

Transcript
GNSO Drafting Group on Cross SO/AC Working Groups
13 December 2011 at 20:00 UTC

Note: The following is the output of transcribing from an audio recording of the GNSO Drafting Group on Cross SO/AC Working Groups teleconference on 13 December 2011 at 20:00 UTC. . Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. The audio is also available at:

<http://audio.icann.org/gnso/gnso-cwg-20111213-en.mp3>

On page:

<http://gnso.icann.org/calendar/#dec>

Attendees

Jonathan Robinson

Jaime Wagner

Wendy Seltzer

Mike O'Connor

Alan Greenberg

Charles Gomes – arrived after roll call

ICANN Staff:

Julie Hedlund

Liz Gasster

Nathalie Peregrine

Absent:

Rosemary Sinclair

Jeff Neuman

Tim Ruiz

Coordinator: This is the operator, just wanted to let you know that the recordings are going. If you have any objections you may disconnect. Go ahead you may begin.

Nathalie Peregrine: Thank you. Good morning, good afternoon, good evening. This is the CWG call on the 13 of December 2011. On the call today we have Mikey O'Connor, Jonathan Robinson, Alan Greenberg, Jaime Wagner and Wendy Seltzer. From staff we have Julie Hedlund and Liz Gasster, myself Nathalie Peregrine.

We have an apology from Chuck Gomes, I would like to remind you all to please state your name before speaking for transcription purposes. Thank you very much and please go ahead.

Jonathan Robinson: Thank you Natalie, so this is Jonathan Robinson speaking. We were discussing briefly before the call that we have a simple agenda with two points and that's really further review and comment on the draft principles and then our plans for finalizing these.

It is the sort of stated intention if you like that we will try and wrap this up for potential presentation to the GNSO early in the new year and we have one more scheduled meeting in this 2011 in which we would aim to close this off.

So what I was going to suggest we do is in undertaking the review and comment on the draft principles, there's really two things, there's looking at and accepting the current changes or making any further revisions.

And then what's really joined into the whole document now is a bunch of if you'll forgive me Mikey but I think informally documented dos and don'ts sort of wisdom of experience.

And the challenge for me is how we now - how we either integrate those into the structure of the document as it stands or whether we form some form of appendix to the sort of rather brief table document and say by the way these are some other areas of received wisdom that we haven't put into the succinct document that we felt would be useful to have on the record as well.

So perhaps in terms of structuring the discussion it's worth spending a minute or two talking about that first.

But before we go into that is there anything else that anyone would like to see come out of the meeting, does that - if you're happy with it I'm happy for you to remain silent but feel free to sort of challenge that agenda if you have any other comments.

Jaime Wagner: This is Jaime and I would like to remember that we practiced for further discussion a point in the formation of CWG, the joint, single joint charter whenever possible. Do you remember that?

Jonathan Robinson: I do and just let me look where in the document, how that's covered at the moment. Did we - we sort of parked that didn't we, we were stuck on that, is that you're reminding me Jaime?

Jaime Wagner: Yes, there were mixed feelings and the group around this issue.

Julie Hedlund: That is actually if you look at the document it is in number two, item A, sub item small 2. It says all participating SOs and ACs should approve a single joint charter whenever possible and that is bracketed for further discussion so it is included.

Jonathan Robinson: Right, so you've captured that Julie, thank you. Square bracketed there. All right so I suggest then in the absence of any further comments that we open the discussion up really on - in a sense the structure of the document because Mikey in our informal discussion ahead of the meeting did offer to potentially sort of tighten up the drafting of the dos and don'ts.

And so really my key question here is how do we handle these given that we've essentially got more or less a one pager or one or two pager which says broken down into a structure, do we try and put the dos and don'ts into the structure which I suspect might be quite difficult at this stage.

Or do we form a set of points at the end that are in a sense an appendix or in addition to the key table.

Any thoughts or comments on that in terms of structuring the document?

Wendy Selzer: So Wendy might suggest that we just allow individuals to add appendices of their own thoughts, reach consensus on the table portion.

Alan Greenberg: It's Alan, Mikey had his hand up and I do also.

Jonathan Robinson: I'm sorry, I've got the Word document in front of me, apologies Alan. So fire away Mikey and then we'll take your point Alan.

Mikey O'Connor: This is Mikey, you know I just really wrote those for fun. They're not really as I think about it specific to cross AC SO working groups. So I'd be quite cheerful at either just withdrawing them from the document all together or you know I think the appendix idea is quite elegant solution to something that's not - you know doesn't really fit very well in the document.

It certainly isn't going to fit the way it's drafted. So I think my first inclination would be to just simply withdraw them. I just had a lovely time over a cup of coffee banging those out.

But they don't really address the charter of this working group, they're really just sort of lessons learned from project management in general sort of tuned to an ICANN thing.

And mostly what I was doing was I was just reacting to Wendy's idea of dos and don'ts but I don't really think they're that good. So that's my take on them.

Jonathan Robinson: They have two potential roles then in that sense Mikey, they either are background comments and information to further and better inform this group or they really should be taken forward in the document in some way to further and better inform others.

What were your thoughts Alan, were they connect to this or was this something in addition?

Alan Greenberg: I have a couple of thoughts. First of all in light of what Liz said and that the original intent was to keep this light and remembering this is a preliminary group that's putting together some GNSO ideas so that it can be carried forward as a cross working group defining cross working groups.

So coming up with something that is exceedingly prescriptive I find is the wrong tone. Now if we wanted to and I've now changed my mind because of what Mikey said but if we wanted to we could include it as some things that the next group should think about.

