

**GNSO
Operations Steering Committee (OSC) GNSO Council Operations Work Team
27 May 2009 at 16:00 UTC**

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Participants present:

Ray Fasset - Work Team leader Registry c.

Wolf-Ulrich Knochen - ISPC

Ron Andruff - CBUC

Tony Holmes - ISP

ICANN Staff

Julie Hedlund

Gisella Gruber-White

Gisella Gruber-White: Thank you. I'll just quickly do the role call. Today we have on the call Ray Fasset, Wolf-Ulrich Knochen, Ron Andruff, Tony Holmes and we have from staff, Julie Hedlund, and myself, Gisella Gruber-White.

Ray Fasset,: Okay thank you Gisella. And also I want to thank Julie for joining us again and her support role to our work team. And I sent around a brief agenda. Item - you know, three items, let's again try to keep the call to an hour because I know we all have other things going on and I think if we take this approach I think we get - we're more productive during that hour.

So let's start with - you know, there's been some recent board activity as it pertains to the CNSO restructuring process and a resolution that passed. And I'm just curious in Julie's mind, in her support role to us what she thinks what impact that has on our work team - if you can Julie.

Julie Hedlund: Yes sorry I was on mute. I didn't realize it. Thank you Ray.

Yes so well then referring to the message that I sent around to the team, I would say probably the most important aspect of the resolution coming out of the board meeting and that Denise Michel noted is that the restructuring schedule has flipped past Sydney.

And as many of you know from the original plan that the plans were that the council - the new council - would be seated in Sydney, and with the let's say extended transition time period, that is that with this restructuring schedule having flipped, it's now much more likely that we would be looking at the new council seated subsequent - you know, sometime after Sydney.

And so the first thing I thought of for this team and you know, Ray, you know, certainly that your ideas on this would be most important but one of the tasks of this team is to revise the GNSO council's rules and procedures as part of looking at the overall role of the council and high level operating principles are a piece of this but there's also the more mundane sort of nuts and bolts of how the GNSO council does it's job and that is what is in the rules and procedures, some of which are affected by changes in the bylaws that the restructuring - the GNSO council restructuring team is current working on.

Some, though, are more straightforward and may not even change from what is in the current rules and procedures. Given this extended transition time period it certainly does give this team more time to address the rules and procedures, you know, and plan - sort of plan the attack so to speak, prior to when the new council will be seated.

Ray Fasset, Yes, thanks Julie.

So I think the biggest impact on us is they were originally planning on seeing this new (bi cameral) approach for the council in Sidney and it's now been pushed back and there now is meeting in October. And I would probably look at that as a hard date. I think there is an expectation level, sort of a reprieve right now, all for good reasons.

But I'm not sure there's - you know, there's going to another one. So, you know, to Ron's point earlier, you know, we have a lot of work to do. These are important issues and if we had more people involved that'd be great, but we don't and this is what we have.

And I have also been brought to my attention from OSC that, you know, we're doing okay but, you know, we really need to focus on that rules and procedures document. That has been brought to my attention. So we kind of need to make progress on that.

Now my answer to that was twofold. One, I thought in my own view that the document is - you know, how we got started off of Ron doing the work that he did. It really does dovetail into the rules and procedures document on the one hand.

Then on the other hand we were sort of advised that there are some bylaws changes going on at the board level with ICANN and, you know, let's not spin our wheels on some of these rules and procedure areas until we - things could be more clear for us.

So what we did is we moved off on this document Ron prepared. Originally we did modify, we've now floated it out there. We've gotten some feedback which I think was constructive but I do want to stress to those on the call here today we have to begin looking very hard at the rules of procedure document and I will send a link around to that document after our call. We're not going to get into it today. I just want to stress that we need to really look at it and modify it and we're probably going to draw on Julie to do a lot of crafting for us and where we think - where we know a direction it's heading and where we can make those changes in the current rules of procedure document.

And just as a refresher, the current rules of procedure document of the GNSO, much of it has been borrowed from the old DNSO so it's really right that this document needs to be looked and it's on our plate. So with that said - and that's - and then by the by way that's why I inferred that we might want to have a call next Wednesday based on how we progress today.

Okay, so with that said, let's move into the next item on the agenda which I think we should spend some time on. Yes, any questions? Anybody have any comments?

Wolf-Ulrich Knoen: Yes it's Wolf speaking.

Ray Fasset: Yes please.

Wolf-Ulrich Knoben: Just a comment. It's a feeling I have with regards to the working team's work that's going on. So as I'm also a member of the PPSC working team for the policy (council) so - and I was looking also to the - sometimes to the minutes of other teams so I've got a feeling so that teams were expecting, let me say, an extension of the term until at least it's sold, you know, to that firm. This decision was expected more or less.

And that means as I've got a feeling that some of the teams right now they relax a little bit with the thing this way rather than to get more deeply, more focusing around what they have to do.

So I - really (it does count) if we do our work as we - as we started really and some - to follow on and not to relax.

Ray Fasset: Right.

Wolf-Ulrich Knoben: Really I would work on that.

Ray Fasset: Right. And I think that's a great comment. And another thing is with our work teams we don't necessarily have that luxury either because we have some things that are more near term that need to be completed well before it's sold.

And like I said, what was brought to my attention was the rules and procedures document. That's a deliverable that is really being counted on on our work team well before, you know, we don't have that October deadline. Other work teams may have, you know, September. We don't.

And so you're exactly right in your approach. We have to work with a little bit more sense of urgency within the ability and time that we have to do so. So you're right. We can't take a relaxing approach. And I don't think we have up until now. I think we've done pretty well.

And again, I think Ron's done real well getting this going. So with that said I think we should - unless anybody else has any comments, let's go ahead and move - let's try and knock one out here which has to do with the SOI DOI document that has been circulated. And I don't think what we want to do is come today to an agreement that this document is fine as is and we're done, sign off on it.

But I think what we can knock out is just the definition area that is contained in the document, you know, what is a relevant party, what is the statement of interest and what is the disclosure of interest. And if we can get to a common ground as a work team that we're comfortable with those, then you know, then let's work on the more substance of the purpose and et cetera, the staff and all those other things.

But I think as a starting point we could at least get there as a team as to whether we're comfortable with what these definitions are. Does that make sense?

Wolf-Ulrich Knoben: Yes.

Ray Fasset: Okay so let's just throw that out for comment. Everybody's had a chance to review the definitions of the team in the document, what is a relevant party, what is the statement of interest, what is the disclosure of interest.

Any comments on those definitions?

Wolf-Ulrich Knochen: Yes if I may, Wolf.

Ray Fasset: Yes please Wolf.

Wolf-Ulrich Knochen: Well I saw that the work - one has done so it's sort of comprehensive so we put some additional ideas in the existing documents and nonetheless I have maybe some question at first to that. Maybe I misunderstood something.

So the question regarding the definition of relevant parties, it seems to me that the relevant party is right now not focusing on the (teams) of policy council rather than to the additional working teams adjoined to the (teams) of policy council which I would accept.

That venue - there's a sentence which means (similar) was applied to all those who speak in public forums, et cetera, et cetera, and this opens the door to - it seems to me - opens the door to, let me say, to any individual which would be behind of that meaning if that were the case. So I would question that. So that's my first comment on that.

Ray Fasset: May I respond to that Wolf or do you want to pack...

Wolf-Ulrich Knochen: I would say just in context (unintelligible) of the statement of interest because you say a statement made by relevant parties in (unintelligible) in policy development other than (unintelligible). It means that - it seems to be more narrow than the former paragraph which refers to all who speak in public forums and so on.

So how does that fit together? So I would say, okay, the second one is parties who have worked in policy development (process teams) so (other than processes) this is okay. But how does it fit together with the other one - the first part?

That's my question.

Ron Andruff: This is Ron speaking.

The idea, the sentence that begins, "similar rules apply to all those who speak in public forums or submit written comments as part of the public participation public comment processes, since these may influence views or opinions of the work team member, working group or policy counselor," that sentence was added as an afterthought.

But the reason it was added was because if we're going to address this comprehensively - statements of interest and declarations of interest - we need to make sure that it doesn't just address part of the community and then another part of the community doesn't have to.

When people step up to the microphone it's been tradition that - I know for myself I've stepped up many times in the public forum and said, "My name is Ron Andruff, R&A Partners. I'm a member of the business constituency and today I - but today I'm speaking on my own behalf," or, "I'm speaking on behalf of the constituency," more rare but the fact is it's a declaration of who I am, where I come from and what I'm speaking to.

So the principle here and again it was an afterthought so the language can certainly be cleaned up, but the principle that we're trying to establish is simply to say that whenever anyone speaks - individual, company, staff member, board member, whoever it might be - they speak or they submit written comments to any issue, there's no reason in the world they shouldn't declare their interest in that issue, meaning, if I have no (error) - I could say, "I'm Ron Andruff, R&A Partners, member of the business constituency and I have no - I declare I have no interest in this topic, neither the," - so covering the statement of interest and the disclosure of interest - "I have no interest in this other than these comments."

And I can make that statement. So the logic is to try to become very transparent and very clear whoever is speaking, whoever is commenting on any topic so that the reader, whomever they may be, understands in which context this statement is - statement or activity is being undertaken.

Wolf-Ulrich Knoben: Okay so I understand that - so it's not - so I was under - thinking we are talking about written statement of interest. So that - I understand you - that you are referring to verbal statement of interests which are going to be given during the fall. In that ca...

