

GNSO Working Group.
21 June 2008 (pm session)
Paris, France

Agenda

<http://www.gns0.icann.org/meetings/paris-agenda-21june08.shtml>

5. GNSO Improvements (14:30 - 15:30)

GNSO Improvements – Top Level Plan

22 May 2008

Prepared by the GNSO Improvements Planning Team

<http://gns0.icann.org/drafts/gns0-improvements-top-level-plan-22may08.pdf>

GNSO WIKI for GNSO Improvements

https://st.icann.org/gns0_transition/index.cgi?gns0_improvements

Report of the Board Governance Committee

GNSO Review Working Group on GNSO Improvements

3 February 2008

<http://www.icann.org/topics/gns0-improvements/gns0-improvements-report-03feb08.pdf>

(Draft) Report of the Board Governance Committee

GNSO Review Working Group on GNSO Improvements

15 October 2007

<http://www.icann.org/topics/gns0-improvements/gns0-improvements-report-15oct07.pdf>

GNSO Improvements (general page)

<http://www.icann.org/topics/gns0-improvements/>

>>AVRI DORIA: Hello. Welcome back. It's now 2:30. The next item on the agenda from 2:30 to 3:30 -- okay? Did everybody have lunch? Everybody's talked out?

Okay. The item that we have on the agenda from 2:30 to 3:30 is the GNSO improvements top-level plan that the planning group put together and we did an overview of the report at the last -- at our last meeting.

The next step for it is at Wednesday, assuming that we're ready, is wanted to take a vote on accepting the top-level plan and initiating it.

Now, there's two parts with doing that. There's today, going through that plan and seeing if there's anything that we need to change, if we're all fine with it, if it's understood. And then the other thing that we had been asking people to do this week is, assuming that this plan is essentially acceptable and noticing that these committees have membership, to start thinking about, you know, the representatives from the various constituencies.

So was not necessarily going to do much of a talk through the plan. We've got it up. We'll be able to edit it.

The thing we've got -- first of all, I guess I want to know if there's any questions before we start on anything to do with this plan or understanding it or what have you.

I don't know, do I need to do a quick overview again? Hopefully everyone has the overview from the council. We still are missing a lot of the council at the moment, but I'm assuming they'll be here soon.

So I don't know how far, but basically we tried in this report, as was mentioned, to stay away from anything that was in the still-controversial pile or not.

So basically, we focused on the things having to do with -- and I should actually have a copy up, so I can move through it myself -- basically on the things having to do with working groups and PDPs.

Those were one of the main requirements we had is -- let me get my screen back here, so I know what I'm looking at.

Okay. So basically, what we put together was a presentation of -- starting off with two basic standing committees, and we described a -- what a standing committee would do, and we basically took from the board a recommendation that we look into that as a way of organizing some of our work, and the standing committees recommended in this initial process included two of them with focused roles.

Now, the notion was not that the standing committees would do all the work, but that the standing committees would be responsible for organizing the work and for seeing to it that it was done.

So if you look down on, like, page -- I guess it's 6 -- at around Line 14, you see the two standing committees that are proposed. One of them is the process standing committee, which would oversee overall efforts to enhance the policy development process, including serving as the coordinating body for separate teams -- possibly separate teams tasked with developing a proposal for a new working group model and a new policy development process. These teams will be responsible for making recommendations concerning processes and methods involved in the transition to a GNSO working group model. This standing committee will also consider the revision of the policy development process, which is closely tied to the working group model.

So, in other words, the idea was that working groups, as described in the yet-to-be-approved board improvements plan, were to be the fundamental building block in coming up with consensus policy; that a working group would be formed, that working group would be where all the deliberations went on, and then their recommendations would come to the council and that that would be a part of a revised policy development process because now the policy development process, while we can twist it to where we use a committee-of-the-whole model and then when we're in the committee-of-the-whole, the committee-of-the-whole decides to create a working group as a method of doing the work, it's not really geared towards that.

And then we have, as opposed to that, the task force which is the model that, by and large, we seem to want to move away from, which is that one or more representatives from the constituencies decide to do all the work and then it comes forward that way.

So -- but -- and it's not to say that there's any notion of what comes out of the PDP process. The task force may still remain one of the options, at the end of all this, but that's what this standing committee is to do.

Now, the notion with a standing committee is that the standing committee is composed of representatives of the constituencies, but they are responsible for, as I say, coordinating the work and not necessarily doing it themselves. And so one of the recommendations to the first standing committee, though it's not included as any, you know, mandate to them "they must do this," was that they would then create two groups that would work on -- one of them work on working group processes and what it means to be a working group and how a working group within GNSO should work, and then one of them to work on looking at the policy development processes and the standing committee would be responsible for making sure that these two coordinated and were together.

The other group was the operation -- oh, good, Chuck's here -- the operations standing committee, which is basically oversee efforts focused on recommendations concerning GNSO structure, constituency enhancements, and communications.

Notice that it's leaving out any of the discussion of any reorganization of constituencies and stakeholder groups that may or may not happen, because that falls into that.

This is just basically, "We have constituencies. What can be done to enhance them, to enhance communications and such?"