But in light of what Mikey said, these really aren't cross working group issues but working group issues, I think he or we should forward it to the standing committee, you know that's going to be looking at it, has it within its mandate to revise working group rules.

And add them into that document where they belong. So I don't think they belong in this, I think we're supposed to be putting forward something relatively light to fuel the next group that's going to try to come to some agreement between the various ACs and SOs.

Jonathan Robinson: Okay that's helpful, I think let's - Julie had her hand up and then Jaime. So let's hear from you then Julie if you have thoughts on this.

Julie Hedlund: Only just - this is Julie - only just that I didn't mean to formalize these in any way by including them in the document. I simply was trying to capture the things that have been said on the list so we could discuss them.

So I wouldn't want you to take the fact that they are included in this document as any suggestion from me that they should go forward in any formal way.

Jonathan Robinson: Great, I see Jaime then that you've - thanks Julie, so Jaime your hand's gone down. So if that's intentional that I'll make a suggestion here.

What I think we do is we make the posture of the document, check that we are happy with things and we may have to leave the wherever possible, whenever possible we'll see if we can deal with that today or not.

I'm slightly concerned that Chuck may have some input, we'll see if he joins the call as well. So I suggest we try and sharpen up the document to in effect a final draft.

And then perhaps just review the dos and don'ts and make sure that to the extent that anything should be in the core document we have a look at that, but other than that I'm certainly minded at this point having heard the different thoughts to - and to strip it out of this document as such and just take it as some useful information for us and potentially as was suggested for a standing committee working on a working group practices and so on.

So if you'll bear with me and I think what we should do is look at the different changes and just accept or not that these now - and probably do a once over with the document. And I don't want to go back to absolute first principles but just go through it one more time and make sure that we don't have any significant concerns with anything and the particular changes from the last meeting acceptable.

So starting then with Alan, fire away before we go down that route there.

Alan Greenberg: No, I was - put my hand up to start talking about section number one, so if we're there I'll continue.

Jonathan Robinson: Right, go ahead, that's exactly where we're headed anyway.

Alan Greenberg: Okay, I made a number of suggestions on the list after the last meeting. One of them I think was misinterpreted by Chuck and resulted in the change which you see in one sub roman numeral one.

And the other changes were - somehow got lost along the way. SO I'd like to go back to what I was saying and my comment on roman numeral point number one was I thought - the wording I used was I thought it was a bit insular in that I believe one of the reasons we may want to put together cross working groups is not just to inform the parent bodies, but ultimately through the parent bodies of course to inform the ICANN community.

And if you look at DSSA, that's one of those, it's not necessarily to give information to the parent body so it can go do something specific, but to increase the amount of knowledge we have about a particular topic and across working groups as well.

So I suggested that we do something there that essentially says to inform the parent bodies and ultimately the ICANN community or some wording like that.

Chuck misinterpreted that.

Jonathan Robinson: Are we talking about 1.1 here?

Alan Greenberg: Yes. Chuck I think misinterpreted that and was taking it as you know my - as implying I thought the working group should be able to report directly to the rest of the community which I wasn't talking about at all, I was just - because this whole section is on purpose why do we want to form one?

And I wanted to widen the scope a bit more over to provide information and recommendations to the chartering organizations.

Jonathan Robinson: So how would you have that wording changed to properly reflect what's in the...

Alan Greenberg: I think it would properly reflected if we took what's in black and add on to it and ultimately the rest of the ICANN community and possibly ultimately to - you could put it into a second sentence also.

I'm just simply saying that our - the reason we're forming these sometimes is not simply to give the GNSO fodder to work on but to - you know to build knowledge.

Jonathan Robinson: That could be covered by to provide information and recommendations to the chartering organizations, and then you could put in brackets to make it clear that the primary recommendation is to the chartering organization, so we don't lose that connection between the chartering organization, the recommendations going back to the chartering organizations which is feeling a sense, the point if not to some if not all of us.

But nevertheless we could still say and ultimately the broader ICANN community.

Alan Greenberg: That's all I was trying to get out of it. I mean we cover who we report to in a later section and we do it very clearly.

Jonathan Robinson: I don't have a concern with that. Jaime was your point directly related to that?

Jaime Wagner: Yes.

Jonathan Robinson: Alan we'll come back because I know you said you had a couple of other comments.

Jaime Wagner: I have one point related and one unrelated. In relation to that I would like to ask to Alan if the number two, the part one two wouldn't cover this on sort of a greater understanding.

Because there it's referring, the larger community understanding.

Alan Greenberg: Sorry Jaime, I'm not sure what number two you're referring to.

Jaime Wagner: Is the part of scope is the...

Alan Greenberg: Number two is talking about PDP's prior to or after.

Alan Greenberg: No, 1A2 Alan, the section directly below the one that we're talking about.

Jaime Wagner: The discussion formed to achieve greater community understanding. This is something that - prior or following a PDP.

Alan Greenberg: Jaime I think that sentence captures it exactly if it didn't have the rest of that sentence.

Jaime Wagner: The problem is the PDP is the reference to the PDP is a problem of mine too.

Alan Greenberg: If we eliminated all the rest of that sentence it would capture it exactly and I'd be delighted. It would also solve my next problem.

Jaime Wagner: But I would agree with these editing to remove and leave it as a general sense of achieve greater community understanding and remove the...

Alan Greenberg: If we leave roman numeral one as it was before, just the black part and follow Jaime's suggestion of leave just the first part of the sentence in roman

numeral number two, I think that's delightful and it solves my third problem also.

