with in that group at the moment. One is that DOI's should have to be written even though the rules say that they have to be written there's certainly been a lot of community irritation and displeasure at that. So they're looking at making a change on removing the requirement for them to be written.

Two, there is a requirement that's written that there be polling of each individual for an update for SOI DOI. A lot of people have complained about that and in fact most groups have reverted, whether it's the council or groups, have reverted to just does anybody have a change to their SOI DOI to make as a group question with people answering it.

So that's a second change that they're proposing be made. There's the third issue has to do with whether staff members are participants and when the rules say all participants must do an SOI DOI whether that includes the staff. It's going, discussions are going on with legal about that.

There seems to be an approaching, you know, suggestion from the working team that full time staff should not have to do a SOI as long as the staff declares you know, staff that works for us speaks for us and anything else is not to be assumed and the, that perhaps though this declarations of interest if for example some staff member was also involved in the IETF or the ITF and participating in policy issues that there might want to be invited to mention that just like everyone else is invited to do a DOI.

J. Scott Evans: Well here's, now I just have a...

((Crosstalk))

J. Scott Evans: ...comment about...

((Crosstalk))

J. Scott Evans: I would like do we know what the policy is with regards to staff disclosing? What if you have an investment in one of the companies that could be affected by the decision of a group?

Avri Doria: Great question. That's indeed why it, as soon as someone read all participants so now we've gotten one missive from legal that it basically said staff are not participants they are staff and some of us have argued, myself included, staff are participants they just have different roles and responsibilities than the volunteer participants you know, but there's various kinds of roles, there's chairs, there's liaisons, there's this and there's that.

They all have different roles and responsibilities and in fact if you look at our work we've always described roles and responsibilities of the staff members participating in a working group.

J. Scott Evans: Okay.

Avri Doria: So it's going back and forth, your question is a good one, and that is an open issue that is still going on between legal and the group.

There's a procedural issue also that I must confess to being the main irritant in which is whether, this has already been approved by the council and my question is whether the COT's working team can unilaterally recommend these changes to the council, especially when another group, not in the OSC but the PPSC has adopted these things and integrated them in.

Or does this require a wider conversation or does it require something that the GNSO is talking about now that hasn't resolved, which is the issue of the OSC, PPSC and all of their subcommittees blinking out of existence and a new standing committee to review the implementation deals with new issues, the SOI, DOI possibly being one.

But the larger issue of who's going to deal with all the implementation you know, nicks and issues that come out, especially since there's going to be complicated combinatorial effects of a proposal that was made for council members has been accepted for all participants in working groups, if you change it in one place you change in the other you end up with a divergence of (tasks) what goes on.

So that's the issue quickly.

J. Scott Evans: Okay then I would suggest Marika, I'll call on you next, if we just put a footnote that says that this portion could change based on the work that's currently undergoing in that group. And then Marika would you like to speak?

Marika Konings: Yes this is Marika. Just on the issue of staff declarations of interest, I know indeed that our legal team is looking at that but you know, just for the record as well you know we do sign disclosure of interest as well as pride of our employment agreement.

J. Scott Evans: Okay.

Marika Konings: So there are you know, those kind of things that you know, the staff does have to disclose to ICANN as our employer. Just on the note of the SOI language in the document because there we do you know, state specifically that this language needs to be cross-referenced and updated once or with OSC could finalize the language.

And just you know the idea was there as well that actually this language in the final product once these working group guidelines get incorporated into the GNSO operating rules that actually this language wouldn't appear here but it would just be cross-referenced so it would refer to...

J. Scott Evans: Right.

Marika Konings: ...the specific paragraph that you know, that the (unintelligible) and then the OSC and then the council adopt.

So you know maybe to clarify this maybe it would just be easier to remove the language here and just note this is a place holder for the language on the SOI and DOI being developed by the (unintelligible) OSC to be cross-referenced when ready and adopted.

I think that makes it easier for people to understand that you know we haven't developed this language and you know make sure as well that people, you know there's no need to, we'll involve different groups or added in different documents to get the same, you know, the end result and you know what the (unintelligible) currently is doing.

J. Scott Evans: What I would suggest is we don't remove it at this point but we highlight it when we send around this next draft in yellow or in a different color and we suggest that that might be one solution, Avri?

Avri Doria: Yeah. Just want to check, so basically what this group is saying, and not that I'm necessarily liaison though I am serving as vice chair and primary irritant of the other group is that we are basically as a group saying we're fine with anything they do to this.

J. Scott Evans: Well and yeah, I mean...

Avri Doria: I mean that's sort of the attitude we did take in the past.

J. Scott Evans: I don't know if I'd say we're...

Avri Doria: I meant so that we're giving them carte blanche to say go do your stuff, we think it's cool.

J. Scott Evans: And then if we have a problem we'll participate in their process our constituencies through the comment period.

Avri Doria: Okay.

Jonne Soininen: Yeah right. I think this is what we did in the past and I think this is what we should do now as well and while that work is ongoing there and this is something else what we are doing here, though these are related we can always participate there. By the way for the record this is (Yana).

