

**Policy & Implementation Working Group Meeting
TRANSCRIPTION
Wednesday 10 September at 1900 UTC**

Note: The following is the output of transcribing from an audio recording of the Policy & Implementation Drafting Team meeting on Wednesday 10 September 2014 at 1900 UTC. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. The audio is also available at: <http://audio.icann.org/gnso/gnso-policy-implementation-20140910-en.mp3>

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

Attendees:

Cheryl Langdon-Orr – At-Large
Olevie Kouami – NPOC
Greg Shatan-IPC
J Scott Evans – BC
Anne Aikman Scalese – IPC
Tom Barrett – RrSG
Chuck Gomes – RySG
Avri Doria-NCSSG

Apologies:

Stephanie Perrin – NCUC
Alan Greenberg-ALAC

ICANN staff:

Mary Wong
Amy Bivins
Marika Konings
Karen Lentz
Berry Cobb
Steve Chan
Terri Agnew

Terry Agnew: It looks like the recordings have started. Good morning, good afternoon, and good evening. This is the Policy and Implementation Working Group on the 10th of September 2014.

On the call today we have Cheryl Langdon-Orr, Greg Shatan, Ann Aikman-Scalese, J. Scott Evans Avri Doria, Tom Barrett, Chuck Gomes. And joining us a little later will be Olevie Kouami.

We have apologies from Stephanie Perrin and Alan Greenberg.

From staff we have Marika Konings, Mary Wong, Steve Chan, Amy Bivins and myself Terry Agnew.

I would like to remind all participants to please state your name before speaking for transcription purposes. Thank you very much and back over to you Chuck.

Chuck Gomes: Thank you very much Terry, much appreciated and welcome to everybody to the call this week. I apologize for missing the call last week but I was busy in an IGF workshop in Istanbul.

I'm still actually traveling. Now I'm in LA for a registry's meeting. So I'm doing this for my hotel room.

So let's start off with asking whether or not there are any updates to statements of interest?

And let's while waiting for you to respond on that let me also ask whether there's anybody that is on the call but not in Adobe Connect?

Okay. So apparently everybody is in Adobe Connect, good. All right so let's get started.

Our first thing is to follow-up on the GDD consensus policy draft framework that you went over last week. And I did listen to the MP3 of that meeting this morning and appreciated the discussion that did happen last week.

I had submitted some input prior to that meeting that the GDD team has kindly already tried to address in a revised version of the document that you see in Adobe Connect right now.

So what we're going to start off with today is to go through what they've done in response to my comments.

But let me make clear that my comments aren't, you know, don't have to be accepted or suggested. So please feel free to disagree with in any of the input that I provided and suggest alternatives or maybe something totally new as we go through this.

Anne please.

Anne Aikman-Scalese: Yes thank you Chuck. This is Anne. I just have a very broad question again in relation to I guess the procedural aspects of this.

This is entitled Consensus Policy Implementation Framework. And I noticed that and last week we talked about this a little bit and Marika said well this is - and (Karen) said this is just the staff's point of view.

I went back and I checked our charter under our objectives and goals. And objective and goal number four is to provide a framework for implementation work.

So, you know, that is predictable, consistent, efficient and timely blah, blah, blah. And that includes appropriate multi-stakeholder feedback.

So I mean staff has done a huge amount of work here that I think, you know, we can take advantage of but as I understand that this is a goal or objective that's been assigned to this working group. Thank you.

Chuck Gomes: That is - thanks Anne this is Chuck. That is correct. What they've done is they've given us a framework and it's a draft framework that we can start with or if people prefer we could throw it out and start all over.

I wouldn't recommend that. I personally appreciate what they've done and I think it gives us a good starting point.

But it's up to us to decide what we accept and what we change, what we add and so forth. And I think that's all that staff is trying to do is to give us a starting point like that.

Now let me turn it over to Marika to comment.

Marika Konings: Yes this is Marika. I think I slightly disagree with that part of it because basically as I understand, you know, how charter's written and the focus is really indeed that community aspect of implementation.

And I think that's what I tried to explain on last week's call as well at least we see the staff work is that the board directs staff, you know, to implement policies. And that's, you know, operational tasks that, you know, is within the remit of staff.

However we do understand that, you know, as part of the way ICANN works there is a multi-stakeholder aspect and there is a need to develop and enhance, you know, that part of the process to allow for those kinds of consultations and input as part of that process.

And as such, you know, what we've done is basically tried to write up and, you know, standardize the way in which staff has been dealing in is dealing with implementation work but clearly noting that, you know, what we believe is, you know, the work of this working group is to define what those aspects are that require community consultation and how that consultation should

happen as well as how interaction with the GNSO council are, you know, oversight or input should happen.

And I don't think it would be appropriate or within the scope of the working group to actually tell staff how they need to do implementation because I do believe that's an operational aspect of the work that doesn't fall within the remit of working group.

And that doesn't of course mean because that as I said as well I think on last week's call that we clearly understand that this is, you know, we're in this together.

