

**Policy & Implementation Working Group Meeting
TRANSCRIPTION**

Wednesday 22 January 2014 at 2000 UTC

Note: The following is the output of transcribing from an audio recording of the Policy & Implementation Drafting Team meeting on Wednesday 22 January 2014 at 2000 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-policy-implementation-20140122-en.mp3>

On page:<http://gnso.icann.org/calendar#jan>

Attendees:

Chuck Gomes – RySG
Philip Marano – IPC (also in for Brian Winterfeldt – IPC)
Michael Graham – IPC
Cheryl Langdon-Orr – ALAC
Alan Greenberg – ALAC
J.Scott Evans – BC
Greg Shatan – IPC
Avri Doria – NCSG
Klaus Stoll - NPOC
Tom Barrett – RrSG
Nic Steinbach – RrSG
Marie-Laure Lemineur – NPOC
Kiran Malancharuvil – IPC
Marie-Laure Lemineur - NPOC
Olga Cavalli – GAC
Anne Aikman Scalese - IPC
Olevie Kouami – NPOC

Apology:

Brian Winterfeldt – IPC
Jonathan Frost – RySG
Krista Papac

ICANN staff:

Mary Wong
Marika Konings
Nathalie Peregrine

Operator: This call is now being recorded. If you have any objectives, you may disconnect now.

Nathalie Peregrine: Thank you very much, Vince. Good morning. Good afternoon. Good evening, everybody. This is the policy and implementation working group call on the 22nd of January, 2014
On the call today we have Cheryl Langdon-Orr, Klaus Stoll, Avri Doria, J. Scott Evans, Chuck Gomes, Bertrand Delachappelle, Nick Steinbach (INAUDIBLE), Phil Marano, and Michael Graham.

We have an apology from (INAUDIBLE) .
And, from staff, we have Marika Konings, Mary Wong, and myself,
Nathalie Peregrine.
Kiran Malancharuvil is in the midst of joining the AC room.
I'd like to remind everyone to, please, state your names before speaking
for transcription purposes.
Thank you very much. Now over to you.

Chuck Gomes: Thank you. This is Chuck. And let me say that Jonathan Frost notified me
with an apology as well, as he and his company are busy launching a
new TLD. So he will not be able to join us today.
Welcome, everyone. And I appreciate some of the activity that took place
on the list.

And, hopefully, you can see the agenda on the right. Let me ask. Is there
anyone who is not in Adobe Connect? Just speak up if you're not, so I
know to watch-- Good. Okay. So it sounds like everybody's in Adobe
Connect, so you should be able to see the agenda on the right. It was e-
mailed out a day or two ago.

Any updates to SOIs?

Nick: Hey, Chuck. This is Nick. Can you hear me?

Chuck Gomes: Yes, Nick. Go ahead.

Nick: Oh, yeah. So my SOI--my title changed (INAUDIBLE).

Chuck Gomes: Thank you, Nick. Appreciate you communicating that. And you updated
your SOI, so it's there. Excellent.

Anybody else? All right.

Next, any suggested changes to the agenda?

Okay. Then let's go to item 4 on the agenda. This is very quick because I
requested this on the working group list. I do appreciate those that have
already been working within your groups to get responses to the
questions that we sent out to all the stakeholder groups and
constituencies and SOs and ACs. Thanks again to the ALAC. I don't know
if-- Alan may not be on now-- but for getting theirs in first and early. We
appreciate that very much. And I know Ahmer said he's working on a
response from his group. And I'm sure others are as well.

The reality of the matter is, and all of you, I think, know this, we ask an
awful lot of questions in requesting feedback there. And I know that's
challenging for groups to deal with so much.

So, future reference, if this working group sends out requests for input,
we might want to break it up. But we can deal with that the next time we
confront that.

But, anyway, I appreciate any help each of you can do in your
stakeholder groups, constituencies, SOs, whatever the case may be and
doing that.

Any questions on that?

Okay. Going to item five. I will give a very-- This is still Chuck speaking. I
will give a very quick update on the principle sub-team.

We're back rolling after the holidays. I thought we made some good
progress last week in our call. And we had a 90-minute call last week.

We're going to have another 90-minute call tomorrow. And, depending on
how that goes, we may have one next week. We'll decide that tomorrow.

I think we're moving right along because we realize that our work, like the
definition sub-team work, is a prerequisite to the main task that we're
going to be working on, hopefully, soon.

And, by the way, there's good list activity this week on the principles sub-team, which helps us move along further. So I appreciate that. Okay. Now we're ready, unless anybody wants anything first, to go to our main agenda item.

I want to thank the definitions sub-team for the excellent work they've done. That document was shared quite a few days ago.

And our goal today is to go through that document in detail. And, to do that, I'm going to turn it over to Michael.

Michael Graham: (INAUDIBLE) go over in detail. Well, this is the final draft as we prepared it from the sub-team. And what we'd like to do is to go through, and I propose the way we could do it is to go through term by term to see if there's any discussion on the draft definition (technical difficulties)-- final definitions for us.

Again, I think reviewing the note at the top that these working definitions have been developed for the limited use by the GNSO policy and implementation working group to facilitate their discussions and deliberations on the questions outlined in the working group's charter. These definitions are expected to evolve as the result of the working group's deliberations.

At the end of the process, the working group is expected to review these definitions and/or update them as appropriate and to include them in the final report, which was an addition from Chuck, I believe.

So all of these we have discussed, and I'll just go through them as we have them printed here and as they're on the screen.

And it's useful to begin with policy, both in terms of understanding it and in the fact that you will note that there are two definitions of policy under one. One is policy which is intended to be a dictionary type of understanding of that term generally. And then, where there may be a particular meaning in the context of GNSO or gTLD deliberations, we've included that as a second term.

So the first definition that we composed is policy. And that draft definition reads: A generally accepted definition of policy is a written statement of a (INAUDIBLE) decisions and/or methods of action selected to determine and guide present and future actions thought to be desirable or necessary.

And I suppose the way we should do this is open that up for any comment, proposed changes, or questions to the sub-team, many of which-- many of whom are on the call, thankfully.

Chuck Gomes: Michael, this is Chuck. I think you already know this, but I'm just going to let you manage the queue, if you're okay with that. There's no use me jumping in the middle. And, if I have something to say, I'll raise my hand like everybody else.

Michael Graham: Right. I'm trying to determine when it's agreeable silence or pregnant silence. I'm not sure which. We could always come back to these terms, I suppose, once--

Cheryl Langdon-Orr: Michael, Cheryl here. Bertrand's got his hand up.

Michael Graham: Go ahead, Bertrand.

Chuck Gomes: I wonder if Bertrand's on mute.

Michael Graham: Yeah. Are you on mute, Bertrand? And, in answer to your question, no, we do not hear you, Bertrand.

Chuck Gomes: I'll note that it was interesting the other day sitting in on policy panel, expert policy on the ICANN and governance, to listen to Vint Cerf be amazed because he was watching the chat room alive with conversation.

