

TRANSCRIPT GNSO Review Working Party
Wednesday 16 September 2015 at 1400 UTC

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Attendees:

Jennifer Wolfe
Klaus Stoll
Chuck Gomes
Avri Doria
Bill Drake
Rafik Dammak
Arun Sukumar
Robin Gross
Edward Morris
Osvaldo Novoa
Stefania Milan

Observer: Amr Elsadr

Apologies:

none

Guest Speakers:

Richard Westlake
Colin Jackson

ICANN Staff:

Mary Wong
Marika Konings
Lars Hoffman
Larisa Gurnick
Charla Shambley
Karen Mulberry
Nathalie Peregrine

Nathalie Peregrine: Good evening, everybody, and welcome to the GNSO Review Working Party call on the 16th of September, 2015. On the call today we have Jen Wolfe, Jennifer Standiford, Bill Drake, Edward Morris, Avri Doria, Rafik Dammak, Amr Elsadr, Chuck Gomes and (unintelligible). Our guest speakers today are Richard Westlake and Colin Jackson.

We received no apology for today's call. From staff we have Larisa Gurnick, Marika Konings, Mary Wong, Glen de Saint Géry, (unintelligible) and myself, Nathalie Peregrine.

I'd like to remind you all to please state your names before speaking for transcription purposes. Thank you ever so much and over to you, Jen.

Jen Wolfe: Thank you so much and thanks for everybody for joining the call and particularly for Richard and Colin, I know it's the middle of the night for you so we certainly appreciate you accommodating everyone else's schedule today.

If we could go ahead and move to the agenda slide I'll just briefly touch on what we're going to cover today and then we can move right into the discussion. Great, thank you.

So we're going to start today -- Richard is going to give us an update on the final report changes that incorporated public comments and comments from our working party. He's going to take us through that. Then what would like to move into is talking about how we as a working party can prioritize the recommendations that have been made so that we can look at moving forward into implementation.

We want to look at aligning those recommendations with anything that is currently underway or being worked on in the community. We want to talk little bit about feasibility of the implementation of the recommendations and then our next steps as we move toward the Dublin meeting and moving the process forward.

So with that I'll go ahead and turn it over to you Richard, to present your final report.

Richard Westlake: Thank you, Jen. Thank you everybody. And Colin and I are here probably for the final time. Good morning, good afternoon everybody. If we could perhaps please move to the slide that has GNSO Review Working Party Meetings, Richard Westlake final report.

This is the first slide. Here what we're planning to talk about are these five topics. First of all the final version of our report has been posted to ICANN's website, as I'm sure you've all had a chance to see. What we're just going to talk briefly about is the process from the draft for public comment, what has happened since then during ICANN 53 and our consideration of that and the final version that you now have in front of you.

I'll highlight the main changes we've made and where you can reference those and have a look at those and the rationale behind them. I'll talk very briefly about how you can now start to measure the effectiveness of the recommendations we've made. We've put a tentative document together that we will cover in a minute. And then it's going to be open for questions comment discussion and the agenda then becomes yours.

So if we could move -- if I could ask you first of all, whether you've had a chance to do so yet or whether you do so in the next few days, for those who haven't been following the changes over the last few weeks please read at least the report summary, Section 1, it's only 12 pages, and the recommendations grouped under the (unintelligible) in the annex to the report summary under the four things that we have talked about and that covers four pages because those have been slightly modified.

And what we will be talking about also this morning is some of the rationale for you can reference the thinking, the discussion behind that. So may we move to the next slide please?

Thank you. So this highlights the first lot of changes we've made in response to the public comment period. I think what's really quite noticeable over the last few weeks has been how valuable that public comment period has been because we did receive quite a considerable amount of feedback public comment both directly through the site, through the ICANN GNSO site, which was there for people to comment on and also during the many meetings that we attended and less formal feedback we received during ICANN 53 in Buenos Aires.

So what that's like to is we still have 36 recommendations, as we did in the public draft, we've clarified several of them partly in response to questions about what we were referring to, partly to try to make and unclear and partly to make a more succinct.

We have added one totally new recommendation, which is the new Recommendation 23 which has come as a direct result of the public comment. The rationale for that can be found in Section 7 from Pages 91 and onwards. And that refers to the makeup of seats at the GNSO Council.

