

**Policy Process Steering Committee (PPSC) Working Group Model (WG) Work
Team (WT)
TRANSCRIPTION
Wednesday, 09 September 2009 18:00 UTC**

Note: The following is the output of transcribing from an audio recording of the Policy Process Steering Committee Working Group Model (WG) Work Team (WT) meeting on Wednesday 09 September 2009, at 18:00 UTC. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. The audio is also available at:

<http://audio.icann.org/gnso/gnso-ppsc-wt-20090909.mp3>

On page:

<http://gnso.icann.org/calendar/index.html#sep>

(All MP3's and transcriptions can be found on the calendar page).

Present:

J. Scott Evans - IPC Work Team Chair
Avri Doria - NCA GNSO Council chair
S. Subbiah - Individual
Alexei Sozonov
Graham Chynoweth (joined after roll call)
Alexey Mykhaylov
Cheryl Langdon-Orr
Jonne Soininen
Iliya Bazlyankov

Absent apologies:

Caroline Greer
Konstantinos Komaitis
Nacho Amados
Liz Gasster

Staff:

Ken Bour
Marika Konings
Glen de Saint Gery
Gisella Gruber-White

Gisella Gruber-White: Scott, would you like a quick roll call?

J. Scott Evans: Please.

Gisella Gruber-White: Thank you. Good morning, good evening to everyone. On today's call we have J. Scott Evans, Cheryl Langdon-Orr, Avri Doria, Iliya Bazlyankov...

Iliya Bazlyankov: Here.

Gisella Gruber-White: Sorry about that. Jonne Soininen, Alexey Mykhaylov and Alexei Sozonov. From staff we have Marika Konings, Ken Bour, Glen DeSaintgery and myself Gisella Gruber-White. And if I can just remind everyone please to say their names when they speak for transcription purposes. Thank you.

J. Scott Evans: All right.

((Crosstalk))

Gisella Gruber-White: Yes. Apologies for that. Apologies today from Caroline Greer, Konstantinos Komaitis, Nacho Amados and Liz Gasster. Thank you.

J. Scott Evans: Okay. So this is J. Scott. We are now going to go through Section 2 of the charter document, charter drafting guidelines document. I believe there is a document that's been posted by Marika which is the - looks like a red lined version of the document.

But we also have - on the Wiki we have the document and I see here that even in this red lined version Marika has included (Yonan's) and Avri's comments. So if we want to get started, Marika if you will lead us through.

Marika Konings: Yes. Maybe just to point out that the red line in the first half of the documents are those changes that were discussed on the previous call by the group.

J. Scott Evans: Okay.

Marika Konings: So moving on to Section 2.0, the working group charter template. So this section is intended to provide drafting teams or charter organizations with a

template of different sections that they might consider including in the charter document.

So the (disclaimer) basically explained that they should consider these elements but they're not obliged to or if there are any other elements that they feel they need to add they should feel free to do so as well.

So Section 2.1 is the working group identification. Basically stating their name, identify of the group, the sponsoring motion that was accompanying the (unintelligible) charter and the other documents that are related to the creation of the group.

And (there are any - just) point out name of the group, name of appointed liaison, name of advisors to the working group if any, name of the working group chair if appointed in advance.

And we put a note in here that I think it's common practice that liaisons serve as an interim chair until a chair is selected which often happens at the first meeting of the actual working group. And URL of any working group space or mailing list archives.

((Crosstalk))

J. Scott Evans: That's just fairly non-controversial moving to 2.2.1.

Marika Konings: Two point two is the mission, purpose and deliverables. So 2.2.1 is the mission and scope. And scope sets the boundaries within which the working group expects them to operate. I think we probably all agree that that should be your right focus and well written so that the group understands what their objective is.

Two point two point two then set out specific objectives and goals. And here Avri made a comment. I don't know Avri if you would like to speak to that.

Avri Doria: Okay. Sorry. I lost track of where we were.

Marika Konings: We're in 2.2.2 objectives and goals.

Avri Doria: Okay. That's not what's showing now in...

Marika Konings: You can scroll yourself. There's a...