Michael Graham: Oh, okay. Bertrand says he's on Adobe. He will call in.

Alan Greenberg: Alan, you have your hand up?
Thank you. I guess I just wanted to draw attention to the fact, or not the fact but my belief, that this definition is lacking something. And I don't think it's anything we can fix right now, but I think it's important to remember it.
If you think about how we got to where we are today, it was because various people believed that things done during implementation were policy or impacted the policy.
This definition is almost a circular definition in that it's saying whatever is developed under the formal process is policy and implicitly implying, or implying, that anything that wasn't developed under the policy process is not policy. So it almost says there is no problem. We don't need to have this working group at all because it's all already clear.
And, clearly, in some people's minds, that's not the case. So I think it's just important as we go forward to remember that.

Michael Graham: Okay. Thank you, Alan.
I wonder if going ahead to GNSO policy-- if that's helpful in any way in that regard. So I'll just go down there and read. The draft definition for that is: GNSO policy is a policy developed through a formal policy development process as set forth in annex A of the ICANN's bylaws.
And then it's followed by a note, noting that there are recognition, I guess - we recognize. We note: There are multiple kinds of policy input within the ICANN world. There are formal policies developed through the policy development processes as set forth in the (INAUDIBLE) and operational policies, generally not subject to a PDP or considered implementation such as the conflicts of interest policy, for which public comment is sought and considered. And that refers specifically to AGR 2 recommendation 6 paper for further details. And general practices that are sometimes referred to as "little p" policies, or, more accurately, "procedures," such as the 30-day public comment requirement for bylaw changes.
This working group is charged with looking at whether there are other times during which policy processes may need to be invoked.
And, Alan, I'm going to take that as a new hand.

Alan Greenberg: It's just pointing out what I said in the chat. But my comment-- I'm surprised no one questioned me on it because my comment was really-- I jumped the gun. It was talking about this one, not the previous one.

Michael Graham: Okay. And I think part of your concern, too, is not so much addressed by but illuminated by the note that follows-- that there's been some (technical difficulties) of a rather loose understanding of what policy is and where it comes into play.

Bertrand: Bertrand, are you on the phone yet?
Yeah. Do you hear me?

Michael Graham: Yes. We can hear you.

Bertrand: Okay. Excellent. Sorry.
I just wanted to make two comments.
The first one is the one I put in the chat room. I was a little bit surprised that the definition includes decisions and/or methods of action but nothing related to rules, principles, norms, and elements of reference that

establish in a certain way a policy. And I was wondering whether it was intentional and maybe there's a rationale or if it is an oversight. The second thing is I agree with a comment that was made earlier regarding the fact that the definition of GNSO policy-- if we put only in the note the notion that there can be other types of policy done without a PDP, we are implicitly putting the finger on the key problem that we're addressing but sort of making a hierarchy thing that is GNSO policy. But, oh, by the way, it's (INAUDIBLE). And I'm not sure it's the right balance of-- for instance, making it in the notes in italics seems to be almost an afterthought, whereas it is actually part of the key issue we are addressing. That's it.

Michael Graham:

Okay. Thank you.

Chuck Gomes:

Chuck, you had your hand up?

Yes. Thank you, Michael.

When I look at the definition of GNSO policy, it looks to me like it's the definition of GNSO consensus policy, which comes up later, because GNSO policy can be (INAUDIBLE) policy as well, at least in my opinion. And that may or may not follow a formal policy development process, but it's still GNSO policy. So that would be the question that I raise in this regard. Isn't that definition basically saying the same thing in different words as GNSO consensus policy later? That refers to the bylaws. But the formal policy development process is defined in the bylaws. So it looks like what we have here is the same definition as GNSO consensus policy. And my thinking is that this definition should be a little bit broader than just consensus policy.

Michael Graham:

Okay. Thank you.

Alan Greenberg:

Alan, you raised your hand?

Yeah. I do not think this is the GNSO consensus policy, capital C, capital P. I suspect the lead-in sentence should say formal GNSO-- formal policy development processes. The reference to annex A is a tricky one in that the vast majority of annex A talks about the capital PDP, capital Policy Development Process. The lead sentence, however, or the lead paragraph, says, if we're not referring to consensus policy, where a PDP is required to compel contracted parties to change their terms of their contract, then other processes may be used. And I am presuming that this whole definition is referring to either the formal PDP, if the GNSO chooses to use it, or some other processes that may be used from time to time.

So I most certainly do not think it refers to consensus policy with capital letters, and I hope-- we did use the term PDP in the note. I'm not sure if that's correct. I'd have to look at it carefully. But, certainly, as we were drafting this, the intention was not just PDP-designed policy but policy that comes out of the GNSO through whatever methodology. Thank you.

Michael Graham:

This is Michael for the record.

Chuck Gomes:

Go ahead. Chuck, you want to answer that?

This is Chuck.

Alan Greenberg:

I just want to follow up with Alan. So are you suggesting, Alan, that it shouldn't be a capital P there in the definition, in the first-- second word?

No. I'm not suggesting that. I believe the GNSO can create policy which is not a consensus policy because it doesn't refer to the small p items and is potentially not developed under the PDP but using some other methodology the GNSO chooses to use.

Chuck Gomes: And this is Chuck.
So do I. And that's why I thought this is too narrow. The definition itself, forget the note, seems to only refer to policy that's developed via the formal process and not other policies.

Alan Greenberg: No. The annex A says and the PDP handbook says that we can use other processes. The GNSO is going to have to refine those before they can be used, but they can be used. It says a policy development process, not the, capital, PDP.

Chuck Gomes: This is Chuck again.
I get that. But this says GNSO policy is a policy developed through a formal policy development process. Annex A is just where the formal policy development process is defined. Where in that definition does it include the small p policy?

Alan Greenberg: It doesn't I don't think we're talking about small p policy here. An example in my mind of small p policy is the way that registries or DNS is going to use-- handle IDN variance. It's a policy, but it's not a policy in the sense of GNSO policy that has to be developed by consensus-driven processes within the GNSO. There are rules that have to be developed somewhere. Those are the lower-case p's that we're referring to just because we do use the word policy all over the place. We have a travel policy. It's not developed by the GNSO Annex A rules, but it's a policy. In my mind, anything the GNSO develops that is a set of rules, principles, whatever to guide gTLD implementation and operation is a GNSO capital P policy.

Chuck Gomes: I'm still not clear. But let me let others talk. I don't see the difference between this definition and the definition of GNSO consensus policy later. But let me let others talk.

Michael Graham: If I can-- This is Michael. I just wanted to drop in and ask Alan a quick clarification question. Were you referring to the source whereby policy may be developed either through a PDP or other processes? Are you pulling that from either the annex or from the charter?

Alan Greenberg: I'm pulling that from the-- what I was talking about maybe there's something in the charter. And I think there is something in the charter. But I was referring to the lead-in paragraph of annex A.