This is a corporation that both parties need to, you know, understand what each other's roles are and how to work together.

Because I do believe we all have the same goal and that is to make sure that policy recommendations that are adopted by the GNSO council and after that adopted by the ICANN board are implemented as intended. And so I do want to set that out as the, you know, of course a - the starting point.

But I do believe that, you know, staff does have a role in responsibility to define as part of that what its role in that process is which doesn't take a way that there of course certain aspects where there needs to be bridging and, you know, integration.

And I think I described on last week's call as the kind of puzzle where this part piece of the puzzle is the staff work in relation to implementation.

And the specific charter talks well about, you know, the framework for implementation of later discussions which is that aspect of the community dynamic in that process.

Chuck Gomes: And this is Chuck. Thanks Marika. Before I go to Anne and Avri could you clarify your point of disagreement? I think I get it but I want to make sure before Anne and Avri speak.

Marika Konings: Not necessarily disagreeing but I think what I'm trying to say that I think what we've provided here is really, you know, how staff organizes its work.

And I think that it's firmly within our remit to define. It doesn't take away that, you know, we don't take comments or input from the community on it. But I don't think it's for the community to necessarily define how staff should be handling that work.

Of course if there's serious issues that's always, you know, the community can take that up either with the board who of course has directed staff to implement or the CEO who's also overseeing that.

And but at least from a personal perspective I don't think that's necessarily a community role to define. And because basically as well, you know, the charter across the space, specifically talk about a framework for implementation rate of discussions associated with GNSO policy recommendations.

And again from my perspective that relates to the aspect of the discussions that had - is the community aspect of that implementation, that implementation puzzle where the staff does play an important part but again in a collaborative way.

And I think that's what we're trying to define and at least map out to make sure as well that as we go forward it's really clear for everyone involved what the different roles and responsibilities are and what the different processes in place are that we have, you know, a lot of transparency around how things are expected to work.

Chuck Gomes: Thank you Marika. Before I say anymore let me turn it over to Anne.

Anne Aikman-Scalese: Yes thank you Chuck. What I think I hear Marika saying is that it's not for the community to tell staff out to adopt an implementation framework.

And in that respect I must actually very much disagree because I think it's the whole reason that this working group came about.

One of the biggest issues that engendered this working group in all the work that we're trying to do was over the disagreements about how house staff implemented the strawman solution at the direction of the board.

This working group was chartered to do this work in a bottom-up process and had a specific goal or objective goal Number 4 to develop implementation framework.

And I actually would have to disagree that it is not for the community to help develop that framework and policy and then to have the board consider it and at that point direct staff to develop an implementation work, framework after the community has through the GNSO advised the board as to what that implementation framework should be.

And I thought it was one of the reasons that we were accelerating our work having weekly meetings, trying to get this work done so that the organization could operate more effectively.

I see this at the very heart of, you know, community accountability issues. I see this as essentially an attempt to describe the policy, you know, without the community input if in fact this is put in place before the working group finishes its work.

And I definitely have the sense from the call last week that somebody says - is saying here's our framework for implementation, we're adopting it, we're

moving forward but we know we have to let you know about this because you're the working group.

And I don't think that's respectful of the processes that are supposed to be in place within the community. Thank you.

Tom Barrett: Chuck are you still there?

Chuck Gomes: Oh I'm sorry. I was on mute and I was asking Avri if she was on mute. Before going back...

Anne Aikman-Scalese: Oh yes.

Chuck Gomes: ...going back to Marika.

Anne Aikman-Scalese: No I'm not on mute.

Chuck Gomes: Before going back - okay going back - sorry Avri, it was my fault. I was on mute. So Avri it's your turn please.

Anne Aikman-Scalese: Okay thanks. I find myself largely in agreement with what (Anna)'s been saying. And I think that we need to differentiate between doing implementation and defining how implementation is done.

I think defining how implementation is done if indeed part of this group's work it is the border condition between doing implementation and receiving policy.

And in determining how implementation is done is indeed part where you say and check with the policy implementation team here. And if there's a flag raised by policy implementation fall back and do such and such.

That framework is what defines that issue space where we know that in the interpretation of policy called doing implementation policy often spills into the interpretations into how it's done.

And so therefore it is indeed exactly this order. And I think that's what I understood Anne to be saying this is indeed the critical space that we need to resolve is indeed how when staff which is operational and responsible for doing implementation when indeed within the framework of how implementation is done policy can intercede, the community can intercede.

So I - this is what we're supposed to be doing and not something that needs to be defined and imposed on us. Thanks.

Chuck Gomes: Thank you Avri, appreciate that. What I'd like before going to Marika is there anybody of the working group participants that disagrees with what Anne or Avri just said?

Marika Konings: Chuck can I'd maybe just, you know, before because otherwise it becomes an Avri, Ann against staff kind of thing because I at least thought I was exactly say what Avri was saying.

And I think the whole idea behind this framework is indeed we've mapped out what we already currently do as staff. And maybe not we haven't been doing in such a methodological way but we wanted to put on paper what, you know, our view is of what staff has been doing and currently does or wants to do as well going forward and really make that as clear and transparent as possible.

