

**ICANN
Transcription
Policy and Implementation Principles Sub Team meeting
Thursday 09 January 2014 at 2100 UTC**

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<http://audio.icann.org/gnso/gnso-policy-implementation-20140109-en.mp3>

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

Attendees:

Cheryl Langdon-Orr – ALAC
Alan Greenberg – At-Large
Greg Shatan – IPC
Chuck Gomes- RySG
Nic Steinbach- RrSG
J.Scott Evans - BC
Jonathan Frost – RySG
Tom Barett – RrSG
Michael Graham – IPC
Avri Doria – NCSG

ICANN staff:

Marika Konings
Julia Charvolen

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

Julia Charvolen: Thank you (Kelly), Julia speaking. Good morning, good afternoon, good evening everyone and welcome to the Policy and Implementation Principle Sub Team on Thursday, 9 January 2014.

On the call today we have Cheryl Langdon-Orr, Alan Greenberg, Tomorrow Barett, Chuck Gomes and Jonathan Frost. We have apologies from Avri Doria. And stuff we have Marika Konings and myself Julia Charvolen. I just see that J. Scott Evans has joined the meeting.

May I please remind all participants to please state your names before speaking for transcription purposes? Thank you and over to you.

Chuck Gomes: Thank you, this is Chuck Gomes. Welcome to everyone; appreciate you being on the call. And thanks for some of the work that happened on the list before this meeting.

Before we get going on looking at our overarching principle, does anybody have any changes to their Statement of Interest or any suggested changes for our agenda which is really fairly simple? We're going to go through the principles starting from the beginning.

Alan Greenberg: It's Alan speaking. I don't have any of those, but if someone can either tell me what the Adobe Connect is or send it to me on Skype I would appreciate it because the one in the email is saying the new one goes to a page that isn't started.

Chuck Gomes: Okay, is someone going to - this is Chuck. If someone will send Alan what he needs there.

Marika Konings: Yes, this is Marika. I can do so Alan.

Chuck Gomes: Thank you.

Alan Greenberg: Oh, Julia sent it to me also. Thank you.

Chuck Gomes: Does it work?

Alan Greenberg: I don't know. I'm just copying it now. It's not the one that was in the email saying, "Here's the new connection."

((Crosstalk))

Chuck Gomes: This is Chuck again. I want to thank Nick for sending in some suggestions, and of course thanks again for Cheryl for drafting the overarching principle.

What I did for those of you who were on the list in the last hour, you probably saw it, I took Nic's version with his red line and I added a few things as well just to kind of start off there. We don't have to restructure ourselves to those things and we won't, but I just thought we would use that and I appreciate that being on the Adobe Connect window.

So let's jump right in and see if we can make some progress on these principles.

The first thing I noted, and it starts in the second sentence I guess of the overarching principle, is that it seems to me - and I guess this is more of a question than a statement although I'm phrasing it like a statement - that however we define multi-stakeholder model from our Definitions Sub-team, we should do it here.

Is there agreement on that or is there disagreement or you think it's okay to use a different one in our overarching principle?

Cheryl Langdon-Orr: No, I think it has to be the same.

Chuck Gomes: Thank you. Alan, go ahead.

Alan Greenberg: I won't be adamant that they need to be exactly the same wording, but they better not have different meanings. They better not conflict.

Chuck Gomes: Thanks Alan.

Cheryl Langdon-Orr: Conflicts would be very bad.

Chuck Gomes: Okay, thanks Cheryl. Okay, so ultimately what will fix that definitely once the Definition Team finishes with that. And I don't know that we need to spend any time on that now.

Alan, do you have your hand up for another reason?

Alan Greenberg: No, sorry. I just hadn't lowered it yet.

Chuck Gomes: That's okay. I need to ask so that I know.

I'm going to flip over - so by the way, it's a small enough group that if you want to speak out I'm okay with that if nobody objects. I'm going to flip over to a document that I can read better than the one in Adobe.

Cheryl Langdon-Orr: Chuck, Cheryl here. Thanks particularly for that for this call because I'm sorry I'll have to get off shortly and I hate to be the only one jumping in. Thank you for that.

Chuck Gomes: Again, I think we're small enough and all of us are used to working with each other that we should be comfortable jumping in verbally.

If somebody raises a hand and I don't see it because I'm in another document, somebody just let me know.

Alan Greenberg: And if somebody gets obnoxious we'll tell them or they'll tell me.

Chuck Gomes: I don't know that there's much need to talk about that sentence then that defines a multi-stakeholder model. I do want to just mention a couple things that I put on top of Nic's version.

I don't know that there's one multi-stakeholder process or one stakeholder model is why I suggest, however it ends up, we might want to say A rather

than the, but that's something we can deal with when we look at the definition.

Also, I was concerned about the use of the word governance. Maybe because I've become hypersensitive participating, or at least observing, the discuss at 1Net list. And it's taken a lot of bandwidth on that list.

And so again, we can look at that once we get to the definition that the Definition's Team provides for us and we'll talk about that more.

Does anybody else have anything to say about the first two sentences before we go to Nic's first comment?

Alan Greenberg: It's Alan. I guess, again, to not be holding in parallel the definition of what multi-stakeholder is here; there are better things for us to do with our lives. I think the inclusive is the word that we should be keying on here and not agonizing over the details.

And it's something, you know, it's a discussion like we're having in the Definitions Group that towards the end we're going to have to go back and make sure it matches what we've ended up coming up with. But I don't think we need to agonize over it at this point.

Chuck Gomes: Thanks Alan. Any other thoughts before we go to Nic's first comment?

J. Scott Evans: This is J. Scott. The only thing I would say that we need to ensure that, you know, as I understand it, the multi-stakeholder model is a model that is not necessarily unique to ICANN. For this reason, it's sort of like the definition of implementation on policy and those things that you find there are sort of a general idea of what those terms mean, and then there's how ICANN has applied that to its echo system.

And so, you know, my thought would be we would first say, "A multi stakeholder system is X. The ICANN multi-stakeholder is this formula of X."

Chuck Gomes: Thanks J. Scott.

Cheryl Langdon-Orr: Hi Scott, Cheryl here. I think you'll find your sentiments are being fairly well echoed in the Definition Sub Team's work.

Greg Shatan: This is Greg Shatan. Michael Graham just circulated an email which said almost the same thing as you were saying it.

Cheryl Langdon-Orr: (Unintelligible).

Alan Greenberg: You know, and in this case, following the first sentence is we have the one that's highlighted in green saying, "A stakeholder refers to," and that sort of should cover any sins in the previous statements assuming they're still there by the time the Definitions Group finishes.

Chuck Gomes: Okay. And I see that you've joined us Michael.

Michael Graham: And actually, I'm on two computers. And I will set up one that I can submit what that definition is that was contained in my email. That will take me a couple of minutes though.

Chuck Gomes: Yes, so if you can multi-task and handle your two computers - why don't you just go ahead and read the definition, and those of you that have received the email like I have, you can go ahead and follow along online. But why don't you go ahead and read that and make any comments you'd like to make.

Because the first thing we talked about really was is that we want to be in sync with whatever definition we have in our overarching principle for multi-stakeholder with whatever comes out of the Definition Sub-teams. So if you could do that I would appreciate it Michael.

Michael Graham: Okay, I'll just go ahead and read with what we've come up with. And let's see, it includes actually two definitions.

The first; Multi-stakeholder model. And the definition of that is, "An organizational framework or structure for governance or policymaking which aims to bring together all stakeholders affected by such governance or policymaking - including but not limited to business, civil society, governments, academic institutions and the technical community - to cooperate and participate in the dialogue, decision-making and implementation of solutions to identified problems or goals."

And then the second definition is of ICANN Multi-stakeholder Model. And that states, "Is composed of different Internet stakeholders from around the world organized in various support organizations, constituencies and advisory committees, and utilizes a consensus based policy development process also known as a "bottom-up" model.