((Crosstalk))

Avri Doria: Oh I can...

Marika Konings: ...I've set it in such a way - if people prefer that you follow my scrolling, I can set them that way as well. But now it's set everyone can scroll individually and follow the discussion that way.

Avri Doria: But every time I touch it (unintelligible) on me.

Man: And by the way there seems to be - at least on the Wiki there seems to be two sections starting with two - oh, sorry, no. That was a different section. Got confused. (Unintelligible) (ignoring me).

Woman: I don't think we should be doing that.

Avri Doria: I see nothing. Oh, it came back.

((Crosstalk))

Marika Konings: I can read your comment if you want...

((Crosstalk))

Marika Konings: ...then you can...

Avri Doria: Please, somebody scroll it there. I think too many of us are touching it at the same time.

((Crosstalk))

Avri Doria: I'm not going to touch it anymore.

Marika Konings: It shouldn't. I'll put it on sync so you can just see what I see.

Avri Doria: Thank you.

Marika Konings: So I'll have the control now and you should - are you all seeing now Section 2.2.2.

Avri Doria: Yeah.

J. Scott Evans: Yeah.

Avri Doria: Yes. Yes.

Marika Konings: Okay. So Avri, you want to - you want to...

Avri Doria: Oh yeah. This was the one about that the working group once it - because the working group I've noticed almost all the time gets the charter, starts really getting down to work on it and it isn't looking at it theoretically like the Council was when they wrote it and basically says wait a second, what about this, what about that. We need to redefine this.

So there very often is at the beginning of the - at the beginning of the process a, and it can even happen later once they start working on Item 3, a realization that there's deficiency of something.

Now sometimes it's just a point of clarification but they want to send a message to the Council saying can you explain what you mean there. But sometimes it's we think we need to add an extra work item or, you know, network item is usually who is.

But or we need to delete a work item or something. So basically the allowing - just basically the indication that the working group is empowered through its chair and liaison to negotiate changes in the charter when they see - and of course the Council can discuss it, come back and say, you know, yes you're right, let's change it this way or no way Jose, you know, and such.

But that that - and I've noticed that sometimes unless it's explicitly stated, working groups actually get into a better discussion of is the charter commandment or can we negotiate or can we just change. And I think we want to be explicit about you can negotiate changes but you can't change on your own.

J. Scott Evans: So that would need to be covered here to say that there's flexibility to seek clarification or amendment to the objectives and goals with the approval of the charter organization.

Avri Doria: Yeah. That's a good quick way of putting what I rambled on saying.

J. Scott Evans: And then that should also be covered in the other working group guideline model, right?

Avri Doria: Yes.

J. Scott Evans: That we set up a specific process a little bit clearer. We probably want to say that and then reference back to the guidelines which as I've read through both (Yonis) and Avri's comments, we're going to see that come up again and again as we move through this, the reference back.

Man: Yes. I guess so.

J. Scott Evans: Okay. Did you capture that Marika?

Marika Konings: Yes I did. And I think the note there as well I think, you know, in the end once we have the two documents and they are - those are almost finalized. I think indeed we need to put the two together and make sure that we use the same terminologies and, you know, same reference material so that...

((Crosstalk))

J. Scott Evans: Absolutely.

Marika Konings: ...those match; so (perhaps) we agree.

J. Scott Evans: Absolutely.

Marika Konings: Okay. So I'll try to capture that in this section.

J. Scott Evans: That was J. Scott that just said that. Sorry Gisella.

Marika Konings: So then moving on to Section 2.2.3, deliverables and timeframes. And there just to reference that ideally a charter should include essential outcomes or expected deliverables, key milestones and a charter timeline as a way of providing guidance to the working group and prevent unintentional scope creep.

Here again we do have that reference that working - you can always ask the charter organization to reconsider any of the deliverables or that line identified by providing its rationale.

Man: We're going to probably spend the next couple of weeks on modifications.
But (unintelligible).

J. Scott Evans: I'm sorry. Is that Jonne?

((Crosstalk))

J. Scott Evans: Needs to speak up if you can. You're breaking up.

Jonne Soininen: That wasn't me. That was somebody else.