This committee should also task special focus groups to develop proposals to implement recommendations related to these areas, and would operate in an inclusive and transparent manner. Membership in the standing committee and the work teams would be drawn from both existing and emerging constituencies, building on the notion that new constituencies may come in. They would -- once at a sufficient level of formation, they could be included in the standing committee.

Various discussions in this document on membership, how many in a standing committee, who can be in a standing committee, standing committee work teams, what they would be like, transparency for standing committees and their teams, and a start date, wanting hopefully to start no later than the end of this meeting, assuming we can come to agreement on this method of starting.

Then the document goes into basically discussing the -- each of the teams, talking about the work items that would fall under them, so the process standing committee starts on Page 10 on, goes through, has two initial work items, establishing new rules for the PDP, and establishing procedures and guidelines for the policy working groups, and that's 28 through 32 there.

Working methods basically discusses a possible working method of creating process working teams, basically, and then discusses membership, where it would contain either a GNSO chair and/or vice chair and a representative from each constituency, and then one NomCom appointee.

One of the things we talked about --

Is that the beginning of a question or a yawn?

>>JEFF NEUMAN: Both.

>>AVRI DORIA: Oh, both, okay. I wasn't sure. So one of the things we've discussed with NomCom appointees is that -- and this is something speaking from my personal experience as a NomCom

appointee -- I kind of felt that, well, I had to try and be in as many committees and working groups as possible because I was a team of one and decided that we should really start looking as the group of NomCom appointees as a group who work together who share load, who sometimes one is in one and another is in another, and not that they're making decisions like constituencies. They still remain individuals, obviously, in terms of their votes and their decisions, but we don't have to have all three.

And also, at times when we're limiting something to one per constituency, it seems sort of unreasonable to then have all three NomCom appointees in, also. So finding a balance on that.

Yeah. You had a question.

>>JEFF NEUMAN: Yeah. Pass the mic. Sorry. I'm trying to get a mic.

>>AVRI DORIA: And remember, give name and speak into the mic and...

So, Jeff.

>>JEFF NEUMAN: Hi. I'm Jeff Neuman, and a question is: Can you give me some examples of what's noncontentious in the operations standing committee? Because the way I see it, even -- I thought I heard you say one example is maybe addition of new constituencies.

>>AVRI DORIA: No.

>>JEFF NEUMAN: That wasn't one, okay.

>>AVRI DORIA: Well, wait a second. First of all, at the moment even, new constituencies -- anybody can put together a proposal for a constituency, take it to the board, and if the board approves it, there's a new constituency.

So even under today's rule, if somebody made it through the board and was a -- you know, and the board said, "Yep, go ahead and form a constituency," at some point that would be a new constituency.

Now, within the new improvements group, there may be ways to form new constituencies, but -- but that wasn't one I was including as noncontentious, though I could argue that there's even a way in which it's noncontentious.

>>CHUCK GOMES: I was trying to cut you off.

>>AVRI DORIA: And you did a good job.

>>CHUCK GOMES: Let me share several, Jeff. It's Chuck Gomes, okay?

The -- how about the PDP rules themselves?

>>JEFF NEUMAN: Right. But that's in the other committee. I'm talking about the --

>>CHUCK GOMES: Oh, you're just restricting it to this?

>>JEFF NEUMAN: Yeah. Because I think there's certain elements of the PDP that wouldn't be contentious but even at the PDP, which is, what is a consensus policy and how is that defined. That's pretty contentious, I would say.

>>AVRI DORIA: That may be contentious, but it's not a contentious part of the board's improvement plan that they say that --

You know, because we've been asking for a long time for the ability to talk about the PDP structure, and they've basically said, "Go away and talk about the PDP structure and bring us back a proposal."

>>JEFF NEUMAN: Right. But my question was really focused on the operations one.

>>AVRI DORIA: Right. Okay. On the operations, for example, if you look at the -- first of all, one of the things we were careful about, it's -- and this is on Page 13, GNSO operations: Develop any changes needed to the council structure role in response to the board-approved GNSO structure.

So that's sort of saying that nothing happens there until the board has gone through and made its decision. So in that first one, the operations committee, it's not going to do any of that until there's a board decision.

Which we may even get this week. Or next week. Coming week.

Then, two, constituency operations: Enhancing constituencies by making processes more outcome-oriented, transparent, accountable, accessible, redoubling outreach efforts to encourage broader participation, in current constituencies, and self-forming of new ones.

So I would think that there would be several things in that that weren't contentious. For example, helping people do broader outreach. I -- it -- you know, whether -- okay. I don't know whether outcome orientation might be contentious. Transparency and accountability might be contentious. Accessibility might be contentious.

But I would hope that for the most part they wouldn't be terribly contentious.

>>JEFF NEUMAN: Now, do they become -- if the board makes a decision, then do they no longer become contentious, I mean, or --

>>AVRI DORIA: Yeah.

>>JEFF NEUMAN: So assuming --

[Laughter]

>>AVRI DORIA: My assumption is, what we stayed away from was anything that was contentious, until such time as the board had made its decisions.

>>JEFF NEUMAN: Right.