And I think what we've been stating clearly and what we've also been trying to highlight in the paper also through some of the modifications is indeed where we're really looking to this working group is defined where are those, you know, community conversations need to happen, you know, where IRT needs to come in.

And if the IRT comes in how does it come in? You know, what kind of mechanisms are in place? You know, what happens indeed if the IRT raises their red flag?

What kind of process does that trigger? You know, what impact does that have on, you know, the flow of implementation process?

So, you know, at least from my perspective I'm completely agreeing with, you know, what Avri is saying and we're definitely not saying no, this is it, you can't change anything, you know, there's nothing we want to add.

I think as said I think what we're really trying to do is clarify that that part of the puzzle of what, you know, staff is doing and has been doing and as said, you know, we really want to do as well put in paper a more methodological way, you know, what we see as the different stages of implementation.

But it's really up to the working group indeed to define and, you know, provide guidance on where in those parts the community needs to be involved, wants to be involved, could be involved and how that involvement happens.

And I think if that is indeed what we're talking about I think we're fully in agreement with that.

Tom Barrett: Yes Chuck is...

Chuck Gomes: Thank you Marika.

Tom Barrett: This is (unintelligible).

Chuck Gomes: Who was that?

Tom Barrett: Could I ask you question? This is Tom Barrett.

Chuck Gomes: Sure.

Tom Barrett: Could I ask you a question?

Chuck Gomes: Hi Tom. Go ahead.

Tom Barrett: I'm not on Adobe. I guess my question is for Marika because I wonder, you know, clearly there's a lot of discussions taking place both within the ICANN staff as well as within the community about the role of ICANN and, you know, the whole issue around accountability and transparency.

And I know there's a lot of public discussion that are taking place. I wonder if Marika could let us know what's happening internally within, you know, the ICANN organization, the staff itself in terms of what kind of discussions and meetings have taken place among staff in terms of how they want to, you know, what position or concepts they're looking to advocate as part of these discussions?

You know, we're just one of many groups I think trying to talk about this. And I'm wondering if ICANN's already formulated perhaps where they stand on some of these things?

Chuck Gomes: Thank you Tom. This is Chuck. Marika would you like to respond to that?

Marika Konings: Yes this is Marika. I'm not really sure if I understand Tom's question completely. I'll answer and then you can then tell me if that answered or not.

But I think as I explained as well on the last call and, you know, the work on this framework actually predated, you know, this working group.

As I think, you know, we from a staff perspective also realize and also with, you know, growing teams, folks on the side of policy staff as well as the GDD team that we needed to start mapping out, you know, our processes for, you

know, one on the one aspect, you know, they hand over how does something move once it's adopted from the policy team to the GDD team but also on the implementation side how to get more clarity around, you know, what are the different steps that wouldn't - would the process would need to go through.

And again also keeping in mind that, you know, part one, you know, the visibility related to community as there was a lot of confusion around how certain things were done for example in relation to the new gTLD team that there was no maybe not a transparent framework in place.

But also again with new staff coming on board being able to, you know, give - hand something to staff members being tasked with implementation so they clearly understand as well what they're expected to do and what the different roles and responsibilities are.

So that's where, you know, this document comes from. It's not specifically that this working group started and we quickly got together to try and do something so you wouldn't do it.

This was actually work that was already in progress as part of, you know, what we see - we say as, you know, an important part of, you know, clarifying internally as well our roles and responsibilities but also being able to communicate that externally to make sure that, you know, people as well understand what are the different steps in and implementation process.

And I don't know if that answered your question Tom but if not please ask it again.

Tom Barrett: Yes, no actually Marika I think that does help clarify. You know, and I think the way I would summarize it is this. You know, the ICANN organization and the staff basically can't wait for the community to arrive at a consensus on for example what this working group is doing.

They are, you know, they have to do something now basically is what you're saying. And so you you've already I think internal to the organization established some guidelines on how to handle things today, you know, while the community at large is somewhat debating that. Is that fair?

Marika Konings: This is Marika. No I don't think so because I don't think we're here trying to, you know, define or determine something new.

What we're really doing is, you know, writing up the processes that we were already trying to follow. And again have a more, you know, standardized approach.

And as you'll see as well in this document we don't make any determinations on what the role or where the role the community should fit. And as I said before I think that is really, you know, what this working group is about. And that's why we're having this conversation to see how that aligns together. And...

Tom Barrett: Okay. I'll just have one final comment. The slight disagreement I would have with you is that we're not here to document what you've already doing.

I would just put it - I would reverse that and say what you're doing now is temporary until we decide what you should be doing.

Chuck Gomes: This is Chuck. Marika is that - do you agree with what Tom just said?

Marika Konings: This is Marika. No, partly yes, partly no. If indeed this working group determines and that's, you know, as well follow that there are certain processes that, you know, the staff needs to interact with the community and I think that's, you know, what we're already doing and foreseeing and the processes around that yes that is definitely what needs to be defined by this group and decided by this group.