J. Scott Evans: Was that Subbiah?

Subbiah: No. No. It's not me. I'm fine here.

J. Scott Evans: All right.

Marika Konings: So Avri included a comment here as well that they should also add option to add deliverable or delete deliverables. So I guess that's just a question of adding that to the (unintelligible).

J. Scott Evans: Well, again I think Avri you also mean, as I read your comment, - this is J. Scott speaking, that the ultimate decider is the chartering organization. What the working group has the ability to do is to raise the issue and negotiate that with the chartering organization. Is that what you mean?

Avri Doria: To a certain extent. On milestone dates there is a fairly declarative thing that a working group can say is we're not going to make the date.

J. Scott Evans: Okay.

Avri Doria: And at that point the milestone needs to get renegotiated but, you know, the notion that the chartering organization would say uh, uh, uh, you're going to

make the date is not reasonable. So it's slightly different than a scope renegotiation.

J. Scott Evans: Okay.

Avri Doria: It's we're late, you know. We think it's going to take another three months. Well, do you think you can get it in six weeks? You know, and so there's a - but it's a different thing.

Marika Konings: So what kind of change would you propose? Would that be something like the working group can always ask this chartering organization to reconsider any deliverables or renegotiate that line identified by providing us rationale, something like that?

Avri Doria: Yeah. I guess so. Because in one, it's a renegotiation as you say. In another, it's kind of an oversight. In other words, we're missing our deadline. We think it's going to take us another three weeks. Here we're notifying you. And the chartering organization can just accept it, you know, and not do anything. Or the chartering organization can look at schedules and various things and say hey guys, you know, we really need you to try and pull that in.

So I think that the milestone is really much more working group directed but still needs to be confirmed, verified, cleared with and that's why I mean I'm not sure I picked the right word. And it's only if the chartering organization wants to make an issue of it that it becomes a thing whereas a charter change is a negotiation from the start. That's the way I was looking at it.

Now as volunteers you can't - you can't, you know, tell them that the schedule they've got is wrong. You can tell them we have needs. Can you help us meet the needs?

J. Scott Evans: Any other comments? I think I see what Avri's saying is one is that 2.2.2 was more a - more substantive whereas deliverables and timeframes while they

may have a substantive affect are more ministerial. They're more administration. And for that reason they're a little different in how they should be handled.

Cheryl Langdon-Orr: Cheryl here J. Scott. I'm wondering if using the terms in consultation with the chartering body for negotiation on milestone changes.

J. Scott Evans: That's fine with me. What do others think?

Woman: (Unintelligible.)

J. Scott Evans: Okay. So let's put (something in it) to that regard that adds some flexibility here if that's appropriate to handle Avri's comment. Okay Marika.

Marika Konings: And again I guess the same applies into that second part of this box. Avri knows as well that any changes in date need to be cleared with the chartering organization. But I presume again that's only dates that are in the charter. Because (I get it) - sometimes working groups, you know, develop their own work plan that I guess they might present to the Council or the chartering organization as a way of saying this is what we're going to do. I presume those kind of changes would need to be cleared or...

Avri Doria: I have - it's Avri. I wouldn't think so. Of course if you told somebody the date then obviously you might want to tell them the change date because they've built expectations around it. But, you know, that's just courtesy in working...

Marika Konings: Yeah.

Avri Doria: ...that. I don't think that needs (unintelligible). Obviously if they've got internal schedules of how do we meet the milestones, you know, then no. That's the working group's business.

Marika Konings: I can - I can add in there that, you know, any changes in dates that are contained in the charter need to be cleared with a chartering organization or something like that to clarify that.

Then move on to Section 2.3, the formation staffing and organization. So 2.3.1 should contain information about the membership criteria or something for the group of course to work out. They might think of specifying certain types of knowledge, expertise that they would like, skills and background, interest, those kind of things.

And 2.3.2 talks about the group formation, dependency and the solution. Two point three point three should specify the team roles, functions and duties. Here there are some comments from Avri and (Yonis). So if you both would like to explain your comments to the group so we can discuss them.