>>AVRI DORIA: Once the board has made its decisions, I don't know what ability we have to contend them but we sort of do have the board's decision and have to sort of follow through with it.

>>JEFF NEUMAN: So if the board decided this week -- and I don't know if they will or won't -- that the structure is as they proposed in their latest report, that then the council would take that mandate and act on that, no matter how contentious it was prior to the board vote. It would have to be accepted and moved forward?

>>AVRI DORIA: That would be my understanding of my responsibility. That, yeah, once -- once the board has made its decision, you know, we -- we've had input, we've argued various positions, but I believe that in the council, as the council now stands, implementing that would be the next step.

>>JEFF NEUMAN: So would it be fair to say that the council should probably suggest to the board that they do something this week; that the sooner the better? Because really most of the work is going to -- or a lot of the work is going to be held off until the board actually decides these important issues which have been outstanding for quite some time now.

>>AVRI DORIA: Oh, yes, certainly. And I know I've been encouraging the board in their decision-making for a while. But I still think there's a lot of the work here. You know, for example, if you look at Point 3 here, communications, improving communications and coordination with other structures.

So even if the board doesn't make a decision this week, there's work -- there's certainly work in the first standing committee, the one on process, that needs to be done. We're putting together more and more working groups now. We're sort of working through our process on what it means to be a working group. We -- we're working with a PDP structure that may or may not work all the time because we're twisting it to try and make it work to new realities, but...

And then you look at the second one. Certainly I think some of those things -- first of all, the organizing of the committee and some of those improved communications, you know, are not terrible econ ten infectious. I mean, I'm sure we can find items that are contentious within each of them in terms of how we implement, how we deploy. But that's a different meaning of "contentious."

>>JEFF NEUMAN: Right. Just a last follow-up. Sorry.

>>AVRI DORIA: Yeah.

>>JEFF NEUMAN: It's just that the registry constituency, at least what we've been discussing is that we really should try to avoid, where possible, a piecemeal approach to all of this, and that, you know, where possible we should really take the overall and look at every piece of reform together and not in little silos, so that's the only caution, and I don't know if --

>>AVRI DORIA: Okay. Yes.

>>JEFF NEUMAN: And we're going to discuss that again this week, and I don't know if that will change, but...

>>AVRI DORIA: And hopefully people will discuss it in light of the proposal we've got here. I've got Chuck, then I've got Kristina, and I've got Liz. Who else do I want to put on this list while I'm building a list? That's it for the moment?

Okay. Chuck.

>>CHUCK GOMES: It's important to keep in mind that this plan, even though it -- we're focusing on the contentious or noncontentious issues right now, the plan is a long-term plan for working on this. Whatever we decide is contentious, as we begin to implement the plan, we can put that aside. So we don't really have to decide what all those are. The plan is to -- is designed to be something that can be used all the way down the line on this.

Once the contention is removed, then we can implement and so forth.

>>AVRI DORIA: Kristina.

>>KRISTINA ROSETTE: I was just hoping I could get some clarification. There are some statements in the summary of the most recent board meeting in which some board members indicated their awareness as to what the council was doing in terms of working hard on the implementation plan, et cetera, keen to make a decision.

Has -- is it -- have either of you made clear to them that what we've been working on is kind of the noncontentious part of this? Because that's not really clear from that.

>>AVRI DORIA: I believe that's clear. I don't know if anyone from the board -- I guess we only have one -- would like to respond and see whether they're aware of that.

>>SUSAN CRAWFORD: Yes, I believe it's clear at the board level that what's going on here is a structure for implementation, once decisions are made. I think -- I don't think there's any question about that.

>>AVRI DORIA: Okay. Liz?

>>LIZ GASSTER: I was just going to enumerate a couple of other examples of -- you know, there's really a long, long list of recommendations that would be encompassed in this operations standing committee.

So some other examples would be a toolkit of services for the constituencies, standardizing services like conference call support, document support for the constituencies is one example.

A GNSO directory. Developing a directory of all GNSO participants is another example.

A uniform document handling and Document management system is another example.

Improvements to the Web site, so that -- and policy related, so you can find things more easily with more explanatory text, those kinds of things.

So there's really a whole laundry list of things that, you know, I would certainly put in the noncontentious bucket, although certainly there could be contentious aspects that really just take a lot of time to do and to think through properly.

>>AVRI DORIA: Yeah. And I mean, one of the things that we -- we're trying to do is because part of the board decision that did come through was, "Get started on the planning, get started on the noncontentious work" so that's what we've been attempting to do.

So yes, Jeff.

>>JEFF NEUMAN: So Liz, I think you mentioned some good examples of noncontentious. I think some other examples were raised.

I think it would help if the council, before the working groups are formed, if they could try to define what some of those are, so that the first meeting of the working group, everyone's not looking at each other going, "Okay, what do we think is contentious and not contentious," and then getting into arguments about that. And so to the extent guidance could be provided, that might help.

>>AVRI DORIA: Well, I think that's one of the things that we're thinking that the standing committees, which are composed of members of the constituencies, are the ones that create the charters for those working groups.

At the moment, in terms of this, we're not creating charters other than for the standing committees that are then basically responsible for following through with the work and reporting to the council.