Chuck Gomes: Okay, thank you. This is Chuck again.

Before some of you got on, I brought up a concern that I have about the use of the word governance. And as I said for those that were on the call earlier, I'm probably a little hyper sensitive. Greg probably understands it because he actively participates on the Discuss at 1Net list where the whole concept of governance has absorbed a lot of time. So I'm a little sensitive in using the word governance in here.

But I say that and throw it open to discussion now. By the way, for those of you on the call, and we have more on the call now so if this doesn't work we'll revert back to raising hands. But we decided that we just try to speak out politely rather than necessarily raising hands so that we can look at other screens besides the Adobe Connect.

So what are your thoughts on that? Am I off base? Do we need the word governance there? What do you think on that?

Greg Shatan: Chuck this is Greg Shatan. I'll both raise my hand and speak nicely; hopefully nicely.

I did participate in that whole discussion on the Discuss at 1Net list. And I think the concerns about the word governance - and by the way, the concern was some people had was that the word governance somehow implied that governments as in sovereign powers are involved in governance.

And there's really no linguistic reason why that's the case, not that I'm a linguist, but you know, I did look into it so I wasn't completely talking through my hat on the list.

You know, there's no - you know, corporate governance doesn't involve governments. You know, it's governance of whatever is being governed.

Nonetheless, there were some people who seemed to be holding on to that idea that, you know, governance implied government participation. Not that there's no government participation in ICANN, although as we all know, the GAC comes in through a different entrance.

But to my mind, we should stick with the word governance because people at least have a general understanding of what's meant by Internet Governance. And to try to dance around the word I think creates more problems than it solves, that should be because I don't believe it's solving a real problem at all but really just a made up problem. And I guess that's all I'll say for the moment. Thanks.

Chuck Gomes: Thanks Greg. Alan.

Alan Greenberg: Two things. First of all with regard to governance, I guess my preference is to leave it out if it doesn't lose something by doing it just because it's such a hot

word and means different things to different people. It increases sensitivities and I'm not sure there's a lot of merit in it, but I'm not adamant about it either way.

Just with regard to the definition Michael read out, all of the definitions that the Definition Group is coming out with our prefix saying, "These definitions are with respect to gTLDs."

You know, so the definition itself may sound like it's wider, but it's all focused on gTLD issues. So that has to be kept in my mind.

Chuck Gomes: Thanks Alan. J. Scott.

J. Scott Evans: I think some concept of governance needs to be in here. But I think we can solve the problem if we just put the self-hyphen in front of governance so it reads that, "An organization or frames are a structure for self-governance or policymaking."

Because that's in effect what it is. It is a group of individuals other than government because government, depending on where you are, has its own structures and it's not necessarily multi-stakeholder. So I think that would solve because it says self-governance; it's a model. So that would be my suggestion to quail concerns.

Chuck Gomes: Thanks J. Scott. Cheryl.

Cheryl Langdon-Orr: Thanks Chuck, Cheryl here. I'm happy with that in it J. Scott. I think that does help contribute although I kind of don't agree totally with rationale. The (unintelligible) is he's right.

The issue identified did have however was I definitely think the word governance does need to be left in this particular context for this general definition. And I just want to counterpoint Alan slightly.

Yes, he is correct with what he said, but this particular beginning section is very deliberately a very generic definition of a multi-stakeholder model with the specific then derivative of "The ICANN model is." Because we did discuss, unfortunately I wasn't at that meeting, but we did discuss that at fair length and I think that picks up on J. Scott's earlier point as well.

So I would like to see governance stay but I think the pre-empt is hyphen on that so self-governance is ideal and it's sort of belt-and-braces approach which I'm happy with. But I want the word in. Thank you.

Chuck Gomes: Thanks Cheryl. Alan.

Alan Greenberg: Yes, I was just going to ask Cheryl with what she meant with reference to my comment. Was it my comment on governance or the comment on the gTLD reference?

Cheryl Langdon-Orr: The fact that the - exactly both really Alan. Cheryl here for the record.

Yes, we have already agreed to say that these definitions are in the context of the gTLDs, but that does not excuse us for not having the term governance in the generic - more generic - multi-stakeholder model definition because that is deliberately beyond the concept of anything limited to gTLD. In fact, it's a superset beyond ICANN.

Alan Greenberg: Okay, just for clarity. I wasn't making the gTLD statement in regard to what we had, just in regard to what Michael read out in the definitions.

Cheryl Langdon-Orr: But that is what I am talking about; that terminology in that definition is deliberately far larger, that only not gTLD issues but ICANN even.

Alan Greenberg: Okay.

Chuck Gomes: This is Chuck. I kind of lean with Alan not being crazy about the word governance there, but I'm much more comfortable with it now that J. Scott suggested the change of self-governance. That makes it a lot better for me.

And myself need to keep in mind that this is a broad definition rather than an ICANN specific or GNSO specific definition. Because I don't think that the GNSO does any governance. But I'm fine with that change.

So let me ask now then the definition goes on and it says, "To bring together all stakeholders affected by such governance or policymaking."

I like that, especially where it says, "Affected by," because there are sometimes stakeholders aren't really impacted by a particular issue. And so they're welcome to be involved but they probably aren't going to want to spend the time. So the "affected by," I think is a really important phrase in there, at least to me.

Now - excuse me. The next thing then -- the included by -- what does everybody think about that? I mean as soon as you start listing four categories - these happen to be the four categories being talked about in the Brazil meeting and on the INet list and so forth.

There's always risk of not including some. Like for example, where would registrars fit in that? And I realize it says, "Included but not limited to." I'm fully aware of that but let me throw that out.

Cheryl Langdon-Orr: That's a critical one. Perhaps Michael - this is Cheryl. Perhaps Michael you'd like to speak to that because we were very cognoscente of that in the Definitions Group as well. And that is specifically, Chuck, why that terminology is that way because it is not to be seen as a total listing simply a cherry-picking of some inclusive terms.

Michael Graham: Right. Yes, this is Michael. I couldn't say it better. I mean it was to be exemplary and not limiting.

Chuck Gomes: And this is Chuck. And I read it that way. So to me the included but not limited to is essential language. And I'm not uncomfortable with the way it is but I wanted to throw it out for us to discuss in this group as well - which we're doing.

So does anybody have any different thoughts or any reinforcing thoughts?

J. Scott Evans: This is J. Scott, I do. I don't think in the general multi-stakeholder model we should define who the stakeholders are. That's specific to ICANN.

There may be other...

Chuck Gomes: Would you advocate - I'm sorry if I interrupted you. Are you advocating then that we not have that including clause?

J. Scott Evans: Yes, because it just says the effected stakeholders by such self-governments and policymaking to cooperate, participate in dialogue.

Why do we need to define who the stakeholders are? Under ICANN, I think, stakeholders are self-identified. They're not identified by us.

Chuck Gomes: Right.

J. Scott Evans: So I don't see the need to do that because we're talking about what a multi-stakeholder model is. Now if under the ICANN multi-stakeholder model, if we want to be more specific, that's where that belongs, but not in the general definition.

Chuck Gomes: Thanks J. Scott. Greg?

Greg Shatan: I would actually - I would tend to agree with J. Scott. This is, you know, a generic definition of the multi-stakeholder model. You know, it should not list any collection of stakeholders.

You know, we could list, you know, categories, dogs and wilder bees who may be stakeholders in some other type of organization. You know, there's no reason to give examples that are kind of loaded and specific because these are not quite the ICANN stakeholder groups. This is, as he said, kind of the Brazil stakeholder group whack-up or one that's been used in some other, you know, Internet governance context in the past, but you know, not particularly, you know, it doesn't quite fit with ICANN's idea of stakeholders.

You know, we could put if we want to, you know, the names of the support organizations and the constituencies into the ICANN one. But I don't think we need to since those are already capitalized which, you know, at least you know, implies those are using those terms as, you know, they are currently understood to be used in ICANN land.