J. Scott Evans: We'll go in alphabetical order. Avri.

Avri Doria: Oh. Okay. Oh. Okay. The comment I was making here is this seems to say that the certain roles would sort of vary working group to working group; what the function of a chair was, what the function of a liaison was; and so on.

And that starts to concern me because certainly for any particular chartering organization, and so I'm obviously thinking specifically at the GNSO in this case, the roles and hopefully mostly within ICANN if we can get there by agreement.

The kind of roles that people occupy and what they eventually learn how to do and if there are training programs which are supposed to happen, train people to do, should be fairly consistent so that things can run more smoothly.

So what a chair's responsibilities are or vice chair or a liaison should not need to be defined in every charter. Certainly, and then it goes on to say...

((Crosstalk))

Avri Doria: ...certainly there may be special roles. You know, this group needs a master of arms because we have 100 mean and angry people arguing on the mailing list and so we appoint a special sergeant at arms role for the mailing list etiquette. But, you know, by and large, that's what I meant.

Marika Konings: This is Marika. I think some of those roles probably will get clarified or specified as well in the other document. So I think this is one of the occasions where I'll probably at that point we should link the two and, you know, synchronize the language.

Subbiah: This is Subbiah. Is it worthwhile at least at this point, you know, just given what (someone) has said to identify at least a few main roles so we at least have the names of the new main roles identified as opposed to special roles? And then later we can pick it up in the other document.

J. Scott Evans: Yeah. That Subbiah, that sounds like a good idea. I mean why don't we - I mean this section could say reference the other section, the working team guidelines, operating guidelines and then say at a minimum; because at a minimum you're going to need right, a chair, a liaison, expert advisors if they're appointed and staff. Does anyone disagree? Is that the minimal leadership?

Subbiah: You might want to possibly consider someone who just keeps notes and some kind of scribe or whatever there but just a function on that but somebody to keep the actual records (unintelligible).

J. Scott Evans: Because I look at...

Avri Doria: That's been a staff role largely.

Subbiah: Okay. That's fine.

J. Scott Evans: Yeah. I think the minimal is - I would say that we can - I don't know. I'm looking for other folks to say. But I think it's - we want to - (Yonis), you want to jump in here because you're talking about standardization and that's sort of where I'm getting at?

Jonne Soininen: Yeah. So the kind of thing was that - what I was saying about the other - what I was thinking about the other document you have there kind of like the - what is the certain role and what it means. And then have a link from here to there. And then if you have a special role, you put it here.

And then you - that - what I pointed at the standardization is basically saying that everybody knows in all working groups the chair behaves in a certain manner, kind of in a way that it has the same rights and the same responsibilities and so on that when you change - when you work in different working groups, you don't have to learn the every working group's way.

Whereas Avri came maybe from the top down a little bit saying that well if you're the chartering organization, you have to - if they all work the same, you understand how they work. But there are kind of like the both worlds from the top to (where it's) bottom but also from the bottom, the people that go from working group to working group that they have the same kind of standardized user experience from the working group.

J. Scott Evans: I agree. So both seem - both of these comments seem to be saying then it's the other document that's going to set forth what the specific roles and functions are, not the chartering organization. And the charter organization would only define any special role that is outside the norm.

((Crosstalk))

Marika Konings: J. Scott, if I could just add something because when you were talking about having, you know, at a minimum a group should have, you know, these different kind of functions. Just would like to point out that I think there have been some groups for example that didn't require staff support. And I think there have been groups as well that didn't have a formal liaison appointed because they already had, you know, many Council members participating for example.

So I would caution a little bit by prescribing saying this is what you should have at a minimum. I might say well these are the roles that most working groups, you know, tend to have or in such a way that you do need that flexibility and not unnecessary create roles that a working group might not need.

J. Scott Evans: The chartering organization, are they the ones that define - are they going to define - that's the difference is, you know, the chartering organization is going to say in this section what team roles are.