Michael Graham: Okay. And that's what I thought you were referring to. And I think I see Chuck's point, and I think the way to clarify this is to open this up so that it's not limited to developed through a formal policy development process, perhaps by including a minor change that would be through a formal policy development process or other means or methods as set forth in annex A of the ICANN bylaws. That way, we're not referring narrowly to only policy that's developed through that process but any time that it's policy related to GNSO matters.

Alan Greenberg: Okay. I was--

Marika Konings: Michael, this is Marika. If I could maybe just add something here because, as Alan clarified, I think the annex A, and I put it, as well, in the chat, refers to other processes. So I think if we're adding things there, we're going to (INAUDIBLE).
I think I just want to emphasize, as well, that we're really looking here at working definitions. We're not trying to define or determine here what the outcome of our deliberations is because I think the point that Chuck is making-- indeed, that whatever comes out of this working group may result in another formal process or procedure or whatever it's going to be called. That may also result in a small p policy, a formal policy by the

GNSO. And I think, at that stage, we would incorporate that into the definition and say GNSO policy is policy developed through a formal policy development process or whatever we're going to call what this group is going to come up with and reword that definition at the end stage.

I think we have to be careful here that we don't try to over think all these definitions now because they're not supposed to limit the deliberations of the working group going forward but just provide a tool, so we are all on the same understanding of when we throw out terms like GNSO policy, we currently understand with that.

So I think I just want to emphasize that to really take it as working definitions. And the whole idea is that, at the end of all our work, we'll go back to all the definitions and really see if they actually reflect or are in line with the recommendations that this working group is hopefully going to come up with.

Michael Graham:

Thank you, Marika.

Bertrand:

Bertrand?

I've been listening carefully to the discussion. And, as we all remember, the working group is dealing with policy and implementation.

When we're talking about policy, there are two dimensions, I feel, that need to be taken into account. One is the substance, the content of the policy. Let's say that there is a document, and nobody knows how it's been produced. You look at the substance of the document, and you say - Hmm, this is setting such (INAUDIBLE) set of rules or it is establishing constraints for third parties or it is something that is clearly designing or (INAUDIBLE) a particular objective. This looks like a policy as opposed to a document that would say the way you will implement or organize this thing is according to the following method.

So one element is whether, by looking at the result, the document itself, you feel or there are criteria that say this is a policy.

The other leg is how something has been developed.

And those two elements lead to two possible definitions of policy that maybe we have to combine somehow. But one is to say these things are sufficiently "substantial," whatever substantial means. It is a policy, and, hence, it should be developed according to at least a public consultation, at least a working group with all the different stakeholders, and, potentially, with a full-fledged, iterative process of the full, full PDP. This is the-- somehow substance-to-process approach.

The other way around is to say, irrespective of what the document is somehow, if it is produced by a PDP, it is a policy. And, if it is produced by something that is sufficiently consultative and authoritative, even if it's not a full PDP, it is a policy.

And I think there is almost a fundamental choice in approach between a procedural definition of policy and a substantive definition of policy. The two have to be combined because, if you do the definition according to what is the content, it conducts, or it leads, to a certain requirement regarding how it's elaborated, particularly regarding who is impacted, who is concerned, and so on. And, if you go the other way around, you define two or three methods for producing something, and you say any of those methods is producing actually something that is policy.

I'm wondering whether we are not discussing here a sort of shift between a procedural interpretation to a more substantive interpretation, because,

if I remember, some of the cases and, particularly, the famous thing about trademark (INAUDIBLE) that triggered a lot of discussions around in the separation. The key challenge was that, in that case, the rules that were embedded in what was to be implemented were actually substantial, and substantially by defining something that was adopted before-- that it had been discussed with public comments. And, hence, a lot of people were saying this is actually not implementation; it's policy. So it was more related to the substance than to the fact that it was formally brought through a process.

And I think, if we take the approach about the substance and determining the definition by the amount of impact, the degree of generality, as opposed to, for instance, something that is just the way you do something it will then lead to say, depending on the types of policy that we're talking about, we will need the following process, as opposed to saying we have three processes, and anything that goes through those processes is labeled policy. But it would not-- If we take this second approach or keep the second approach, it does not solve the question of whether something should be dealt with, basically, by the policy process or the GNSO or by staff, which I think is one of the underlying questions.

I hope I'm clear.

Michael Graham:

Alan, you want to go ahead?

Alan Greenberg:

Yeah. I'm going to try to say this very briefly.

Over the last number of years, there have been some rather difficult battles fought to kill the concept that a PDP, capitalized with all of its bells and whistles, was the only way to develop policy within the GNSO.

Now, we haven't gone so far as to formalize any other processes, but we have generally got it acknowledged, including in bylaws, in bylaws annex A, that other processes could be used, unless, of course, it is a formal, picket-fence consensus policy.

I think we want to be very careful not to put in place definitions or anything else here which rolls back that clock. Otherwise, we are killing an awful lot of work that was very difficult by a lot of people. And I really don't think we want to do that.

So, definitions are tools at this point, but they can set a standard. And we really need to be very, very careful that we do not equate capital P policy, formal GNSO/gTLD policy with the PDP. That may be the only formal process we have right now. We do have informal ones, as I've pointed out in the chat. And we may well have others in the future.

And this working group may indeed come out with some-- as I said-- I'm saying in the chat. I haven't finished typing it. I hope we will not try to define the full-- some other formal process in detail but may well specify some guidelines or principles for them. But let's be careful not to disallow that at the very beginning with our definitions. Thank you.

Michael Graham:

Thanks, Alan. Chuck, I'm not sure if Bertrand's hand is still up.

Chuck Gomes:

Okay. This is Chuck. This is more a process point.

I think it would be helpful if, before we move on to other definitions-- now, we're still on number one. We're fine. But some questions have been asked; some suggestions have been made. And, Michael, you were already responding in the chat to a certain degree of what I'm talking about.

But let's make sure we know what the next action steps are with these specific definitions. For example, would the definitions sub-team like to

deliberate a little bit further on some of these and come back to the working group? I'm not saying that has to happen, everyone. But let's just make sure.

And, for example, in Bertrand's initial comments, he asked some questions that I don't think there were ever answers to. So either-- I would hope that the-- somebody on the sub-team could respond. Or, again, say - Let's consider those questions and get back to him so his questions are answered.

So just a process point. As we go through, let's make sure we understand before we move on to a new-- to number two, for example, whether there are any action items on those definitions. Thanks.

Marika Konings:

And this is Marika. If I can maybe add to that, Chuck, because I think it would be really helpful, indeed if the working group is of the view that the sub-team should go back and look at those that have submitted-- made comments to maybe actually suggest specific wording or edits to the definitions that are on the table. I think that would make the work of the sub-team a lot easier. Or trying to interpret how people like their comments reflected may be much harder instead of proposing, I suppose, edits or additions or additional notes to clarify some of these things.