We've also recommended -- sorry strengthened Recommendation 32 which is the specific technology solutions. You'll find that when in Section 5 where we -- the section called Revised PDP on Page 60 and following. And that one talks specifically about one technology that we're aware of, (Lumio). If that were to be adopted we believe there are something like 12 of our other recommendations which would essentially become superfluous.

They should transform how working groups can complete their work. They would be a huge aid with - to participation and allow for much broader representation by people who don't have to listen, don't easily listen, to - don't

easily listen to English spoken especially by English from a non-natural English speaker.

And I understand there are some questions coming shortly. Could I suggest we cover them at the very end because I won't be too much longer, probably about another 5 to 10 minutes, and then we can take them as we go through there.

So we've regrouped our recommendations within the four teams that we talked about in the draft. And as you'll see the majority fall within the first two particularly under participation and representation which is by far the most important emerging thing that we have. There are 17 recommendations there.

There are no 11 under the topic of Continuous Development; six under Transparency and 2 under Alignment with ICANN Future Executive we had in the draft.

And just for those who are wondering what happened to it, given that we do have a new recommendation, the old Recommendations 23 and 24 have now been combined into a single recommendation so we haven't lost those.

May I have the next slide please? In addition to those specifics, we have revised the report summary comment the section on recommended (unintelligible). We have clarified and expanded a little bit on our methodology just to address some of the concerns, the issues and the points that have been raised on several occasions particularly in relation to how we have used some of the survey data.

And we have revised the section at the end of Section 9 on that changing environment. One of the particular points that we've done there is to reference the (unintelligible) paper from 2012 which was titled Making ICANN Relevant, Responsive and Respected. And that we think goes very much to the heart of exactly what we were talking about in a large part of our report

and it's quite interesting to see that we are far from the first people to have raised this point.

As I said, all of this has demonstrated to us the value of the public feedback -- public comment period and much of the feedback that we received. May I have the next slide please?

So we have also prepared a brief informal separate document. And, Larisa, I'm not sure whether you have circulated this yet. This is a one pager which we called Potential Indicators of Success where we have put together a few provisional bullet points which we considered you might want to add and start to convert them into measurable KPIs, critical success factors or measures to (unintelligible).

The reason we did that is because, as you see part of our terms of reference required us to comment on the effectiveness of previous reviews. Because there were none of these critical success factors or measures in any of those it was very hard to assess the effectiveness rather than to just simply apply judgment and to look at the evidence of what had happened.

So we're offering this beyond our terms of reference but we're offering this as at least a starter for you to identify some measures, some potential indicators of success. And we strongly have recommended that the review working party should consider modified them to ensure that where practicable these measures are turned into quantifiable indicators which would also include target dates.

And could I please now just move to our next slide which I think is our final slide. The process from here, beyond today's meeting we will be presenting our key findings briefly to the organization effectiveness committee of the board in about 10 days' time. And from then and from here the process is over to you. You have our review and you have our report. We recognize it is a fairly substantial document.

We've tried to make navigation as easy as possible. We've tried to highlight the key points and then for those who wish to go into it you can read the full analysis and rationale. And for those who are complete masochists we have also got a series of appendices with further data there as well.

So thank you, Jen, and I'm very happy to receive questions.

Jen Wolfe: Thank you, Richard. I know we are ready have a few questions forming in them chat and I'm sure some others would probably like to be in the queue as well. Chuck, I know you had a question first and then Avri in the chat, so why don't we start with you and then as others have questions please go ahead and raise your hand in the Adobe Connect. Chuck...

((Crosstalk))

Chuck Gomes: Thanks. This is Chuck speaking. I was really surprised by Recommendation 23. So I guess my first question is was this ever discussed with the working party because it seems to me we could have flagged some concerns on this debt might have been helpful. It looks like it came out of the blue. I was just - since Richard, and thanks for pointing out Page 91 and beyond on the rationale. And I was just trying to skim that but frankly didn't do a good job.

So that, you know, and I see Avri's' question in the chat. It's a very good question. In my quick glance at the rationale it looks like it was geared towards the NCSG - I'm not sure that's the right thing to do. But the recommendation is worded generically so it doesn't say that. You know, I'm going to need a lot more understanding to think that he can even work.

It looks like it can't work as I look at Recommendation 23. And I think it's unfortunate that this is gone out as a recommendation. Now maybe you can convince me that it could work. I have a long ways to go on that. So I guess

my first general question is, was this vetted with the working party? And if not, why not?