J. Scott Evans: All right. So there we are with that. Marika do you, did you understand my plan is to highlight that in some color and suggest what we might do in the final submission?

Marika Konings: Yes.

J. Scott Evans: Okay. So that the people on our list will know this is the language we're thinking of. All right. So let's talk about number 7, and then when I talk about

number 7 that's the issue setting fourth which recommendations should be mandatory as opposed to guidelines.

I'm going to open this up to the group.

Jonne Soininen: So this is (Yana). I mean like we, just our have written a document which is called GNSO working group guidelines, so I guess there, it's guidelines the whole document.

There might be something that we would like to emphasize maybe but that would be quite a, then I think that if we would like to do that then we would have to go through the document and basically use some key words like must or shall or something like that.

But what I've understood from this work we are just doing guidelines and so nothing is really that mandatory now is it?

J. Scott Evans: Well it's what I understood was that these were sort of more like best practices guidelines that we're developing. Now if the GNSO wants to take them when we've developed them and say that they're mandatory that's up to them, but we were sort of putting together a rough framework about if you did these things we believe you would have the most efficient and effective working working group.

Jonne Soininen: Yes.

J. Scott Evans: So Avri?

Avri Doria: Yeah I actually got my hand up before you spoke but I think I tend to agree with you. I think at this point the best thing to do, given that one side but not all is propose guidelines.

J. Scott Evans: Yes.

Avri Doria: I think that when somebody writes a charter for a group and says you will operate according to that is the decision of the chartering organization to decide to what degree these guidelines must be followed and how they go about making objections or exceptions, not objections but exceptions.

J. Scott Evans: So did you just say, you said you think it's up to, because I'm going to volunteer to encapsulate our response.

Avri Doria: Right.

J. Scott Evans: You said that, would you go through what your rationale just one more time so I can...?

Avri Doria: Right. Basically my rationale is that, and it's similar to what you said, it's up to the chartering organization...

J. Scott Evans: Yes.

Avri Doria: ...when they write the charter to call out these guidelines and to indicate to what degree they are mandatory or not and the process by which any exceptions would be made.

J. Scott Evans: Okay.

Avri Doria: Otherwise we'd go through the hell that (Yana) said and in each line we have to decide is this a must, is this good and what do those words really mean.

J. Scott Evans: Right. Okay. Well then I will volunteer to do the little response on this issue and I'm going to put that at the beginning of the document since it runs pervasively throughout the document, this idea of whether it would be mandatory or whether there, okay, is that all right with everybody?

Jonne Soininen: Perfect.

J. Scott Evans: Hearing no one screaming absolutely not I think we're done. I think I will add this little bit to the beginning of the document and then we can post it to the list Marika maybe today?

And then I would suggest that we give it seven days for the list to respond to this draft and once that's done I'll make a call for consensus which would be sometime after the 20th, which I will leave open for seven days. My goal is to have this thing closed up by the end of this month. Does anyone, that we can deliver it by the end of this month to the PPSC. Any objections to that little loose timeline?

Jonne Soininen: Sounds good.

J. Scott Evans: Well thank, oh we have one more issue, I'm sorry. We need to...

Marika Konings: Yes.

J. Scott Evans: ...this cross unity issue and Marika since you're the one that wrote the note for the record would you put forth the staff's feelings on this or comments or suggestions?

Marika Konings: Yes. This is Marika. If I can just come back one second to the previous comment that's missed under seven, you know it has the catch all phrase of you know, setting forth this recommendation be mandatory as opposed to guidelines, but if you look down into the PDF document and highlight the different comments there are also with two other ones that suggest clarification or additional language. If you want I can pull that up here?

J. Scott Evans: Yeah tell me where they are.

Marika Konings: If you give me one second. If you scroll to the end of the document that's up now the last page I think comment C and D go a little bit beyond the header of this chapter or such is mandatory versus guidelines so maybe we can go over and just spend you know, a moment just looking at these two and see if any sort of changes are required.

These are also highlighted in the relevant sections in the document itself but I don't exactly and that quickly where they appear but...

J. Scott Evans: I, again I think that, I think that (INTA)'s comments are so, I mean you would think they all write treasury regulations for the United States government and the Internal Revenue Service, that's a specificity with which I think would make these seem not fluid enough to survive the fluid and ever changing environment which is the policy development process within ICANN as it matures.

So I will just, that's my comment to the group with regards to C and the fact that we need to say who our chartering organization is and do all that, that's just crap. That's just something for everybody to argue when somebody else uses it and saying well you're not a chartering organization, they're specifically defined and etc.

I mean if, come on if we're going to argue over what a chartering organization is we might as well all go home. Comments?

And with regards to funding we've said that you should scope that out but what are we supposed to do with regards to everyone stamp your feet and pout if the board says you're not getting any money. That's comment Z in seven so I think I'll be free to address those as well so that they, because they also were the ones that were very clear that they want a response to each of their points.

So I'll make the response back, that way, but you can never call me out, if anybody ever sells me down the river my constituency I'm going to get you in your sleep.