Jonathan Robinson: Okay Alan and Jaime let me see if I can't help you a little here and I hope this might be a practical suggestion. First of all on one roman numeral one, the point we were discussing previously I don't think it does any harm to put that point in brackets as we said, because even if it is covered by one roman numeral two, as we were just discussing, it simply reemphasizes that to me it's structurally quite clean.

We're saying we're providing information regulations to charting organizations but we're also recognizing that this is how the broader community understands it.

Second - so I'm not sure that we need to - I think that bracket could be quite helpful and second on the point you guys were just discussing now, if we - I'm a little concerned that we might go around in circles here.

We must have put - I don't recall exactly how that PDP component got in there, but there is a way to potentially fix that by simply saying a discussion forum to achieve greater community understanding, full stop.

Then this may occur either prior to a PDP or following so it's not that it's absolutely linked to a PDP but it leaves the PDP element in there just as this may, so you break that sentence up to capture what you're wanting, a discussion forum to achieve better community understanding full stop.

So that's clearly the primary point and this may occur either prior to - how does that work for you?

Alan Greenberg: The only problem I have with your last suggestion, I have no problem with the first, with the last suggestion is depending on how it's worded, it may sound like it may occur prior to or following but no other time.

Whereas there's a third option completely unrelated to any PDP. So as long as the connotation makes it clear that it's not restricted to prior to or following a PDP then I have no problem at all.

Jonathan Robinson: Well we can cover that with some careful wording, we just say something like this may occur either prior to, following or independent of the PDP process.

Alan Greenberg: I just like trying to wordsmith on a call like this so I agree but I think with careful wording there shouldn't be a problem with that.

Jonathan Robinson: Right, are you comfortable with that Jaime from a practical point of view?

Jaime Wagner: I would say I would agree with Alan, in relation to the one I, I would leave with the bracket in accordance with the charter or directions. I wouldn't remove that. But - and I think your salimonic suggestion of - but I have the same concern as Alan.

If there is something that is not related to a PDP how it fits.

Jonathan Robinson: I think we can find a form of words to accommodate that Jaime, I think the principle you guys have expressed clearly, that's it must be a discussion forum to achieve greater community understanding.

And it may occur either prior to, following or separate or independent.

Jaime Wagner: Unrelated with a PDP, that's the problem.

Alan Greenberg: Jonathan you could make it simpler by adding - making it a completely new bullet and saying you know one of the rationales for cross WG may be - and put the prior to or post than.

Jaime Wagner: This is even more (salimonic), divide this in two bullets.

Jonathan Robinson: Would you like to see us do that Jaime?

Jaime Wagner: Yes. Say a number four.

Alan Greenberg: I think it will remove any need of any concern about confusion there. I can live with it either way.

Jonathan Robinson: all right, well let's - Julie how do you feel about drafting that, do you think you've got enough information to try either route?

Julie Hedlund: Let me just confirm what I've heard so far. So on small roman numeral one under A purpose, I have heard that it should now read to provide information and recommendations to the chartering organizations and bracketed and ultimately the broader ICANN community in accordance with the charter or directions from the chartering organizations, Jaime asked that that be put back in.

Alan Greenberg: Can I ask why we need that since we're talking about that very clearly in a later section?

Jaime Wagner: I think - this is Jaime, I think this is a point of sensitivity due to the what happened in the recent (we so). I don't mind leaving this here because I understand it's repeated in other parts.

But as a general recommendation I would leave it here also.

Julie Hedlund: Okay so this is Julie, then I have left that in for now and then moving along, small roman numeral two would read if we're looking at our sort of two bullet approach would read simply a discussion forum to achieve greater community understanding period, and the rationale would stay as it is.

Then there would be a further bullet that would say something like this - and this is where I have difficulty because we can't say this may occur because now we don't know if we're going back to.

Jaime Wagner: And the formation of a - the CWG (cannot core).

Julie Hedlund: Okay the formation of a CWG may occur either prior to comma, following or independent of a PDP to help define issues and concerns or to provide implementation, recommendations or related guidance.

Jonathan Robinson: That sounds good.

Alan Greenberg: I'm fine with that. I had suggested that the actual - the title of the section be possible purposes instead of implying that all of the following must apply.

Julie Hedlund: Thanks Alan, I'm sorry, this is Julie, I did not capture that.

Alan Greenberg: No, but I think that will help here because this is really a laundry list of different reasons why we might form a cross working group.

Mikey O'Connor: Why don't we say that instead of purpose?

Alan Greenberg: Well that's why I say possible purposes which I thought captured it in one word. But want to add a sentence instead.

Jaime Wagner: I have the other unrelated item that I would like to bring.

Jonathan Robinson: Okay Jaime, let's go ahead. So I think - just to draw a line under that, I think we've gone - we now have one, two and new bullet three, the only other issue that I was thinking of with new bullet three is roman numeral three, is do we need - is there any rationale for that that needs to be in place because - and that might be something we need to take on list when we see it.

I don't know if anybody's got any comment about whether that needs a rationale, I mean not everything has to be rationalized but we've got a rationale for every other stand alone.

Alan Greenberg: Well the rationale for the before is the new PDP rules which were just approved and the bylaws approved call for community input prior to a PDP.

So if nothing else that certainly rationalizes it. The post PDP I'm not quite sure but you know it's an option, it doesn't - it's not necessarily mandatory.

Jonathan Robinson: All right, Jaime what was your other area of concern or independent point that you wanted to raise.