I certainly am not aware of any vetting of it. I think there are some serious problems with it and maybe it's because I don't understand. But it looks really problematic just from a GNSO point of view. So I think it's one that will have huge amounts of response when the board puts the - decides to act and seeks public comment. So let me stop there and let others talk. And maybe I'm just totally misunderstanding. I don't know.

Jen Wolfe: So, Chuck, I'd like to have Richard answer. Just to answer the first part, no, we hadn't - we didn't have any feedback on the revised recommendation but we do have the opportunity to comment as we move this forward particularly as we make recommendations on the implementation phase. But, Richard, why don't you respond to Chuck and then if there's a follow up we can go from there.

Richard Westlake: Certainly. Look, Chuck, your point is absolutely valid. It hasn't had a chance to be discussed with the review working party. To us if you like it is part of the richness or the hazard of the public comment period, if you like. It was an issue that we discussed internally among ourselves at Westlake probably about six months ago. And then probably because of various other priorities that we were working on we didn't incorporate it.

But we (unintelligible) public comment period with some of the specific feedback we received, and I have to say it was from more than one or two individuals, this became a fairly strongly emerging requirement in our mind. And when we went back and had a closer look at both the terms of reference, constitutions of the - both the Commercial Stakeholder Group and the Non Commercial Stakeholder Group, we did find quite a considerable difference, both in philosophies and current operations.

Our view was that the process allowed for representation of - or had when the constituencies and the current structure was set up - had allowed for representation on the GNSO Council and indeed further beyond that such as the NomCom of every constituency and stakeholder group.

Now when a single new constituency was created this didn't occur. And under the constitution of the NCSG it wasn't - there was no process for doing so. If we looked at the contrast at the constitution of the Commercial Stakeholder Group, that was quite specific that their seats - their six seats at the GNSO Council would be allocated equally between the three constituencies within the stakeholder group.

And for us, the philosophy was exactly the same. Our recommendation is not aimed specifically at the NCSG. It was aimed generically. But in reality it reflects what the CSG - the Commercial Stakeholder Group - already does.

It's only the two stakeholder groups in the Non Contracted Party's House, of course, because the Contracted Party's House doesn't have constituencies within it, it has the stakeholder group and then various interest groups.

Our view was quite strongly, we have argued that rationale Pages 91 onwards, our view was that this was - this went to the core of the ability to gain representation. If this wasn't a part of the process, if constituencies and any new constituencies in either stakeholder group were not able to achieve such a voice, then it made any - the benefit of setting up a new constituency quite marginal. It meant that it would be much more difficult for them to get themselves established by providing for equal seating between them, if you like, it would mean that they would automatically have a voice if they were admitted as a new constituency.

Jen Wolfe:

Chuck, I see your hand is up. Did you have a follow up?

Chuck Gomes: Yes I do. First of all I'm going to - I'm watching the chat and some really good stuff is being said in the chat. But I want to focus on this from a GNSO perspective, not a stakeholder group perspective, which it appears the rationale focuses - is on a stakeholder group perspective.

The GNSO assigns seats according to stakeholder groups, not constituencies. So to suggest that all - that seats should be assigned according to - equally by constituency is basically suggesting a restructure of the GNSO which is out of scope. That's just from a GNSO perspective.

I can go on and talk about the, k the problems with the recommendation. You're right, Richard, the Contracted Party's House does not have constituencies right now. But they're allowed. They could happen. And then that would throw this thing into even more turmoil than I think is already happening for the Non Contracted Party House.

So, you know, I don't know what to say. I think you missed it on this one. I really do. And, you know, we'll just have to deal with it since the report has already gone public. But I haven't heard anything that convinces me that you didn't miss it on this one.

Jen Wolfe: Richard, did you want...

((Crosstalk))

Richard Westlake: If I could reply briefly?

Jen Wolfe: Go ahead, please.

Richard Westlake: Look, look, I hear what Chuck says. We have listened to that. We anticipated that there would be a significant number of people who felt this had been just dumped in at the last minute.

The reality is from our perspective is that if some - a group is admitted as a constituency, which we have, as you know, we discussed at length and demonstrated is a very high hurdle to achieve, then once that constituency is admitted we believe quite strongly that actually they should have a voice and that as far as possible there is a number of seats provided to each stakeholder group that should allow them to have that voice once they become established, otherwise it's going to be almost an impossible task for them ever to get established.