But the work is not actually being done in the council, but these standing committees are becoming the place where that work is being organized. They're the ones that have to deal with -- you know, because there will be a member from each constituency on those committees. It doesn't need to be the council member. It's another one of those steps of spreading the work beyond the council members, so there will be a constituency representative. Could be a council member, could not be a council member, that then basically if there's a group of six people there, or all six constituencies are represented, and they can't agree that something is not contentious u that's not something they're going to work on. Yes.

>>CHUCK GOMES: And that will come back to the council.

>>AVRI DORIA: Right. And then that would come back to the council. Yes, sorry.

>>TIM RUIZ: Were there others in the queue before me?

>>AVRI DORIA: not at the moment, no.

>>TIM RUIZ: Oh, okay. So what is left for the -- for the board to decide? Is it primarily just the structure? I mean, that was my understanding, it was basically the structure, which it seemed like they were close, probably, to making some decision or maybe Susan can comment on that.

And then if -- given that, I'm just wondering if, are we at a point where because we're getting close, that maybe this plan doesn't start to be implemented until all the decisions are made?

>>AVRI DORIA: Certainly the notion was not that we would wait for all the decisions to be made, but we're hoping all the decisions will be made.

>>SUSAN CRAWFORD: Yeah. This is Susan again.

The board has not yet adopted the working group's report coming up from the Board Governance Committee, so it's that moment that has to happen, the adoption of the report or I suppose the rejection of the report, and I would hope -- my hope would be that the report would be accepted in whole. I was a member of the BGC working group, so that's my -- my hope for this plan.

But that may not happen at the board level, so I just want everybody to be clear what's going on, that that report has not yet been accepted as a whole by the board.

>>AVRI DORIA: My comment, though: The resolution of 2008-215 basically, while it directed the staff to open a public comment forum for 30 days on the improvements report, draft a detailed implementation plan with the GNSO -- which this is -- and then begin implementation of noncontentious recommendations and return to the board and community for further consideration of the implementation plan.

So while the board hasn't approved the whole plan and they didn't define what was noncontentious or not -- so I guess they kind of left us to decide what was contentious or not -- and so if we can agree

that it's not contentious, it's not contentious. If we can't agree that it's noncontentious, then it's contentious. I mean, it seems to be fairly, you know, binary in that.

That we were, though, asked by the board to get started on anything we could agree was not contentious.

Yes, J. Scott.

>>J. SCOTT EVANS: This is J. Scott. I guess I think we're getting lost a little in semantics here, because the way I understand it, the board has accepted the report, they just haven't accepted the conclusions of the report. I mean, the report has been delivered, it has been reported to the board, the board has taken it under advisement, and has given direction with regards to noncontentious issues to the GNSO.

With regards to the contentious portions, which are conclusions of the report, I think that's the question that remains open. Not has the report, quote-unquote, been accepted by the board, because they've already had it reported to them and now it's under discussion.

>>AVRI DORIA: Anyhow, I -- the short of it, without semantics, is: I do believe we're in a position where there are things we should start implementing, and we have to work among ourselves.

As I say, if we come up with something that is -- we decide falls into a contentious bucket before they've made a decision, fine.

>>J. SCOTT EVANS: Right.

>>AVRI DORIA: But otherwise -- and so the working group model, for example, looking at the PDP, for example, and some of the things that were mentioned under operations.

So in terms of the structure itself, I was wondering, or the document itself, because basically the motion that I'm planning to put in is basically that we accept and initiate this process as defined in this document.

And that's pretty much what's going to be on the table for Thursday.

So I'd like to make sure that there's not anything in this document that people find problematic. Language that they find problematic. The document's been out for -- well, since 22 May, and it took a fair amount of time in the planning team, which had a fairly good composition of people from almost all of the constituencies. One constituency wasn't represented, but certainly all were invited and many did participate.

So were there any questions, issues, parts of this specific plan that are problematic and need to be discussed before we vote on putting it into play? I'm assuming -- okay. Yes, thank you, Jeff.

>>JEFF NEUMAN: Yeah. The only reason I bring it up is the whole contentious/noncontentious is a number of the things described on Page 14, I think it is -- at least in the version I'm looking at -- there where you say some of the issues they might want to work on are those, the bullet list.

And looking through that bullet list in team 1, I think almost all of them are contentious. Maybe not. Maybe -- maybe some of them aren't. But a good number of them are, would fall, I believe, in the contentious category.

>>AVRI DORIA: All right. And in which case, if that's the case in the standing committee that those are contentious and the board hasn't made its decision this week, then they wouldn't start working on those. That they would start working on those where they could decide that -- where that standing committee thought that there wasn't an issue.

>>JEFF NEUMAN: So I think it just needs to be reflected in this -- or in the motion that really you're just -- it's in the preamble.

>>AVRI DORIA: Well, I think that wording is really very much in the beginning of the document.