Jaime Wagner: It's more in the - by the end of the document. The possible outcomes of the CWG. The final report policy recommendation be considered for possible approval, it doesn't - because a report may express the lack of consensus, yes?

((Crosstalk))

Jonathan Robinson: Jaime you've gone right down to 2C there have you?

Jaime Wagner: Yes 2C.

Jonathan Robinson: Yeah, I'm just wondering, I mean we've got a couple of other - if we could go in sequence I don't want to be too pedantic about this but I wouldn't mind.

Jaime Wagner: Okay.

Jonathan Robinson: Working through the rest of it.

Alan Greenberg: ON the scope I assume we're keeping what is currently the roman numeral three which now becomes four.

Jonathan Robinson: Yes that was implicit Alan but I was reading that and think it's sort of - if we've got at the top a possible purpose or possible purposes, my problem is that now existing roman numeral three sort of doesn't quite fit in as a possible purpose.

Mikey O'Connor: This is Mikey, it think this is that same sensitivity that Jaime was talking about and maybe we could move that one down into the operations section?

Alan Greenberg: Or Mikey if we simply take off the roman numeral three and make it text that applies in summary to the whole section I think it covers the sensitivities and makes it syntactically correct.

Mikey O'Connor: Well I think either way is fine but I think the key is not to lose that concept. I think if we drop that concept we've - we'll likely get certainly pushback from me and certainly others.

Alan Greenberg: I mean look we're talking about violating the bylaws if we don't follow that rule, so it's not really an option.

Mikey O'Connor: Yeah but we did the last time around so let's leave it in.

Jonathan Robinson: All right so Julie hopefully that gives you enough to work with on three, we don't want to lose it but it looks a bit - it doesn't look right from a sort of - from a structural point of view to have it as three.

So it can either be appended to the section without - or just put in that place without where you added on to an appropriate point. And I think that should be relatively easy to find a - so the intention is here not to lose that, but it doesn't fit under possible purposes.

Julie Hedlund: Right, so this is Julie and I note that the way we have it written right now, that is new small roman numeral three is that we say the formation of a CWG,

etcetera which seems to me makes it fall under two small letter a, which says information of CWGs.

But perhaps what we do is we say under a formation of CWGs, colon, and then have that text there so that it applies to the whole section and formation of CWGs.

Alan Greenberg: It's Alan, I guess I disagree because it really does fit under scope. We're saying policy development cannot be within the scope of a CWG.

It's a negative purpose but it really does fit in the first section. It delineates what this group can do or why we're putting it together.

Jonathan Robinson: Yeah so perhaps also in any event is slightly unnecessary language. I mean perhaps we can just strip out the roman numeral three, strip out the in any event and actually put it at the - put it as you suggested as an enumerated if that's the correct word point.

Alan Greenberg: The same indentation as purpose.

Jonathan Robinson: Yeah.

Julie Hedlund: So I'm not sure I follow, so right now possible purposes A is a header as opposed to you know a textual explanation so right now the text we have for three and I'm really just trying to understand, I'm not saying it has to be one place or another but just trying to figure out where to put it.

Right now it reads the formation of a CWG may occur either prior to following or independent of a PDP etcetera. So is that then to apply to all of the scope section if you say it's a scope?

So would it fall - I - right now it's not a header so it wouldn't be like A, you know above possible purposes. It's not a purpose or is it something we want to say...

Alan Greenberg: Julie we really don't need an A there because there is no B. So if we have scope as the main section purpose and three items under it and then the sentence about consensus policy must occur using SO rules essentially is the unpurpose and just have it at the same level as purpose.

Jonathan Robinson: Yeah, that works.

Julie Hedlund: Okay so we have then order would be what, possible purposes, which is no longer A, it's just...

Alan Greenberg: Or make purpose A and make the new one about policy development a B. Again I don't think we need to really worry about...

Julie Hedlund: Well I do think that I mean I can see that some people might ask how this really works in sequence so then if A is possible purpose then the header for this new B is policy development process?

What would you want it to be?

((Crosstalk))

Alan Greenberg: Either way if you do the fall we can refine it in our next meeting, I hope will be our last.

Julie Hedlund: Okay well I'll put it down as I'm going to put it down as a new A and you can see what you think. If it applies to a lot of - you know if it's a main point that we want to make right off the bat, then we'll make it and we can go to B and let you guys all work it out on the list.

Jonathan Robinson: I think Julie just one point on this and I think we must give Wendy a chance to talk here but I think if you put it right at the front it's a sort of - it's a secondary point but it's an important point but to lead with it doesn't make sense, it will float a little bit if it's lead.

We have it - so I would suggest that you keep it lower down but I'm sure you can sort the structure out and if not I'll happily work with you off line on this and just...

Julie Hedlund: Well I'll make it B and that will put it lower.

Jonathan Robinson: Correct. Yeah.

Julie Hedlund: Thanks.

Jonathan Robinson: Thanks Julie, Wendy I know you've had your hand up for a while.

Wendy Selzer: Thanks, I'm just frustrated by this process because I find it very difficult to manage details of text over the phone and I think we've had this chart going back and forth by email where we've had good opportunities to respond in text.

So can we stop wordsmithing?

Jonathan Robinson: No, I think you're right, we must be careful not to get - although we've broken that little logjam now but it's a good point so we'll try and keep the flow going.

Because really we've got quite a way through the call and the important thing to do is to cover the substance and I'm sure we can fix the structure as you say with a bit of handiwork off line.

So let's try and move on through this then onto the next area where we changed and there's really three or four other bullets where there's something to be dealt with.