Ron Andruff: Or written - you know, how many days we are often - not often - as part of our process that ICANN - we're always submitting written statements so the written statements should declare who we are and what we're doing as much as the verbal ones.

Wolf-Ulrich Knoben: If - okay, so I was wrong because I was thinking you are - you would like to have somebody who stands up and would like to speak in

advance. We should provide a written statement of interest. That was my opinion.

Ron Andruff: No, I can understand how you got that.

That's why I say as an afterthought, as you explain it, I can appreciate the reason you had pause, but that's something that perhaps Julie could work with in terms of cleaning up the language. We might just pull that out - pull that definition - pull it out of the definitions but include it somewhere later but my point being it's important that, you know, that statements of interests and declarations are - or disclosures of interest are always made. It's just a question of how they do it in the public forum environment.

Wolf-Ulrich Knochen: Okay.

Ray Fasset: Yes, I think that's a good train of thought.

It could even read something like, "ICANN encourages all those who speak in public forums or submit written comments," you know, provide their declaration or provide their - what their interest is, so just, you know, sort of an encouragement because again we get to that enforcement issue.

And I don't know how - you know, how you go about encouraging it. It could be the - whoever's at the podium for the public comment period, the chairman or whoever just reminding everybody before they get to the microphone if you're saying something like if you have an interest please identify that.

Ron Andruff: Actually Ray, I think you're on to something there in the sense that we could find a place because at some point we explained this further on that the chair -you know, the process itself.

Julie, maybe you might find that more quickly than me but it's where we describe that a chair of any body that gathers will ask - yes, there's 4.2 the GNSO policy chair, vice chair, working group, da, da, da, and chairs of any other (unintelligible) forum shall make a request of all disclosures at the beginning of each meeting that we'll discuss.

So maybe we could expand that 4.2 that in a public forum environment that the chair - public forum, whether it's written or verbal will ask for that - all speakers or submitters to provide the disclosure of interest or statement of interest.

Ray Fasset: Yes and I'm just thinking out loud here on the public comment process. Right now ICANN has always operated under a system where you send an email right?

Ron Andruff: Right. That's what I'm saying so either - a submitter rather than the pre - rather than the spoken presentation. It's anyone who submits comments would preface those comments by a statement or declaration of interest.

Ray Fasset: I wonder if an online submission form would be better though, like to go to a Web site and here's where you submit your comments, you know? Put your name here.

Ron Andruff: Well exactly. When we submit now that's a form that we're dealing with so maybe there's a box on that form that says right at the very top, SOI, none, DOI, yes on this issue, such and such.

Ray Fasset: Yes.

Ron Andruff: So that's a very good point. It could be right there in the - because when we submit comments, written comments now there's a form and of course we always have to - we get an email back that we click and confirm that we submitted and all of that so there's no reason why we couldn't incorporate that into a form.

Ray Fasset: Yes and in our role here we're saying that, you know, ICANN should encourage. Okay, now how do we go about - you know, how do you go about implementing that encouragement?

Ron Andruff: Well the chair. The chair of whatever meeting it might be.

Ray Fasset: The chair - and maybe the online submission process can be accrued.

Ron Andruff: Exactly. Exactly.

Ray Fasset: You know, those types of things.

Ron Andruff: Yes.

Ray Fasset: So anyway I think that's a good comment. So we need to clean that part I think of the relevant party definition. Any other issues on the def - statement of interest definition or disclosure of interest definition? And

by the way, are we - is that what we're calling it - disclosure of interest versus declaration of interest, right?

Ron Andruff: Yes.

Ray Fasset: Okay. All right, disclosure of interest. Any comments on those? Okay now let me ask a question on that. On the disclosure of interest, are we clear - and maybe it's more down into the body but let me ask, are we clear when the disclosure of interest is to be invoked? Are we providing enough guidance on that?

Ron Andruff: You're saying in terms of should someone not disclose and another individual picks that up and says, "Geez, that's just not on board. We better correct that." So they then take those next steps. So you're saying is that...

Ray Fasset: Well I've had more than one person ask me what's the difference between a statement of interest and a disclosure of interest? And there are two distinct purposes to those two documents. A statement of interest is - we're saying is understood to be updated not less than once a year or, you know, or when any changes are made.

But are we clear when to invoke the disclosure of interest? When does that - what is the purpose of that document? When does it need it? Of course you wrote you do go down later and start talking about purposes - this paper does so I don't want to jump ahead. But I was just curious if we all felt that the...

Ron Andruff: Those are confusing.

Ray Fasset: Yes. Yes, are we - is you know...

Man: Well a statement of interest really is a statement of who - you know, and the actual text is here what we submit. You know, my vocation, my employer, all of these things that we submit annually.

The disclosure of interest is something that comes up that I was - if I'm a consulting company and I submitted all of that documentation to my statement, my disclosure is that I've just been hired last week by this registrar to, you know, support them in this particular issue and I'm making that disclosure now.

So I may be a consultant in my statement but the disclosure is I've actually taken on a client on this particular topic and so I want to just put that up front so everyone knows that's it's about, you know, on speaking transparently.

Tony Holmes: So should there be some - sorry it's Tony here. Should there be some reference here to the fact that the disclosure of interest is issue based?

Man: That would be a good point. That's actually the point. Sharpen that point up completely.

Ray Fasset: Yes and should that go into - should that one sentence like that go into the definition?

Ron Andruff: Exactly, or proceed to be (judgment) on - and you could literally at the very end of that sentence say on a particular issue. So disclosure made by relevant parties of direct or indirect interest that may be commercially or non-commercially oriented, for example, commercial

benefits such as payment, non-commercial or non-tangible forms of benefits such as publicity, political or academic visibility that may affect judgment or be perceived to affect a relevant party's judgment on a particular issue.

Ray Fasset: Yes I think that helps. And then how do we set for - I think we've got an idea of how to implement the statement of interest, you know, the chair reminds consistently. Is this also a reminder that goes out consistently by the chair?

Ron Andruff: The chair asks for both a disclosure and a statement prior to every meeting so that then whatever those processes, those procedures are - should be applied to both and I thought that that's how we had it.

Ray Fasset: Okay.

Woman: ...that's not. The way we have it, if you look at 4.2, you know, it says the GNSO policy chair, et cetera, et cetera, shall make a request for all disclosures of interest at the beginning of each meeting whereas if you look in the statement of interest section that is made annually or any time there is a change.

Ron Andruff: Right. But the chair should be asking is there any change to any - you're anybody in this room's statement of interest? No. It goes around the room. Is there any declarations of interest to be made? No. And now we proceed.

Woman: Right. And we don't say that here. And I'm hearing that it sounds like we should.

Ron Andruff: Absolutely we should. Yes.

Tony Holmes: I didn't perceive it that way I must admit. It's my understanding that this was certainly currently I think on most of the GNSO calls to chair of if anyone has updated or wishes to update their current statement of interest which seems quite appropriate.

But the disclosure of interest I thought the preferable way to do that would've been just for the chair as a standard way of opening the meeting should be just to remind people because as each issue comes up they should consider that as they go through the menu on every issue.

So I'm not sure that you could expect everyone to come up front and say at the start of the meeting but give them a reminder if any issues come up during that meeting where they have to disclose some interest and beholden of them to do that.

Ray Fasset: I would agree with that.

Ron Andruff: So we need to modify some language Tony? Or is that just - just - you didn't get that read from this?

Tony Holmes: I didn't get that read in there and maybe it needs to go...

Ron Andruff: The disclosure of interest section, section 4...

Tony Holmes: Yes.

Ron Andruff: So it says (unintelligible).

Tony Holmes: Well the actual process I'm not sure it goes into - quite into this document. It needs to say that in this document but somewhere there needs to be if you like, a rule of thumb for each time this is going to be used. So it's almost a standard way of opening a meeting. And I'm not sure where that's recorded.

Ron Andruff: I think under 4.1 we can, again, just add a phrase at the end of that sentence; 4.1 says, "Relative parties should provide a disclosure of interest setting forth any direct or indirect interest that may affect a relevant party's judgment or perceive to affect a relevant party's judgment when and if such a - when and if there is a nexus between their interest and a topic on the table."

Tony Holmes: That seems to make sense, Ron, yes. I agree.

Ron Andruff: I mean, that language can get tight but when and if such a disclosure is needed to address a particular topic on the table, something like that. Julie I'll leave that to you to wordsmith.

Julie Hedlund: Right. I'll be happy to.

Ron Andruff: But that does get it on the table. It gets it right up front and it makes it clear when it should be - when it should happen. And so it'll be up to the chair people. And this comes back a little bit to the kind of work that was being done by Denise and Rob and one of the girl's names who - Liz Gaster.

They were developing some of that sort of training materials and so forth in terms of developing people's capabilities to chair meetings and

so forth. So this could be incorporated there that in the training anytime someone chair's they need to be cognizant of these things.

Ray Fasset: Yes I think that dovetails well, Ron, into that training concept. What about if somebody wants to speak in a personal capacity?

Ron Andruff: That's fine. They just stand up and state it.

"My name's Ron Andruff. I am speaking in a personal capacity." I mean that basis - no - you know, have no specific interest in this or no declaration of interest because if I'm just speaking, you know, just bringing my thoughts forward on this topic, just throwing them into the pot like anybody else would as an individual, I should declare I have an interest.