So I would agree with J. Scott.

Chuck Gomes: Thanks Greg. Michael.

Michael Graham: I would agree as well and I think in re-reading that, I think it's probably a (unintelligible) limb from our earlier discussion which then was addressed by having this separate definition of the ICANN multi-stakeholder model.

And then within this first paragraph of the policy and implementation principles address by the further definition of what a stakeholder is. So I would be all for leaving that out and leaving simple stakeholder which would be determined within the context. And then simple hoping that the definition, if further information is required which I don't think it is in the definition of ICANN stakeholder model, that it could be included there.

But I think the general structural reference there should be sufficient.

Chuck Gomes: Thanks Michael. J. Scott.

J. Scott Evans: I mean if we are concerned that there's such a politically charged atmosphere, my suggestion would be to move that bracketed language to the next definition. And so it would read, "The ICANN multi-stakeholder model is a multi-stakeholder model comprised of different stakeholders from around the world including but not limited to," list, dash, "organized in various support organizations, constituencies and advisory committee."

Because that is in fact reality, is it not?

Cheryl Langdon-Orr: (Unintelligible).

J. Scott Evans: I mean I think it can be left out but if we were really concerned that it would be a hot button issue and we need to give some nod to this, then it belongs interest he more specific definition that points directly to the ICANN version of a multi-stakeholder model.

Cheryl Langdon-Orr: I can agree with that (unintelligible).

Chuck Gomes: Thanks Cheryl. Greg, is that a new hand?

Greg Shatan: I'll take it as a new hand.

You know, I would agree that we should list - you know, if we're going to be specific about ICANN. I mean as I said before, I think by using the capitalized terms, it's kind of implied that it's the constituencies or stakeholders that we know and love in ICANN.

But you know, listing them out, you know, can't hurt other than kind of making the definition longer. And we should reflect our view of the world, as I've pointed out in

other context, you know, groups such as ISPs and the Intellectual Property Rights parties distinct from business parties, you know, re lost in the four-part stakeholder group that, you know, is being used elsewhere among other groups. They're kind of getting mashed up.

Chuck Gomes: Thanks Greg. Nic, Nic, are you on mute? Can't hear you if you're talking.

Okay, your hand is still up. Nic, can you hear me or are you on mute?

Greg Shatan: "Mic appears to be broken," he says in the chat.

Chuck Gomes: Okay, so he's not able to get through. So if you can type anything in there that would be great.

So let me ask this question. Is there anybody - I'm focusing on just the first paragraph -- the multi-stakeholder model definition.

Is there anybody opposed to removing the included but not limited to clause there? You can either raise your hand or just speak out; I don't care. I'm not seeing or hearing anybody oppose there.

So before we move to the ICANN multi-stakeholder model and talk about it in detail which we've already done a little bit, any other comments or suggestions on the multi-stakeholder model definition?

And I hope everybody's okay. I mean we're not the Definition Sub Team, but obviously we're using their definition. My assumption is that Michael will take this back to the Definition Sub-team and let them grapple with what we've done and then come back to the full working group.

So I don't want to make it sound like we're taking over the Definition Sub Group.

Cheryl Langdon-Orr: Well you've got a fair whack of the Definitions Sub Team here with you anyway. So feel assured we'll let you know if you (unintelligible).

Chuck Gomes: Thank you Cheryl. Any other comments on the multi-stakeholder model definition as we've tweaked it here? Nice work by-the-way, and I think it's that we're heading in a really good direction there.

Nic, are you able to talk now? Let's find out. Still can't hear from him. Okay, not sure what's going on there.

Nic, are you on the dial-in number or the Adobe volume, and if in the Adobe do you have your mic turned on there?

Marika Konings: This is Marika. He doesn't show on the audio bridge so assuming he's on the Adobe Connect for now.

Chuck Gomes: Okay, well the Adobe is supposed to work for that Nic, but if it's possible for you to call in to the dial-in number, that may be a work around that we can use here. So leave your hand up and if you get back in just speak out and let us know when - or you can test it by speaking out.

So okay, in the meantime, and Nic may want to go back to that first paragraph which is fine, let's go to the ICANN Stakeholder Model. And as J. Scott said, we say is a - Marika has already done that - "is a multi-stakeholder model composed of different Internet stakeholders from around the world."

Since I don't see any hands up let me ask a question there. What value does that bracketed part that we move from above add, "Including but not limited to business, civil society, governments, academic constituents and the technical community."

Alan?

Alan Greenberg: Chuck, it's Alan.

I think it depends who's reading it. If it's someone within our environment who understands what we mean by a stakeholder, it adds nothing. If it's someone who reads this as a theoretical document and isn't familiar with ICANN, it adds a fair amount. So it really depends on the audience in my mind.

Chuck Gomes: Okay, that's a good point. Thanks Alan.

Anybody else have thoughts on that?

Michael Graham: It's Michael for the record. I just wondered if that might be a better place rather than here in defining that. If we kept the section where we're defining a stakeholder in this context referring to an individual, etcetera, that might be a better place for this to be an example of.

Alan Greenberg: That would work for me.

Chuck Gomes: If we did that...

J. Scott Evans: So wait, I want to make sure I understand what - is what you're saying then that you move that definition to the definition of stakeholder?

Michael Graham: Yes.

Chuck Gomes: What do you think of that J. Scott?

J. Scott Evans: I'm looking for the definition of stakeholder. I think that's fine. Then if that's the case, then in the ICANN definition, not in - where's the definition of stakeholder? I'm looking at this document that's updated 8 January 2013 and I don't see a stakeholder definition.

Michael Graham: No, it's not in there. It's actually in - this is where the two groups I think are working together as apart.

The definition of a stakeholder is in this first paragraph of the draft principles for consideration. About mid-way down where the green starts, a stakeholder refers to.

J. Scott Evans: Okay, now I'm with you.

Michael Graham: Yes, that was not something that we addressed in the Definitions Sub Team.

Chuck Gomes: So following up on that, this is Chuck, that sentence that's in the overarching principle certainly includes individuals, groups and organizations.

How does that fit, especially the individual part, with that parenthetical that has business technical, etcetera, government and so forth? How would that fit into that sentence?

Do you want to take a stab at that Michael since you suggested that?

Michael Graham: Well, I think Marika has already done something.

Chuck Gomes: Let me get back over to Adobe. I was looking at another document I can read.

Marika Konings: This is Marika. I've tried to insert in the Word document a sentence that I think Michael was saying in relation to the stakeholder definition. Michael or anyone correct me if this is the wrong place or anything is missing there.

Chuck Gomes: Forgive me for a second while I look at that. So it's in the green highlighted section there, right?

Marika Konings: It's just after that section. I've inserted and now you can see it on the screen in red.

Chuck Gomes: Well this is Chuck and I'll turn it to Tom in just a second. One of the things I see missing there then is individuals, you know, in the whole user concept, the individual user concept which Alan will keep us honest on as a member of the ALAC.

Tom, let me jump over to you; go ahead.

Tom Barrett: Yes, I was going to echo that Chuck, and it leads me to wonder why we're trying to define the stakeholder both in and outside of ICANN. I don't know why we'd have two types of stakeholders here.

A stakeholder is a stakeholder. We're talking about a stakeholder to the Internet or to the ICANN body itself, and is there a difference?

Chuck Gomes: Alan, go ahead.

Alan Greenberg: Yes, there's a difference - not that I think it really matters a lot in what we're talking about. There is a difference in that there are things related to the Internet and could be stakeholders with respect to those which are completely outside of ICANN's remit.

But I guess I'll ask a radical question. Why are we worrying about this so much at this point? It's one of these things that yes, we may not have the words right. I don't think we have violent disagreement in this group as to who we're talking about, and I'm not sure it's going to influence the rest of what we're going to be doing on the principles that we're looking at given that we all hopefully understand that we're looking at a very inclusive list of stakeholders who either are involved in making the Internet work or are impacted by the decisions that are made.