But no I don't believe that it's for this group to determine how staff should do its work and purely on the implementation part of things. Because that indeed that's - we're directed by the board and the board is overseeing on us on that aspect.

And so I think that is a - and I think Avri put it in her comments well that, you know, differentiation between implementation and how implementation is done.

So I think there is a remit or responsibility that staff has that is, you know, independent from what we're looking at here which is really that interface or the link between the community aspect and the staff work on this so it makes sense.

Chuck Gomes: J. Scott it's your turn.

J. Scott Evans: Yes. This is J. Scott Evans for the record. I think that we're all sort of talking about the same thing in different ways.

And so what I hear from Marika is we are trying to codify what we've been doing all along for transparency purposes so everyone can see.

And I hear her also saying that - and we shared it with you because we'd like your input about where you believe things can be different, especially those touch points where you believe the community should be involved where it's not or where we've identified that the community should be involved that you believe it should be a - in a certain fashion or a different way than we articulated here.

And I think if that is the case then to Tom's question that would be the changes that would be what you're going to do once we put our input in and it's been accepted is that we've given our guidance and input and that's been codified and baked into this process.

And I think that sort of falls within some of not all quite all of what I heard were (Anne)'s concerns but some of her concerns.

So I'm not so sure that even though thematically or philosophically it seems that there may be some sort of sense -- I'm not saying there truly is -- but a sense of there's this to competing interests or two competing views.

I think the essence of the reality is that we need to look at this document. We need to see if there's anything that's usually objectionable. If so we need to call that out and red flag that.

And then we need to look at those potential touch points where staff has already indicated there is community involvement to make sure that that's been reflected correctly and we're happy with that and then to find any additional touch points where we believe that the community should be involved and that we want to seek those revisions. That's sort of my take away from what I think our role here should be with this. I - so that's where I - that's my comment.

Chuck Gomes: Thank you J. Scott. So all of the discussion we've been having - this is Chuck again. All of the discussion we've been having is the exactly why I asked the question that I did at the beginning. What was it Marika that you disagreed on that I said in my description of this?

Now I confess that I heard it the pretty much the same way that Anne and Avri did.

So I guess I'm still curious what it is you disagree with in terms of what I said or what others have said? Now you've clarified that in a couple cases so more recent comments. But let me stop there and turn it over to Anne.

Anne Aikman-Scalese: Yes Chuck this is Anne. And I guess, you know, I don't want to set up some kind of big fight between staff and the working group.

But I don't actually think that this document is just a documentation of everything that staff has been doing.

I think that if it were we would have seen it at the beginning of this working group. I know that staff had done a lot of work with respect to implementation. And we were provided with all those documents, you know, at the beginning of our working group.

And I noticed that there are a lot of phrases in this document that say that we will do this, we will do that. They're forward-looking. They're things that, you know, will be done.

And I guess what I'm really thinking the bottom line is is that in light of the charter of this working group that this whole draft framework is not something that just exists and staff follows it and nobody else, you know, will be involved.

I feel like that this is something that really should be before GNSO council that it is not just something that here's what the board directs staff to do or here's, you know, I just have this sense that somebody is saying, you know, here's what we're going to do as of right now.

And it seems to me that in the bottom-up process this has to come before the council because it's an - it's policy implementation framework which is, you know, in our charter.

Chuck Gomes: Thank you Anne. And of course one of the principals that we at least tentatively adopted so far is that the bottom-up multi-stakeholder process doesn't stop when you move from policy development to implementation. And Marika has I think confirmed that in some of her comments.

But as you could probably tell by the introductory comments I made that apparently Marika disagreed with somewhat I had the view in my mind and it - that's not deterministic in any way -- that's just my opinion -- that a document like this with our input would become a deliverable as part of the framework that we're tasked with doing and would be a guideline then that would guide implementation going forward largely based on what staff's doing with edits that we might recommend.

And thanks for those who are showing your agreement with that not just because you agree with me because it's helpful feedback for all of us as we're going on here.

So let me stop there and turn it back to Marika.

Marika Konings: Thanks Chuck. So this is Marika again. I just want to emphasize again that this is in no way intended to be, you know, the end all of it.

I think I've already said it before and we also said on last week's call we really see this as you know, one part of the puzzle. The missing element is really indeed, you know, the community interaction.

And that is again, you know, I want to emphasize that the charter question is a framework for implementation related discussions.

So specifically focus on those discussions that need to be need to happen as part of implementation. I think that's where as well I completely agree with, you know, the multi-stakeholder doesn't end at the policy development stage that needs to, you know, come through to the implementation.

And again I think that's what we're really is while trying to highlight. And we're looking to this working group to fill that part of, you know, what we're doing here.

So again I think, you know, I think to certain extent we're saying the same thing. And, you know, (unintelligible) take is this is indeed and this indeed wasn't available at the start of the working group because this was work in progress.