It is something that was raised, as I say, by a number of parties, and not only - I might say - not only by those parties who you might automatically consider might feel deprived at the moment, might feel excluded at the moment.

Chuck Gomes: This is Chuck again, Richard. Thanks. But you really didn't respond to my point. I don't think anybody is arguing that a constituency should not have a voice. But you have recommended a structural change to the GNSO indirectly and that was out of scope. Just putting all the problems with your recommendation aside, how do you respond to the fact that you recommended, I mean, the GNSO seating cannot fulfill that objective without a structural change I don't believe.

So in essence you have - you have recommended a structural change which you said in your report that a structural change you didn't think was needed and yet you recommended one. So I'm confused.

Richard Westlake: Chuck, thank you for that. Look, two points to that. First of all, no, we don't consider this represents a structural change. What we believe it would do would to represent a consequence if a structural change followed. If a structural change takes place.

We would consider the admission of a new constituency, for example, certainly to be part of a structural change. We're not suggesting any new seating. We're not suggesting any new seating at the Council. What we're

suggesting is simply a re - a potential reallocation of seats at the Council based on the number of constituencies within each of the two stakeholder groups in the Non Contracted Party's House.

The second point is, also, we didn't say that we don't consider that a structural change is necessary. What we said is that we think it's quite likely that structural change will follow. That is not a part of our terms of reference as you correctly point out. And as we have said in several places, we think that the structure, the form, should follow the function. But part of the function of the GNSO is representation and a voice and that's the case that we've made.

So if you want to argue that this is perhaps semantics I would take issue with it. And as far as having a chance to go to the working party, I think, you know, why? It is part of the consequence of the current - the review process that there is a review process, it does allow for public comment.

And within that is the paradox of do we ignore the public comment if something significant emerges in our view? Or do we include it and accept the fact that it doesn't have, if you like, the level of consultation that probably about 30 of the other - 30 or 32 of our other recommendations have had. So, Chuck, I absolutely respect your thinking and your comment. But we thought long, hard and very deeply about this and considered it before including it.

Chuck Gomes: So this is Chuck again. Sorry for monopolizing. I absolutely don't think it's semantics. I guess I just come to the conclusion that you really don't fully understand the GNSO and its structure. And I also think that you just focused on what it looks like right now and if changes occur with regard to constituencies anywhere your approach doesn't work at all. So I'll stop there. I think I've made my point.

Richard Westlake: Look, Chuck, I understand what you're saying. I actually don't agree with you in terms of looking at the GNSO as it is right now. What we have specifically

done and we do talk about this point in quite some detail in the rationale there from Pages 91 onwards is we do talk about if you like both the practical and the arithmetic consequences if new constituencies were to arise.

And so the whole point was we said there is this mathematical arrangement of six and six in terms of the two Non Contracted Party House stakeholder groups. And what we have done is looked at the way that - the current - currently the Commercial Stakeholder Group works. In our view that is an appropriate way of doing it because clearly the policy of the board is that there should be constituencies. We know that some members of the Non Contracted - the Non Commercial Stakeholder Group take issue with the fact that constituencies should have individual voices.

Our view is that if people choose to set up a new constituency it is not for others to dictate whether or not they should have a voice. And this really is one of the very few concrete ways in which they can do that. So we don't think it is a structural change, we think it is, if you like, a reflection of what the founding fathers of the current structure quite probably intended in setting up the current structure. Thank you. Again, I won't monopolize this particular part.

Jen Wolfe: No, thank you. Bill, I see your hand is up. Please go ahead.

Bill Drake: Okay. Thank you. Well this is quite an interesting experience, again. You know, the first version was released while we were in Singapore and there was all kinds of stuff in it that was from the standpoint of people involved in the non-commercial space pretty offensive and required us to write a 10-page letter.

And now here we have, again, the report pops out and is on the Website and we're done. And this stuff has been added that hasn't been vetted with this group or at all. And I'm just - I'm really baffled by that on procedural grounds.

But leaving that aside, I just wanted to say that there's a couple of really significant misrepresentations being made here that are just kind of - I have to keep hearing it over and over. It starts to grate on me a little bit.

I understand that there is a desire to argue for having hundreds of constituencies formed, and this somehow will solve everything. And perhaps that was the mandate from staff. We don't know. One of our members did file a request for information about the contract involved here, but it was denied.