Chuck Gomes: Thanks Alan, this is Chuck again. So I'm going to come back to something I said before.

So as soon as you list like we do in red there in the Adobe, four groups, you automatically leave some out. Individuals aren't included there. What about providers?

Alan Greenberg: But since our...

Chuck Gomes: Are they included as businesses, are they - what about, you know? I'm always concerned as soon as you try to even list examples, somebody, probably not us - and I agree, those of us on this call probably aren't the ones we're concerned about.

Others will say, "Where do we fit?" And we could answer it probably and say, "Well we think you fit here." But as soon as we do that, there are those that will see it differently than we do.

Greg.

Greg Shatan: I think that we could spend an awful lot of time on whether this list is comprehensive or not. It's certainly not comprehensive whether including but not limited to, (unintelligible). You know, I think in this case, as we're trying to talk about ICANN stakeholders, I don't think it saves it because, you know, we've chosen to call out certain divisions but not necessarily other divisions. And some will object to that and I would object to that.

And you know, what if - today's constituencies is yesterday's stakeholder group and vice-versa. So saying something is a constituency and therefore is only part of a stakeholder group gets us into a whole discussion at this point that's irrelevant but yet charged with, you know, stuff that we don't need to wade into. We're going to have enough interesting conversations that are relevant to our remit trying to either define the universe of stakeholders in

ICANN or say that this is an incomplete list but, you know, we've left some out for no particular reason.

We could just choose to leave out everybody but, you know, academia and civil society or business and technical. Because any list that's incomplete, you know, is either completely incomplete or implies those that are listed are somehow kind of the bulk of the definition that those left out are kind of stray.

So, you know, having looked at this on the screen, and you know, thank Marika for putting it out there so we can visualize it, visualizing it, I don't like it. So I would suggest just taking it out and moving on because it doesn't really do anything good for us.

Chuck Gomes: Thanks Greg. Tom, is that a new hand?

Tom Barrett: Well yes, just real quick. I think we're confusing stakeholders with actual, you know, items of interest. I don't see any difference; there should not be any difference in terms of where a stakeholder is within or without ICANN.

A stakeholder is a stakeholder. I don't see any difference whatsoever whether or not - there are certainly issues that ICANN deals with that does not impact all the stakeholders, but that doesn't make them less of a stakeholder simply because they don't care about all the issues.

So I don't think the text in red as any value. I don't think it makes sense for us to try to delineate the role of the stakeholder within or without ICANN.

Chuck Gomes: Thanks Tom. Alan.

Alan Greenberg: A couple of things. First of all from what Greg was saying, I think we're falling into the standard ICANN pit whole of multiple uses of terms. And here we have stakeholder which when capitalized, the very specific term within the

GNSO, and here we're using the lowercase term which is the generic version, and interchanging the two gets us into real difficulties.

So by saying stakeholder here lowercase, we are not saying GNSO stakeholder groups as opposed to constituencies capitalized. That wasn't the intent and that may be a good reason for not using the term altogether.

Normally, one includes examples like this. examples but not limited to - to make sure that we include the ones that people sometimes forget, that people don't think of as stakeholders within our model. This may be a good case where we want to footnote having a more exhaustive list although be it probably still incomplete and not try to put it in the text.

Chuck Gomes: Thanks Alan. J. Scott.

J. Scott Evans: I think the language is superfluous. And so given that, it adds no value and should be removed.

The best thing to do in ICANN is always to have the broadest possible definition when you're talking about participation. So I would look for something that does that, and I think taking out any sort of purported list, even with including but not limited to, is probably more in line with that thinking.

Second, I have a question with regards to stakeholders in the highlighted green. After the semicolon it says, "That it is a given action has the ability to influence the organization's action."

What organization? Is that the stakeholder or is that the multi-stakeholder model?

Chuck Gomes: I think this is - this is Chuck. This is my own interpretation. I think it's stakeholder from the previous part of the sentence which means it needs to be fixed because individuals really aren't on our organization.

J. Scott Evans: Right. So it should say, "(Unintelligible) the stakeholder's actions, decisions policies to achieve results."

Chuck Gomes: Yes, I think so.

J. Scott Evans: If that's true then that makes sense to me.

Greg Shatan: If I could interject quick, I think in that case the organization, it being referred to, is the particular organization just before the semicolon.

((Crosstalk))

Greg Shatan: Yes.

Chuck Gomes: Okay.

Greg Shatan: So it could almost say, "Such organization action," if you want to write...

Chuck Gomes: Okay, before we work on this further, let's test and see if Nic can now talk or we can now hear him.

Nic Steinbach: I don't know. Am I coming through finally? All right, that's awesome.

Yes, I think a lot of my comments kind of came to how we were defining stakeholder. And I think at the heart of this one in the multi-stakeholder model at ICANN, that the real bottom - at the end of the day, any one or any organization can participate.

I think when we start to even making barriers that are affected by or definitely the brackets listing out certain players, that we're going to run into an issue where this definition is going to look potentially very, very off base five or ten years from now. Or even encourage people who are not in this, you know, those examples that we list. You know, it kind of makes the team like they are not actually allowed to participate in ICANN where in this model it seems like everyone can participate.

I think as a good maybe compromise, and I don't want to go too far on the lead is that we just really put at least examples completely as a footnote; so (unintelligible), stakeholders and putting examples of stakeholders are included but are not limited to - in a footnote, not actually in this part of it.

Because I think the real thing that should be stressed in this multi-stakeholder model is that any person or organization can participate as much as they choose to do so.

Chuck Gomes: Thanks...

((Crosstalk))

Cheryl Langdon-Orr: Yeah, I like the footnote approach.

Chuck Gomes: Cheryl, I'm sorry, I didn't hear you.

Cheryl Langdon-Orr: I was just saying I'm very happy with the footnote approach.

Chuck Gomes: So what I'm - this is Chuck. And what I'm hearing - I'm not hearing anybody supporting leaving that red sentence in there in the main text. But there seems to be a comfort level of putting it in a footnote. And if we put it in a footnote my question to all of you then is is the way it's worded fine?

Alan Greenberg: Chuck, before...

((Crosstalk))

Chuck Gomes: ...included but not limited to leaves the door open.

Alan Greenberg: Chuck, it's Alan...

Chuck Gomes: Anybody want to comment on that? Anybody that has their hand up want to comment on this?

Alan Greenberg: Yeah, it's Alan. I'm trying to comment.

Chuck Gomes: Go ahead.

Alan Greenberg: Okay. And the text has disappeared and has moved around six times since I formulated my comment.

Chuck Gomes: Stay with us, Alan.

Alan Greenberg: Okay, I'm trying. The - part of the original - what was there - and I think it was the part in green but I've lost track of the colors now - which the tone was saying, "...or can be impacted by decisions," is when we started doing this we included as stakeholders only those who are the doers and the movers and shakers within the Internet, you know, within the ICANN world, the registrars and registries and the IETF and, you know, the parts that make the decisions.

And what was left out was the people at the periphery who are impacted by decisions. And they need to have an ability to participate. So whatever we do we need to make sure we don't lose that component. It's a component within ICANN that often gets forgotten about.

Chuck Gomes: So, Alan, do you have a...

((Crosstalk))

Chuck Gomes: This is Chuck. Do you have a specific suggestion with regard to where language needs to be fixed?

Alan Greenberg: There was - there is language within the green section - it has the ability to - has - I've lost now...

Chuck Gomes: Has a direct or indirect interest or stake in a particular organization that is a given action...

Alan Greenberg: Action - has the ability to influence such organizations, decisions - actions, decisions and policies.

Chuck Gomes: And I thought we had fixed organizations to stakeholders?

Alan Greenberg: Yeah, no such is fine. I just wasn't sure in this discussion if we were scrapping that also and I wanted to make sure that we don't lose...