You know, if I'm going to be - if there's something within that discussion that's - that I have an interest, and if I have none then I declare none.

Ray Fasset: Okay fair enough. Okay, what are our suggestions on next action steps for this?

Man: For that, chairman, one - I have one question that I did want to ask the group. If you go to the section procedures to ensure accuracies, section 5, and the selection of a five person team - or five person group to do a review, I included the ICANN ombudsman in that.

The reason I included him was because I felt that there, you know, this is an issue of people have not been complete and they have not been wholly honest in their actions so they may feel somewhat put upon.

So the thinking there simply was that if the ombudsman is part of that group then he's - the ombudsman's having everything first hand so if there's a reason for the individual to look to the ombudsman for some readdress of some sort that ombudsman has been privy to everything that's been said. Does that make sense to you guys or do you think that that's something that extremist?

Wolf-Ulrich Knoben: Oh, Wolf speaking. I've - I have some questions about the new committee.

Man: Yes.

Wolf-Ulrich Knoben: As a whole. So I understand - so that - your proposal is to (unintelligible) service committee in case. Just in case.

Man: It sort of gets picked up ad hoc, you know, so when something arises...

((Crosstalk))

Wolf-Ulrich Knoben: ...means it's in case. So (unintelligible) do we expect cases and how many. That would be one question for me because - and so we should think about if we expect many cases or several cases so how could we manage that process how to establish ad hoc case by case in (your) committee.

Or isn't that - wouldn't that be necessary to have a kind of standing committee or kind of committee which is still assisting, you know, for each case. That's my question.

Man: I'm concerned about standing committees only because standing committees, you know, the longer someone's standing the more, you know, the more opportunities for, you know, that - for that to be (three changes).

Wolf-Ulrich Knochen: But it's only to - the question is to have somebody already in place, you know, in case there is (unintelligible) rather than to start again and again.

Ron Andruff: Well we have effectively - in this plan we have the chair or the vice chair whichever is going to be responsible for overseeing this. And then we have the ombudsman so we really need to select three people to us, so one more of which comes from policy council. So we've got two counselors and two from the general community at large.

In terms of how many we're going to have, I mean, one you know, how long is the piece of string? Don't know until I see it. So I think the answer here is we just need to put something in to have a mechanism in place and then allow that to unfold.

But I would hope that, you know, our community is going to be truthful and straightforward about their dealings. Now the idea here is - the biggest sanction or the biggest problem is just the embarrassment of having to go through one of these things.

So there's really - that's the only pain is somebody is - has no fear or no embarrassment whatsoever. They don't care. Then this really isn't going to hurt anybody - hurt that individual too much. But it's the embarrassment factor that's the largest thing that - that committee has to be formed. Now they have to determine what they're going to do with me.

You know, so this was sort of the logic there is that no standing committee, that means no one can lobby anyone. A friend - I can't go, you know, see a friend of mine and have him put in a good word, you know, to somebody who's a friend of that individual who's on the committee. It all has to - it's all ad hoc so no one knows who's there but the chair or the vice chair and the ombudsman.

Wolf-Ulrich Knoben: Yes. Let me just ask you the other way, Ron, do we have any experience in the plans - do we have cases? Do we have many cases? I don't have any...

Ron Andruff: Not to my knowledge that there's been any time when anyone's been brought forward - brought up with regard to questioning their motives behind their discussion. So that's really why this - again it comes down to transparency and it's critical that if we have this in place it forces people to address and be honest with what - who their representing and what they're saying.

That's the objective and it's a transparent situation that at any time a committee can be pulled together and - a review committee - and do that work.

Wolf-Ulrich Knoben: Okay, then - okay for me it's clear.

Ray Fasset: Okay so, you know, just to kind of bring this into fold, if you will, when - right now in the current GNSO council new rules procedures, from what I can see looking at it, I don't see anything in here that speaks to statements of interests or disclosures of interests.

Somebody correct me if I'm wrong.

So this is like a new procedure that we're going to be adding to what is currently the GNSO council rules of procedures. So keep that in mind. I mean, that's really - that's where this is going to fall, you know, is in to the rules of procedures. Does that make sense everybody?

Man: Yes. And it should.

Ray Fasset: Okay now going back to the substance of the 5.2. I didn't even want to spend this much time on it but if we run over a little bit, we'll run over a little. You know, ICANN (steps) shall review relevant party statement interest to ensure completeness and accuracy.

I don't know. I don't know if we can do that, get there. Now it's putting a burden on ICANN. I agree ICANN staff is where it belongs. What I'm not sure of is whether they can ensure complete - they can ensure completeness. Now I'm not sure they can ensure accuracy or maybe they can't even ensure completeness. You see what I mean? It's almost like the - someone's going to have to...

Ron Andruff: I think that we're - I think ensure accuracy. I agree with you on that. It's impossible for the staff to ensure accuracy. So I would go along with what you're suggesting, Ray, is that would be to ensure completeness, period, full stop.

Tony Holmes: I think the background is Ray, (unintelligible) when - if I had to pursue statements of interest on council. There's been no pro forma entry and everyone put their own version of the same. And there were some key differences around that. So completeness is probably correct because

they need to be done in a standard way to show accuracy and there's absolutely no way that can happen.

Ray Fasset: Right, and think kind of what we're trying to accomplish with this whole thing is right now, you know, we know there are things being said or views being represented and somebody can' say, "Well, you know what? That person has an interest here and I want to bring forward the fact that your - this person is swaying opinion based on an interest that he's not - he or she is not disclosing."

So we want to allow the community a way to question that and say, you know, "I question that this statement of interest hasn't been updated," or a mechanism will go back to staff and say, you know, and question something. Right now there isn't one, right.

Man: Right.

Ray Fasset: So that's part of what we're - it's not so much about putting staff in a position of being the police as much as it is allowing anybody from the community to have a place to go and say, "I have questions, you know, I question it." So it's something for us to keep in mind.

Ron Andruff: Well and actually that's what 5.2 does address. It says that, you know, if there's any issue about complete sacristy of truthfulness raised by staff or members of the community that hasn't been addressed in 5.1. So in other words, there're two levels here.

The first level is the staff says, you know, "You missed the blanks. Fill them in." The second one is, you know, I'd say that I'm a trained elec - I'm a trained computer engineer when I'm not. And staff knows I'm not.

Then they would have to say, you know, "That's not quite right." So they're still coming back to me, they're talking to the chair and to me about that but it hasn't gone to the next level where I say, "No, that's what it is. I don't give a shit."

Then they come back and they move it to - but then it gets escalated, if you will, to 5.2 where there're (continuous) calls and so forth.

Ray Fasset: Is it our role to - I mean, I'm thinking to myself and I'm thinking out loud at the same time, okay - I mean it seems like our role would be, okay, it's up to staff to ensure completeness. It's up to staff to have a mechanism enabled to allow community member to question.

Now from there staff, how you go about it is up to you. That - you know, in other words we don't even get into this 5.2 and we talk about how they - how staff goes about this. We're just - our recommendation is, you know, this - these things need to be done. Staff, this is on your plate. You have to ensure completeness. You know, we're recommending this to ensure - staff ensures completeness.

You know, one thing to keep in mind is that whatever our output is, well what - we have to get it through the current GNSO council, that at the end of the day all we're doing is we're recommending to the existing GNSO council what our output is.

Ron Andruff: Is that correct?

Ray Fasset: Yes.

Ron Andruff: You're sure that is not the - this is - so all the work that we are doing has to go back to council to have their approval now. Is that the correct understanding?

Ray Fasset: That's - that is my understanding. Julie is there any different understanding?

Julie Hedlund: Well I know that the work of the team goes to the OSC.

Man: Right.

Julie Hedlund: And then the OSC, after they've reviewed our recommendations would say, "Okay, these are the recommendations that basically the OSC endorses." So if this group says, "Here are our recommendations." And if the OSC says, "Yes, we agree," then the OSC says to the council, "These are the recommendations that really are coming from the OSC," and because there is council participation on the OSC...

Man: Yes, right.

Julie Hedlund: ...you know, certainly, yes, there's some suggestion there that, you know, they sort of had an opportunity to already know what's going on and, you know, to be participating. I don't mean to suggest that...

Ray Fasset: No. Good point Julie. I'll cut you off there. You're right. The theory is that because there's quite broad participation by the council - existing council now - in the OSC that nothing that was - that finally gets to the council level through the OC is going to be new or something they have been - aren't familiar with.

So I think that's where he's trying to get to Julie, right. Okay so let's just - let me rephrase my point. We have to get whatever it is we do through the OSC which is going to be comprised of existing council members that eventually have to recommend to the board.

Ron Andruff: Well I'm also on that OSC so it's not just council.

Ray Fasset: Yes I understand. Right.

Ron Andruff: But Ray, I want to - and I kind of take issue with your - the language only to say that we don't get anything through. What our job is as a work team is to come up with a series of recommendations on various elements that have been assigned to us.

So under the OSC, DOI rubric we've come back with the recommendation this is what we think the operation should be. Now if the OSC wants to debate that and re - you know, remove some language or, pardon me, actually do a rewrite of something, that's out of our hands.

Ray Fasset: Right.

Ron Andruff: But I think it's important that we give the OSC the full scope of what we're talking about as opposed to giving them just kind of a half baked cake and say, "You guys figure out the rest." I think that would be...