>>JEFF NEUMAN: Yeah, I agree it's in the beginning, kind of in the preamble, but things get lost when you get down to the standing committee and working groups level, and since you have set forth issues that they could consider, you don't want that to be interpreted as these issues are noncontentious. In fact, the way I look at it, really mostly team 2 that might -- or -- yeah, team no. 2 and team 3, that might have noncontentious items, but team 1 is -- well, most of team 1 is pretty contentious.

So I mean, the examples are good things for things that they're going to work on, but if this is adopted this week by the council and the board hasn't ruled on some of those contentious issues, there's kind of a little conflict there.

>>CHUCK GOMES: I don't understand. What's the conflict? It's just a plan that we will implement, and the order in which we do things will be determined by us when we decide on whether or not it's contentious.

>>TIM RUIZ: I think -- I might be wrong, but what I'm getting from it is that this seems to imply that there are already noncontentious issues before we've discussed them, and so by adopting this, are we then agreeing that these things are noncontentious, or --

>>CHUCK GOMES: No. All we're doing is adopting a plan to implement whatever recommendations are approved by the board.

If we decide that they're all contentious, we won't do anything until such time that they're all approved.

>>AVRI DORIA: Yes, Liz.

>>LIZ GASSTER: I just want to point out a couple things about this section that Jeff is referring to. The first one is that it talks about developing a proposal for council consideration. The purpose of these groups isn't to go off and implement something, it is to develop proposals on each of these specific things for the council to review and decide on.

And in some cases, it's also for the board to review and decide on because there are a few things in the board governance report that specifically require going back to the board once the plan is developed.

If you look at the first bullet under Team 1 and the last bullet under Team 1 which is -- really refers to the new council and constituency structures, they both contain clauses that are really just placeholders for once the board has decided. So I think you're right that we tried to identify some things that maybe could be implemented, in a sense, independently, like statements of interest. I'm just looking at the middle bullets, if you will, the curriculum, for example, bylaws, draft changes on term limits which has already been approved by the council. Those are enumerated to convey that there are some specific things that we think probably could get done independent from restructuring, but the others are intended to be a placeholder once the board makes a decision.

>>TIM RUIZ: By agreeing to this we are not disagreeing to any of that. Agreeing to a framework, nothing specific about what would be pursued and is non-contentious.

>>AVRI DORIA: In fact, the list is just mentioned as these are, work items that may be included, that could be identified.

>>J. SCOTT EVANS: I have one comment to your comment. You said there are bullet points and viewed it would go to the working group and come back to the council for a decision.

But if you remember if the restructuring proposal is adopted wholesale -- correct -- as I understand the process of the GNSO Council at that point, they no longer vote or make any decisions. That is then -- all they do is make sure the working group has followed the normal protocols and -- that's how I read the board's proposal.

>>AVRI DORIA: That -- Okay. I might actually agree with you and others would disagree when we're talking about consensus policy and policy development. But when we're talking about process, in fact, I mean, I would argue the GNSO improvements makes the GNSO Council process kings and queens.

>>J. SCOTT EVANS: Okay. Clarification taken.

>>AVRI DORIA: And this is all process. Within -- now, there are people that would argue that I'm exaggerating when I say how much control we would have in policy, but...

>>JEFF NEUMAN: This reminds me back in 2001, 2002, maybe even earlier, when we talked about the differences between policy and process and no one could define the difference. I don't want -- that was six, seven years ago. I don't want to get back into that whole messy debate.

But putting that aside, my engineers have taught me well, and when you put words into a document, you may -- you, Avri and Chuck, may understand the document in one sort of way but other people will read it other ways. And when that governs their framework, I just think that --

>>AVRI DORIA: Are you recommending what you said this morning? Are you recommending some particular words? The document is open for that now.

>>JEFF NEUMAN: I'm still trying to figure out exactly what everyone agrees on is the framework. Once that -- I think there is some work that needs to be done on this to reflect some of the comments that you've made, if that's the direction everyone wants to go in because I don't think the report says the context you've been giving.

Unfortunately, you guys -- you two can't be in every standing committee or working group meeting. So people are going to have to know by reading the document itself exactly what their job and their mandate is.

>>AVRI DORIA: I actually do think it says it but I have to find the paragraphs.

Kristina, yes?

>>KRISTINA ROSETTE: Given it appears that we are heading in the direction of finalizing a document that will be operational as a roadmap or at least intended that way, what I would like to do at some point -- and I can work with staff as to where -- but the IPC has never supported wholeheartedly, 100% in all circumstances the working group model. We believe it is a good model. We think it has value, but we think that there is also value in preserving to the council the flexibility that in some cases, you would want something other than a working group.

And to the extent this is intended, as I'm understanding it, to reflect kind of the unanimous view, I would just like to make sure that's --

>>AVRI DORIA: Actually, I think by having a separate group that talks about the PDP separate from the working group model, that there is a working group model that has to be defined, that there is a PDP revision that has to be done. Nothing is said about what that PDP revision is at the moment. There is certainly is the board recommendations that will come down that says the working group model is the primary. And I believe it says the "primary," not the only.

Nothing in this actually states that there are only working groups.

>>J. SCOTT EVANS: We just want it in the text to reflect that the IPC's position stands that we endorse the working group model and we think that it has great value but that it should not be the only method available. We want that in the text.