Subbiah: I suspect that the chartering organization may want to on occasion say look, we need a liaison officer with the - as part of what we're trying to do here with the other group or something if it matters, right. So I think in some cases I'm sure the chartering organization - I mean like staff support, well that's subject to the chartering organization actually giving you the resources, right.

Jonne Soininen: Yeah, I'm like - it's - this is Jonne. What I thought was kind of basically that maybe the chartering organization out of the minimum can - or at least the minimum because of course you need a chair, you need a - you need staff support and so on. And all these are kind of like standardized roles.

And then there might be other kind of standardized roles, I don't know, secretary, (unintelligible) or so on that - or advice chair for instance that are not - are not necessary but still the roles are standardized and the chartering

organization says well this is such a big task that not only you need a chair but you also need a vice chair or you need two vice chairs.

But it's up to the - well the forming working group and the chartering organization to think that okay, beyond the minimum, what roles need to be - what new roles need to be there. These can be taken from the standardized kind of like pack or roles.

Then of course if there is something very special like you need legal advice or you need the lawyer or something like that works for the working group, maybe a staff support or something like that and this is not common and never happens in any other working group. It's just here because it's a special topic. Then you can define that kind of very special additional role.

But that the main roles would be standardized even though that some of them wouldn't be always there and the very special roles can - could have then more flexibility.

Marika Konings: This is Marika. And I think indeed some of those roles will be spelled out in the other document or, you know, explain what the expectation is of the different roles. So again I think it's probably good to here, you know, provide reference here or - (and too) need mention of some of those roles that the chartering organization might consider and then again with a reference to what the expectations of each of these roles is.

Subbiah: Maybe we just say as Avri said, you know, these are the minimum set of sort of roles and which the other working group will do in the charter organization here but subject to limitation by the chartering organization itself. I mean you spell out the minimum roles and say subject to, you know, any limitation that the chartering organization might self set. But this will be what will be expected of the other groups. And then you can talk about the special roles.

J. Scott Evans: Well, maybe this should just say this section is intended to set forth the roles which this chartering organization suggests or something like that and then the functions and duties just be cross referenced to the other document for the standard stuff, chair, vice chair, secretary, liaison, expert advisor, staff.

And then put an additional line saying that any additional roles which are not defined in the working group guidelines, operating guidelines, would be set forth here along with an explanation of their function.

Subbiah: That sounds okay to me.

J. Scott Evans: So what the chartering organization - since we've looked at this, we suggest you have the following. Their roles are defined cross-reference.

Cheryl Langdon-Orr: Yeah.

J. Scott Evans: (In addition), we believe that there may be required to get I don't know, legal advice. In such instance, we suggest a lawyer who has experience in international law and, you know, something like that. And their role would be to supply legal advice regarding blah, blah, blah.

So in other words, the function roles you just lay them out. You cross reference to where the standardized roles are that will always be the same and then you put in any specialty role that you feel may need to be fulfilled. But in that you'll define it and give an explanation of its duties because that is something outside the norm. Does everybody feel comfortable with setting it up like that?

Cheryl Langdon-Orr: Yeah.

Jonne Soininen: Okay.

Subbiah: Yeah.

J. Scott Evans: So that looks like Jonne, Subbiah and Avri all agree. Cheryl?

Cheryl Langdon-Orr: Yes. Yes. I said a yes.

J. Scott Evans: Oh. Then I must have assumed you were Avri.

Cheryl Langdon-Orr: Sorry, I didn't name myself when I said yes. I apologize.

J. Scott Evans: Avri?

((Crosstalk))

J. Scott Evans: Is that okay with you.

Avri Doria: Yeah. Yeah. I'm fine.

J. Scott Evans: Okay. Is that - Marika, you think you've got enough to sort of bake this into sections?

Marika Konings: Yeah. I think so.

J. Scott Evans: Okay.

(Graham): I was trying to get the phone off mute. That's a yes for me.

J. Scott Evans: That was (Graham) for the recording. Okay. Let's move forward.

Marika Konings: So Section 2.3.4, that's statements of interest and disclosure of interest. This language actually comes from the (OSC) operations work team.