And, also, in order to facilitate that process, it actually may be helpful for Michael actually to, first, run through all the terms, so at least we had a chance to cover all of them. And then maybe we start the conversation. And if or when we run out of time, people actually had a chance to hear about all these definitions and then are able, hopefully, to submit some comments in writing to the list so that either the working group looks at it at the next meeting or the sub-team, whatever the group decides would be the most appropriate path to dealing with those. That may be a helpful way forward. Just a suggestion.

Michael Graham:

Yeah. This is Michael for the record. I think that may be the way to go forward, to take comments now and concerns and have the sub-team go back with those and consider whether or not we can address them in amendments or proposed amendments or in some other way.

Cheryl, you have your hand up.

Cheryl Langdon-Orr:

Thanks, Michael. Cheryl Langdon-Orr for the record.

I actually was struck with a need to at least put on the record here how careful we need to be with the tools in the nomenclature we're using; in other words, capitalization and inverted commas, et cetera. Michael, I was perfectly happy with your - I would revise, in the chat, right up until I noted that, in my view, there was a lack of capitalization, which I suspect was accidental and not deliberate, in the text you put up.

So I just wanted to be really sure that, as we move forward and start fine tuning these things, and I think we do need to do it in the way that Marika has proposed and Chuck was suggesting-- that we are very careful with our use of capitalizing, et cetera. We tend to do it, or many of us do it, in our language, so we refer to capital P policy or lower-case policy or upper-case policy. And, if we think about the way that's happening in our minds and as we speak, what makes it clear, we need to ensure we also make it clear that way in the written word. Thank you.

Michael Graham:

Cheryl, thank you. And I will blame Blake for my capitalization (INAUDIBLE).

Cheryl Langdon-Orr: I'm happy to capitalize, as long as it's done with purpose and we all understand what it means. And same goes for lack of capitalizing. That was Cheryl.

Michael Graham: All right.
And just a quick response. Bertrand, I think, is raising some interesting issues as to substantive versus procedural definitions and where those may or may not be appropriate in the analysis.
(INAUDIBLE) on what Marika said, I would be very happy to do it-- progress, unless there are other substantive statements that would add to the discussion relating to these two definitions, go on to the further ones, see what other discussion we can have. The more we can do and be able to take back the sub-team and work on, the quicker we can get this done I think. And I think using the chat room, as well, which we can pull up later for the entire sub-team, would be helpful.
So, with that said, why don't I move on to the next definition so that we can discuss that. And that's definition 2 of policy development. And that is fully procedural. Policy development (INAUDIBLE) through which policy it's developed, which, I will admit, is circular, but it's also open ended because it does not close what that development might consist of. And I believe some of that is drawn from the ICANN bylaws.
And then the second definition there is GNSO policy development. And, again, this is developing a policy pursuant to the policy development procedures, PDP, set forth in annex A of the ICANN bylaws. This procedure is reported to be used for the development of consensus policy, which is defined below. For other policies, the GNSO council may use the PDP but is not required to do so. And I believe that last part was an addition. Was that an addition from you, Chuck?

Chuck Gomes: I don't think so. That sounds like an addition from Alan. But I don't really know.

Michael Graham: I see your comment on it is asking what process would be followed. And I think, in answer to your question there, that is for the working group to consider.

Chuck Gomes: Exactly. This is Chuck, Michael.
And that-- My comments were really along those lines. So there is a gap there. And Alan's mentioned that already today. And so we may fill that gap in our recommendations from the working group.
So I was not trying to change what is said there but more identifying something that probably relates to our work going forward.

Michael Graham: Right. Alan?

Alan Greenberg: (INAUDIBLE)? This is an almost perfect definition if we change the title of what it's defining. This is really a definition of the GNSO consensus policy development.

And, in reference to what Cheryl was saying, the words before, the parenthetical PDP should have been capitalized here. You only typically have an acronym if it's a-- if there are capitalized words preceding it. But this is the definition of consensus policy development. Maybe we need a more general one which is sort of referring to the-- is the green sentence added at the end. But the first sentence here or the first two sentences really are consensus policy.

Michael Graham: Right. Alan, I think the same thing that was being said about the GNSO policy being limiting and perhaps directed more towards consensus policy-- the same thing that could be said as to this. And, really, I think,

probably, that would be the way to approach it, to keep this open because GNSO policy development, I think, may be based on annex A. Too different means its consensus policy has to be through a PDP, and I think we want to be clear with that. I think, by having these open-ended definitions and making that clear, I think we make clear the fact that the other work of the working group, which is coming up with some guidelines, is really the focus that we want to make to address this type of policy development as opposed to consensus policy development. Marika, I think you raised your hand while I was speaking.

Marika Konings:

Yes. This is Marika.

I don't think I agree with Alan on this point because I think, currently, the GNSO PDP can also be used to develop any policy that is not a consensus policy if the GNSO decides so. And that's also spelled out. GNSO has that availability to either use annex A or use another process, which I think is what the last sentence clarifies. For other policies, the GNSO may use the PDP but is not required to do so. So I think, at the moment, this is only-- is not limited to consensus policy development. Should this working group come up with a process and say all the policies should always follow this alternative process-- and, again, we may need to refine the definition. But I think this is what is reflecting the current reality and the way annex A and the PDP manual is written.

Michael Graham:

Alan, did you want to respond?

Alan Greenberg:

Yeah. Thank you. Yes, that's a new hand.

Yeah. Marika's right. My comment was perhaps a little bit too glib. And I think it's accurate that this definition is a good development of consensus policy definition, but the PDP is not limited to consensus policy.

I think this can be fixed by some careful use of capitalization and a reference to consensus policy earlier on in this definition. I'm not going to try to do it on the fly.

But Marika is correct. We do need to make sure that the policy development process, either upper case or lower case, is not constrained in what it can develop policy on. Consensus policy does require the formal PDP, but the converse is not true.

So I think this needs some work. What I glibly said at the beginning is just probably not accurate.

Michael Graham:

This is Michael.

In looking at this and exactly what we were talking about, I think, has happened because I think, if you look back then at GNSO policy, that really should point only at the results, and the development is how it gets there. So I think some good points have already been raised for the sub-team to take back and retool these a bit.

Chuck?

Chuck Gomes:

Thanks, Michael.

Just a procedural suggestion. When the sub-team looks at these again, I think it would be helpful for us all if you produced a red-line of how you change these. That will help us really see exactly what you did, and you can explain and so forth. So just a suggestion.

Michael Graham:

Right. We'll take that to heart.

Speaker:

I think that's good.

Michael Graham:

Alan, is that the same hand?

Alan Greenberg:

No, this time, that is an old hand.

Michael Graham: Albeit another old hand, I'm going to move ahead to policy advice. And the definition that (technical difficulties) was: Community input and suggestions on policy-related issues. Such advice may be requested by the board or offered independently.