Chuck Gomes: I don't think we were scrapping...

((Crosstalk))

Alan Greenberg: ...the ability to consider as stakeholders the pawns who are impacted by our decisions.

Cheryl Langdon-Orr: Far from it. Far from it.

Chuck Gomes: Now, Marika, I think that organizations in that green highlighted sentence needs to be stakeholders' actions, right?

Alan Greenberg: Such entities...

Marika Konings: This is Marika. I think Greg explained that is actually linked to the particular organization referred to in the first part so the suggestion was, I think, to change it to such.

Alan Greenberg: Yeah...

((Crosstalk))

Alan Greenberg: ...entities may be a better...

Chuck Gomes: ...but I don't think organizations work because of individuals.

Alan Greenberg: Yeah, Chuck, entities...

((Crosstalk))

Greg Shatan: It's referring back to the - Chuck, sorry, it's Greg, to interject. The way I read it organization is there to refer back to the particular organization just before the semicolon.

Chuck Gomes: Oh that - oh I see what you're saying.

Greg Shatan: That organization, the problem is the word "organization" is used twice.

Chuck Gomes: Yeah.

Greg Shatan: And so that makes it unclear.

Cheryl Langdon-Orr: But if we use "entity" that wouldn't...

Chuck Gomes: Do we need, "particular organization" at the end there? This is Chuck. Would it be sufficient or stake in an issue?

Greg Shatan: Well, I mean, that gets us into interesting question. I mean, right now obviously, you know, ICANN is organized as a - where there are stakeholders in an organization. But one could say that they're also stakeholders really in the Internet or in the domain name system or the gTLD system of the Internet and not the organization per se.

So without getting too philosophical I guess - and we're talking about actions, decisions and policies. An organization can make decisions and have policies but an issue can't have organization decisions or make policies. And, you know, while we're at it is a given action by whom? A given action by the stakeholder or a given action by the organization?

((Crosstalk))

Greg Shatan: So I think it is a given action by a stakeholder has the ability to influence and then that, you know, as it says it leaves out what Alan, you know, sagely pointed out which is the repercussions of those decisions back on stakeholders. And one hopes that all stakeholders on whom repercussions will be visited are also stakeholders who have a chance to influence the organization. But sometimes that is not the case.

You know, one could look back at the US (unintelligible) or even today depending upon your political views to look at when there were people who were stakeholders who had no voice but plenty of ability to be affected by the decisions of those stakeholders who did have a voice.

Chuck Gomes: Thanks, Greg. Michael.

Michael Graham: Yeah, I think there's some terms that whole sentence sort of confused me. I think the organization is actually in a particular multi- not to be circular - but a stakeholder refers to an individual, group or organization that has a direct or indirect interest or stake in a particular multi-stakeholder organization and has

the ability - and again I'm troubled - I'm not sure who has the ability to influence the organization's actions, decisions, that's a stakeholder, correct?

So a stakeholder refers to an individual, group or organization that, one, has a direct or indirect interest or stake in a particular multi-stakeholder organization, and, two, has the ability to influence such organization's actions. Does that make sense?

Chuck Gomes: I'm slow on this because I don't see why organization is needed at the end of, you know, before the semicolon. The - I mean, what about an individual? We allow an individual to participate in anything we do in the GNSO world for policymaking and so forth. They may not have a stake in an organization but they have...

Alan Greenberg: Chuck? Chuck?

Chuck Gomes: ...a stake...

Alan Greenberg: Chuck, it's Alan...

Chuck Gomes: Go ahead, Alan.

Alan Greenberg: Sorry, someone keeps putting down my hand. I'm not quite sure why or at least the technology is putting down my hand.

((Crosstalk))

Alan Greenberg: Okay a couple things. This sentence is becoming so unwieldy I'm not sure it has any meaning anymore. For instance, the expression at the very end, "...to achieve results," has absolutely no meaning to me. You know, that phrase says, "A given action has the ability to influence such organization's actions, decisions and policies to achieve results."

I don't know where the, "to achieve results" came from. It has no meaning for me.

Chuck Gomes: So...

((Crosstalk))

Alan Greenberg: I think we almost need to...

Chuck Gomes: I don't want to leave this call without fixing this sentence whatever that means, okay?

Alan Greenberg: Well, saying a stakeholder is someone who has an interest in a multi-stakeholder organization I think is a circular definition. So the...

Chuck Gomes: I agree.

Alan Greenberg: We may - almost need to go back to basics. What we are trying to do here is make clear to someone who might not already understand it that a stakeholder is someone who needs to be at the table when something is being discussed. They need to be there because either they are going to have - be charged with implementing it or they are going to be impacted by it.

Cheryl Langdon-Orr: Alan, they need to be able to...

((Crosstalk))

Cheryl Langdon-Orr: ...be there. They...

Greg Shatan: Yeah, that's correct, Cheryl.

Alan Greenberg: Yeah, no, no be able to be there, certainly, sorry.

Greg Shatan: Yeah, I don't want someone not showing up voluntarily and then that blowing up the whole thing.

Alan Greenberg: No, no be able to, sorry. And I think the sentence as we have it right now is getting so unwieldy; it's going farther and farther away from what we are - from making something clearer which was the original intent of having that sentence.

Chuck Gomes: Well let's see if somebody can fix it. Tom, your hand's up.

Tom Barrett: Yeah, I would replace the word, "particularly multi-stakeholder organization" with "particular outcome." That is, "A given action has the ability to influence the stakeholder's actions, decisions and policies." So I think the word "outcome" - you have a stake in an outcome; you don't have a stake in an organization in this context.

Chuck Gomes: So this is Chuck. A minor suggestion in that regard maybe a possible outcome rather than a particular outcome because when you start in the process you don't know what the outcomes are but depending on what they are you may be impacted by that.

Cheryl Langdon-Orr: Yeah.

Tom Barrett: Yeah.

Chuck Gomes: Okay? Greg.

Tom Barrett: So just to finish up that will say, "Such organizations..." obviously the word "organization" is not appropriate. Should be such stakeholder.

Cheryl Langdon-Orr: Yes...

Greg Shatan: Well isn't such stakeholder or is it such outcome?

Chuck Gomes: So we're each seeing that a little bit differently. We have made that change before and then there was discussion that it doesn't. So let's see what we have right now. So, "A stakeholder refers to an individual, group or organization that has a direct or indirect interest or stake in a possible outcome. That is a given action has the ability to influence such stakeholder actions..." well, yeah, this is...

Tom Barrett: You know, Chuck, this is Tom again...

((Crosstalk))

Tom Barrett: I think we can end the sentence at, "...possible outcome," and stop there. I don't think we need the "that is" phrase.

Chuck Gomes: Thanks, Tom. Anybody disagree with that that we just cut it off at the - make it a period at the semicolon and drop the rest. Now we have a footnote there so we can still put the footnote that talks about the four non-inclusive groups. Any objection to that? Greg, go ahead.

Greg Shatan: I'll cede my place on the list for the moment.

Chuck Gomes: Well you're the only one in there right now so - so is anybody opposed to that? So what we have now - we eliminate everything after the semicolon so we have, "A stakeholder refers to an individual, group or organization that has a direct or indirect interest or stake in a possible outcome." Period.

And then we go to the next sentence which looks like it's not the beginning of a sentence anyway. "The multi-stakeholder process involves the full involvement of all stakeholders, consensus-based decision making and operating in an open, transparent and accountable manner." Boy, we're jumping into a bunch of things there.

Marika Konings: This is Marika. I think that's a remainder from our previous edits. And I think this was a quote from somewhere.

((Crosstalk))

Chuck Gomes: Yeah, it looks like it is, yeah.

Marika Konings: Yeah, it's from Wikipedia quoting Larry Strickling, I believe. So I think that was just a remainder and if people think it's still necessary we may need to rephrase it and otherwise we can take it out I guess.