And we've as well spent quite some time internally, you know, thinking through some of these things and really trying to, you know, put them onto paper, you know, both from the perspective of clarifying things, you know, internally but also externally, because some of the feedback we've received as well as part of this working group but also, you know, further back is always like well as soon as implementation happened it's a black box. You know, it goes in and at one point it pops out and we don't know what happens in-between.

So I think that's what we've, you know, tried to do as part of this framework. And I think as we said as well, you know, it's not the intention either that this is a one-size-fits-all.

In certain cases there may be certain elements of, you know, the table you see on the third page may not be needed or relevant but it all depends as well on the policy recommendations themselves.

But again, you know, the critical part of, you know, what needs to be defined and is missing and, you know, it's definitely not the role of staff or we don't see it as our remit is indeed how that interaction needs to happen and what indeed that framework for implementation related discussions should be. And I think that's, you know, really at the heart as well of the charter question.

So again but I think, you know, we are here. And still it doesn't take away either that, you know, whatever we put here that we welcome input.

And I think it's something we raised on last week's call as well that, you know, maybe this is something that will be included as part of the initial report. And we're happy to take comments on that and input and work, you know, collaboratively on making this a framework that, you know, everyone feels comfortable with because, you know, as I said before we're in this process together.

And I think, you know, we all have an interest to make it work as best as we can.

And I see that (Karen) has her hand up so I'm sure she has something more to add.

Chuck Gomes: Go ahead (Karen).

(Karen): Hi Chuck. Hi everybody. This is (Karen). I apologize that I joined late so I've heard about the last ten minutes or so.

But I thought I might provide a little bit of background that might help as to how we saw the, you know, this fitting in the process that this working group is following.

You know, we haven't had a framework like this documented all in one place. And so the part of the effort here is we really think we need to.

We want to, you know, it to be visible what are the steps and what are the principles that we're following when we receive the consensus policy to implement.

So we've been trying to put that together and, you know, providing it to this group as an input of, you know, this is where we are now and certainly have already, you know, appreciated the input that we've gotten on it.

I think, you know, we're also certainly aware that the working group is, you know, has a deliverable of creating perhaps a parallel or complementary framework from the, you know, from the GNSO side. This is - these are our expectations. This - these are the steps that we think should need to be followed.

And so I think, you know, kind of our expectation was if this group does its work and comes out with, you know, recommendations that have gone through that process and are adopted, you know, then we would be looking at okay is there anything in our framework that is, you know, one, inconsistent with that and are there any, you know, elements that we would need to take into account and make sure we need them incorporate those into what we have as our framework?

And then, you know, thirdly if there are - if there is for example a specific process that, you know, when this, you know, developed in the working group, you know, these are the steps that should be followed, you know, and this in this instance then that is something that, you know, we would expect to take a look at for how we could account for, you know, melding those into the staff work that's done. So I hope that helps.

Chuck Gomes: Thanks (Karen). I thought that was kind of what I was trying to say in my introductory remarks but I must not have said it accurately.

But well rather than spending more time debating that, although I think what we've been talking about is really critical to what we're doing, I'm comfortable I think with what you've said there (Karen) in terms of what your view was. And I think it syncs with my view but I'd like to hear from others. So let's go to Anne.

Anne Aikman-Scalese: Yes Chuck. Thank you, it's Ann. My question is what does staff intend to do with this once they have our input and in what time frame and will it go before council?

Chuck Gomes: This is Chuck again. Before I let staff answer if they'd like to whatever recommendations this working group makes will go to the council.

So I think if we recommend that this framework be a guideline of how to - how implementation should happen understanding that, you know, there needs to be some flexibility in everything we do.

For example we won't always have IRTs. But whatever we recommend and it could include a variation of this kind of framework in my opinion will go before council.

And then council decides whether to approve it basically by not so much that they're doing our work for us but rather they're making sure that the processes of the working group were bottom-up and multi-stakeholder and we took all of the views into account and so forth. And if that happened I would assume they would approve it. So the - I hope that - does that answer your question Anne in terms of the council role?

Anne Aikman-Scalese: No it...

Chuck Gomes: Okay.

Anne Aikman-Scalese: ...no it does not.

Chuck Gomes: Okay please...

Anne Aikman-Scalese: My question is not whether the recommendations that we ultimately deliver to council will go before council.

My question is after receiving our input for this document which, you know, we first saw last week and are now asked to comment on what is staff doing with respect to their own adoption of this draft framework?

And it sounds as though staff itself does not see any need to put this adopted framework before council. And I would disagree in light of the work that this group is chartered to do.

Chuck Gomes: Thank you Ann. Marika please?

Marika Konings: Yes this is Marika. And, you know, again I think from our perspective what we've put up here is kind of, you know, internal kitchen, you know, what we do from our side which doesn't take away and something that I think we've recognized throughout that there's an important community element that needs to be, you know, added to this picture which is just only one part of it.

And, you know, having said that I don't think we have any issues with, you know, sharing with the GNSO council and, you know, obtaining their input.

We'll review that and, you know, have a dialogue if that is required. But at the same time we don't believe that this is a document that needs to be adopted by anyone.