J. Scott Evans: Okay.

Marika Konings: So they have developed language for that and we will need to check, you know, at the end of the day if it stayed the same because they're still working on it as well. But this is as it currently stands. So I've just inserted that here. Are there any questions or comments on this?

J. Scott Evans: I see Avri has a comment.

Avri Doria: I do again?

Subbiah: You had suggested that there were changes that...

((Crosstalk))

Subbiah ...they (reset) again.

Avri Doria: Oh yeah. That's just a little one.

((Crosstalk))

Subbiah: That's fair enough.

Avri Doria: That if you change it just let people know that you've done so.

J. Scott Evans: Oh, you're saying that the party that supplies the statement of interest does so and then informs everybody they've done so.

Avri Doria: Right. I mean, you know...

((Crosstalk))

Subbiah (When making changes).

Avri Doria: ...I don't think you have to put in what we've got formally in Council meeting where it's actually part of the agenda. Okay. Did anybody change their, you know, and does anybody have an update to make. I don't think you need to be that formal about it. But I think people should just - if they change it, make sure people know. Send an email, do something. It doesn't, you know.

Marika Konings: And this is Marika. I'll communicate this as well to the staff person supporting the other groups to make sure as well that they take that into account and, you know, hopefully incorporate it there as well so we really have the same language everywhere.

J. Scott Evans: Okay.

Marika Konings: So then moving on to the next section, which is rules of engagement. So here Avri and (Yonis) both written comments at the introduction already. So (unintelligible) section is provide a place in the charter for those situations where a sponsor or chartering organizations wish to prescribe and (impose) specific overarching rules and (unintelligible). Avri, you want to - want to speak to your comment?

Jonne Soininen: I'll let Avri go first.

Avri Doria: Oh. I (was) first the last time. Okay yeah. Okay. The rules - again it's a standardization issue. And that, you know, they be defined elsewhere their default for all working groups. You know. And I guess what I'm also saying is that, you know, obviously I'm allowing for exceptions. There can occasionally be exceptions defined in terms of the working procedures. But by and large there should be at least a minimal basic set defined. (Yonis) over to you.

Jonne Soininen: I'm like mine wasn't that much different. Maybe first when I read this I think I read it in a kind of in a sequential fashion and I commented on everything kind of like separately. And I kind of like the rules of engagement first kind of

like hit in my mind that how do you behave. And so there has to be a certain kind of standard set of behavior.

On the later points maybe the things are a little bit more clearer. But of what I mean because I think I'm not quite sure what I mean myself in that comment. But what I'm - the main point what I have now is basically the same as Avri's that there should be a set of rules that are standard that there is not too much deviation between the working groups; that people can reasonably expect the working groups to work reasonably similar to each other.

And that there is no way of kind of like making that well this working group works totally different than the other one and somehow like making the (unintelligible) unpredictable through that even unintentional.

Marika Konings: This is Marika. I have a question for Avri because you state here in your comment that you think that these are being defined in the other group. What do you mean in the other group?

Avri Doria: I mean the other document. The...

Marika Konings: Oh. Okay.

Avri Doria: ...yeah, that's what I meant.

((Crosstalk))

Avri Doria: I get confused as to who's writing what where between all the groups. But I meant the other document.

Marika Konings: Okay.

Avri Doria: Yeah because I think it means there are several places that have indeed the language but I think it uses as well as the basis the model that we're currently

using for the PDP rules or charter. So I think it's something for the group to discuss if - I think it's in there in the next section that's spelled out to discuss whether that, you know, should apply as the basis for working groups to operate under those rules.

Subbiah: Subbiah here. Is there anything already at ICANN level, at top level for everybody on this? Just in general, you know, rules of engagement and discussion.

J. Scott Evans: There are. We've worked on this and we've worked on it in Sydney. We need to get back to it but there are...

Subbiah: Okay.

J. Scott Evans: ...(Tobia), rules of engagement, norms of behavior that we sort of hashed out that I think staff has pushed out to all the constituencies...

Subbiah: Okay.