And I think it's important for that to be read with the next one, which is GNSO policy guidance, which has a footnote. And then the definition of that is: GNSO policy guidance refers to a process for developing gTLD policy other than the GNSO policy development process required for developing consensus policy.

I think, although it's written as part of the definition, I think following this probably is a note.

GNSO policy guidance could consist of input or advice provided by the GNSO on policy-related issues in response to a specific GNSO-generated proposal or be related to a request from the board or other non-GNSO ICANN entity or working group, where no PDP has been requested, defined, required, or deemed necessary and where "consensus policy" is not required. The nature, scope, and effect of such guidance is undefined and to be considered by this workgroup and proposed as part of its recommendations and a final report to the GNSO council.

So I think we sort of mixed the definition with the note and explanation in that one.

And the footnote as advice is a term defined in the ICANN bylaws in relation to ICANN advisory committees. It was deemed more appropriate to use the firm guidance in the context of the GNSO. That was the discussion that we had. And the GNSO policy guidance derived specifically from charter question 2.

Alan?

Alan Greenberg: Yeah. I went along with this in the sub-group, and I'm reading it again now. I'm not at all sure. This is really saying that we're defining a new term that, if it's not developed by the formal PDP but by some other policy development process, then it is deemed to be policy guidance. And that word seems to have less power with it than when the GNSO forwards policy recommendations to the board for implementation. And I'm not sure if the intent was that policy guidance be really different than policy recommendations that PDPs come up with. Maybe it's convenient terminology, and we need to define them as being equal in terms of impact other than, of course, affecting picket-fence issues. But I'm a little bit bothered that the term sounds weaker than the recommendation that we normally make to the board.

Michael Graham: Yeah. Good point there. Yeah. I'm looking at footnote 2 as well. I think there's some clarification we could certainly bring to the definition.

Bertrand?

Bertrand: Yeah. I think there is-- If I take the two categories of policy on one hand and, on the other hand, policy advice and policy guidance if we develop this new term, the difference in my view, if I understand correctly, is that the policy is something that, after the end of whatever process, is the intent to the board, and the board will validate that consensus has been achieved or that the process is complete. And then it is supposed to be moving to implementation, which is the reason why it requires a very detailed and sometimes lengthy process of really extended consultations to ensure that, in the process of the development of this policy, all the

different voices and perspectives have been taken into account, the right balance has been made because, once this process is complete, it goes to implementation, and the board (INAUDIBLE) is supposed to validate it. The difference with the others, policy advice and policy guidance, however we call them, are not intended to be potentially directly implementable. They are contributions to processes. They are supposed to be a little bit (INAUDIBLE). They are not definitive. And they, therefore, deserve probably a process that is more expeditious, that requires consultation and so on, but not with all the straightjacket that the PDP has because of its implementability directly.

So I think the distinction between the two categories is valid. Whether we need a distinction between advice and guidance is up to the group to discuss. But I think it is a typical example, where the substance of the policy as something that is implementable and will have affect on people justifies a stronger process, where the advice and guidance, because they are part of the process (INAUDIBLE) constraint and are not implementable, per se. That's how I understand the distinction, and I think it's a useful one.

Michael Graham: Thank you, Bertrand. I think that's good to keep in mind as well. Alan?

Alan Greenberg: Thank you.
The differentiation that Bertrand made may be useful at times, but that was not necessarily the overall intent. Let me give you an example that's come up multiple times.

Most PDPs include a recommendation that we measure the outcome to see if we did the job right. If we decide we did not do the job right and it needs some adjustment, there is no process within the GNSO right now other than a brand-new PDP from scratch to make that adjustment.

Bertrand: Okay. I understand.

Alan Greenberg: There just isn't a way. And one of these-- I'll use a term which is out of vogue now, but a fast-path PDP, something using less rigorous processes could well be used to make adjustments, things that are not necessarily controversial. But you need a formal process by which the GNSO can put its stamp on it and forward it to the board for implementation. And that was one of the hot classes of problems that was-- it was hoped that this alternate policy process would address. And it does need to be just as substantive and just as important as the PDP one, just not carried out using the same, exact process.

So, yes, there may be guidance that we want to give, which is akin to advice from an advisory committee, which is not at the same level of specificity. But that wasn't, certainly, the only suggested use for other processes, which is why I was worried that it does not have the same level of import using the word guidance. Maybe we just need to define guidance. But, nevertheless, thank you.

Michael Graham: Thank you, Alan.

J. Scott? J. Scott, are you on?

Speaker: He's typing. He had to run.

Speaker: Michael, just to know that I'm in the queue as well. My hand is a bit further up.

Michael Graham: Okay. I'm not sure (INAUDIBLE). Avri? Avri, while we're waiting for J. Scott to sign back in or dial back in?

Then Marika. I'm not sure who--

Marika Konings: This is Marika. I really think that we're basically jumping ahead to the conversation. I think one thing I want to emphasize, as well, is the sub-team really took a lot of care not to try to write into the definitions any kind of preset outcomes. And this whole conversation about policy guidance is one of the core tasks for the working group to develop. So I think what you really see here in this definition is as it currently exists. And, again, a lot of thought went into the use of the terminology, where the sub-team decided not to use the term GNSO policy advice, as advice is a formal, defined term in the bylaws and reserved for advisory committees. Hence the term policy guidance, which has also been used, I think, in the staff briefing paper, as well as the charter. But, of course, if, at the end of the deliberation, the working group decides that the process for developing advice, guidance, and whatever you may want to call it, of course, this definition would change accordingly. So, again, I really would like to encourage people to actually focus on what is here and what this is intended to do. And keep all the very good points about how this should move or what kind of implications the process should have. But I think that conversation really needs to go into the conversations when we get to that charter question that looks at: Should there be a process by which the GNSO can develop policy guidance or advice or feedback that doesn't require a PDP process. So that's just a point I wanted to share.

Michael Graham: Marika, this is Michael. Thank you. I think that was good to remind us all that we are, in these definitions, merely trying to determine terms that we can utilize in discussion and, again, recognizing that their meaning, as perhaps other, additional terms that we will develop will come out of the entire working group's work at the end of this.

J. Scott Evans: J. Scott, are you back on? Yeah. My only comment is, for definition, GNSO policy guidance. The concept I get. And we can argue about how that needs to be. But guidance seems like it's the end product rather than the process. So I think that, when we think about how we're going to-- the term we're going to define, we need to make sure that it sort of makes sense. And I'm not so sure it's saying that GNSO policy guidance and then defining it as whatever process we may come up for non-PDP-oriented decisions-- that guidance is necessarily the proper way. I just throw that out. This seems like-- that it is telling you what the end product of that process is rather than the name of a process. So that's just my comment.

Michael Graham: Good point. Thank you for that. I'm reading it again, and I think that's right on. It would be something for us to take a look at.