I mean at this stage I think, you know, the part that we're looking at those are the ones that will need to be adopted and probably will need to go, you know, up as high as the board maybe even to, you know, directors well may be the implementation of that.

But I said, you know, this part is really just documenting, you know, a framework for how staff work on implementation is expected to run through the various stages.

And again, you know, noting that and I think that's what we've as well try to identify in this revised draft and hopefully will still get to those updates that we've made clearly recognizing that a number of, you know, these phases

and steps have a community aspect to them which, you know, hopefully will be defined by this group.

So I think at least that's my understanding of, you know, what this document is. This is, you know, not a new policy or anything that, you know, is, you know, kind of a responsibility of the community to adopt or the council of the board even.

It is, you know, from our perspective really mapping out what we believe our roles and responsibilities are compared to, you know, what the role of the policy staff is in this regard, the GDD staff, the compliance staff but again noting that an important component is of course still left to be defined.

Chuck Gomes: Thank you Marika. Avri your turn.

Avri Doria: Sorry thanks. This is Avri. I keep getting myself confused so hopefully you'll bear with me. If I'm understanding now this document is descriptive in that this is what you are doing.

And it's descriptive. And as things go on as this group talks you occasionally do change what you do and change the description based on what you've learned.

This working group on the other hand is doing a normative task that builds perhaps on what's defined descriptively but may indeed offer changes that go through the council and then go on to the board.

But in the meantime what you've put before us is purely a description of current practice. Is that correct?

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

Avri Doria: Thanks. That helps me a bunch.

Chuck Gomes: Thanks. And let me ask another question of Marika or any other staff member that wants to respond.

So with that understanding am I correct in concluding that there's nothing to prevent this working group from making some recommendations with regard to this framework as an output of what we do assuming that we had consensus on that?

Marika Konings: Definitely not. Nothing is preventing you. And actually, you know, as we said we would welcome any input you may have either in the form of the dialogue we're having now.

And if we get to it you'll see as well that we've already tried to incorporate, you know, various numbers of the comments you made or the questions you raised in the revised document.

So either, you know, through direct input or dialogue as part of the working group or, you know, if the group prefers that through specific documentations in its initial or final report.

And, you know, we would welcome any kind of input. As said, you know, this is really from our perspective a collaborative effort even though we may see that, you know, a certain part we do view as our responsibility that doesn't mean that, you know, we won't, you know, look at what input is provided and how we can accommodate or address the concerns that may be raised. So, you know, any input is most welcome.

Chuck Gomes: Thank you Marika. Anne, your turn.

Anne Aikman-Scalese: Well I think that this document is really good in terms of, you know, sparking us to move ahead with our work.

I look at for example in EON and I'm - we're talking really more about broader issue here - broader issues here as well. I want to look at EON, you know, rather than going necessarily piece by piece.

But on Page 2 I guess it is an E...

Chuck Gomes: What section Anne?

Anne Aikman-Scalese: Okay this would be the roles and responsibilities section which is Section...

Chuck Gomes: Okay.

Anne Aikman-Scalese: ...3. And so that would be 3E.

Chuck Gomes: Okay. Thank you.

Anne Aikman-Scalese: And for example it says SOs ACs may serve as a resource to ICANN staff during implementation as specific projects require.

And it occurs to me that that may not actually reflect the working principles that this group has already adopted just by way of example in terms of this interaction between, you know, the roles and responsibilities and what the staff do and what does a community do?

I think we may have some working principles that suggest that the role of SOs and ACs is larger than expressed here in 3E. Thank you.

Chuck Gomes: Thank you. Marika go ahead.

Marika Konings: Yes and this is Marika. And maybe this is indeed language and it's very helpful to have that feedback because maybe it's not, you know, clear enough or specific enough what we mean.

But I think and (Karen) and Amy I'm sure will jump in if I get this wrong. But I think what we need here for example is any recommendations specifically related to, you know, security and stability aspects.

You know, there may be a need or there may be expertise in the SSAC that may help with that specific recommendation.

And I think that's what basically trying to say that depending on the recommendation there may be specific expertise that ICANN staff would need or, you know, would be helpful.

Then for that purpose we may need to reach out to those specific SOs and ACs that have that expertise. So RSAC maybe another one for example.

And I think that's a little bit behind that. But again if that is not clear from here, you know, I think it's something we should be clarifying and, you know, to make sure that indeed is not misunderstood or misrepresented.

Chuck Gomes: Thank you Avri. (Karen) you're up.

(Karen): Thanks. Yes just to build on what Marika said. Under result - sorry roles and responsibilities is A there's a GNSO council is called out specifically as having a key role in this. And E is meant just sort of generically in relation to all SOs and ACs.

So as Marika said in some cases there may be a specific issue where for example the SSAC plays a bigger role or the ALAC or something else but just wanted to offer that clarification. Thanks.

Chuck Gomes: Thanks (Karen). What I'd like unless anyone else has comments on this discussion I'd like us to move to the edits that have been made in response to the comments I made.