J. Scott Evans: ...regarding how they should treat one another. That's correct. And we were just thinking of incorporating very similar if not completely identical comments. I personally think, and I'm not, I'm just stating my opinion, not advocating, that rules of engagement it should just - what this section should just basically said is the charter should set forth that it follows the rules of engagement (unintelligible) and cross reference to the other document.

Subbiah: Personally I feel the same way except that as long as those set of rules have been, you know - I mean I assume that if it's been - somebody pushed out, I may have (unintelligible) actually. I don't know. But as long as they are okay, I have no - I think that's the best way to proceed.

J. Scott Evans: Right. And they're basically - in this area they're just basically, you know, hey, you put it in a one word summary. (Unintelligible) and respect.

Ken: This is Ken: Can I just jump in for a second?

J. Scott Evans: Yeah.

Ken: Marika, it might be helpful if you'd scroll down a little bit. The comments are attached to the header for this section, which doesn't really have any content. The rules of engagement were decision-making methodologies in 2.4.1 and then status reporting and then problem issue escalation. Is there more? Yeah and then, okay, so 2.4.4. So there are four subsections here.

And I remember earlier in our discussion on the outline that in Section 2.4.1 which would be the decision making methodology, we were - we had discussed that it may not be true that the - that the term consensus would be treated exactly the same in all different types of working groups whereas there may very well be a standard that applies to policy level working groups or those that are engaged in policy.

So now maybe, and I think we postponed the discussion of developing a definition, a strict definition for consensus that could easily be in 2.4.1 meaning that, you know, here is a standard definition for consensus as a decision making methodology that shall apply in all policy workgroups and is recommended for all others where it fits. Something along those lines.

J. Scott Evans: Comments.

Subbiah: Yeah. My own thinking was that and I was thinking in terms of this I guess, (since enabled the scroll) I hadn't read it earlier, is that I was thinking in terms of the rules of engagement as from a behavioral point of view, you know, where basically it's how people deal with each other, you know. That seems like, you know, on the respect issue sort of a universal thing.

Though when it comes to, you know, making decisions as pointed out here, you know, I don't know whether there is - would there be consensus set of rules of how we make decisions across all of ICANN? You know, are they going to suggest and so on, I'm not so sure. Is that being developed?

Marika Konings: (Subbiah:, on your first point, you know, the rules of behavior, that comes back in the working group rules. On the level of decision-making, I mean I think the rules that are being used are I think leave room for discretion of the chair...

Subbiah: Okay.

Marika Konings: ...to make that assessment. I mean that's something how it kind of works. I mean unanimous consensus I guess is obvious.

Subbiah: Yes.

Marika Konings: A rough consensus and strong support, those are, you know...

Subbiah: Yeah.

Marika Konings: ...more of a balancing act.

Subbiah: Yes.

Marika Konings: But...

((Crosstalk))

Subbiah: I mean for instance are those kind of definitions been made already for the let's say the - for the (TC) TLD or any other levels, you know, the GNSO or whatever? Is there - or is this that that's not in whatever has been out there or across ICANN sort of?

Marika Konings: Not of them I am aware of but...

Subbiah Okay.

Marika Konings: ...maybe other...

Subbiah: Yeah. Then I suspect that, you know, that part of it we'll have to put it in here unless there's some discussion across the board on what it could be and we may have to define it here.

Marika Konings: Maybe a question for Cheryl as well does the ALAC have any - do they work under the same kind of assessment of consensus or how does it work there?

Cheryl Langdon-Orr: Yes we do and in fact it bifurcates because if we have a definition of consensus which is established at the beginning of any working group. That's one of the pieces of work they do. And it would be set at, for example it will be at 70%, you know, and 80% or in some cases it's deemed appropriate for it to be 100%. Everyone has to agree or it's not called consensus.

But we also then have that other layer where the ALAC itself votes on outcomes of workgroup activities and this very much fixed in our rules of procedure. So it has to be a (quorate) vote and it has to get above a particular amount or it does not become endorsed.