But in any event the argument that having lots of constituencies definitely is going to be something that stimulates engagement, etcetera, etcetera, just has not been borne out by evidence so far, number one. Number two, if you want to make that argument, you have to make it above board.

When the paper says things like this - Page 89 you say at the NCUC meeting a former chair - you're referring to Milton Mueller - of NCUC, explains that NCUC has never accepted that multiple constituencies were necessary or desirable.

If you go back and look at that transcript - because I was kind of puzzled when I saw that - he was telling you what we were thinking in 2011 when the discussion was being had with the members of the Structural Improvements Committee about how to organize voting and so on within the NCSG. And the argument was why are you dividing up civil society into little siloes, so on.

That was an argument that was put forward years ago. It has since been the case that we've had multiple constituencies. We've learned to live with them. We've worked together in the NCSG to adopt policy statements and so on. And nobody in NCUC is running around saying that there should not be other constituencies.

And yet because you're maintaining that that's the case then you construct this narrative that makes it sound like we are (unintelligible), a view such as

was expressed by the former chair serves to exacerbate existing structural hurdles to creating a new constituency, and they'll face a biased reception by the NCUC dominated NCSG.

This is all purely your own interpretive dance going on here which is not based on any reality. It's not based on any knowledge of how we interact, how we work in the NCSG, what our views are or anything else. It is constructing a story that suits your purpose.

And I don't understand why you expect that people would be okay with that. It's just not - it is not from the standpoint of - as an academic who reads work. I mean just methodologically, I would flunk somebody who gave me a paper like this. So I just absolutely (unintelligible) that you've done this again to us.

And so now we have to waste a whole lot of time going back to the board and everybody else and try and explain to them why this report is absolutely cockamamie in some of its conclusions. And this is not a good process that we followed here.

So I'm just really aghast and I don't understand why all this (unintelligible). We are not tied up in this little Hell you represent where the constituencies are at war with each other. We don't spend our time thinking about these things.

We're writing statements in reply to the IANA transition and accountability and human rights are doing real work on GNSO issues. That's our job. That's what we do is volunteer and volunteer time. And right now, all we're getting is this effort to beat the Hell out of us on baloney grounds. It's absolutely mind boggling, unprofessional. Thank you.

Jen Wolfe: Thanks Bill. Amr, I see your hand is up, but let me see if Richard wants to respond to that first, if that's okay.

Richard Westlake: Thank you Jen. Thank you very much indeed. Look I hear everything that's being said. I'm also reading what is being said in the chat room. If I can read respond firstly just to a couple of those points.

Firstly, no we are not talking about a desire for hundreds of new constituencies. We are however trying to create an environment in which it is feasible and practicable and achievable that should a new constituency or a few new constituencies be admitted, that they find a way of participating on an equal basis and equal footing with the current constituencies that are there.

We noted that there are six seats in each stakeholder group. Now that allows for the creation of several new constituencies. On the record of the last few years, we don't believe that is going to be a constraint. There are six - they can be allocated. We suggested ways in which they could be allocated.

Secondly, I take quite strong issue with the question, if you like, the loaded question, of what is in requirement of staff. Absolutely not. This is our initiative bill. All our recommendations are our initiative. We own them. We have proposed them ourselves, and we strongly resist any recommendation when he had them dictated to us. Thank you Jen.

Jen Wolfe: Thanks. Amr please go ahead.

Amr Elsadr: Thanks Jen. This is Amr. Thank you Richard for being on the call today. One question I posted earlier in the chat, and I've been kind of keeping an eye on this list trying to - just waiting to see whether there would be a review with the working party members of the public comments presented to the last (unintelligible) and there wasn't one.

So I'm just wondering why the working party members were not involved. This might have been helpful having this sort of community (unintelligible) taking to review of the public comments and sort of catch those little things that Chuck mentioned earlier were missed.

And yes I haven't had a chance to look at the final report yet. It was just posted yesterday I believe. But looking - I was just looking at Page 91 and 92 right now and immediately spotted a mistake of the history of NPOC members serving on the GNSO Council.

So just little things like that that could have been avoided and maybe painted a clearer picture and maybe some of the members for example from NCSG could have helped the folks from Westlake to understand why we believe some of the recommendations and rationale don't work. So I'm just curious why the working party members were not involved in the review of the public comments.

My next point is we just had an election round - we just completed an election round - in the Non-Commercial Stakeholder Group. And we had a turnout of over 250 members who voted in the election. And we have three counselors who are going to begin serving a new term as well as a new non-commercial stakeholder chair.