Avri Doria: We are recorded you know.

J. Scott Evans: That's fine. Nobody...

Avri Doria: Okay.

J. Scott Evans: The five people who listen to this because they have no life I'm not worried about.

Jonne Soininen: Yeah you're absolutely right. No I feel very much on the same lines you do and maybe not had it with those exact words but yeah I think that we have to be, and like there's a fine balance of being too specific and to have something usable and I think we are now on the usable side and I don't think that we shouldn't go to the further than this and try to explain in detail what is the chartering organization and what is charter and so on.

So I think we're mostly done with this work and going beyond this is really not helping anything anymore.

J. Scott Evans: I agree. Okay. Marika is that, do you feel like we have.

Marika Konings: Yes. I just wanted to make sure that you know, when we went back afterwards and say we forgot about those two points, so I'm very happy with the responses.

J. Scott Evans: That's why you're here is to make sure that we don't forget things. Great. So I will get this to Marika along with those you know, I'll just give it to Marika so she can post it to the whole list and get it to the Wiki. Seven days open so by

next Thursday we will do it, calls for consensus should be done on the list, we don't need another call.

I'll put out a call for consensus, leave it open for seven days, that should have it closing around the 27th and let's see that's the, that's another Thursday and then I'd like to package it up and get out by the 28th so hopefully (Jeff) can get it done and to the you know, within that, I think November 15th or something they need to have their documents together for the GNSO meeting. So what do you think, is everybody happy with that?

Super, fantastic, wonderful, yes?

Marika Konings: Yes. Marika, just on the point of the cross community working groups.

J. Scott Evans: Oh I'm sorry. Yes.

Marika Konings: So I, you know, we've spoken currently a bit about it because I think (unintelligible) there's several cross community workers currently going on we recently had the high profile recommendation six, cross community working group.

So we're just wondering whether it would make sense to make a reference to that type of working group in this document, although of course you know, I mean working group is, in the charter organizations free to use this document.

But maybe with a specific focus as well to make sure that participants in those working groups are aware that currently there is no formal model for policy development in a cross community working group so that any policy recommendations that would come out of such group would need to go through the respective chartering or advisory committee to become formal advice to the board.

If that is a desired outcome, I think just a clarification that we would like to see someone you know, maybe this might be the appropriate place for that and that we'd be interested to hear your feedback on.

J. Scott Evans: If anyone didn't see it, Avri I'll call on you as soon as I do this, just I want to bring, did everyone see Cheryl's comment or were they to me?

Avri Doria: I didn't.

J. Scott Evans: She basically said that she liked the SAS suggestion because she felt like it gave credibility to these groups and sort of gave a nod towards a more collaborative working environment. So that's just her point of view. Avri?

Avri Doria: Yeah I sort of agree with that. I don't know, and this is part of what I said in my note, I don't know that we need to worry about what is done in terms of defining a policy or practice or whatever the work of these groups because this working group model will be used both for PDPs and for non-PDP stuff.

I think a lot of what your paragraph was fine though I'm wondering whether it's simpler just to talk about, because we always talk about a single chartering organization and just to basically make it clear that it's chartering organization or chartering organizations who have agreed on a single charter.

And then, and you know I think the idea of, I hadn't thought of it but what Cheryl says about it legitimizing the work is good, but I think if we just sort of open it up and said there can be more than one chartering organization for a group as for example we've seen in the cross working groups, etc.

But I don't know that this group needs to do much defining of what happens to its output and (unintelligible).

J. Scott Evans: Okay. What, I agree with that and here's what I would suggest, we have got 30 extra minutes in your day right now that I'm going to give you because you

and Marika jump on the phone or by e-mail hammer out a compromise with that language and then have you all add it to the document for consideration in the next 30 minutes or so, Avri?

Avri Doria: I mean, to Marika but yeah I'm sure we could, we could either do it that way or passing it back and forth in e-mail once or twice I would do it.

J. Scott Evans: Okay, either way if you would just do it today and get it done I'm going to give you this extra 30 minutes and with that I'm going to call this an adjournment and we will circulate the document for comments to the list.

Avri Doria: Marika didn't agree.

J. Scott Evans: Oh but Marika. She's got extra, she'll do it.

Marika Konings: Yeah it's only at 9:00 my evening, I'll do it, no problem, but maybe Avri if you can just stay on the line we just stop the recording and conference about it.

Avri Doria: Sure. We can do that.

Marika Konings: Does that work?

Avri Doria: Of course.

J. Scott Evans: That'd be super. The secretariat would stop the call the rest of us will drop off and ladies I owe you a drink in Cartagena for this, and I mean that seriously, thank you so much.

Avri Doria: Okay. Bye-bye.

Marika Konings: Thanks.

Jonne Soininen: Thank you. Bye.

Avri Doria: Bye.

Gisella Gruber-White: (Kelly) would you just stop the recording now please.

Coordinator: Yes. Thank you.

Gisella Gruber-White: Thank you and we, we'll just have a couple of people still staying on line.

                    END