I wouldn't mind being reminded why we with 2.2, I mean I understand exactly what we were saying here, all participating SO and AC's should approve a single joint charter whenever possible that defines the rules and procedures for the CWG.

Now it's clearly the issue here is that whenever possible who brought the whenever possible in and how necessary is this to keep it in?

Because I think it was early on there was quite a strong feeling that we needed to emphasize the concept of a single charter but there is probably good reason why this is brought in, does anyone remember who brought in the whenever possible and remind us of that rationalization.

Alan Greenberg: It's Alan speaking, I don't know who brought it in, it might have been me, it might have been someone else.

But the rationale was if you go back in history of where did this worrisome issue come up, it came up in the JAS group, not in the original charter but in a rechartering that happened half way along the process.

And at that point there was a logjam that there was no way to go forward, the GNSO was adamant that one path be taken, the ALAC was adamant that another path be taken and the way forward was to have two charters which were easily delineable that you could see what was in one, what was the other.

The working group was happy to work with that mode and it was a way of going forward without splitting the group and fracturing it and having two

complete separate working groups. So it wasn't something that was particularly desirable.

But it was a way of going forward so I think that's what drove the words that you see on the document today.

Jonathan Robinson: Yeah, I'm not intimately familiar with all that's happened but my impression is almost one of the reasons we exist as a group and why this issue is being dealt with is because that was seen to have been a problem that was an undesirable outcome and in many ways the intention of having a group like this and any subsequent work that gets done is to try and ensure that we don't have such problems in future.

So my slight concern with putting this whenever possible in is that we're just - we're not grasping the nettle and dealing with it. So let's hear from Jaime and Mikey.

Alan Greenberg: Just one thing quickly, I'll point out that the two charters was a real thorn in the side of the GNSO at the time they were created, when the report finally came out you'll note that there was not one bit of discussion about it in council that report addressed two charters.

Jonathan Robinson: So...

Alan Greenberg: Ultimately it didn't really matter in the outcome is what I'm saying.

Mikey O'Connor: Alan can some of us speak here?

Alan Greenberg: Yeah, I'm finished.

Jonathan Robinson: Yeah Jaime, I think we've got Jaime and then Mikey.

Jaime Wagner: I would like to remember that I brought this issue in the very beginning of the - the first discussions we had and also in Dakar, I was not participating by - in the Adobe Connect room I put this.

This is - my concern is the same as Alan, I think that removing this whenever possible we wouldn't take into consideration what really happened and so we would - I know that is the ideal world is a single charter and this should be a way to move better.

We must leave a concession to reality, to what happened with the JAS group and it was - what was undesirable is the lack of consensus but this is something that can happen.

So we cannot force a previous consensus to remove the good things that can come from the CCWG is the discussion, the previous discussion of - in the forum that has participants from different chartering organization.

And can come to a greater understanding, if not a consensus so why to put the need of consensus before the formation of the CCWG with this is equivalent to avoid the formation of something that is - has not enough consensus in its beginning.

So if it is a mechanism to discuss and to try to achieve greater consensus why - it's required consensus in the chartering? I don't...

Jonathan Robinson: Okay thanks Jaime, that's a good point. Let's hear from Mikey and Chuck and see if we can't bring this to a head if at all possible. Let's go to Mikey, you've been very patient, let's hear from you on this and then Chuck.

Mikey O'Connor: Thanks Jon and this is Mikey. I want to come in really solidly on the other side of this argument. I think it's possible to handle the lack of consensus problem a different way, but the prospect of running a project with two different charters is - that's not an ideal world kind of thing.

That's a very practical world kind of problem. That's like telling the pilot of the airplane that we're going to two towns and that's impossible.

So if there's an area where there is not consensus about the charter, that can be removed from the scope of the working group so that the working group can proceed.

But to give a working group two destinations is impossible and that's one of the reasons why I so strongly feel that you know I was on the other side of this argument on the last call too.

This put the chairs and the leaders of the working group in a very awkward position because by providing two destinations you are removing the authority of the SOs and ACs to speak and giving it to the chairs and saying we can't decide so you choose.

And that puts I think too much burden on the leaders of the working group. So if there's an area where there isn't consensus in the chartering then it has to be removed from the scope of the working group.

But you don't run two parallel charters ever.

Jonathan Robinson: Thanks Mikey. Chuck?

Chuck Gomes: Yeah, first of all let me respond to what Mikey said and then I'll jump in on what I put my hand up for and that is Mikey it may not necessarily be necessary to remove it from the scope but maybe deal with it in a different way.

So - but I think you're on the right track on what you're talking about. I'm just going to say that I - you might not have to totally remove it, maybe you accommodate both wishes in some way that people can agree to.

But I'll just leave that at that, it may not just be a matter of removing it although that may be an option too. But what I was going to comment and sorry for jumping in late but fortunately my meeting at least ended early, my other meeting.

The - with regard to the JAS working group history, I think we should be - we should look at the history and the problems and so forth that occurred there but we should put that in the right context.

Because that was a group that was kind of formed by the board and had a special existence. If and when we get a - some procedures for community-wide working groups going forward I think it will be a lot cleaner and of course that's what we're working on, to try and set that situation up.

So I just am suggesting that you know we should learn what we can from the JAS working group but hopefully the results of the work of this team as well as a future joint team of the different SOs and ACs will come up with some procedures that will minimize a lot of those problems.

Jonathan Robinson: Okay Chuck, I see Julie's put her hand up. Mikey have you put your hand up again or is that from the previous time?