But when I look at the recommendations like Recommendation 23 in the report, it seems to me that the Westlake team seems to think that these elections aren't actually representative of the Non-Commercial Stakeholder Group members. In order for this recommendation to improve you need to have counsel be allocated to the different constituencies, whether it's just the two constituencies now or more in the future.

But I find it really hard to reconcile that with what just happened in the elections these past couple of weeks. How are we supposed to take this back to our members and tell them okay the folks you just elected are not representative of you?

I'm asking this question keeping in mind that we do also have members and we may have more and more members in the future who are members of the

Non-Commercial Stakeholder Group, but not members of any of the constituencies of the Non-Commercial Stakeholder Group.

So how do you - I believe this point was made clear to the Westlake team on numerous occasions. How would you also reconcile them in the idea of constituency on council as opposed to stakeholder group? Who's supposed to represent those community members who are not members of any of the constituencies? Thanks.

Jen Wolfe: Richard do you want to respond to that?

Richard Westlake: Yes I (unintelligible).

Jen Wolfe: Particularly the last part that (unintelligible) specific questions.

Richard Westlake: Yes. Thank you Jen. If I could just answer a couple of points that Amr said. First of all, part of the feedback you - that was the formal feedback we received.

We also received a lot of further feedback during the Buenos Aires meeting when we came and met with a lot of both constituency stakeholder groups and individuals as far as the substance here which are in addition to perhaps some of the written formal feedback. And we did agree that that would also be included in our consideration. Otherwise there had not been a lot of point in attending Buenos Aires.

Going to the other point, and particularly some of the chat comments coming through, again there would be a reallocation among existing constituencies. We had recommended a process by which the seats would be allocated if there is a number that isn't divisible into six.

But what we're saying is that in our view, each constituency does require a voice in order to have any form of equality of standing. We looked at the

options of do you - one option we did consider was whether to allocate a minimum of one seat to any new constituency. And you will see our rationale around that in 9192 and why we did make (unintelligible) with it.

We don't believe that any solution potentially is perfect. We certainly consider on the basis of the evidence that we've seen in history we have - Amr, I accept the fact that there may be an historic error in one or two points but I think they're minor and I don't think they go to the substance or particularly to the principle that we're referring to which is about representation and participation.

And I could acknowledge that, although we did check it as far as we were able to in practice. We don't believe that - or sorry we do believe that this is privileged problematic of the outcome. We're not suggesting it should lead to massive change. In fact at the moment it would lead to only one change. And it would require a new constituency to be submitted - which in itself is a fairly significant movement or change - before it would require any further change in the allocation of council seats.

Thank you Jen. It might be productive if you wanted to to ask to look at whether there are any other aspects of this final report (unintelligible).

Jen Wolfe: Absolutely. I was just going to comment on that. I know we're scheduled until the top of the hour, and I know this is an important issue. And that's why I wanted to let everyone have a chance to talk. And Rafik has been waiting in the queue so I would like to give him a chance to speak.

But then I would like to move on and talk a little bit about some of the other recommendations. There's 36 recommendations I know from reviewing the public comments. Many of those there was widespread agreement on. Some require additional conversation. And what we wanted to get to today was really talking about what we do as next steps.

Chuck has mentioned that we could have a formal response, and I think that would be appropriate. So Rafik, let me let you finish up your thought and then I'd like to move the conversation forward if we can.

Rafik Dammak: Okay thanks Jen. Sorry if I look scared or angry at - almost midnight here. It's not I think the best way to spend time. However. So I'm speaking as my experience as NCSG chair. Taking the example of (CSG) kind of I find it maybe can be misleading.

As a chair I have to work with them like - I mean in the non-contracted party house. And trust me, I can find a problem to know who I should contact there because they are working at constituency levels. So it's not easy to see how they are working as they're called a group. They don't have a chair, so it makes a lot of difficulties to liaise, to work towards consensus and so on.

While at NCSG having the (NC) level really working in term of policy making. And I can send you the link of our latest comments for 2015 only. It's more than ten. We tried to respond to most of the comments. And we work it at NCSG to make that, to make (really) policies to participate.

I think to emphasize in constituency arise a lot of - it's a (flow) idea because you are thinking about constituency and you forget about the most important entity in the whole thing. It's about the community, its members - the members of the stakeholder group who can join a constituency or they cannot join a constituency.