Ray Fasset: I don't know if it's half baked. I - you know, there are other work teams. I'm not sure if it's half baked. I'm questioning this myself, really not you so much, in that when we start going down the path of structure,

creating new bodies, creating, you know, basically - I don't - I think we might be going off in the areas that we're going to get pushed back.

And I'm just asking the work team as a group here, do we want to stick with process or do we really want to go down the path of developing new structures? And I don't need an answer now but start thinking about that that way.

Ron Andruff: I don't understand the question.

Ray Fasset: Well, we're creating new structures, you know, for example...

Ron Andruff: Are you moving from the SOI DOI or are you talking in general?

Ray Fasset: I'm talking in general but this is an example in the SOI DOI where we're - we are more or less recommending a new structure consisting of, you know, a couple of constituency members, the ombudsmen. See, it's one thing to say, you know, "We think - we recommend this concept should fall on your staff to ensure completeness. It - we believe that these statements of interests and declarations of interest should be brought, you know, brought to light and implemented."

We believe - those are good high level recommendations and we start going off now in to creating new structures of groups of people.

Ron Andruff: Ray, I'm sorry to interrupt you but...

Ray Fasset: Yes. No, go ahead.

Ron Andruff: ...the staff are not going to determine what the structures are. Who's going to determine that? If you throw it back to the OSC, do you think the OSC has lots of time on their hands? The OSC has to deal with all of the work teams coming - bringing their information back.

So the reason that we're detailed to this level is to give them something to work with and that they come back and say, "You know what? Cut that. We're going to give that back to the GNSO and let them determine." Fine.

((Crosstalk))

Ron Andruff: But I would rather err on the side of giving too much information than too little information otherwise we haven't served the community as we've been asked to do.

Ray Fasset:: Well. Yes, yes, yes, that's a good view. And I don't know. We - maybe Tony or Wolf might have some feelings on that as well. I don't know but I just wanted to throw it out there, you know, because I think it is a relevant question. I know in your mind, Ron, you don't think it is but I do. I think it...

Ron Andruff: I don't see it as not being irrelevant. I just - my comment is as I just said. Our job as a work team is to address certain things and we're trying to check those off the list. And so what we've got now are two things that are, you know, relatively well developed. Let me put it that way. I don't know at what percentage - 80%, 90%, but they're pretty close.

Now one is the OSI DOI document and the other is the document on the - that we asked for some feedback from the (kite). So we got those two documents now and what we need to do as a group in my view is just finalize our opinion on them and get on with the next activity because the way it stands right now we determined that within the definitions there were a few (itches) that needed to be cleaned up.

Now we've - now I've brought your attention to this idea of ombudsmen. And that sprung from a new idea of whether or not we should even go into this dialogue. The point being - the question is really do we believe an ombudsman should be there or not, not whether or not we should give this to the OSC to figure out or not.

You know, let's just - we need just to say, "Okay, let's look at things holistically. How do they all fit into the bigger picture?" And do our part. Hand them off to the OSC and then move on. So SOI DOI, I would really hope and I - while I appreciate the compliment that I've been doing some heavy lifting here I really am frustrated that zero comments came to this document until this conversation.

Ray Fasset: Yes, fair enough Ron.

Ron Andruff: We have a team, I don't know - of seven or eight people. Half of them don't join the calls and no one responds to these documents. So then we get on the call and we talk about it. That's all well and good that we talk about and discuss it but we should be - have made these substantial statements during the course of these last two weeks and what we should be doing is finalizing this call.

So SOI DOI, from my point of view, is a document that's pretty well ready to go except for these small (itches). I would expect that Julie should come back with some clean up language and the work team can more or less sign off on it if, in fact, we agree this is - that these things make sense and we've fleshed out the definitions and so forth.

Ray Fasset: Ron, fair enough. And you have done a lot of work. I am drawing question to 5.2 that's all. I'm just drawing that out. Not - and I understand your opinion.

((Crosstalk))

Ray Fasset: It's a nice (thought) and I would like to hear from Wolf or from Tony if they have any - if anything that I'm saying has any merit at all. Or maybe they're fine with 5.2 developing that kind of structure. I'm - you know, I'm not trying to lobby any particular position. I'm just drawing it out that there's a theme to the document that I think is well done. And then we get the 5.2 and to me it kind of sticks out. But let me just hear what others have to say, if anything.

Tony Holmes: I mean, what's in 5.2 is one way of addressing it for sure. And I can understand Ron's frustration with this. I think I know some of the reasons why, because it's a pretty thin spread of people who are actually engaging right across the (piece) on this because they're overloaded. But I saw it the same way that this was the recommendation that goes into the OSC. It's not if they don't like it. Well even if they do like it, I think on all of these issues there's going to be some broader discussion at OSC.

So if this group was at the stage where they haven't wanted to put forward an alternative then it should go forward (fairly) straight. I think I'm with Ron on that. And they can discuss it.

Ray Fasset: Good. Wolf, anything?

Wolf-Ulrich Knohen: Not (to add) to that.

Ray Fasset:: Okay. Good. All right. I'm in agreement. I think we're all in agreement with that. Okay? I just wanted to flesh that point out and you...

Tony Holmes: I do have one sort of worry to this.

Ray Fasset: Yes.

Tony Holmes: And it isn't specifically to 5.2. It's a broader issue but impacts I think on some of the comments I made on some of the other documents. If all of the groups are finding new ways of doing things that do result in restructures, then any decisions on those structures need to be taken out of the OSC because the one thing we're not set upon is resource to basically fill (in all) of it's claims.

So I'm assuming that that's a conversation that will take to the OSC and if they feel that what's come back, not just from our group but from the other groups, and when they put it all together it's too onerous, there'll have to be some decisions made there.

Ray Fasset: That's a good comment as well. Okay. So everybody understands the context of what I'm (listing) and why and I happen to be in agreement with both Ron and Tony and Wolf. So we're all on the same page.

Now do we understand as well that this document - and Julie you can also - please offer your advice on this one - this document would collapse into the rules and procedures document? Is that correct?

Julie Hedlund: Yes Ray, I think that's where it probably properly fits.

Ray Fasset: Okay. As a work team do we understand that and agree with that?

Man: Yes.

Man: Yes.

Ray Fasset:: Good. Okay. Now with that said I would - and I want to beg your time a little bit here. We're approaching the hour but I do want to spend a little bit of time on your thoughts on the - on some of the comments we got back for the high level document that we sent out. And any questions by the way.

And by the way, I wasn't hiding names. If anybody wants to know who said what I'm more than happy to share that. I thought maybe we'd just look at the substance of it first and then worry about who's who.

Ron Andruff: On that regard Ray, I think it's important that we do note who made comments. Not for - I don't - I'm not overly concerned for the work team but as much for the transparency.

Ray Fasset: Sure. Sure.

Ron Andruff: But what is a little frustrating is we sent that document with two questions. The question says, to be clear the work team is asking you two questions - one, do you think the proposed separation of responsibilities of better service stakeholder groups would make the current and future GNSO or not? And two, if your answer to question one is negative, on what basis? If your answer to question one is affirmative, is there anything that the proposal - we're overlooked that merits inclusion?

So we asked a very specific so we should've gotten back a yes, no and a comment. But what we got were a number of different statements that as I've gone through them, there were ten statements and basically what's - we're - it shows that the current policy counselors that we sent this to think that GNSO is the policy council.

They talk about the - some of the comments talk about, you know, that we need to provide resources to council. This document is about providing resources to council and to administration. We're not dividing the council as we've discussed on the call.

The issue of - that we talked about policy development, this is contrary to the board recommendations. Well that's more a typo than anything else because we all understand it's policy coordination activity so it's a misunderstanding.

The key principles, again, policy management body not a policy body. So as I go through these, there were only a couple that really understood effectively what we're trying to do. So it's a shame that we didn't force them to just answer our question because that would've been more helpful.

But in my view, having reviewed this I see some language that needs to be cleaned up to make it clearer but otherwise this should go - this kite should go to the community as was originally recommended so the community can tell us whether or not they like the direction we're going as a work team or not.

And now that we've got a little more time - these are the October versus June - it should help us to shave this document even better.

Ray Fasset: Any other comments?

Tony Holmes: Well one of the things that came over to me when I read through your comments is that I think there's been a different understanding of this document from some people and almost a confusion which I was sort of a bit surprised because we sent it to people who were considered to be I think the elders of the GNSO process to some degree.

And it was a real mixed bag of comments that came back. So I was just about to say that I think if anybody - because I couldn't really see a clear answer through - to the proposal that we set out.

Man: (Unintelligible), this is how they chose to answer the question.

Tony Holmes: Yes.

Ray Fasset: It's not how they chose to do that.

Tony Holmes: And I think that's going to prove difficult going forward because the community, they're going to come back with probably an even broader

range of comments and we're going to have to really pick our way through that really carefully to actually take on both the clients that came back.

So I think it's a difficult one. I think we need the feedback but I'm not that optimistic of what comes back is initially going to be very helpful.

Ron Andruff: Could we not be more specific Tony? I mean, could we not more specific that there's - again, this is in 14 point text and with a big red. Maybe we have to write the whole thing in red and say, "To be clear, you know, we're asking you yes, no and then," - because we want direction with (kite) so that's...

Tony Holmes: Yes we do. I think you're right Ron. I think that what we should do is probably have two or three key questions and make it quite clear what answers - what are the options for answering those questions. And then say we welcome some broader comments. But you have to answer these three - please answer these three in the manner that we're asking.