Mikey O'Connor: This is just a follow up on something that Chuck said. Let me just slip that in. Chuck what I'm reacting to in terms of the scope is if the chartering organizations can't hammer out some sort of solution to this problem like you're describing, that's the eventuality that I'm talking about there.

The one thing I don't want to do is leave a disagreement between chartering organizations in the charter, because then the problem that I'm describing comes in.

Chuck Gomes: And I agree with you there.

Mikey O'Connor: That's all.

Jonathan Robinson: Julie I'm conscious you want to speak and Jaime I see your hand has now gone up but I'm also very conscious of the time and I think we could spend hours on this.

For me this really -we're coming down to two options here. This group that we are currently involved in right now is not - doesn't have to come up with the ultimate firm answer.

My feeling and my view, my personal view is quite strongly that I don't like the concept or struggle with and similar terms to what Mikey's expressed with anything other than a single joint charter.

And to the extent that people can't agree on elements on the charter that should perhaps be left out, however, having said that that's my view, I'm tempted to leave this whenever possible in our document so it's in a sense it draws the discussion on to this.

And makes sure that it gets - that we haven't - because we've had a strong and thorough and comprehensive discussion and still struggle to resolve it.

So my temptation is to leave it in our document for the follow up group to sort out and that's not simply to avoid the problem, but really it's to recognize that others might want to air this more thoroughly and by leaving the whenever possible in there we create the opportunity for others to talk about it in the future.

Jaime Wagner: Yeah, we could even leave it in, stated that this is not - this requires further discussion because it was not a consensus among the group.

Jonathan Robinson: All right, Mikey I know you put up a hand up again, Jaime that's a good point. So actually the way we could handle this is if we could leave it, just remove the red lining and leave it square bracketed which would indicate that it was an area for further discussion, so - and I think that would be perhaps an effective compromise to say all participating SOs should approve a single joint charter, square bracket wherever possible.

So it's an area where it indicates therefore that we haven't got consensus, we haven't resolved this and it needs further work and that's probably quite a good outcome.

How does the group feel about living with that as a solution to help us move on?

Jaime Wagner: It's okay but I would just like to add one perception because in relation to the JAS working group it seems that I'm not very familiar with what happened as Alan is and it seems that Alan reported that it was in the middle of the process that this double chartering was a way to move ahead and what would happen if we had this requirement for single chartering.

We would not have this resource to keep the work being done and I think - well this is something to think only and not to...

((Crosstalk))

Jaime Wagner: for the sake of objectivity I agree with your recommendation.

Jonathan Robinson: I mean we have little choice because you and Alan Jaime have clearly argued for something you feel that needs to be recognized at least, so we don't have a consensus, we can't - you know I can't as chair drive a coach and horse through those thoughts.

So I think we have to move on to the other points now given that we're really into the last ten minutes of the hour. And park that and talk - I expect that's going to stay square bracketed as we move ahead.

Alan Greenberg: Jonathan it's Alan. If it's clear that we're - what we're talking about is the original chartering of an organization, I have no problem about deleting it all together.

If the groups can't come up with a single reason for creating the organization, then we do have a problem.

Jonathan Robinson: I'm not sure I understand Alan.

Alan Greenberg: Well as I said with JAS the only place the issue of differing charters came up was a rechartering half way through the process.

Jonathan Robinson: Well then perhaps we should remove it and then accept that JAS seems to have been an outlier or an exception that we shouldn't be trying to work around and accommodate and we should remove it.

Alan Greenberg: That was a point I made many times. You know I don't think they should be forbidden but I don't think we need to highlight that you need a single charter.

Jonathan Robinson: How would the bullet be drafted, I'm confused now.

Alan Greenberg: Let's just leave it for the moment, you're right, we need to get on in this discussion, I wasn't trying to prolong the discussion, I was trying to make it easier. Let's not prolong it.

Jonathan Robinson: Okay well let's all commit to think about it, we have one more meeting into which to finalize this document next week and so if we can give that particular bullet some more thought and not let that - deal with the rest now.

So then moving on to B, execution of - B roman numeral one, execution of CWG's are those changes appropriately reflecting the discussion we've had and are we happy to simply approve those changes?

Yes. I hope no concerns there?

Alan Greenberg: Jonathan it's Alan, I have one more issue that - one more change that was not picked up from the email in going back in point number 2A1, it should be (unintelligible).

Jonathan Robinson: Let's go back to that and just make sure that that's covered then?

Alan Greenberg: Yeah it should be point SO/AC not just SO.

Jonathan Robinson: Okay that's - Julie have you got that?

Julie Hedlund: Wait, 2A1, oh SO AC? Yes, so you're saying apply appropriate and it should be SO/AC workgroup guidelines?

Alan Greenberg: All I'm saying is we shouldn't pretend that SOs are dominant in this particular area where everywhere else they're equal.

Julie Hedlund: Okay.

Alan Greenberg: I think it was a drafting error, I don't think I'm talking substance.

Julie Hedlund: Okay, thank you.

Alan Greenberg: Sorry about that, back to the original program.

Jonathan Robinson: Okay so then I think unless somebody stops me we're going to go on to 2C, outcomes of CWGs. Now not sure I have scrolling power so if we could scroll a little bit if that's Natalie, I'm not sure who's in control of the Adobe.

So we're on 2C1, you've gone a little bit too far, there we go. Policy recommendations should be considered for possible approval through the appropriate policy development process.

Well that's' in effect a repeat of something we said earlier and we've acknowledged when we had it earlier that it would be repeated. But it seems to cover it. Chuck?