Bertrand? Bertrand? Yeah. I don't want to belabor. I put it mostly in the chat. I think Alan made a very valid point. The thing is I see a difference in the type of consequences that any document that is produced has. If something is actually a policy that will be implemented, whether it is the usual policy or any modification, any update, any transformation or clarification, it is a policy. What I understood, and, again, it's up for discussion, is that policy advice or guidance would be a more general contribution either to a question that the board has asked or either to spontaneous, very early

stage input on the (INAUDIBLE) that have emerged. And so, therefore, the outcome of policy advice and policy guidance, if we keep these words, in my view is different in nature of the document from something that is going to be sent to the board for implementation.

I like this distinction, actually. And I agree with Alan that modifications through a PDP is only one of the things that he wanted to address. But, fundamentally, for me, this clarifying divide is whether the thing is comprehensive and is going to be implemented as such or potentially modified in reference to other elements that have emerged or if it is a contribution that in itself is not something that is complete, that would be implemented as such, and that is a full decision, framework also.

I would be reluctant to put under policy guidance, which is a very light term, something that is equivalent to making substantial modifications to a policy or creating real, substantial, frameworks and obligations, if this makes sense.

Michael Graham: Thank you, Bertrand.

J. Scott, is that hand still up or a new hand?

J. Scott Evans: Old hand. But at least I didn't cut myself off when I went to un-mute this time.

Michael Graham: Alan?

Alan Greenberg: Thank you. I think Bertrand just made my case for me that guidance is a lighter-weight term which means it doesn't have the same impact. And, therefore, if our definition is saying-- if it's a PDP, its recommendations; if it's not the PDP formal process, it's guidance. That simply says what I said in the very beginning - that I'm worried that the connotation of guidance is weak. And I didn't think that's what the definitions group was trying to propose at the time. I certainly wouldn't support the fact that, if it's not a PDP, it's weaker and has less specificity. It does not necessarily mean that. It shouldn't mean that at all.

Michael Graham: This is Michael. Alan, I guess I'd like to ask for that very reason if it's not a useful term for us to utilize in the workgroup discussions so that we have somewhere-- a scale somewhere between guidance and policy and also a recognition that calling it guidance may be something that would create problems later on; hence, we should not adopt that term which was suggested in the charter. But, for the very reason-- what you were saying and Bertrand was saying, it seems to me that that term and most of what the definition stands-- as it stands now with the change that it should be more substantive rather than procedural-- that is a very useful one for us.

Alan Greenberg: Well, I think-- And I just noticed Marika's hand is up. So maybe I should yield to her.

But I'll very quickly say, if I remember correctly in the definitions group, we came up with the word guidance not originally to talk about policy that had not followed the PDP, but we were using it in respect to the kinds of things that the GNSO has experienced recently, where the board says - Can you give us some advice or some guidance on something? And, through whatever methodology the GNSO comes up and is able to say something, that's guidance. I don't think when we introduced the term we were using it as the almost equivalent to PDP recommendations but without the PDP. Somehow that's got morphed as this definition got developed. But maybe Marika-- Marika always remembers better than I do.

Michael Graham: Marika, do you remember better than Alan does?

Marika Konings:

Yes. This is Marika. I think I agree here with Alan. I think it's something (INAUDIBLE) into the definition. But I think we ended up adding the for developing gTLD policy and maybe implying that it's similar to the PDP. But, again, I think we're really jumping ahead by trying to say, well, this should be having the same value as PDP determinations, whether yes or no, because I think that is really one of the tasks that the working group has been assigned with.

Basically, here, I think what we're just basically trying to describe here is the current practice, where we-- there is no formal term for that. But we think it currently means-- the board may ask for something in relation to implementation-- gTLD implementation discussions. The board turns around that they will want community input. And I think that's where we're actually envisioning that. This working group hopefully will come up with a formal process by which the GNSO can do that because I think now we're in a situation where there are ad hoc process that are being used, but they don't have any-- I think, as Alan already referred to, they don't have-- there's no requirement linked to those that the board has to consider those or that there's a certain voting threshold associated with it, like it does with PDP recommendations. And I think those are all the issues that the working group is expected to consider.

Again, I'd like to make sure that people actually focus on not just trying to get something here that we can work with and, indeed, we have a common understanding of what we're looking at. But let's try to avoid to already put those conclusions in these working definitions because I think that's another conversation to go through, because one of the outcomes may be, as well, that this group says - We need-- I think that's something that the sub-team discussed as well. A possible outcome may be that we have different kinds of processes. There may be one process that the GNSO uses in relation to implementation we call now advice in relation to GNSO PDP recommendations. There may be another advice process that it would use if the board asks for input, for example, on the strategic plan. There may be another advice mechanism which is used when it responds to one of the other SOs and ACs and the feedback they're requesting.

So I think we really need to make sure it's not-- these definitions are not precluding the working group conversations and the different directions or options that you have-- you are able to consider in addressing the charter question looking at this issue.

Michael Graham:

Yeah. This is Michael. I know Greg has raised his hand. And then, Avri, I've got a couple questions for you based on the chat. But, Greg, you want to go ahead?

Greg Shatan:

Hi. It's Greg Shatan for the record. I think that one of the things that's important to keep in mind as I listen to this and also see Avri's question in the chat-- in PDP Recommendations, the capital R has a very specific meaning in the ICANN bylaws and the board approval processes, including the requirement that (INAUDIBLE) over simplifying, (INAUDIBLE) by a supermajority, or else it becomes policy. Anything other than capital R Recommendations don't have that force.

So I think there is a big difference in how things work, whether something is a PDP Recommendation with a capital R and whether it's guidance with a small g or large G. I would also avoid probably using the word recommendations with a small r, so it's not confused with

Recommendations with a capital R, which are the kind of big stick of the GNSO. Thanks.

Michael Graham:

Thanks, Greg.

And, Avri, I was going to come back to you. I think it's raised up now. There was one particular thing that you had stated that I had a question about. Oh, it was the statement to Marika. What you said was one of the points that came out in the discussion in the NCSG-- that the definitions are constraining the possible answers. I wonder. Is that referring to the definitions that the sub-team is working on or the use of the terms that were coming out in the charter? I guess that was my question when I read that.

Avri Doria:

Hi. This is Avri. I think-- Hi. I think it was only on some of the definitions that you were coming out on-- that, as you read them, there's constraints, you know, (INAUDIBLE) written statement. Well, that constrains the definition of policy before we've really talked about it. And there were things like that going through that, yes, I know it's being called a working definition, but, once you have something down as a working definition, it does become a constraint. So, if somebody starts to describe a policy, like I said, in another one, I'm thinking my views of policy are far more fluid than these definitions are showing. And things are turning into static boxes.

So the definitions are what are constraining or possibly constraining future conversations because you might even get to a point and say, well, when you're talking about policy as it relates to people's actions during the implementation-- oh, no, no, no. That's out of scope because policy is a document. And so I think there's (INAUDIBLE) there if the definitions, albeit working definitions, might be constraining some of the thought. The comment was especially made on a later one. I think it was number 2. But it really does bear back to these as well. Thanks.