Ron Andruff: Exactly. Exactly, because once we can see that, you know, 60% say this and 40% say that or, you know, 30% say that and 10% are uncommitted, at least we know that we're walking down the right path. I feel very strongly about that because I think it's critical that we get this thing moving.

There wasn't anything in these responses that was surprising other than the fact that it shows people don't really read very clearly. They scan the documents and then they responded that, you know, well we do administrative stuff, the staff can do that.

If you read the documents that we proposed, you know, that were sent out - put it that way - it was quite clear who does what and how it happens and what the staff does. But I think what we got was a scanned instead of a knee jerk reaction from a few people about how they see their workload as policy (unintelligible).

Tony Holmes: Let me ask a supplementary question on top of that one. Is there anything in here that when you read through these bullets you think, ah, if we took that into account we could probably clarify that now or make it better or we should've taken this into account earlier? Because there're some pretty...

Ron Andruff: I mean, I made, you know, some notes on every point here and the first one is policy members, do they spend time usefully (unintelligible) spend time unnecessarily? Okay, that's a - I would view that as yes, we're going in the right direction.

The second one - ICANN has grown to an organization to be able to provide resources to council that are not administrative related. Okay, we understand that but that's not GNSO.

The third point...

Ray Fasset: I'm sorry. Say that one again.

Ron Andruff: The second point it says ICANN has grown to an organization to be able to provide resources to council that are not administrative - no, that are administrative...

Ray Fasset:: That are.

Ron Andruff: That are administrative related. And so again, that's council. That's not the GNSO.

((Crosstalk))

Tony Holmes: Well Ron, can I just cut you off a second because I just want to read this point (right). I think that what Ron's done and I haven't to (initially) look at this as well, I think we should all go - and I quite like to spend 20 minutes or half an hour when we've all got our comments on these bullets, just walking through as a group. I think that would be really helpful to do before we sent it out.

Ron Andruff: That's fine. Well I'm happy to submit this in writing but the bottom line is...

Tony Holmes: I'm not suggesting you do that Ron. I mean, if we all take the time to work through these bullets then I think most of us would have a comment on each of them. Then I think as a group - we're a pretty small group - we could spend 20 minutes on a call just working through our comments on these and try to get a feel for whether we have answered these or whether we need to do something more to the document before it goes out.

Man: I support that.

Wolf-Ulrich Knoen: Wolf speaking here. So my impression of (unintelligible) comments so immediately the question came up to me does it make sense to send, you know, to send (unintelligible) to such a - results - does it

make sense to do that again because I don't expect different kinds of answers, different kind of behavior in answers.

If you go to the comments, so you see there's a lot of may and maybes and it appears and it seems to be and those things, so there's no very clear answer, no clear statement from somebody to our question. That's what we have said already. But so the question is really does it make sense to repeat that, to go into more detail and then to repeat - repeatedly send it again to those people and ask for answers to that or other then to just bring to this (unintelligible) as we say, to seek or to search for a new (chosen) document agreed upon within our group and then really send it to the community.

And then ask for - and then start a discussion, go into a discussion because - really so as I said, so I don't expect different answers.

Tony Holmes: I had a different perspective on that Wolf. I - maybe it's my misunderstanding but I thought the next stage would be we would send it to each of the constituencies.

Wolf-Ulrich Knoben: Yeah, okay. Yeah.

Tony Holmes: And what we would be looking for would be a debate to take place within the constituency and for them to respond as a group.

Wolf-Ulrich Knoben: Yeah. Yeah, okay.

Ray Fasset: That is correct. That's exactly how I see it.

Wolf-Ulrich Knoben: I agree, yes. That's what I mean is community, not only to send it out to the entire community but the ICANN - the community within the constituency, Chair.

Tony Holmes: So actually the process would be, this would go to each of the - well as to the chairs or the secretaries at the constituencies and then they would have to put in place the activity to come back with an answer to the question.

Ron Andruff: Yeah, that's exactly right, and as a constituency. The BC says, "Yes and here's our rationale why with our supplementary comments," and the ISP says, "No," and the ISP - or whatever. But that way we'll get some logic.

Wolf-Ulrich Knoben: Yes, but, it's Wolf again, so what I see with regards to the - let me say there is points regarding (unintelligible) to the GNSO Council and to administrative and policy part, so there are - there is some reflection on that. And the one is, you know, some of the opinion is, okay, forget the administrative part done by the Council or just shift it to ICANN. That's their part. That's what I read from those comments.

Ray Fasset: That's what I read as well.

Wolf-Ulrich Knoben: And so that's what we should discuss and we should find an opinion about that.

Ray Fasset: I agree with that.

Ron Andruff: Well I would - my point in this regard is simply that, you know, they say there may not be sufficient administrative responses, but is it in the

long haul to warrant a separate - well let's find out. We don't know. No one knows.

There may be a tremendous amount of work and if it's not necessary we are going to go through another review, guys, in three years. You know, my point is if this thing is not happening in the next 36 months, if there's no reason to have the administrative body then the effort was fruitless, nice try, thanks for your efforts, goodbye, we're taking it out.

This is not carved in stone. There's nothing that I can't carve in stone. So, you know, the whole point here is we need to implement this process, wind it down if it's not necessary, but at this stage of the game we want to make sure that our managers manage policy and administrators administrate. And we're not - and we're falling down gravely on the other side. That would have been my argument from day one.

We don't have outreach, we don't expand our bodies, who's going to do that, Staff is going to be doing outreach? I'm sorry, I don't think Staff should be doing outreach for the commercial stakeholders group. I think commercial stakeholders group should be doing outreach to their colleagues.

Ray Fasset: Well, as a member of this work team, I am definitely drawing that, you know, the question that Wolf has also interpreted that, you know, it's - is there a need to set up all this under - all this administration up under a separate body within the Council versus administrative processes being Staff supported.

Ron Andruff: I didn't get the impression that Wolf supports that.

Ray Fasset:: Okay, then maybe I misunderstood.

Ron Andruff: Wolf, is that correct, do you support...

((Crosstalk))

Ray Fasset: I didn't say he supported it, I think he said that that's what he was interpreting from the comments.

Wolf-Ulrich Knoben: I wasn't supporting so I was just...

Ray Fasset:: Interpreting.

Wolf-Ulrich Knoben: ...reporting what...

Ray Fasset: And that's really what I'm doing. That's what I'm doing. That's what I - I interpreted that as well. The second bullet point was, you know, basically that ICANN has grown as an organization now to provide the administrative resources that GNSO needs, you know, and frees them up now to be the manager of the policy.

Tony Holmes: And that's a view that I support as well.

Wolf-Ulrich Knoben: (Unintelligible) so if you come to a conclusion that should be the case, then we should really make a point here.

Ray Fasset: Yeah.

Ron Andruff: Yeah, I mean, if you - here's the point. We've got one representative of our team who is on the Council and if that representative tells me that, "No, you know, we only focus 90% of our time on policy and 10% of our time on administration," I'm going to comment on that. If he says, "We spent 60% of our time on policy and 40% of our time on administration," I'm going to comment on that.

And the comment's going to be the same comment. If in fact you're only spending 40% of your time on administration, who's doing the other 60%. If you're spending 10% of your time on administration, whose doing the other 90%? Who's doing the outreach? I haven't seen the outreach happen in any of the constituencies in any serious way whatsoever.

Tony Holmes: It has happened in our constituency, right. It happened with the help of ICANN Staff directly and...

Ron Andruff: And who did it on your side?

Tony Holmes: The secretariat did it with ICANN Staff but the ICANN Staff did a lot of lifting on that. And things have changed radically because if we'd had this conversation probably a year to 18 months ago I would totally have bought into this because at that stage the administration of Council, it was just eating resource. But now we've benefited from the fact we got some really good Staff people on the policy side.

Ron Andruff: Action developing policy, that's my point.

Tony Holmes: No, no, they're also...

Ron Andruff: It's all about developing policy and so anything that's administrative you just throw over into the Staff box. I mean, I don't think that's right. I think the constituency should be doing their own administration.

Tony Holmes: I don't - it depends, and again this comes back to another comment and I think I see where we've got different views on this, but what you call administration for GNSO, I don't even include outreach in that box. I mean, for me outreach is outreach from the community, it's outreach from the constituency. I don't think that that's a role that GNSO has at all.

Ron Andruff: No, because we're all - here's the point, Tony. We're supposed to be thinking about operations for the GNSO. The GNSO is made up of what? It's made up of constituents - of commercial stakeholder groups. Who are those stakeholder groups? What do they need? What do they do? How does the GNSO as a body support that work?

Tony Holmes: I don't think it's under that policy to support that work

((Crosstalk))

Ron Andruff: It's not policy council, that's the point. Policy council is a different story. Policy council and GNSO have been confused for - everybody in the community as being the same thing. And it's not. What we are right now is a one-legged man called policy council and we need to put another boot on the ground called administration that's going to do outreach and these - look at these far off afield issues that are coming towards us and so forth. Everything that's in the document. So I think we need to review the document before we come back to this discussion.

But...

Tony Holmes: This has been helpful, Ron. Your comments have been helpful to me because the task that you are talking about I don't even think that's task for council and I don't see why if we're working for the GNSO council then we're considering those issues.