And while we're doing that going through sequentially if somebody wants to add any in addition or disagree with any of the suggestions I made please feel free to do that.

So let's start off with the - I didn't have any comments on the goals and objectives but I'll just open it up if anybody has any. Just raise your hand or speak up if you're not in Adobe.

If not I do before we start actually going to Section B on working principles the - I want to refer to a comment (Mary) has in the chat that implementation be regarded as an integral and continuing part of the process rather than an administrative follow-on and should be seen as a process that allows for dialogue and collaboration between those implementing the policy and those that developed it and/or are affected by the implementation to provide guidance.

So that's - I'm firmly behind that. I think what - that's what I'm hearing a lot of people saying but correct me if I'm wrong on that. Avri go ahead.

Avri Doria: Sorry if I'm still - I'm a little confused again. Are we at the goals and objectives? Because if we are one comment I would make on that one is that it doesn't include the word accountability.

And I think it's great to say predictability, transparency and efficiency but one would hope it would also say accountability. Thanks.

Chuck Gomes: Thank you Avri. This is Chuck again. Does anybody object to that change? I certainly don't. Please let us know if you do.

So that's an - Cheryl agrees. I see that in there. Nobody - I'm not seeing any disagreement on that, good catch. So we will put that they are.

And from a practical perspective is it the staff think that it's appropriate thing for us to suggest edits? And then would it be necessary to show our suggested changes as a redline? Or because this is the first edition of this as long as there is agreement between staff and other working group members we can just make those changes?

I'm curious and just in terms of the logistical process there what you think makes sense? Marika?

Marika Konings: Yes this is Marika. I think we're happy to hold a pen and note down, you know, the suggested edits. And I'm sure (Karen) or Amy or myself will speak up if we disagree with any of the suggestions made. But I think (Karen) already noted in the comments that that would be a good addition to that part.

Chuck Gomes: Thanks Marika, Chuck again. And by the way me - speaking for me personally -- if anybody disagrees please speak up -- I want you to disagree if you disagree.

We need to talk it through and I think your input is extremely valuable because you are the ones that are tasked with implementation.

So it's really critical that we come out in on the same page on whatever comes out of this from the Working Group. And hold on let me scroll down and see what that - oh okay. I just saw a smile. Okay. I didn't know if that was something else. Thanks Cheryl.

All right anything else on the goals and objectives? And I think probably because not everybody had a chance to provide written comments I will go through sequentially here.

Working principle A, I won't read it. You can read it. You probably already have read it. I didn't make any comments on that but does anybody else have a comment on working principle A?

Hearing no one I - and tell me if I'm going too fast. B is one where I did make some comments and note that the staff team has made some edits there. So let me read that through.

You can see the - or the edits in Adobe red line or maybe I should say blue line there.

ICANN staff strive to follow the letter and intent underlying GNSO consensus policy recommendations when designing implementations and transforming consensus policy recommendations into consensus policies.

Staff will be held accountable by the GNSO Council for its - at or its agent such as an implementation review team for ensuring that the implementation of policies is consistent with policy recommendations and the reasoning underlying the policy recommendations.

So we've got two hands up. But let's start with Anne.

Anne Aikman-Scalèse: Yes thanks. Thanks Chuck. It's Anne I had a question about the reference to implementation recommendation team.

We're talking here about the - that being a central component of the implementation lifecycle from beginning to end.

The term I've heard in the past was Implementation Review Team. Again maybe I just don't have enough experience in the community as far as the definition of implementation recommendation team and is this saying that there will always be one which actually I think might be a great idea but I don't know that - but I just wondered about that definition and how it works?

Chuck Gomes: Thanks Ann. This is Chuck. And I think we've already pretty much concluded, maybe not but that you may not always need an IRT.

There are some implementations that are pretty straightforward and may not require one. And so we've had some discussions about that.

But keep in mind that we've yet to actually get to that specific topic and the work ahead of us. So I could be wrong on that or that could change. So thanks Anne for that.

Avri your turn.

Avri Doria: Thanks, Avri speaking. Okay on that last one I believe there always has to be an implementation team even if it's only a team of one that's (unintelligible).

Getting down to the next one, I really appreciate and the intent underlying. I very much appreciate that that's there but I also see a liability in it.

Because I believe that at times, you know, trusting that the staff has always attempted to follow the letter and intent and yet there have been times when I and others thought that the intent had been 180 degrees away from what the staff decided it was and, you know, through no ill intention, just different perspectives.

So and this is one of the reasons why I go back on their needing to be some form of implementation even if it's one that indeed those, in those cases where something significant or of substance is done based on intent that that intent really needs a, some kind of visibility.

You know, I'm not saying that there necessarily needs to be a step that says review here. But certainly that when the letter can't be followed and a bit of extra Jesus is required then that needs to be visible, needs to be noticed and I believe needs to be received as input by someone on an implementation team who is paying attention.

So I'd like to - I don't know what to do with it. I like it being there but I also feel it needs to be caveated that intent is an awfully big gap. Thanks.