Michael Graham:

Okay. We'll keep that in mind, and I understand the concern. I think the goal of coming up with these definitions, in fact, (INAUDIBLE) to constrain the meaning so that the discussion of that limitation is taking us beyond those terms would enable us to explore those. But, if we did not have that limited meaning, we would not be able to get to the broader concerns. And I suppose my approach to that or my explanation of it is it's rather like Japanese zen. If you have not grown up in a very restrictive culture, then the freedom represented when you begin that study doesn't have the same meaning. And, at the same time, the purpose was not to drive the end result of the workgroup but just to enable us to talk and to recognize the limitations of those terms as we're talking and, so, further develop them.

But I think you're right. I think we need to keep in mind that these are intended to be illustrative and not the answer. And I think, if we can keep that in mind, that helps along the path and, I hope, addresses that concern.

Greg, is that your hand back up or same up? I'll take it as-- Old hand.

Greg Shatan:

Michael Graham:

Okay. Let me move on because-- Thank you. I think the discussion of that's been very useful to get back to the sub-group-- sub-team. Let me move on to number 4 definitions, which are much stronger definitions, whether they're on target or not.

Implementation is the process of carrying out or applying a policy. And then implementation of a GNSO policy is the process of carrying out or applying a GNSO policy.

I think that second one is pretty-- it doesn't further elucidate, but maybe that's something that we would come upon if there were some difference in how GNSO implementation works.

And then number 5 was: Implement. That was defined as: To put into effect, carry out, or execute a policy, to accomplish a policy.

And then Chuck did ask-- I'm not sure which one this is pointing to. Is this pointing to Implement or Implementation, the is this necessary?

Chuck Gomes:

Well, the first comment, comment-- This is Chuck. The first comment, comment 3 refers to the implementation of a GNSO policy. I didn't see that that added any value, but that's fine if people want to leave it.

And then, 4 and 5, I thought-- and this is where comment four comes in. 4 and 5, it seems to me could be combined into one because they're really saying kind of the same thing. Maybe we'd want to use all the different words, but that could be worked out.

Those were my comments there.

Michael Graham:

Yeah. I guess my explanation, as I recollect from the subgroup was, when we talked about implement, that was the general idea of to put something into effect, whereas implementation is the process that's carried out in order to implement the policy. That was the reason for the two of those. I'm neither here nor there. I don't know, anyone else on the sub-team, as to whether or not implementation of a GNSO policy as a definition adds anything or if removing it helps anything.

Bertrand, you have your hand up?

Bertrand:

Yeah. I'm quite in line with Chuck here regarding merging 4 and 5. I actually like very much the inclusion of putting into effect and executing a policy. I think it would nicely fit in the general definition - carrying out or applying and also executing and putting into effect.

Beyond that, I think there is a bit missing here, which is that, in the process of implementing a policy, there are a certain number of decisions that have to be made regarding how the actual principle or rule or so is going to be implemented. And it is often in defining how this implementation is going to be conducted there's a potential tension when the policy itself emerges because sometimes there is a feeling that the mechanisms that are invented to implement actually require to make decisions that are very close to refining the policy. This is exactly the kind of problem we encounter in the development of the applicant guidebook, whereas the policy itself was theoretically set in 2008.

But it is clear that the applicant guidebook was some hybrid thing where the consultation processes were much closer to a sort of implementation policy process or a policy for implementation than pure implementation.

(INAUDIBLE) where the policy is extremely clear in detail, and implementation is just putting it into effect.

But, when the policy is at a relatively high level, this is where the trouble between the-- around the separation from them. And I think it would be good when we describe implementation to say we did the process of carrying out, putting into effect, and executing a policy. And part of the implementation process is actually to define mechanisms for executing this policy, which is an important component. So we might have an

additional element saying that implementation includes defining modalities for executing this policy is missing here.

Michael Graham: Thank you, Bertrand. I think your discussion of the elements that go within the implementation and their appropriateness-- I think that is really to-- for the definitions. That's really what they're looking for the working group to carry out as a whole. And that would be one case where I think, if we try to anticipate what all might go into describing GNSO implementation, at this point, I think we would do ourselves a disservice because I think that's for the broader discussion to come. But thank you, and I think that's a good observation on the limitation of the definition, which perhaps, to my mind, makes that a good definition. Now we can talk about it. Anne, you have your hand up? Do you have your hand up?

Anne

Akman-Feascalese: Yes.

Michael Graham: Okay.

Anne

Akman-Feascalese: Oh, sorry. I jumped the gun, huh?

Michael Graham: Oh, no. Go ahead.

Anne

Akman-Feascalese: My comment is that this definition seems to skip a step that might hamper the working group in its efforts because I think the current definition of implementation is implementation of a policy adopted by the ICANN board and that, when we talk about implementation of a GNSO policy, right now, as I understand it, GNSO policy recommendations are not directly implemented. They go first to the board and then, as a result of the board adopting the policy, there's an implementation process. And that's specifically referred to in the bylaws and in various provisions that say that if the GNSO doesn't like the way something's being implemented, they should write a letter to the board.

I'm concerned we're going to hamper the work of the group if we don't make that clear because we may want to make a distinction where there are situations where GNSO policy guidance can come directly into the implementation process. But the current definition of implementation is-- only comes into play after policy's adopted by the ICANN board. There's no-- in other words, as I understand it, there's not a GNSO policy that's directly implemented yet.

Michael Graham: So that would be another good reason for taking out Implementation of a GNSO Policy.

Anne

Akman-Feascalese: Yeah, just to make sure-- for example, if the group (INAUDIBLE) going forward develop something called policy guidance and provide for that and somehow implemented during the implementation phase without going back to the ICANN board, these definitions would hamper you

somewhat in that regard because of the existing process of-- that implementation means implementing an ICANN-board-adopted policy.

Michael Graham: Okay. Thank you.
Alan?

Alan Greenberg: Thank you. I think there's just a wording error there. That should have said: applying a GNSO-recommended policy. I don't think there was anything more deeply implied there than it was a policy which originated with the GNSO, was adopted without significant change by the board, and is now being implemented.

Michael Graham: Yeah. That would make good sense.

Alan Greenberg: I don't think we were trying to originate a concept there; I think there's just a word left out.

Michael Graham: (INAUDIBLE) my draft.
Scott?

J. Scott Evans: Thanks, Michael.

Anne's right, of course. There isn't a GNSO policy until the board approves it. I think the descriptive there was mainly to refer to a policy that affects the GNSO rather than implying any approval authority on the part of the GNSO.

But I think everybody's got that, so I don't need to say more on that.

Michael Graham: Right. I think Alan's approach to that might be-- would be a good thing to do (INAUDIBLE) use that term.

We're getting close. If I could get one more term at least opened up.