Ron Andruff: We're not dealing with the GNSO council. We're dealing with the GNSO operation. Nobody said we're supposed to develop policy council activities. We're supposed to develop the GNSO Corporation.

Ray Fasset: Let me ask this guys.

Ron Andruff: Like what is the GNSO right now? It's only one body.

Tony Holmes: We're not developing policy for stakeholder groups either and I think that's where this responsibility sits, not with GNSO which is at the top tier of that.

Ron Andruff: What we've got to do is create a framework of some sort so people can start to see where do we - where's the work to be done.

((Crosstalk))

Ron Andruff: ...framework to be done.

Ray Fasset: Ron, I think you're absolutely correct and I think that's why I'm getting a little ankle biting on what you just said and what we're getting with this GNSO Council Rules of Procedure. Okay, this is what we need to

get done and I think, Ron, your document - that this document that we're talking about that we've worked together on collapses into this as well.

Ron Andruff: Exactly.

Ray Fasset: All right, so I don't think - now here's where I'm mad and you're probably not going to like it, okay? I don't think we're ready to send this document out to the constituencies. I don't think we are.

Ron Andruff: Until which - until such...

((Crosstalk))

Ray Fasset: Ron, can I finish, can I finish?

Ron Andruff: Please.

Ray Fasset: Can I finish, please? I think what might be, and especially given the little extra time we've been given, I think what might be a sounder approach is to put together the entire pie that is the GNSO Council Rules of Procedures of which this document is going to collapse into. I'm not going to argue what goes into it, you know, here.

But I think what we need to start thinking about is getting this Rules of Procedure down, collapse what you've prepared - what we've prepared together into this. That's collapse the SOI DOI into this. Let's do what else we can do within the current Rules of Procedures, update, modify, and then let's send that out.

Ron Andruff: Chair, I respectfully disagree with strong terms. And I'll tell you why.

Ray Fasset: Okay.

Ron Andruff: You're giving people too much to chew - they'll - this will choke the horse. I'm - what I'm - gentlemen, I'm not sure what part of this I can't seem to get across but my point was, what was drafted there, while it may be in detail, it's a kite.

Ray Fasset: I don't think it's that hard for us to get there.

Ron Andruff: No, my point is it's a kite. A kite means it's not a final document. It's nothing more than a kite. When I put a kite up in the air I see which way the wind blows and then I know which way the wind's blowing and I follow that direction.

Ray Fasset: Well, I think we're having...

((Crosstalk))

Ron Andruff: Let me finish now. Okay, this document was drafted for one reason and one reason only - to get into the community so the community could come back and say, "Yes, we like this direction," or, "No, what are you idiots doing?" If they say, "No, what are you idiots doing?" we scrap this document, you guys can move along however you want. But if they say, "Yes, this is the right direction" then we've got something to work with regarding the Rules of Procedure.

Today we don't have anything. This was only to get a sense of the direction of the community, do they feel this would serve them or not.

(Unintelligible). But we've debated for weeks - weeks, to find out whether this is true. And guess what? We sit on our hands, nothing happens and the document languishes and now we've drafted another document and it's going to languish.

I'm sorry, gentlemen, I just don't see - understand what the hesitation is. There's no reputations that we're going to lose here. There's no fear of anybody coming and attacking us here. It's about getting this out so it's now the first of June and in three weeks we're going to have a meeting in Sydney. Let's get it out. When we get to Sydney people will give us feedback. We'll walk the halls, we'll hear everything. Then when we sit down for our meeting and say, "You know what, everybody hates it."

Tony Holmes: Can I comment on that, this one?

Ray Fasset: Yes, please do. That's Tony?

Tony Holmes: Yeah. I support Ron in that the document needs to go out and I'd very much appreciate being in a position where whatever timeframe we set for a response back it embraces Sydney, because certainly for our constituency this would form a useful discussion and the more people that engage in that the better. The opportunity to do that is while we're in Sydney. So I very much favor the document going out.

Before it goes out though I still come back to the point I made earlier, that I think maybe on the next call if we could just have a quick discussion around the bullets that came back on the feedback. So at least we can say to those folks, "Well, we did listen to what you said and we had some discussion about the points you raised." We may - it

may result in no amendment to the document itself but it may note we agree on some points and we do tweak it a little bit before it goes out. I think we've got time to do that.

But overall if we could then - not throw it to the great wide world but certainly to all of the constituencies and we probably need to include in that the other constituencies that have currently lodged applications with ICANN as well.

Ron Andruff: I'm going to interrupt there Tony. Until you're a bona fide member of the community as a constituency you can participate in any other constituency. I don't feel it's right and these guys are - basically they're asking to be a constituency and I know from the BC's point of view there's some pushback on one in particular.

Tony Holmes: Yeah.

Ron Andruff: So I don't think that's (unintelligible). I think existing constituencies have a right.

Tony Holmes: Okay, accept your point on that. But - and maybe if we could get that out with - if we aim to do it certainly to give a little bit of breathing space before Sydney then I think it would be helpful.

Ray Fasset: Well I anticipated this conversation today and that's why I suggested that we would want to have a follow up call next Wednesday. Are we all on board with that approach? I think we have our action item. I think Wolf or Tony has suggested that we each look at the comments that were provided back to us, provide our own initial thoughts, preferably

by e-mail, maybe a discussion and then next Wednesday we'll be at a point of sending this document out to the various constituencies.

Tony Holmes: I may have a personal problem in making that call, but if I do I'll send my comments in and Wolf will be on the call anyway.

Ray Fasset: And by the way, it doesn't have to be Wednesday of next week. I'm just - I just picked that day, that's our normal day.

Ron Andruff: Unfortunately from my part I'm traveling on the weekend, I'll be traveling all next week so I will not be able to get on the call, but I'll set that on my docket - my comments right after the call to you Ray.

Ray Fasset: Go ahead and send it to the group, you know.

Ron Andruff: So I'll send it to Julie and she'll distribute? How do we send it to the group?

Ray Fasset: The e-mail address is...

Ron Andruff: Is that the one you used when you sent over...

Ray Fasset: Yeah, yeah, that comes to everybody who's on the - it's GNSO-OSC-

Ron Andruff: Yeah, I'm looking at it now. Okay.

Ray Fasset: So yeah, so go ahead and send it to the group. I think what I'm hearing here as the Chair is that we definitely want to get this document out to the constituencies prior to the Sydney meeting. We also want to try to get feedback as part of the Sydney meeting.

Ron Andruff: Feedback, yes, just in general, but we're going to ask the constituencies very specific questions. Yes or no and supporting documents welcome. But we want to know a yes or no.

Don't - as Wolf-Ulrich was very correct.

He said this maybe, and this might happen and appears to be. It's so much vagary that it doesn't give us any direction so we really have to have a yes or a no and the logic behind the yes or no would suffice.

But if they want to add further comments they're welcome obviously. But I think we - the kite is to get direction. We need to make sure that language is - the answers are specific.

Ray Fasset: All right, do we know what the questions are yet or is this going to be what...

Ron Andruff: The questions that we submitted to this - to the elders...

Ray Fasset: I mean, do you want to add to the questions, do you want to clarify the questions. You know, we asked the questions, we got what we got. There's no reason to not expect the same thing is going to happen.

Ron Andruff: No, I think that we put it - we can probably make this instead of 14 point, 16 point and read and just when you send it out say, "You are being asked to answer a question, a single question, yes or no." And so that puts the onus on the officers of the various constituencies to guide the meetings and discussions that they have with their constituencies to get a consensus: yes or no.

Ray Fasset: Let me just ask you this Ron Andruff: If we - if there was just a yes or no question to what we got - to what you read accounts that we got, what do you think the answer would have been?

Ron Andruff: Well it's impossible to tell because it's exactly what Wolf said. It may be difficult, it may not be sufficient, it appears to be, there has some value, but I actually am not sure. I mean, what we got here was a lot of nothing. We got people's comments from their personal perspective as opposed to responding to what we asked.

Do you think the proposed separation of responsibilities would better serve the stakeholder groups that make up the current and future GNSO or not? That couldn't be more clear. If your answer is 1 - on what basis - if your answer to number 1 is negative, which means you said no, on what basis do you say no. Number 3, if your answer is affirmative, is there anything missing if you - in other words you agree that we should go this way. Is there anything missing that we missed that you should think - should merit a conclusion.

Ray Fasset: I hear you. I can't enforce what people respond with. I mean, I can't go back and say, "Oh, I'm sorry, you didn't answer the question."

Ron Andruff: No, no, but as a work - but you could. If you wanted to go back right now you could send an e-mail to everyone who responded to you and say, "If I was to give you the question again, these three questions, please respond Yes or No, you'll get a response back. Or they'll ignore us but at least, you know, get some yeses or nos.

Ray Fasset: Right and that's another reason why I haven't gone back to those that haven't because I thought we might want to clarify what we're asking when we do go back and ask them the same thing again.

Ron Andruff: As to the constituencies, they all have representatives. We know who they are and we send it out and say, "Please, this is what we need back." This is a kite. It gives us direction and it opens up very clearly this thing. It says, "This is the - we've been tasked to do this." First paragraph. Second, it says, "We're not even all in agreement on it. This is a recommendation. This is not a firm recommendation. But we need direction from you guys."

So I don't care about if you guys want to clean up the language and make it stronger or whatever, but I think the questions that are there are quite clear and that's where we - we're asking the officers of the various constituencies to respond back to us with. Why they won't - why they wouldn't is beyond me because we're supposed to be working in a collegial fashion here to develop something that serves all.