Chuck Gomes: Well we probably can improve the wording a little bit and what I'm getting at is we don't want to imply that the CWG is developing policy. I think policy recommendations to say that they should be considered for possible approval, I don't think we want to tell the SOs that hey, we just want you to approve policy recommendations we make.

They can be considered in a PDP. So I think we just need to fix the wording and I'm trying to think of an easy way to fix. Policy recommendation should be considered for possible PDPs maybe.

Jonathan Robinson: Here's a suggestion for you Chuck, I mean perhaps we simply preempt that bullet by saying - by being absolutely explicit and saying CWGs do not develop policy full stop, policy recommendations should be considered for possible approval through the appropriate policy development process.

Chuck Gomes: That's good to me.

Jonathan Robinson: So that's great, so thanks Chuck. So we just simply put ahead of that bullet point one, CWGs do not develop policy or are not intended to develop policy and then we go on to explain a little further about same policy recommendations.

Mikey O'Connor: You could even turn that a little bit more by just taking the word policy out and start that sentence with recommendations.

Jonathan Robinson: Yeah thanks Mikey that's sensible as well. Jaime? Great, so Julie did you capture that, we've got a start to C roman numeral one that says CWGs do not develop policy, full stop and then recommendations should be considered for possible approval through the appropriate policy development process.

Julie Hedlund: I've got it, thank you Jonathan.

Mikey O'Connor: Don't we really need policy in there though, because other recommendations will not go - do not need to go through the PDP.

Jonathan Robinson: Well we could say CWG policy recommendations.

Chuck Gomes: Maybe we say recommendations for policy consideration, something like that.

Alan Greenberg: I think the intent is clear, let's not worry about it.

Jonathan Robinson: I agree, I think we can...

Jaime Wagner: I would prefer Alan's suggestion that CWG's recommendations should be considered, avoid the word policy. This is Jaime.

Jonathan Robinson: Thanks Jaime.

Jaime Wagner: I would like to bring the other point.

Jonathan Robinson: Sorry, I forgot you, you did mention it a while back and I held you off until - so we're here now Jaime, good point.

Jaime Wagner: Yeah I'm not sure if my concern is covered by the C2 because when we read the C3 CWG's output must not be taken as an expression of community consensus, ex that, it seems to me that a report, a final report may reflect the points of - that require further discussion.

But it is this - it's the same as we did here, we advance the discussions and the concerns and we narrowed the concerns to a focal point for further discussion among a larger group.

This is - I consider this an advancement so I think the final report of outcomes I think they cover the report of - the points of no consensus, where there is no consensus also.

If this is covered in the wording of the number two, I'm okay but it seems to me that I don't know if the report usually have these mechanism of reporting when there is no consensus.

Chuck Gomes: Well Jaime this is Chuck, even if there's no consensus you still need a report communicating that, right?

Jaime Wagner: Yes, the final report covers that yes?

Mikey O'Connor: Yeah this is Mikey, I've served on several where there was no consensus, FastFlux is the best example I can think of, RAP as well.

Jaime Wagner: This is covered by number two as I suspected, okay.

Jonathan Robinson: Jaime just so I'm clear, are you suggesting a change to either two or three then or is that...

Jaime Wagner: No, I was concerned that number three could imply that the CWG's should end up in consensus but if a final report is usual because I'm not familiar with a working group, general working group report and if a final report has FastFlux and others can reflect - because I think we should recommend that because GNSO working groups have this very granular way of expressing the degree of consensus I think we could give to the whole community the same way of expressing the degree of consensus.

That is very specified in the GNSO working group's policy.

Jonathan Robinson: Alan you've got your hand up.

Alan Greenberg: Yeah, this is another one that I think is not really one of the outcomes, it's like that one we had up at the top that you know cross working groups don't develop policy.

It's really not an issue of what the working group does, but how the community interprets the outcome. And it's really a caveat saying we need to be careful to make sure that no one thinks that because the working group has said something it is community consensus.

And it isn't community consensus until the AC or SO blesses it, just like anything else. I mean you can work on a PDP for three years and the council refuses to accept it.

Jonathan Robinson: I've got a suggestion then for both that initial one which I think was one bullet point three originally, the one bullet point three when I - and this one then. We could simply put instead of having the roman numeral three in both cases, we could simply put note colon, you know something which asserts it's a point of note.

But it's not necessarily an outcome. Wondering how that affects the structure of the document. But something like that that's really as you say it's not one of the two outcomes, it's a noteworthy additional point relating to the outcomes.

Alan Greenberg: It's something that replies to all working groups or drafting teams, the parent body can say no. And at which point the stuff is flushed down the toilet, that's fine.

Chuck Gomes: You know it's probably not perfect but I don't think it hurts to have number three in there, because this will be a concern of some people that there is a misinterpretation of that and this sets the record straight even though it is duplicative of what we've had previously.

Jonathan Robinson: Yeah I think that's a good point Chuck. All right, well we've hit the hour and run slightly over it but I think I'm pretty sure we're at the end of the document and we've done a decent pass through it.

Chuck for your information we dealt with - we discussed - we spent the first 10 or 15 minutes talking about whether it was the intention or not to have the dos and don'ts included in the document.

And the consensus we reached was they are good and wise points but they're not - they don't conform to the structure of the document as we envisioned it. So they will be left off and potentially used in a successor forum or in another forum for dealing with the methods of running working groups.

So where I think we're at in terms of the plan for finalizing this, I think we've done another good pass through the document in ways what I would have called you know an ultimate or just prior to that draft.