Chuck Gomes: And anybody opposed to that being deleted? All right so now we have the - I would like everybody to look - and I know we're just about out of time here - but would you take a look at that one paragraph for the overarching principle? And let me, first of all, direct a question to Cheryl. Cheryl, does what we have here accomplish what you were intending when you made the suggestion before the holidays on an overarching principle? Boy, it's not too often I can get silence from Cheryl.

Greg Shatan: Well she said she was transferring to her mobile so...

Chuck Gomes: Oh she is. Okay, I wasn't looking at the Chat so she may not be available right now. Let me open it up to everyone. Do we have then in that paragraph now - and I know there's some stuff that follows it - but do we have then what you think was the overarching principle that was the intent of adding this here? And let's go to Greg and then Nic.

Greg Shatan: Well first I would say that based on looking at the next kind of little sentence the overarching principles are actually after the next sentence and not in the upper first paragraph but I guess it's an overarching principle for the overarching principles.

Chuck Gomes: So do you think, Greg, that that we should move that title down to below the first paragraph so that becomes an intro paragraph?

Greg Shatan: Yeah, either that or, you know, say that this is an overarching principle as well. But I think so. I would also say, while we're at it, that bottom-up should probably have a hyphen and so should consensus-built but maybe consensus-driven - but that's niggling.

Chuck Gomes: That's okay. Nic.

Nic Steinbach: Yeah, I think this paragraph is getting a lot cleaner and closer to what we were aiming for. I am confused; I think, you know, where - the first one where it starts with, "Which aims to bring together..." I have some thoughts about primary. But then it goes on to list again the list that we moved into the footnote. So I would just suggest that we - everything between "such as" and "to cooperate" be moved into that footnote.

And then I'm also not sure what the purpose of "the primary" is. I think that we can just bring together stakeholders. And I'm not sure if we need to - you know, what "the primary" adds. It may even take something away from that.

Chuck Gomes: Yeah...

Marika Konings: This is Marika. If I can maybe interject here because I think what we still need to do here is insert the definition. And what I can do is the one that we've revised but I think the idea was that we would insert here the final definition as the...

Nic Steinbach: Okay.

Marika Konings: ...when the sub team finishes it work. But what I can do for now is actually move in here what we've discussed so far and just replace this part with what we have in the other...

((Crosstalk))

Nic Steinbach: Okay.

Chuck Gomes: This is Chuck. That's a good idea because it was confusing me as well because I thought we had gotten rid of some of that and we had actually but...

Nic Steinbach: Okay. I see.

((Crosstalk))

Nic Steinbach: Great.

Chuck Gomes: Yeah, okay thanks for pointing that out, Nic, appreciate that. Alan.

Alan Greenberg: Thank you. We're just about out of time and my brain is fried at this point. I have a little worry and I need to read whatever comes out of this clean that we may have lost the part that I was emphasizing before that is those who are impacted by decisions need to have a place at the - need to be able to have a place at the table.

And the reason I'm harping on this, if one goes back to the last GNSO reorganization that concept was categorically rejected by the Board. And I think coming out of our discussion we need to make sure that does not happen so I'm reversing judgment until I see a clean version but...

Chuck Gomes: Okay.

Alan Greenberg: ...I am sensitive to that and I simply have given notice.

Chuck Gomes: Thank you. And we're going to need to wrap up. Greg and Nic, are your hands still up or are those old hands?

Nic Steinbach: That's an old hand for me. Sorry about that.

Cheryl Langdon-Orr: Yeah, I actually thought this call was for 90 minutes so I was well prepared for a longer chat but...

Chuck Gomes: I can go longer if others can but I think these calls are usually an hour. Now I guess the question we need to ask ourselves if we only go an hour every two weeks I don't think we're going to be able to make the progress that we need to make.

Cheryl Langdon-Orr: Exactly.

Chuck Gomes: Because so much else depends on - so much of the working group's task in the future depend on these principles being finished. So...

Alan Greenberg: It's Alan.

((Crosstalk))

Chuck Gomes: ...have some suggestions there.

Alan Greenberg: Yeah, Marika just said it was actually scheduled for 90 minutes...

Cheryl Langdon-Orr: Ninety minutes...

((Crosstalk))

Cheryl Langdon-Orr: It was specifically scheduled for that purpose to try and get beyond all of it.

Chuck Gomes: Okay.

((Crosstalk))

Alan Greenberg: I think we're going to start moving a little bit faster when we actually get to the principles.

((Crosstalk))

Chuck Gomes: Yeah, so all right so let's at least in our remaining 25 plus minutes, try and finish the introductory part involving the overarching principles. Now, Cheryl, I think when you were switching phones I had asked you a question...

((Crosstalk))

Cheryl Langdon-Orr: Did I ignore you?

Chuck Gomes: Yeah, I - my response was when I didn't get a response was, boy, it's not very often I can get silence from Cheryl so...

Cheryl Langdon-Orr: Here here on that one there.

Chuck Gomes: So the question I asked, Cheryl, was this. Okay, so now we've tweaked that first paragraph or first two paragraphs, whatever it is...

Cheryl Langdon-Orr: Yeah.

Chuck Gomes: ...quite a bit.

Cheryl Langdon-Orr: Yeah.

Chuck Gomes: Does this - since you're the one that proposed this overarching principle - and I realize we have some more to cover on that below - are we on the right track based on what you had originally intended?

Cheryl Langdon-Orr: I am very comfortable with where we're heading. I was most concerned that what we were doing with those overarching principles, that very rough cut I did, was basically a grab bag of other resources and primary sources. And what we're doing now is fine by me.

Chuck Gomes: Thank you. I appreciate that. Greg. There's some noise...

Greg Shatan: That's an old hand.

Chuck Gomes: ...in the background. If somebody could mute when you're not talking.

Cheryl Langdon-Orr: Yeah, I am going to mute now. Remember, I'm actually driving at 110 kilometers an hour while I'm talking to you.

Chuck Gomes: Thanks.

Nic Steinbach: Yes, with the top down I take it, Cheryl.

Chuck Gomes: Okay.

Cheryl Langdon-Orr: Probably not. I've not got the top down. When I stop talking to you I will.

Chuck Gomes: Tom, you're up.

Tom Barrett: Yeah, I wanted to support Alan's comment about making sure we do include reference to people impacted by decisions. And I assume by moving the definitions of stakeholder to a footnote we could do that. But, again, we should make sure that, for example, the new text in red here again has but

not limited to business, civil society, governments, etcetera. We should certainly include individuals in there.

Chuck Gomes: You're talking about the footnote, Tom?

Tom Barrett: Yeah.

Chuck Gomes: Okay.

Tom Barrett: I don't know we're again listing there if we're going to have a footnote that defines who we decide stakeholders are.

Chuck Gomes: Well we're back to a subject - this is Chuck - we're back to a subject then that we - that's gone back and forth throughout this call. How important is that footnote? And if we do have the footnote do we need to be more inclusive to include individuals? And then of course the question is what about others that aren't included there?

Marika Konings: This is Marika. I already added individual users to the footnote which you should see on the screen now.

Cheryl Langdon-Orr: Yeah, I'm all for the footnote, Chuck. And I think if we can - if we are still concerned about it being read in some way as exclusive then what we should do is do the inevitable on the footnote, "And others as later defined" type stuff.

Chuck Gomes: Can everybody see the Footnote Number 2 right now?

Greg Shatan: Yeah.

((Crosstalk))

Chuck Gomes: Any more changes to that?

Michael Graham: I don't want to jump the line. It's Michael. But I was just looking to say why not just include, "Limited to individuals, groups and organizations in business, civil society, government, academic institutions and the technical community as well as individual users."

Chuck Gomes: Run that by us again please Michael?

Michael Graham: It was - I think it was typed up here. Let's see, "Include but are not limited to individuals, groups and organizations in business, civil society, government..." I dropped the S there, "...academic institutions and the technical community as well as individuals."