Wolf-Ulrich Knoben: Wolf speaking sir. I mean, so on - I don't expect that that is - that's easy to get under - like you would like to have, you know, yes or no, or let me say it under the condition that (unintelligible) that because it's really the question - the very, very top question is whether we should go with the split of the Council or not.

Ron Andruff: We're not splitting the Council. We're not splitting the Council.

Wolf-Ulrich Knoben: Or GNSO...

Ron Andruff: No, no. Yes. Exactly...

((Crosstalk))

Ron Andruff: There are two bodies, two full-fledged bodies within the supporting organization.

Wolf-Ulrich Knoben: Yes, yes, you see, but, you know, the wording is not that easy to my (unintelligible) because I understand all of those comments which we have seen but they've been given (unintelligible) they don't care about. Is it Council or is it GNSO? In other words, if they talk about GNSO as a lean Council, to think about. And it's the same - it's the same...

Ray Fasset: Yes, I agree.

Ron Andruff: That's where we're - that's - Wolf I'm sorry to interrupt you but this is exactly the point. This is what we're trying to address. We're trying to correct people's vision of S - the GNSO, Generic Name Supporting Organization as being the Council. The Council is one part of this organization. So if you say that people already think that way my answer is, "I agree. That's exactly why we're doing this exercise. To clarify to people there's more activities going on here."

Wolf-Ulrich Knoben: Yeah, but...

((Crosstalk))

Ron Andruff: ...starved for information is problematic.

Ray Fasset: Yeah but Ron, now there's a reason for that. I mean, one of our mandates is to have Council act as a manager of the process rather than the actual policy development policy.

Ron Andruff: And we agree with that...

((Crosstalk))

Ray Fasset: Yeah, I know but we're - but that's why there is the confusion and part of what we are doing is about what's the Council's role is and how the Council performs. The part...

Ron Andruff: As well as how the administrative body performs but that's been a ghost until now.

Ray Fasset: Right. But when someone replies with, you know, "I believe ICANN is growing as an organization to be able to provide administrative support to the Council," and then we bash that response because, "Oh, see, they're just thinking it's the Council not the GNSO."

Ron Andruff: Right.

Ray Fasset: No, no, no. He's taking a perspective of, you know, how does Council become, you know, a manager of the process rather than - so part of what we are tasked to do Ron is Council activities. You know, it is...

((Crosstalk))

Ron Andruff: I'm not disagreeing with that.

Ray Fasset: Well let's not bash people just because they might be interchanging the terms.

Ron Andruff: No, no, Chair, what I'm trying to say and let me...

((Crosstalk))

Ray Fasset: I think it's reasonable that...

Ron Andruff: First of all this is not a bash, and I take offense at the fact that you're saying I'm bashing anyone who's first of all is not known to me. But more important than that, what I'm saying is his statement - this individual statement says, "Resources to Council that are administrative related." This is not - this is an individual who did not read the four-page document, because the four-page document very clearly delineates what's the policy management side and what the administrative side are.

So if you're going to tell me the Staff are now going to start looking at horizon issues that impact - crosscut all of the various stakeholder groups, I'm going to say no. This is a bottom up driven organization from day one and needs to be that and maintain that, and Staff is here to serve the constituencies and the stakeholder groups and the Council with providing backup support and making sure that everything falls into proper legal context.

It's not their job to go out and start to look at horizon issues. It's not their job to be doing outreach to our - for membership. It's not their job to be doing all of those things. It's our job.

Ray Fasset: But just to be clear again, I mean, we - the recommendation is to create new groups, subgroups, whatever you want to call them, within the Council.

Ron Andruff: No, that - those working groups are not all council members. Not at all.

Ray Fasset: I'm not talking about the working groups. I'm talking about the executive committee, the administrative committee of the Council...

Ron Andruff: All - no, all that we are saying - all we are saying is sitting besides the Chair and the Vice Chair of the - that is currently - that's currently sitting now is the GNSO Policy Chair is another person. That's all we're doing. We're chatting one person - a Chair of Administration or a Vice Chair of Administration, Vice Chair of Policy and the Chairman of the whole organization, of the whole SO.

Just like the other SOs have a Chair and a Vice Chair. You know, that's - this is nothing. We're not creating a whole new body. What we're doing is just saying, "Now what we've got to do is get a human being standing with two legs instead of one leg." And one leg's administration and one leg is policy administration.

Ray Fasset: But doesn't proposal ask for two members of each constituency to be...

Ron Andruff: We suggest that would be a good way to go forward but that's again up to the OSC and up to the GNSO to make those determinations.

Ray Fasset: Well I'm just saying, we are suggesting that so that is like creating a new structure within the Council, not within the GNSO. I mean, in the

broader - we're talking specifically the Council and that's the interpretation that we're getting.

Ron Andruff: No, no. Just a second. You've got a body for administration and a body for Council. Council remains with the same hierarchy it has today.

Tony Holmes: I must admit on this I have the same perception as Ray so it - I think you have one view, we have another Ron...

Ron Andruff: Yes, but guys, hold it. Three phone calls back we already clarified the fact that this is not splitting the Policy Council in two. It's one Policy Council, it does work, and then one administrative body that does work.

Tony Holmes: But it's a new body in the GNSO.

Ron Andruff: Not - yes a new body in the GNSO. Come on guys, look at the chart. I mean, please. This is getting a little bit crazy and I'm sorry to be so harsh but, you know, there's a chart that we actually added to this thing, which I think made things pretty clear and we talked about that two calls ago.

Ray Fasset: Well, I hear you Ron and please don't take offense to anything I'm saying and by the way I do want to clarify...

((Crosstalk))

Ron Andruff: I'm not taking offense. I'm getting frustrated with my colleagues because we're talking about something we've already covered two calls ago about how the structure of this thing is and you're both saying

to me now, "Oh, I never understood that. I thought the Policy Council..."

Ray Fasset: No, no, no, I'm going off of the - really what I'm trying to do and it's just so unclear. What I'm trying to do is I'm trying to use the comment - the feed that we got back and I think they're a little confused. So if we want to send this out to a broader constituency group and that...

Ron Andruff: We can do that. We can get those two questions. There's always going to be confusion. There will never be a time when everybody understands everything that's been written or said. What we do know is people, number one, are busy and overworked; two, that they don't read documents, they scan them; and three, they're really quick with their comments without actually having researched the work. That's human nature. So we know that going in.

But all we're looking for is some direction with regard to this kite instead of the three of us debating every week whether or not we agree. I'd like to have 300 people decide whether they agree.

Ray Fasset: All right, now there's one higher level question I'd like to ask is, the higher level question is, should the new structure within the Council be created, the two-legged animal as you call it Ron, and then another question could be do you think that administrative functions of the GNSO should fall under Staff?

Ron Andruff: No, because it's not - no, this is - no, I don't agree with that. Administrative - there's a question of what the definition of administration is but again, I've delineated what the administration things are in the document and I've just delineated it verbally.

This is - administration is understood to be someone taking notes, writing up reports and making sure they do the, you know, the basic legwork that has to get done. This is not that.

Tony Holmes: But Ron, all of that stuff now - if you're applying that to Council, that's done by Staff.

Ron Andruff: And I'm not talking about that. I'm not talking about that. I am talking specifically to what's in the document. If we go back and review the document you will see that we're talking about a number of different things including outreach, including looking at horizon issues that are coming up. Let me go back. I'll just read it out loud then it's very clear.

The overall administration task of this SO should be simply defined as those that cut across the SO. That is, those that deserve coordination and shared planning in order to expand the GNSO leadership while supporting the ability of Policy Councils to devote their skills and expertise to the critically important functions related to GNSO policy. Ideally each constituency would designate two constituency representatives - two reps as opposed to one address the time availability, spread the load and allow participation in other ICANN fora .

Ray Plzak: I think it's vague Ron. I think that's why we got back some of the comments we did of, is there enough administrative tasks...

Ron Andruff: Can if finish?

Ray Fasset: Yeah, but is there enough administrative tasks for this to be ongoing? I mean, we're...

Ron Andruff: Listen, how is it possible that anybody can take that position in the GNSO when they all - when Tony has just said, you know, even though we have Staff there's still a burden of things to be done. My point is I never finished what I was saying...

((Crosstalk))

Ron Andruff: ...these responsibilities would include but not be limited to outreach, supporting a program planning function in support of ICANN face-to-face meetings, guidance on Web site enhances the GNSO Web pages, general policies that cut across the SO such as guidance on policies for ICANN support for travel reimbursement.

So these are the kinds of things. Analyzing trends, benchmarking policy implementation, outreach to expand the ranks of all current and future GNSO constituencies, travel reimbursement policies, program planning for more effective meetings, development of general operational and administrative policies.

Ray Fasset: Yeah, but my question was and I'm not trying to be argumentative, but my question was, "Should we ask if those things could fall under Staff?"

Ron Andruff: And I am saying no.

((Crosstalk))

Ray Fasset: I know you are. I know you are. That's not the question.

Ron Andruff: That is categorically no. I do not want Staff doing outreach. I do not want Staff doing outreach. Listen, I already know of one of the senior officers of ICANN who wants to start contacting people that we work with, and I'm saying, "For what purpose?"

Okay, I just - this is - my point is, it's not ICANN Staff - ICANN Staff's job is to support the community.