And that is the next one, which is Principles, which I think, too, actually is part response to a question that Bertrand raised earlier in regard to policy. In the definition we came up with from vocabulary.com online-- it's a very dictionary definition.

A principle is a kind of rule, belief, or idea that guides you.

And then there's further modification and explanation. The primary source--

Basic belief, truth, or theory that underpins (technical difficulties) actions, represents that which is considered to be positive or desirable for an organization. It guides and governs that organization's policies, internal processes, and objectives.

In reading that, the only thing that somewhat disturbs me that could be revised-- I'm not sure in what way is the word "you" insofar as the principle that we're specifically discussing are principles that guide not you but ICANN, GNSO policy, process, or that. So maybe there's a better term to use than "you."

Chuck Gomes: This is Chuck. Or you could say "or that provides guidance or idea that provides guidance." That's fixable.

Michael Graham: Oh, okay. Yeah. So I'm working on the fixing part of it.

Let's turn (technical difficulties) a couple more here we can get through I think.

GNSO Consensus, which is the definitions based on section 3.6 of the GNSO working group guidelines.

And it's given as: Consensus is "a position where only a small minority agrees but most agree."

And then there is the note following that. In addition, consensus or also other designations defined in a GNSO context, such as full consensus,

strong support, or significant opposition-- and then points to section 3.6 for further detail.

And we note that consensus may have a different meaning outside the GNSO context.

And then the following definition, 8, which is GNSO Consensus Policy, capitalized.

Consensus policies are those policies established, one, pursuant to the procedures set forth in ICANN's bylaws and due process and, two, covering those topics listed in section 1.2 of the consensus policies, contemporary policy specification of the 2013 RAA, which is attached as annex 1, or the relevant sections in the gTLD registry agreements, which is attached as annex 2. Consensus policies adopted following the outlined procedures are applicable and enforceable on contracted parties as of the implementation effective date.

And I just raise in passing that perhaps, for the same reasons as we were discussing in connection with GNSO policy, perhaps we need clarification there - effective date based on board action.

Bertrand?

Bertrand:

Yeah. I think this and, particularly, the definition in the consensus policy and (INAUDIBLE) policy specification, (INAUDIBLE) consensus policy is a perfect example of the distinction I was making earlier on, a definition that is based on process or a definition that is based on substance.

When you look at the definition, the one is actually a procedural definition, and two is a substantive definition. Actually, the way I understand it is that it should almost be in the reverse because consensus policy is, first of all, the type of content, the type of topics, and the reason why, because of the nature of those rules, that they have a specific process to be developed is the consequence.

I think that, without the part two, the notion of consensus policy would be a purely procedural definition. The important element of consensus policy here (technical difficulties) is (INAUDIBLE), when I would say substantive definition, actually, I meant scope - scope and (INAUDIBLE).

And so the definition of consensus policy here is, in my view, mostly the second one. And the consequence is that it should follow a certain set of procedures (INAUDIBLE).

But the way it is written combines the two dimensions, and I think it's a good illustration that we have a term that says consensus policy, which is actually defining a type of content or a type of rules and setting the procedure to deal with that type of (INAUDIBLE), just like we have picket fence and we have other elements.

So I think it's a good anchor to continue exploring the distinction. And I would personally be much more in favor the more we go through in making the definition of policies more or less in relation to what they say and making the procedure a consequence rather than making the definition of policy by the procedure that is being followed, irrespective of the substance.

So this is a very good example of the articulation of both the substantive and procedural components. And, if I were to write this paragraph, I would say - consensus policies are policies jumping directly to-- governing the following topics.

And, in a separate paragraph - Because of the nature of those rules, they should be adopted following the following procedure.

Chuck Gomes: Michael, this is Chuck. I'm going to jump in because we're over time now. Marika, do you have something very brief?

Marika Konings: Yeah. This is Marika. I was also noting as we're running out of time, I was actually going to make a suggestion on maybe how to proceed on this. I think many of you have made very good suggestions, but I'm not completely clear on how all of those translate maybe into changes. So my suggestion would be that we send out this document as it currently stands to the working group list, encourage everyone to either provide specific comments in writing and, preferably, add a suggestion on how to update, add, or change the existing recommendations by, hopefully, next Wednesday. And then, maybe on Thursday, the sub-team can meet again, look at the input received and suggestions made and hopefully turn that around in time for the next working group meeting in two weeks, so the working group can that have a look and see whether they're happy with the changes that were made based on the input received. I don't know if that's a possible way forward.

Chuck Gomes: Thank you, Marika. I think that's a good suggestion, and I encourage people to do that. And, Marika, for those that aren't on the call, if you could communicate that on the list, that would good.

Tom Barrett: Tom, very quickly, please. Just real quick I wanted to throw out a possible new definition, which is bottom/up. We use it everywhere, and I'm not sure where we defined it.

Chuck Gomes: Thank you, Tom. Something else for the sub-team to consider. So the next steps then. Marika just gave some for everybody to comment. And, by the way, feel free to comment on definitions 9 and 10, which we didn't get to today, as well, and that will help us next time. The leadership team will talk about this, but I'm guessing that a good approach for our next working group meeting two weeks from now will be to maybe first talk about definitions 9 and 10 briefly and then to go back and see what the sub-team has come back with, with a redline in terms of the input that they received in the call today and online. Going from there, Marika, do you want to make any brief comments on the work plan, or is it sufficient that you distributed it?

Marika Konings: Yeah. This is Marika. I sent it to the list earlier today, just reflecting the current status of work and push some other things further down the line to reflect that some of these discussions are taking a bit longer than initially anticipated. If people see anything on there that needs further updating or changing, just send me a note, or send it to the list. I'm happy to go into more detail maybe at the next meeting if time allows.

Chuck Gomes: Thank you.

Bertrand: Bertrand, very briefly, please. Yeah. Just one quick comment on definition 10. The first paragraph covers both policymaking and implementation. And I think, accordingly, the second paragraph, at the end, should not be limited to bottom/up, consensus-based policy development process but, say, utilizes bottom/up, consensus processes open to anyone willing to participate.

Chuck Gomes: Thank you. Sorry for going over a little bit. But my own assessment is this was very productive. And I hope that the definition sub-team sees it that way as well. They now have a lot of input from the broader working team. And, of course, we've given them more work to do. But we do appreciate

what's been done and appreciate you going back and then coming up two weeks from now with a redline of what you have right now.
Is there anything else before we adjourn?

Michael Graham: The only thing-- This is Michael. Marika, would you send out a doodle to see if we could schedule a definition sub-team for next week?

Chuck Gomes: Thank you, Michael.

Marika Konings: Yeah. And (INAUDIBLE) for Thursday. Will do so.

Chuck Gomes: Thanks to both of you. And thanks to everyone. It's been a really good meeting in my opinion. Have a good rest of the day.

Speaker: Thanks, Chuck.

(Multiple Speakers)

Speaker: Goodnight.

Speaker: Bye, you all.

END