Chuck Gomes: So do we need individuals twice?

Michael Graham: No, I think we could drop the, "...as well as individuals," at the end. Would that satisfy to make sure that we - it is referring to both individuals and groups?

Chuck Gomes: So the way it reads right now...

((Crosstalk))

Chuck Gomes: This is Chuck. "In ICANN stakeholders include but are not limited to individuals, groups and organizations in business, civil society, government, academic institutions and the technical community."

Alan Greenberg: No you lose...

Chuck Gomes: Any problems with that?

((Crosstalk))

Alan Greenberg: It's Alan, yes.

Chuck Gomes: I hear somebody say yes.

Alan Greenberg: Alan.

Greg Shatan: Greg too.

Chuck Gomes: Okay, Greg, go ahead.

Greg Shatan: It's Greg. Alan, if you want to go first you can go first.

Alan Greenberg: No, go for it, Greg.

Greg Shatan: Okay. Now I think this list now at this point is becoming somewhat of a dog's breakfast because this is really not an ICANN list, this is kind of the Brazil list with some additions and therefore we're leaving out ICANN, you know, stakeholders as seen through the ICANN prism such as registries, registrars, ISPs, IP Constituency.

At the same time, you know, academia, at least in ICANN land, seems to get subsumed into civil society. We've left out nongovernmental organizations completely. The technical community doesn't even have its own seat in the GNSO; it's got its own kind of - it's got the SSAC. So right now this is not ICANN's stakeholder list.

So we can either go into the ICANN view of the world and put it here. And God knows why we'd want to, you know, spend time doing that. Or just strike this completely. I'm still just not a fan of this list. And, you know, this is not the right list if it's ICANN.

Chuck Gomes: Because I'm chair and supposed to be neutral I won't say that I agree with you. But let me go to Alan.

Alan Greenberg: Thank you. I think you cannot drop Internet users or end users. They're not replaced by individuals sitting there. The whole issue of At Large is someone has to be at the table representing the interests of users and it's not replaced by allowing an individual to be there. So I think that concept needs to be there in anything that resembled a laundry list...

((Crosstalk))

Greg Shatan: And that's another reason why we need to give...

Alan Greenberg: ...laundry list exists.

((Crosstalk))

Alan Greenberg: I'm not speaking for the list; I'm saying if it exists the concept of end user has to be - or Internet user...

Greg Shatan: Right.

Alan Greenberg: ...has to be there.

Greg Shatan: And this is another reason why I'm against the list but if there has to be a list it has to be a list as ICANN sees things including the ALAC, you know, user and all the other, you know, folks like registries and registrars that are divided up into separate stakeholder groups for ICANN purposes.

Chuck Gomes: Thanks Greg...

Greg Shatan: And I think, you know, constituencies as stakeholder groups - stakeholders anyway.

Michael Graham: I'll put a motion on the table to strike the footnote because otherwise it is going to be an unwieldy list that at that point is going to be looked at as excluding anyone it doesn't name and I don't think we could name them all...

Chuck Gomes: Which I think has been well illustrated in this call.

Michael Graham: The one thing I did want to point out though, Marika, if you could go back up on the page to the multi-stakeholder definition. And I had a question I guess specifically for Alan in terms of the impact statement. At least at this point whether or not the use of the term, "...all stakeholders affected by such government," if that, at least partially, addresses your concern recognizing that we need to keep your concern in mind throughout the development of these principles I think.

Chuck Gomes: That was a question directed at who, Michael?

Alan Greenberg: It was directed at me; Alan.

Michael Graham: Yeah, and I'm not saying that clearly addresses - because I think what you're speaking about deserves more space than this but at least in this definitional whether or not it includes those who are impacted that...

((Crosstalk))

Alan Greenberg: That phrase along with the - with the one in the next sentence, "...an individual group or organization that has a direct or indirect interest in an outcome - a possible outcome," both of them - if you're thinking about end users and those representing the interests of end users it can include them.

If you're not thinking from that focus it does not highlight it. So it's easy for someone to have read this and come away without that understanding and that's my overall concern.

Chuck Gomes: And, Alan, this is Chuck. I get that but it seems to me there will always be another group that won't see themselves in what we're doing. And that's because we can't come up with a perfect list and because lists change...

((Crosstalk))

Alan Greenberg: Yeah, I'm not worried about a group not seeing themselves; I'm worried about other people reading this and presuming that certain parties are not being included. As I said, if we didn't have a history of this already happening it wouldn't be an issue but we do have that.

Chuck Gomes: And how could anybody argue - this is Chuck, okay. How could anybody argue based on the wording in those two sentences that you just referenced that anybody would be excluded?

Alan Greenberg: I'm happy to live with it right now. And as I said before when I thought we were out of time and we're now almost out of time again, I reserve the right to read the clean version, you know, outside of this context and make sure I'm happy with it. But I think it's okay as it stands.

Chuck Gomes: Thanks, Alan. And I want to come back to you - this is Chuck again - come back to you with one more question because I think you were one who really was advocating that we have the language that we had put in that footnote and yet I'm hearing from just about everybody else that we should delete the footnote. Are you okay with deleting the footnote and if not I think you have to convince the rest of us.

Alan Greenberg: I think Avri just put a comment in the Chat which may be relevant.

Cheryl Langdon-Orr: Guys, can you read comments out for me because I'm good but I'm not good enough to do that.

Alan Greenberg: Avri said, "How about including the phrase including but not limited to and then mentioning the GNSO stakeholder group slash constituencies and liaison groups?"

Chuck Gomes: This is Chuck. That's kind of where I think the second definition that's over on the right if you're in Adobe on ICANN multi-stakeholder model dealt with it. It modifies it a little bit. And we moved away from that and from listing. Then we went to putting a footnote that had the more generic terms and now we're back to eliminating the footnote. So, Avri, are you able to speak?

Michael Graham: I see she's typing.

Chuck Gomes: Okay.

Avri Doria: Yes, I think I can speak. Did I just speak?

Chuck Gomes: You did.

Alan Greenberg: Yes.

Avri Doria: Can you hear me?

Alan Greenberg: Yes.

Avri Doria: Okay cool. Yeah, I mean, I'm personally not invested in it either way. I think that looking for a compromise as this were and then perhaps I started to type is if you wanted to go more general you could have the construction including but not limited to and then mention them more generally, you know, contracted parties and businesses, end users and stuff so the groups that are represented by the GNSO and the liaisons without worrying about everyone.

And then you've got, hopefully, not perhaps the best of both sides of this but at least something that satisfied both needs in terms of admitting that it is not

a complete list; there are no complete lists. But also making sure that the concern Alan is mentioning get covered. Thanks.

Chuck Gomes: Thanks, Avri. Now I'm going to make a leader decision here. And we can change this afterwards. But I think - I heard quite a lot of sentiment that we should just eliminate this footnote.

And the reason I'm saying that we need to make a decision here is because we keep going in circles. We keep going back and forth to including it, changing it, adding it, finding out it's incomplete. I don't need to say any more than that.

So my suggestion if there's not any strong opposition is to eliminate the footnote for now. If anybody wants to come up with an idea that you think will make it more palatable between now and our next meeting let's do that. Is there any strong opposition to that approach? Not seeing any let's go back to the queue. Alan.

Alan Greenberg: Sorry, that's an old hand.

Chuck Gomes: Okay. Michael. Oh, it looks like - boy old hands are dropping fast. Nic.

Nic Steinbach: Yes, I strongly agree with you that I think that we should try to move away from the list wherever possible. My only concern with kind of playing off Alan's point when we talk about the ICANN multi-stakeholder model the way that it's phrased it doesn't support individual Internet users or any individual that's not organized into these support organizations, constituencies and advisory committees.

And I think, you know, just based on, you know, lots of things but when something is open for public comment it'll often be individuals who have an impact in that, right, that are not organized into those things or in the public

forums at the meetings, right, there's someone who's going to stand up who's not going to fall into this bracket.