Ray Fasset: I'm asking the question and I just - and I hear your opinion. I just would like to know if...

((Crosstalk))

Ray Fasset: Yeah, just so long as Tony or Wolf have an opinion on that, that's all.

Tony Holmes: Well, some of the things that Ron set through in terms of administration, some of them currently are done by Council. Some of them aren't done by Council, and the question I have is whether they would be better done under another body.

I've mentioned outreach and the way we've done outreach and we've done it in conjunction with Staff, where Staff has been very helpful and pretty effective. In terms of travel policy that's being done by subgroups within ICANN, within Council. And...

Ron Andruff: So councilors are deciding how councilors are going to spend money? I don't think that's right Tony.

Tony Holmes: That wasn't the way it happened Ron. Council sets up a group that anyone could have participated in and did, a subgroup that looked at travel policy and that was progressed with Staff and put out for general comment. Now there's an issue there where I think most of the heavy lifting on that issue is being done. And the way I see that working in the new environment is that Council would say, "Okay, there's an issue to be addressed here, it's travel policy, we'll set up a working group. Under the new rules anybody can join into that working group and engage."

So Council won't be doing that work anyway. It'll be done by a working group under the new arrangements and why you need a new body to do that - to perform any role there, I...

Ray Fasset: I think it's even bigger than that Tony. I don't mean to cut you off, but it's like you said Ron, instead of us deciding, why don't we ask the question and see what others say and we ask the question, "Do you think these duties are better placed under ICANN Staff rather than creating this new Council? Yes or no."

And I know you're against the idea personally.

Tony Holmes: There's three models there Ray. There's - could it be done by ICANN Staff, could it be done by separate administrative body or should it fall under the new arrangement under a specifically organized working group within the GNSO structure, so there's three options.

Ray Fasset: I think so, and I think that's -those - to my opinion I think that's the correct way to ask the question. I don't know how others feel, but if we're - if the end game is really to try to get 300 people talking to us

through the constituencies then, you know, let's not frame the answer, let's ask the question and see what the answer comes back to us.

Any thoughts?

Tony Holmes: I'm with you. I think we should ask the question, sure.

Wolf-Ulrich Knochen: Yes. Yes, Wolf. I agree fully. But you know we have circulating here again and again and really we should put the question out and for me it's, you know, also the reaction of (unintelligible) right now, it's also a kind of mirror of - that there is not enough information available.

So I - what I was asking very early the question of just how can we, as you say, estimate the amount of administrative burden in - qualitatively you have put on the table some items which should be done and which are to be done by the GNSO administrative body.

But, you know, it's also the question of the amount of that. So because if you cannot answer that question it's going to come again and again back, because that is some point which is - which could be openly discussed and somebody estimates, "Okay, it's 10%. The other estimate is 30, the other estimate is nothing," and so we have to face those questions, otherwise we cannot get forward.

Ray Fasset: All right, so here's what I'm hearing and as the Chair, I'm hearing that we want to send this document out to the constituencies. And I'm saying, "Okay." We want to say in this document that this is our implementation plan, as we have stated up to now, we want to - we're looking at these groups within the Council, one to handle

administrative, one to handle policy, this is what we're recommending. I'm okay with that.

But then I want to also ask the questions in there though that are appropriate. Do you, you know, do you agree with this approach, do you - and then do you agree that or do you think that administrative tasks could fall on - should be supported by ICANN Staff, and get - start getting some yes - and approach it that way and get some yes or no.

Tony Holmes: Just one tiny point on what you said Ray. And I - it probably was something you didn't mean. But I don't think we should throw that document out and I would recommend it, and as Ron said many times, it's just a kite.

Ron Andruff: I think you should say that this is an idea that's under consideration within the committee and we'd like your guidance. And I think we - if you do research, if you've ever done research, if anyone's ever done research, you never ask an open-ended question. You ask a closed question that you can only get a response yes or no.

If you don't get affirmative or a negative response you've got nothing but a bunch of thoughts that everyone else has to now apply their own interpretation to what those thoughts are, and whether or not that may or may not be so, and we're going to spin our wheels even more than we already are.

Ray Fasset: Well I thought though that we were reaching out to a smaller group really for their thoughts and experience. That was incorrect and that's my fault, but I thought we were looking for, you know, I think because

of who they were in their experience in the Council over a number of years, we were looking for a broader feedback, you know, all their comment, anything they wanted to help us with or advise us with or offer input to.

I thought that was the goal but now that we're looking to go to the constituency level I perfectly agree with you that we need to have clear, concise questions. And I know we have questions in there now that we're asking and I'm just saying that maybe we need to look at what those questions are again and maybe sharpen them up a little bit. Any problem with that?

Ron Andruff: No. Quite frankly I would welcome others to participate in the drafting process.

Ray Fasset: Of course, Ron, of course.

Ron Andruff: So if the questions aren't sharp enough, sharpen them up how you want, send it out. I really don't care. All I'm saying is it's important we have closed answers to closed questions so we get an answer that's affirmative or negative, and then anything after that we can work with. But that's my point of view, whatever you guys want to do in terms of the language, go ahead.

Ray Fasset: Okay, so we have no ability to have a meeting next week, is that correct, teleconference?

Wolf-Ulrich Knoben: Yep.

Ray Fasset: All right. How about the following week? Well that's - obviously our scheduled meeting is in two weeks. Is our plan to - when do we want to send this document out to constituencies?

Ray Fasset:: Yesterday.

Tony Holmes: Well providing it goes out before Sydney I don't mind.

Ron Andruff: Well let's just think about that Tony, I mean, that's four weeks from now. Do we really want to sit on this document for another three weeks? Why don't we get this out to constituencies with a very clear message that we would like them to get this to their members as soon as possible and that when they - that way we can - we will be sitting - we ourselves have a meeting on whatever that day is in June in Sydney, and we would like their responses from the leadership of their organizations by the - by that day.

Tony Holmes: I would have a problem with that Ron because I would like to discuss this in a constituency meeting. And I think the timetable doesn't facilitate that with our meeting. So the constituency day is Tuesday so I would prefer it to be a week after the close of the Sydney meeting, something like that.

Ray Fasset: Send it out the week after the Sydney...?

Tony Holmes: No, no, just to get the responses back from constituencies so that they can actually spend some time with their people, with their members in Sydney discussing this.

Ray Fasset: Okay.

Ron Andruff: I don't have any problem with that. But I think it's important we get it out right now because there will be a lot of people who will not be coming to Sydney and I think all those other members of the various constituencies should have a couple of weeks to review this.

Tony Holmes: I have no problem with that.

Ray Fasset: All right. Well I would like to have some time to review the questions and offer some suggestions, even it's on list. Let's set a deadline to whenever anybody can...

Ron Andruff: This time next week.

Ray Fasset: All right, fine.

Ron Andruff: It's three questions - it's one question. It's one question we're asking, because the other questions are if affirmative yes, you know, this, and if negative, that. It's one question. But if you want to ask other questions please go ahead, but let's do it within the next seven days.

Ray Fasset: Okay. I'm good with that. Is everybody else good with that? So I got to have - if anybody wants to have any comments on the questions they have to be and due online, on e-mail - you have - we have until next Wednesday.

Tony Holmes: Comments on the questions or comments on the feedback?

Ron Andruff: Well, both. Why don't we submit both?

Ray Fasset: Yeah.

Ron Andruff: So it's comments on the feedback that we received from the "elders," and comments on the question that should be asked to the constituencies with regard to this kite.

Tony Holmes: Okay.

Ray Fasset: And we're all agreed that by end of business day next Wednesday this document in its new form slightly modified, whatever that may be, is going to go to the constituencies.

Tony Holmes: Well, I'm not sure those things tie together. If you're allowing seven days for comments than you probably need, I think ideally you're probably going to need a day maybe to decide whether the document itself needs any change or not.

Ray Fasset: Okay. Ron, you okay with that?

Ron Andruff: Fine.

Ray Fasset: Wolf?

Wolf-Ulrich Knoben: Okay, yes.

Ray Fasset: All right, I'm okay with that. All right, let's make that our plan of action and one other thing I'm going to do is send around a link to the Rules of - the current Rules of Procedure document. You know, we got to get focused on that and one good thing is we've decided that, you know,

both the SOI will collapse into it, this will eventually collapse into it, so, you know, we're making some progress on it.

And the last request I have is now going to be on Julie to look at that rules of administrative document and recommend to us the areas that we need to vet further on, the areas that are more - can be updated that are more - that we, you know, low bearing fruit if you will that can easily be updated of this Rules and Procedures job. Can you do that Julie?

Julie Hedlund: Absolutely and in fact I'll try to get that out. I'll work with Rob on that and try to get that out before the next meeting so people have a chance to look at it and we can discuss it on the meeting.

Ray Fasset: Okay. So that's - I think that's all I have for today. Anybody else have any other issues?

Tony Holmes: I'm unsure when our next call is now.

Ray Fasset: Two weeks from today.

Tony Holmes: Two weeks. Okay.

Ray Fasset: Same time.

Man: Okay.

Man: Thanks.

Ray Fasset: Okay, if there's not any other business let's stop the recording and adjourn.

Man: Yeah.

Man: Very good.

Man: Okay, thank you gentlemen.

Man: Bye.

Woman: Thanks everyone.

Man: Thank you.

Man: All right.

Woman: Bye.

Man: Okay.

END