>>KRISTINA ROSETTE: And I think you said the problem is [inaudible] non-contentious. Jeff, I agree with you. It may not happen a lot lately, but I do. I think maybe -- I think that's my concern because the use of non-contentious really implies, at least when I read it, to mean that everything else other than kind of the key structure issue has been agreed on and kind of implicitly endorsed by the constituencies. At least for the IPC that's not 100% true.

>>J. SCOTT EVANS: We're not rejecting it. We're just saying we don't think it should be the only method available to the council.

>>AVRI DORIA: I had Jeff, Susan. Chuck.

>>JEFF NEUMAN: Maybe this is a question for Susan, too. J. Scott got me thinking about the loop that could be created. If you start working on these recommendations and you populate these standing committees and working groups with members of each constituency, what happens when the board decides, or if they decide, okay, now there is really only three constituencies, business, non-commercial and registries, registrars or whatever they decide? Do we just repopulate the working groups, standing committees since those constituencies technically don't exist anymore?

>>AVRI DORIA: There would be a transition but yes.

>>SUSAN CRAWFORD: Just to be very clear about what's going on here, the board, in a sense, has created this problem for the council by not acting swiftly to not only accept the report from the board governance working group but also adopt it. It is adoption that hasn't happened yet.

Avri and Chuck and this planning group, to which I am a liaison, are attempting to set up a framework. It is like a vessel that will be filled once the board acts on these recommendations. And it is just like a ship that will allow us to move forward once those recommendations are adopted.

So I think that all of the worries about what's contentious and what's not, should, once the board acts, be resolved so we can all move forward together.

>>JEFF NEUMAN: I just think the problem with the vessel you are creating, you don't know if it will be on land, on sea or on train tracks. They are building a vessel without knowing what it is going to be riding on. That's kind of the analogy I'm thinking of. It is tough to build a vessel for something that you don't know what it's going on.

>>SUSAN CRAWFORD: Actually, just to go to the detail about the question you just raised, Jeff, I don't think there is any suggestion in the Board Governance Committee working groups report that existing constituencies would be wiped out. The suggestion is that there might be stakeholder groups that would be folding in constituencies. So I don't think the concern you've raised is actually realistic. There will still be constituencies in the world.

>>AVRI DORIA: Yeah, the constituency number would remain the same or grow. It is the stakeholder groups that they've been talking about reorganizing.

>>CHUCK GOMES: As with any policy, there is an implementation period that -- Avri referred to that as transition.

These changes, if there are changes made, will have an implementation period. The council's not going to change. The structure is not going to change automatically when the board takes action on this. There is going to be an implementation period, and it is the responsibility of this group and the working groups and the standing committees that are formed to develop that implementation plan and to work on implementation and to decide at what point the change happens. So the whole circular thing is crazy.

Now, I'm generally pretty patient on these kinds of things, but we're being ridiculous right now. And this is why people laugh at us because we can't get anything done.

As Susan just said, this is a framework. We can change the framework, if we need to. Don't make more out of this document than it is.

>>AVRI DORIA: Thank you. I've got Philip and then Tom -- I mean, then Tony, then Tim.

>>PHILIP SHEPPARD: Thank you. Just to pick up on Susan's analogy of the ship of GNSO reform moving towards the iceberg of contention --

[Laughter]

-- I do share that we have been having a slightly philosophical conversation here. And I'm also one that does believe that "contention" is a fairly binary thing that if somebody disagrees, it sounds like it may be contentious.

And, indeed, with the greatest respect to the board, even when they do take a decision, it doesn't actually necessarily change the nature of opinion in this body as to whether or not that decision was contentious and all that will flow from it will be contentious. I don't think that particular route in the discussion helps us unduly.

I aired, on this group when we were drafting this paper, some of the issues we've been talking about just now. I think all of which is saying whatever we put in this document should not presuppose outcomes that we haven't yet fully discussed.

So just a suggestion, perhaps the lawyers in the room have better wording than me, but we could have in a 18-point bold statement at the top of this document saying, "Nothing in this document implies any ex ante acceptance of the reforms that may come out of this structure we're proposing" or something of that nature. That might help clarify where most of us are on this, which is in a -- on a ship of uncertainty.

>>AVRI DORIA: Seems a reasonable possibility.

Tony?

>>TONY HOLMES: I was going to go to the same point as Philip but from a slightly different perspective. It is true what Susan says is part of the reason we're in this situation is a decision hasn't been taken but at the same time, if that was the case, we're just faced with another set of problems, a totally set of problems. I don't think it makes it any easier at all. So I don't see that as a resolution.

But I do think what's happened with this document that's being prepared is that it's a way of taking things forward and listening to some of the concerns around here and supporting the view that we do need to work on some of these issues.

Another way to do this is rather than write something on the top of the document, we could actually have a motion that maybe recognizes the background with which this study would go forward. Within that motion you could actually list the IPC concerns that it doesn't, for instance, accept everything that's in here. But we're going to move it forward and work on the basis of trying to make some positive steps forward.