So I think that when we were talking about the ICANN multi-stakeholder model in that second red paragraph that there needs to be something in there that goes beyond just the organized sub organizations, constituencies and advisory committees. It should be more inclusive than what the ICANN model is currently listed as right now.

Chuck Gomes: Nic, how would you fix it?

Nic Steinbach: I think that I would probably just delete everything after stakeholders, the first stakeholders...

((Crosstalk))

Chuck Gomes: You're in the second paragraph, right? The ICANN multi-stakeholder model.

Nic Steinbach: Yes. Yes so - yeah, you can delete everything after "world" actually. I don't think that any of that is really adding stuff especially when we have people outside of those organizations. And I'm afraid we're about to get in another list discussion right here. So I would just delete everything after "world."

Chuck Gomes: Well I guess my question for you - this is Chuck again - if we're really talking about the ICANN multi-stakeholder model that is an accurate description of them organized in various support organizations, constituencies and advisory committees. Now...

((Crosstalk))

Nic Steinbach: I mean, because...

Chuck Gomes: But then maybe we don't need...

((Crosstalk))

Chuck Gomes: ...define the ICANN multi-stakeholder model.

Nic Steinbach: Yeah, I'm not 100% sure that we do as two different models. But even in that context I think those are the movers and shakers of the multi-stakeholder model but at every single level, you know, there are like - there are checks, right, so that any individual can make a contribution or a suggestion or, you know, can approach the Board directly in some cases.

So I think that there - the way that it's organized is very - a very good description of how it works practically and what the movers and shakers of policy are but I think that there is - there are other avenues that could possibly be missed there.

Chuck Gomes: Thanks, Nic. Let me...

((Crosstalk))

Chuck Gomes: ...make a suggestion to see if this does anything to accommodate your concern. Leaving that paragraph the same except at the end of, "...also known as a bottom-up model," what if we were to add there, "...that is open to anyone who wants to participate."

Nic Steinbach: Perfect.

Chuck Gomes: Anybody see a problem with that? So all I did...

Cheryl Langdon-Orr: Works for me.

Chuck Gomes: ...is add at the end of that paragraph after, "...bottom-up model open to anyone willing to participate." And it could be worded different ways, I'm not stuck on the exact words. Nic, it sounds like that covers your concern. Greg?

Greg Shatan: I guess editorially I would probably say it utilizes a bottom-up consensus-based policy development process open to anyone willing to participate.

Chuck Gomes: I'm fine with that. That's good. That's better than mine for sure.

Marika Konings: This is Marika. Greg, can you just repeat that?

Greg Shatan: "A bottom up," comma, "...consensus-based policy development process." Then strike comma, "...also known as bottom-up model," and keep everything after that. Yes, there you got it. Of course it's kind of then redundant in the next sentence.

Chuck Gomes: You talking about the GNSO policy development process?

Greg Shatan: Yeah, right, now we say, "...bottom-up consensus-built." We could probably just make a reference to the previous sentence at that point.

Cheryl Langdon-Orr: Yeah, I'm happy with that. Absolutely.

Chuck Gomes: What value does that next sentence add?

Greg Shatan: It just seems to be a lead-in to the overarching principles.

Chuck Gomes: Okay, I'm a little bit...

((Crosstalk))

Chuck Gomes: ...confused because I thought the overarching principles were up top and that the other principles follow. Which are the overarching principles?

Greg Shatan: I think the first...

Marika Konings: This is Marika. I think that's a remainder when we actually didn't have Cheryl's language yet. So an easy way maybe just to take out the overarching in this sentence and as well the lead-in paragraph could be, "The GNSO policy development process enshrines this concept," because before we're actually talking the ICANN multi-stakeholder model and now we're honing in on the GNSO PDP so maybe we could just say here this concept of a robust bottom-up consensus-built multi-stakeholder model just leads in that it, you know, goes at that level as well. That might be a way to link the two.

Chuck Gomes: And then we start...

Cheryl Langdon-Orr: Absolutely, yeah.

((Crosstalk))

Chuck Gomes: ...principles not overarching principles.

Cheryl Langdon-Orr: Correct. Absolutely. Marika's got it for sure.

Chuck Gomes: Thank you. Greg, is your - you were just agreeing, okay thanks. So we're now then - and Alan as well as all of us will get a chance to look at this in writing sometime after today so that you can look at it cleanly and make, you know, communicate your final comments and edits.

I'm hoping that we're really almost finished with the - except for final review - of the overarching principle and we can actually, in our next meeting, actually start making some progress in terms of the principles that are going to follow the overarching principle.

Now for us to make the progress we need, people, all of us need to do some work in between the meetings. And thanks for those of you who did in the last few days.

If we can continue that and people can comment on the list - hopefully we can see some patterns towards consensus on some of these things before we even get to our meeting and not use up a whole meeting just taking one at a time because that's not going to bode well for getting things moving in the - with the rest of the tasks that we have to do in this working group because an awful lot depends on the principles.

Go ahead...

Cheryl Langdon-Orr: Chuck, Cheryl.

Chuck Gomes: Cheryl.

Cheryl Langdon-Orr: Thanks. I just wanted to add on to that can I request that we do commit to another 90-minute call next time?

Chuck Gomes: Is anybody opposed to doing 90 minute calls regularly?

Chuck Gomes: It's just too important to take too long.

((Crosstalk))

Chuck Gomes: Okay let's plan on 90 minute calls. There'll be times when some of us are going to have an interruption but we can keep up to speed from the recordings and transcripts and lists and so forth. And between all of us - let me compliment everybody on this group; it's been a - I know it's taken us a while to get to where we're at but I really appreciate the open and frank discussion plus the willingness to compromise that we've seen today.

And I think we're looking really good in the overarching principle and hopefully the other ones may become even a little bit easier. The overarching one obviously has huge implications.

Let me open it up to see if there are any other comments or discussions before we wrap it up for today.

Marika Konings: Chuck, this is Marika. Maybe just to confirm whether you want to have the next meeting next week at the same time or I think we actually move this call one hour later compared to previous meetings or does this time suit everyone so we can just maybe move ahead with scheduling as well?

Chuck Gomes: Well another question - this is Chuck - that comes up is didn't we originally try to schedule the sub team meetings in the weeks between the working group meetings and somehow we ended up - I think because of the holidays and when we restarted the working group meetings we now have all of them in the same week.

So another alternative to consider is whether or not we want to have this - go ahead and have another sub team meeting next week and then go biweekly from there or do we want to have weekly 90-minute meetings? Speak up.

Cheryl Langdon-Orr: Cheryl here. How about we do next week with a plan to be at least fortnightly after that. And if we find the task ahead of us is clearly going to take a little bit longer then we can decide for weekly. But if we do it next week we've got that option of either doing it fortnightly and getting back into the original non-synchronized planning and we've still got the option of increasing frequency. Thanks.

Chuck Gomes: I'm good with that. Anybody strong - and I see a couple agrees in Adobe. I'm not seeing anybody opposed to that. I guess I should scroll down and see if there's any nos. I don't see any. So let's plan on that. And then we'll decide

next week or shortly thereafter whether we're going to have to make it weekly.

But again one thing that'll really help us, folks, and sorry for nagging on this, but if we can try and get some work done in between actual calls it'll really help us. All right...

((Crosstalk))

Marika Konings: And, Chuck, this is Marika. Just to confirm for next week it's at the same time, 2100 UTC for 90 minutes?

Chuck Gomes: That's my understanding.

Marika Konings: I won't be available but Mary will be providing staff support for the calls.

Chuck Gomes: Thanks for letting us know, Marika. And thanks, Mary. Okay thanks everyone, again. Meeting adjourned.

Cheryl Langdon-Orr: Thanks, Chuck. Thanks, everybody. Sorry I was noisy. Bye.

Marika Konings: Bye.

END