And we should talk about direct democracy. And that's the case because they first participate in general elections in NCSG to elect their counselors regardless to which constituency they are a part.

If we have different circumstance to (many) constituency within NCSG and having the current model where the election for the council seat is done at NCSG level, there is much more representation and diversity because it's a

real direct democracy. If the member they can't elect is not because directed by the constituency they are part of. They can select which counselor they want to put.

It's - as Amr said, we have more like 235 members between individuals and organization who voted last time. Please try to find the same members in other stakeholder group. You won't find this easily.

So you are denying - by what you are suggesting - to members who are the real entity we need to care about. You are denying their right to select. You are just creating silo. You are not - how to say - proving any effectiveness of your model. You are creating a deficient model to do some allocation.

As a computer engineer, I am surprised that you have this logic. It's so flawed. It's not going to work because it's so artificial. So I mean you emphasize it. I find (14) mention of (NCSG). And I didn't find a real argument to explain your recommendation.

You made recommendation and you created some reality to fit with it. So I understand maybe we'll get - you will be in this (unintelligible). But please take this comment because we are the folks who are in the front. And I have been in the NCSG since 2009. I'm getting really tired of this stuff. We should not as volunteers spend time to talk about structure. We want to do policy, and we try to engage people.

Trust me, it's too complicated to explain to everyone outside ICANN what we have NCSG, NCUC and NPOC. No normal human being can understand. And you want to create more constituency. Please let's go ahead and we will see how much it will be found before people to explain that. Thanks.

Jen Wolfe: Thank you. Richard I know you have your hand up. I want to make sure we talk about some of our next steps. We've only got about 10 or 12 minutes left in the call. Did you want to respond to that?

Richard Westlake: Thank you Jen. If I could just respond very quickly to Rafik. No I don't believe that we are responding defensively to what you're saying. Your point about democracy about 200-and-something people voting, I think is precisely one of the issues we've raised, that what this would do is in terms of allowing representation for what several people have described, it's civil society.

The current system gives strong preference to organizations, to a large number of organizations consisting either of individuals or of small numbers of people. What it fails to recognize is that...

Rafik Dammak: Richard I need to interrupt you here. Richard I need to interrupt you here. We have more than 160 organizations. So please stop this bull shit about more individuals more than other organizations. We have many organizations - more than 100.

So please - these have members or not because we do respect if we were in academic area - I am a former PhD student - your report is going nowhere because you are not putting numbers - real stuff. You are just saying some stuff.

So we have - please check again. We have more than 160 organizations. You are talking about the large. Can you have the member of the large organization? We can spend a lot of time to discuss about that, and we can spend really a lot of time about this. So please be careful of what you are saying here. So...

Richard Westlake: If I could please finish what I was saying Rafik - thank you for that interruption - we have noted that one of the constituencies in the NCSG does consist of a large number of organizations. Many of those organizations - from what we've been able to discover - are very small organizations.

The other constituency in this stakeholder group - and this is my point - the other constituency consists of a relatively small number but of organizations which in many cases represent in each of their own instances many hundreds or in some cases potentially many thousands or even tens of thousands of members.

And this to our point is the point that we're trying to raise, that democracy is not just about the front end of numbers of individuals where a large number of small organizations inevitably is going to carry a greater weight of voting than a small number of what are potentially very large organizations.

Rafik Dammak: Richard, Richard...

Richard Westlake: If I could make just one final point...

Rafik Dammak: No, no, no, Richard. Don't...

Richard Westlake: Could I please make one final point? I'm sorry...

Rafik Dammak: No Richard you are wrong. Sorry Richard, you are wrong because we have weighted voting, which means that a small and large organization have much weight voted than the individual. So that's what you are forget to say about. And if I understand - I mean so you are denying to people that have the right to vote.

We have weighted vote to differentiate between individuals, between small and large organizations. We can maybe spend more time to discuss about that, but please be careful of what you are stating.

And I don't see any numbers because you are saying large organization. Can you give us example of this large organization? Because several of them are both - in the both constituency. So please be careful of what you are stating as fact. You can state fact, but you cannot make your own fact, okay?

Jen Wolfe: So we're coming up towards the top of the hour and I want to try to bring this to a productive conclusion on where we go next. Clearly, everybody is very concerned about this change and Recommendation 23. Staff, if you could pull up the last slide with the timeline I want to talk about the next step and what happened with the review and what we can do to respond to these issues.