>> [inaudible]

>>AVRI DORIA: Okay. So one thing I need to understand is -- okay. So it would be the IPC's issue, reservations in terms of working groups. Would there be other things that would need to be listed in terms of this constituency doesn't, this constituency doesn't and list of those? Yes, Philip.

>>PHILIP SHEPPARD: You might just need to check the record on this. But if you remember, I helped draft a GNSO Council paper on reform issues where we tried to list, basically, the things going forward there.

>>AVRI DORIA: Yes.

>>PHILIP SHEPPARD: And I think the GNSO itself with certain caveats are a working group model because we are uncertain what the model looks like. So I don't think the IPC is unique. I think actually Council itself had caveats on how the working group model would work.

>>AVRI DORIA: No, I was just asking whether there would need to be other issues included in the list of reservations. Okay. I've got Tim and then I've got Jeff.

>>TIM RUIZ: Just reading that first paragraph on page 5, I mean, basically, it says this is the framework that's going to be used for the contentious and the non-contentious. Why do we get into that at all? Maybe one solution might be that this is just a framework to implement the improvements plan and we get rid of this discussion about what's contentious and non-contentious.

>>AVRI DORIA: You are talking about lines 7 through 11 there?

>>TIM RUIZ: Right, right.

>>AVRI DORIA: And you're proposing that we change it how? That you, basically, just change the first -- just use the first sentence to propose a work structure for implementing the operating -- the operational changes recommended by the Board Governance Committee and get rid of the second sentence. It might right some other changes through the document we're talking about contentious and non-contentious.

>>AVRI DORIA: Wait a second. Why would we get rid of the second sentence?

>>TIM RUIZ: Because it's just -- it's kind of redundant there in a way because you're saying we are going to use this framework for the contentious but we are also going to use this framework for the non-contentious. What you are saying is this is the framework to implement the recommendations of the board. Why don't we just say that and, you know, we can leave the contentious issues and what we're going to actually pursue first for a different discussion.

And then just kind of scale this down to just the framework and try to address the issue. Maybe even when we are talking about the operational group to address some of the concerns that the BCs had, we just say the PDP process and we don't mention working group or whatever but just stick to the PDP process which will include that and maybe something else.

>>AVRI DORIA: Okay. I've got Jeff and then Tony.

>>JEFF NEUMAN: I think your question of what other constituencies might feel they would want text in, I think probably should wait until after Tuesday. And I hate to do that because Wednesday is the council meeting day, but I think the constituencies would probably appreciate a time to discuss that.

>>AVRI DORIA: I'm actually wondering whether something in what Philip said, since we did do -- now, I don't remember whether the IPC issue about working groups was in the document that Philip put together at this point but somehow perhaps in the motion just referring to that document is reasonable. As I say, I remember the document but I don't remember -- oops, sorry -- I don't remember whether that particular IPC issue was brought out. We would have to check Philip or someone who has that document handy might be able to say. So, therefore, in the motion we would, basically, accept this as change there but make note of the fact that there are still many outstanding or several -- so several outstanding GNSO concerns that are addressed in document, whatever that document happens to be.

>>KRISTINA ROSETTE: That's fine. Philip, if you could repost that.

>>JEFF NEUMAN: I think all the constituencies or a bunch of the constituencies had papers like that.

>>AVRI DORIA: But we had one that was rolled up of --

>>JEFF NEUMAN: Like I know the registries had made some comments on voting and emphasis and all that stuff which may be applicable when you talk about the PDP process. We'd have to -- I would have to go back and look. I think there were some comments probably by most of the constituencies.

I also have another question as to why we're including these statements so J. Scott says the IPC never said the working group model is the way to go but J. Scott if the board comes down and says the working group is the model to go, are you still saying that's contentious and this committee shouldn't work on it or are you saying, okay, now we'll go with it and we'll move forward. The reason I'm asking is because I plan on volunteering some of my time to help with this because I want to see it go forward, despite the sounds of some of my questions, I do want to see it go forward. I've served on a number of committees and just want it to be clear what's going to happen.

>>J. SCOTT EVANS: What I'm saying is I think that the proposal that Tim made about taking out any kind of differentiation about how it's going to be used because reality is whether it is contentious or not contentious, this is a framework that we are going to use to do the process. So that answers our concern. And what we were most concerned with is as you start framing things with contentious and non-contentious and we are going to vote for this, we want it had clear by voting for that, that couldn't be said you are voting for this so, therefore --

>>AVRI DORIA: In other words, if that phrase is taken out and the second sentence is taken out, you don't need something specific in the motion mentioning working groups. So you probably want to strike that sentence, too, if that gets us to a solution on it. Yes, I had Tony, next.

>>TONY HOLMES: Do we not need to be careful here? Because maybe it is my memory because, I think, by taking that out we're now going way beyond whatever was agreed in council. We only ever agreed to do it on that basis was my understanding.

>>AVRI DORIA: Actually, we would have to change it -- I think he's right. We would have to change it because that first sentence says "recommended" and then the second sentence talked about "adopted." So we'd have to change that sentence from "recommended" to "adopted." Once it is adopted, that's when it gets beyond the contentious versus the non-contentious. It gets to the -- yes, Bruce.