And I think we're probably in a position where we can review a final draft next week with a veer to closing it off and sending it and presenting it to the council at the first meeting in January.

Julie Hedlund: Hi Jonathan this is Julie, I hate to raise this thought, but there was language that Chuck had suggested to be included in the rationale section.

Number two, roman numeral - small roman numeral three and I - shall I accept that, do we discuss it or shall I just leave it as a point of discussion for next meeting?

Chuck Gomes: Well the reason I had my hand up is to ask a question in that regard. What's our intent in terms of format and presenting this to the GNSO council? Is it our intent to include the rationale or is that rationale more for our internal use?

Jonathan Robinson: Chuck that's a good question, my understanding of it was our intent was always to include the rationale to try and explain and it was so that anyone who hadn't had the benefit of participating on these discussions because at least have some insight as to why - so the rationale was intended to be included.

Chuck Gomes: And I'm not opposed to that but at the same time I think there's some value in letting the council and the various stakeholder groups and constituency members look at the first column independent of our rationale and think through it fresh.

We can always come back with the rationale when questions are asked, and I guess I kind of like that a little bit better.

Now the format in terms of the table if we did that we could just leave that right row of the table blank for discussion in the council on it and people could identify themselves.

But I don't know, I'm open to discussion on that.

Mikey O'Connor: This is Mikey, another point is that the rationales now don't necessarily match the final language, they were written before we beat the language up.

And so for example the very controversial 2A2 with the wherever possible, that rationale doesn't really reflect all the discussion that we had. So I'm with Chuck, I think it might be good to leave that off.

Chuck Gomes: Now at the same time we can - I would you know we have this documented, the rationale and you know maybe Jonathan as chair or if he's not available to do it, one of the rest of us, we need somebody on the council I guess.

But they could come back with somebody that's on the council, could you know Alan or Jonathan at least could come back and provide the rationale if it was one of those that still makes sense.

Jonathan Robinson: That's some good points, so here's what I would suggest then. At next week's meeting we take the document, we split off - we hive off the rationales and create the document in a - for final review without the rationale but we also have a second document which has the rationale on.

And so as soon as possible Julie if you could circulate both variants, one with the rationales deleted, blanked, or in fact removed entirely, I think they can be - it sort of begs the question if there's just a column of blanks, personally I'd rather just have the bullets down.

But then we have the second document which has the rationales filled in and we can review both and perhaps even tidy up some of the wording on the rationale with the understanding that this isn't intended to be published to the council at least in the first instance, but we'll certainly inform any discussion around it.

So I'm happy with that, that makes sense to me.

Alan Greenberg: Jonathan to keep Julie sane, how about just one document but we will pretend that there will be a final version without the rationales. There's no need to have parallel ones.

Jonathan Robinson: That's practical yes.

Julie Hedlund: This is Julie, it's not a difficulty to have two, but I'll do one with the rationale.

Alan Greenberg: It just means you have to make two changes if we change the text.

Jonathan Robinson: Yeah I think that's more practical Alan, thank you.

Mikey O'Connor: Well at the same - sorry to be difficult but it's also valuable if next week is our last call and again I may not even be able to participate but if it is, then it would be nice if we had our rationale in pretty good shape so it's really easy for Jonathan or Alan to feed that in without having to independently fix it, to fit the latest thing on the left.

((Crosstalk))

Jonathan Robinson: I think we're saying is that we will have the whole document to look at with the rationale as - and we will do a little bit more work on polishing that up either in the interim, between now and next week's meeting or on the call next week.

And that will produce a final document but when that final document is circulated to the council, it will have the rationale stripped out.

Mikey O'Connor: Right.

Julie Hedlund: So I'm going to - this is Julie, I'm going to send out today shortly in the next hour the - capturing the changes we made today with the rationale but just a note on timing, the SSAC offices are closed the week following Christmas.

So my goal would be then to immediately follow up next week's meeting on the 20th with a final document and ask for you all to review it very quickly so I can make any final changes preferably prior to Christmas and we can get it to the council.

Jonathan Robinson: Yeah, that's great and that's exactly what I hoped we would be able to do Julie so that's very helpful.

Julie Hedlund: Excellent, thank you. Then I'll follow up quickly with this and then we'll move from there.

Jonathan Robinson: So I think we're about to wrap up but I see Jaime's got his hand up, does anyone else - was that you Chuck had something else?

Jaime Wagner: May I just add one point Jonathan?

Jonathan Robinson: Jaime let's just hear Chuck and then I'll come to you, I know you did have your hand up.

Chuck Gomes: Jonathan I was just pointing out that Jaime's hand was up. All right, fire away Jaime.

Jaime Wagner: No, it's that I fully agree the rationale should be kept out because otherwise we would need an order round just to discuss the wording of the rationale.

So because as Mikey said some of the rationales don't reflect all the subtleties that our discussion had so I would agree to remove them, to resort to it if you feel needed.

Jonathan Robinson: Great, I think we have consensus on that Jaime, that's great. So I think that bye Alan, I think we're done anyway so thanks very much everyone, that's another productive session.

I know we're having to whip through this but we - I think we'll get there by the target date next week so that's very encouraging and appreciate you all taking the time to join the call.

Jaime Wagner: Don't worry Jonathan, you are doing a great job chairing us. Bye bye.

Julie Hedlund: Thank you everyone, bye bye.

Chuck Gomes: Bye.

Coordinator: This concludes today's conference, thank you for your participation, you may now disconnect.

END