If you could go all the way to the last slide, the timeline. So the next phase here is Westlake will be presenting to the organizational Effectiveness Committee on September 28, which is in a little less than two weeks. I think Chuck had noted in the chat - and I agree - if we want to have an official response from the working party, even though that is a short time to turn this around, I think we should try to create something specifically on that.

I also do just want to note there were 36 recommendations. This is one that's obviously a controversial one that we'll want to formally respond to. But there were many other recommendations that as I reviewed the public comments there seemed to be, you know, widespread consensus that those were good recommendations.

So I don't want to lose sight of that as an opportunity for us as the working party to come together and try to make recommendations on how those things could move forward because I think there were a lot of recommendations that there was widespread consensus and agreement on.

But since this is a time-sensitive issue to respond to the OEC by the 28th, I'd like to just get some comments on how you all would like to move forward. Do we want to have an official response? What are the suggestions on how we respond at this point to this particular issue since I know it's so important to everyone?

Are there new hands? Are those new hands? Rafik, was that a new hand for you in the chat? Richard? Richard is that a new hand for you?

Richard Westlake:(Unintelligible) possibly start now but if I could just raise one point which is that I was trying to conclude. I just wanted to point out to Rafik that we have indeed considered the weighting, the weighted voting. We looked at that. We looked at the mathematics of it and we have commented on that in the text.

We understand that there's a lot of unease with the recommendation we've raised. We thought about it long and hard. I would say only in conclusion that it is our recommendation. These are recommendations. The working party now has to take this forward and put into action those which we consider or those which it considers are of value to it.

All we would suggest in parting is that we don't think it is a smorgasbord. We do consider that it is a combined set of recommendations for things we hope help and we believe overall that if people step back and consider what we've recommended and put them all in the context of the reality, that we hope that there is value there. Thank you Jen.

Jen Wolfe: Thank you Richard. And I'm just watching in the chat. Is it everyone's opinion we should schedule another call as quickly as possible so we can discuss a formal response, particularly with an emphasis on Recommendation 23? And then I think we will have some more time to look at some of these others.

Certainly we would want to be able to provide our recommendations and prioritizing these recommendations on what we think should move forward into implementation prior to the OEC meeting in Dublin. Is there a consensus that we need to schedule another call as quickly as possible? And does everyone have the time and the commitment to do so?

Is there any support for having another time - now commitment - yes, okay thank you. So is everyone in agreement then we'll send out a doodle poll immediately to try to get something scheduled so that we can formulate a response?

Okay so I'm not seeing any negative comments to that, so I will ask (Charla) - I think she's on - if we can go ahead and send out a doodle poll following this call. We'll work on getting another call scheduled as quickly as possible to move the discussion forward.

And I do just want to comment again. Obviously this is the priority issue that we need to focus on, particularly with the OEC meeting on the 28th.

But what I'd like to suggest is that after we address that issue, then we do schedule another call to move forward and talk about the other recommendations, being able to prioritize those based upon where - and particularly ones where there was widespread consensus that people thought it was a good idea that we look at how we move those forward and be able to continue on into implementation so that we utilize these recommendations fully.

So I realize we're at the top of the hour. So I think we'll proceed unless anyone else has another comment with sending out a doodle poll. And actually I'll go ahead and ask (Charla) why don't we schedule two calls - one to get as soon as possible so we can have a response by September 28 and then a second doodle poll so that we could have a follow-up call to discuss the other recommendations?

(Charla): (Unintelligible)

Jen Wolfe: Okay, thank you. Anyone else - oh Robin's asking a question what was the cost of the recommendations. Do we - I don't know if staff - Larisa do we have that information or can we circulate what the cost was? Okay I'm not hearing Larisa so maybe she's not there. Okay Robin we'll try to get an answer to that question for you.

Okay well I think if there are no other hands in the queue then we'll go ahead and bring this call to a close and we'll get our follow-up call scheduled as quickly as possible. Thank you everybody for the conversation today. It was an important conversation.

Thank you to Richard and Colin. I know it's the middle of the night for you. We appreciate you being responsive to all of the questions. And we'll get another call and move this forward as expeditiously as we can. Thank you. Let's go ahead and bring the meeting to a close.

Nathalie Peregrine: Thank you very much (Elise). You may now stop the recording. This concludes today's call.

END