>>BRUCE TONKIN: If you are going to use "adopted," then it is not the Board Governance Committee, it is the board as well.

>>AVRI DORIA: Right. That's why we needed the two sentences. You have to have that one sentence -- actually, probably only the second sentence we needed. The last sentence that was deleted might be the only sentence we needed. "This structure will be used to implement all recommended" -- "all recommendations as appropriate, once the full plan has been adopted by the board." Is that really the one sentence that we need?

>>BRUCE TONKIN: [inaudible]

>>AVRI DORIA: Yeah, I understand. So the structure will be used to implement all recommendations as appropriate once the full report has been adopted by the board. Is that a reasonable -- I got rob. Okay, Susan.

>>SUSAN CRAWFORD: To answer the IPC's concerns, it may not be that this full report is adopted. I think they would prefer if we said something like once -- no, not a plan but "a set of recommendations for GNSO improvement are adopted by the board." How about that?

>> Yep, that sounds better.

>>AVRI DORIA: Yes, Rob.

>>ROB HOGGARTH: This is Rob Hoggarth. Are we editing the right part of the document? This is for the role of the planning team. Is this where you want to be making these changes or do you want to reflect them somewhere else?

>>AVRI DORIA: It certainly is one place where it is reasonable because what the planning team was creating this process and that's when the process would be used. If there is another instance where we talk about that in the document, then we might have to update that also. But it seems appropriate to -- because while this is under the planning team --

>>TIM RUIZ: This is the only place it came up.

>>AVRI DORIA: It is really talking about what the plan is about. "The structure will be used to implement all recommendations as appropriate once the" -- what was the phrase -- "once the GNSO improvements recommendations have been" -- and perhaps even "the" goes away since it's "once GNSO improvement recommendations have been adopted by the board."

>>J. SCOTT EVANS: You can get rid of the first sentence.

>>AVRI DORIA: The first sentence is more what the planning team was doing. It was proposing a work structure.

>>J. SCOTT EVANS: Okay.

>>AVRI DORIA: And the second sentence says "the structure will be used" when.

>>J. SCOTT EVANS: Okay.

>>AVRI DORIA: I think you kind of need both of them.

Now, does this occur -- is there any other instance of this.

>>JEFF NEUMAN: There is a couple places where it talks about non-contentious.

>>AVRI DORIA: Please point them out. Obviously, we can do a search on "non-contentious" to make sure we hit them all, but this is good. This is kind of hoping what we would do.

>>TIM RUIZ: Page 13, line 18.

>>AVRI DORIA: Page 13, line 18. Let's see that one. It is under the Team 1 stuff. Is that 13?

>>TIM RUIZ: 19, I guess.

>>AVRI DORIA: Okay, it's 19. Operational changes, yes, so just delete that there. I mean, there is one occurrence in quoting the board resolution which, of course, we can't change. And then I think we've hit both of the non-contentious at this point.

So is there anything else, though, in this same framework that you believe needs to be touched before this is something that can be ready for voting? And so if I understand correctly, a simple proposal that says, you know, council accepting this proposal and following through with it would be sufficient without any special exclusions or anything at this point. And I'll get that written up tonight so it's available.

Any other places of question that should be discussed? Is everyone, basically, comfortable with this document as amended at this point? And we'll bring that up for a vote on Thursday.

>>CHUCK GOMES: And distribute maybe a red-line of the changes that were made to constituencies before Tuesday so that we have an accurate record of what's happened.

>>AVRI DORIA: Yeah. One other change I would recommend obviously is in the status of the document in that it will no longer be the first draft but it will be a draft that has been discussed -- and amended.

>>CHUCK GOMES: Are there a couple of people who want to do a quick review to make sure we get them all at once.

>>AVRI DORIA: I was assuming that everybody read it and came in here with their issues ready to be discuss. Of course, everybody nodded.

>>PHILIP SHEPPARD: contentious assumption?

>>AVRI DORIA: Only if you disagree.

>>JEFF NEUMAN: We were just discussing this is the year of using the word "non-contentious" in almost every staff or any report. That word is used a lot. I think the last place I read it this morning was in the ccNSO Fast Flux -- not the Fast Flux, the fast track.

>>AVRI DORIA: Oh, and we'll talk about that tomorrow. They've got an interesting definition of the word "contentious."

>>JEFF NEUMAN: We should boycott the word "non-contentious."

>>AVRI DORIA: "contentious" has a scope, and tomorrow we can talk about the scope of the word "contentious."

>>MIKE RODENBAUGH: What time?

>>AVRI DORIA: You can't wait, can you?

[Laughter]

Okay. In which case, I think that we're ready to sort of move on to the next agenda item. We allotted an hour for it. We got four minutes to go on this one. Thank you for the discussion on this.

Okay. Next item on the agenda -- where's the agenda? There's the agenda. So we've done five, GNSO improvements. What's even better than a next agenda item is that we're up to a coffee break. Now, this is a 15-minute coffee break, not a half-hour coffee break. We're leaving four minutes early so it's a 19-minute coffee break but I'm going to try and start at 3:45, pretty closely, because then we're going to talk about front-running and then we've got our exercise on Blue Sky. So thank you.
(Break)