Chuck Gomes: Thank you Avri. And I would suggest that you - if you - you have to do it right now but may be on the list after this meeting if you could suggest how that might be changed that you put that on the list and we can follow-up on that in our meeting next week.

And before going to Cheryl, Marika has had her hand up for a long time and I'm going to give it over to her.

Marika Konings: Thanks Chuck. This is Marika. Just to note and I think you remarked already as well that the way it's currently worded in the PDP manual implementation review teams are optional.

So it's for the council to decide whether they want an implementation review team are not. And, you know, recent experience has shown that, you know, for most policies that have been adopted since a new PDP came into force there is an implementation review team form.

And again that is a specific question the working group will come to as part of I think the next deliverable and charter question but is something you may want to consider is actually making that the opposite way around making it a default but there's only always an implementation review team unless the council designates that none is needed.

And I think again, you know, this specific principle also notes that, you know, they'll be held accounted by the council so even if there's no implementation review team I believe it is the intent or the expectation that any plans or proposals would go back to the GNSO council if there's no indeed agent assigned for, you know, review in determining whether this intent is met or not.

But also to Avri's comment and I think that's one of the, you know, the crucial aspects as well where, you know, this working group will probably lead to a lot of thinking and discussing is how would such an implementation review team determine whether or not the intent is met?

What kind of process would need to be in place? Is that one person raising their hand? And I think Avri already alluded to the fact that there are sometimes are different interpretations on what the intent is or should be or may be.

So I think that's one of the questions and it's something where I don't think we have been in a situation yet at least under the current implementation review teams where there was indeed an issue where some people felt that things didn't go in the direction that they felt was the intent and what happens then? Because currently we don't have any processes for that.

And I think at least from staff perspective we see that as one of the, you know, important missing pieces of, you know, working with implementation review teams that they don't have any specific mechanisms or processes in place for actually, you know, raising that red flag apart from, you know, someone may be shouting loudly or raising objections but how from there it would go back to the council or what kind of level of support that we need to have in an implementation review team. All of that is currently undefined.

Chuck Gomes: Thank you Marika. Chuck again and we're just about out of time. We're going to go to Cheryl next.

And then I would like to ask if there's anybody that hasn't chimed in on our discussion today that would like to maybe in one sentence or two say something please raise your hand and I'll give you that opportunity before we close. Cheryl it's your turn.

Cheryl Langdon-Orr: Hi. Thanks Chuck, Cheryl for the record. I put my hand up to come in behind what Avri was saying and be as supportive of everything she said there and then to go on and bring to the fore based on kind of what I believe we were thinking and Avri and I were amongst the people that were on the team that put these proposals so the guidelines together that of course it was essential that people on the implementation team actually also included people who had lived, breathed and were an integral part of a policy development process that had an active working group, et cetera, member so the likelihood of a disconnect between the opinion coming out of someone from a working group experience and going into our review team would be minimal but providing everything because it's transparent as possible and accountable as it should be.

You know, if there's a oops here then that can at least be picked up and hopefully fixed as soon as possible.

There's a lot more to do on with what happens in the black box of what we're now talking about as an IRT. And that's obviously work that's still ahead of us. So we're not going to park that. We do have to deal with it.

But I was also going to say that I also think that it - the more I hear and the more we work on this I think the default position should be as Marika actually mentioned the opposite to what the guidelines have currently says. And that is that we actually should have one unless the community can show them a damn good reason why not.

And I guess at that point I think I know where we're going to be picking up next week Chuck, thanks.

Chuck Gomes: Thanks Cheryl. And I don't see any other hands and I think we're probably over time so I apologize for that.

Before we close now we have a plan meeting next week. Marika or (Mary) do you have anything to ask or add before we adjourn?

Marika Konings: This is Marika. And maybe just to say that, you know, we really appreciate the discussion and input received.

And hopefully we'll have time next week to maybe continue the conversation because I think it is, you know, as well encouraging important dialogues as well for I mean the further conversation that the working group needs to have.

And of course if in the meantime there are any further comments or questions about the framework we'll circulate this revised version which as we said, you know, has tried to incorporate already some of the suggestions or questions that Chuck has raised.

But of course if there are any further ones please feel free to share those with the mailing list and, you know, we'll do our best to have an updated version if needed ahead of the next meeting.

Chuck Gomes: Thanks Marika. This is Chuck. And so if you would distribute this version that we have right now to the whole group I think that would be helpful.

And then if people want to add things to it before the next meeting that would be great and we'll pick up on B.

We've talked about B, 2B but Avri if you can suggest some language change there to accomplish what you were suggesting that would be great.

And in the meantime thanks everybody. It's been a lively and I think necessary discussion that we had today. So thanks everybody for being open and listening to other points of view and making good contributions.

And with that I will adjourn the meeting.

Woman: Thanks Chuck.

Cheryl Langdon-Orr: Bye-bye everyone.

Woman: Thanks everyone.

Woman: Bye.

Woman: Bye.

END