So in the ALAC experience because they're coming from so many different regions and we also have a number of I guess cultural differences that occur when we - when we mandate a totally balanced inter regional workgroup. We have found that allowing in a verbal context the chair to lead the workgroup through that first step of what do we establish as consensus is a very useful getting to know you too apart from anything else.

Woman: Yeah.

J. Scott Evans: My opinion is that 2.4 could just refer back to the behavioral norms and things in the working group operating guidelines document that's going to define that. With regards to decision making methodologies, I agree with both Jonne and Avri as 2.4.1. There needs to be some sort of standardization. There needs to be across all working groups...

Woman: Yes.

J. Scott Evans: ...as what you get when you don't have that is you get a myriad of groups coming up with what consensus means and then everyone wants to argue. A consensus wasn't reached in Group A because they didn't use the same consensus that was used in Group B.

So I mean all we're doing is we're drafting this for consideration by the PPSC who will then put it to the Council.

Subbiah: Yes.

J. Scott Evans: So, you know, we just need to make our best recommendation and I see here both Avri and Jonne advocating for some sort of standardization.

Subbiah: Yeah. I would certainly agree with that at least within the cross working groups. I mean preferably across all of ICANN but, you know, for now at least within the working groups, across the working groups.

J. Scott Evans: That's (Tobia). (Graham)?

Subbiah: Yes.

J. Scott Evans: Are you still with us? Cheryl, I see you've raised your hand. I'm sorry.

Cheryl Langdon-Orr: Oh only that I think working towards some standardization would be delightful. I was whole-heartedly going to support that as a concept because...

Scott Evans: I think we're just going to have to fish or cut bait as would say.

Cheryl Langdon-Orr: Yeah.

J. Scott Evans: And put it out there. And if it's rejected, so be it.

Cheryl Langdon-Orr: Yeah.

J. Scott Evans: But we've got to give them something and I think we all - what I'm hearing from a group seems to be a verbalized consensus that some sort of standardization should at least five to four.

Cheryl Langdon-Orr: Absolutely.

((Crosstalk))

(Graham): This is (Graham). I think - I do think I agree with your point about standardization.

J. Scott Evans: Okay. I think that in 2.4.1 what we would just do again is refer back and say that we will be using the consensus based model as defined in the WG operating manual guidelines or whatever and just refer back and that any deviation from that we need to think about how we want to handle that.

Do we want to allow their deviation from that? Do we want to allow that there cannot be deviation? I mean we just need to - I'm afraid that if you allow any deviation, and I just put this out there, everybody will deviate.

(Graham): Yeah. I would agree with you. This is (Graham) again. I think that the - I like the idea of the referencing, the cross-referencing. And then I think that - I mean I think that deviation either an assignment of - whether it's assigned or they authorize some kind of deviation but you can't just deviate - the working group can't just deviate if it wants to from one of the choices.

J. Scott Evans: Well, remember we're talking about what the chartering organization's giving the working group to do. So...

(Graham): Exactly. Yeah.

J. Scott Evans: ...if they're going to say that you'll use the decision making methodology set forth in the working group operating manual guidelines, okay, all right, and we've defined what consensus is there, then...

Ken Bour: This is Ken. Can I interrupt? I think we are laboring under a misunderstanding. I don't believe that that - that that decision making methodology is prescribed there. The intention was, and the language in this 2.4.1 I think is pretty specific. It says this section prescribes the decision-making methodology.

And then an - we actually have an illustrative example although we could change the title of that. The consensus is actually defined here. At least to the extent that we've agreed to it.

J. Scott Evans: Right. But if you look at 3.4, the operating model guidelines, 3.4 is consensus.

Ken Bour: Right but - isn't - I don't remember. I'll have to look at it but I thought what it said was if your definition of consensus has been prescribed to you in your charter, you must use it. If not, you may decide it on your own. There's nothing else said there.

J. Scott Evans: I don't see...

Ken Bour: That was the way it was once upon a time. So the idea was the charter should - if the charter is going to describe consensus definition, it does so. And if it's not going to, it leaves it to the operating...

((Crosstalk))

Ken Bour: ...working group and they just decide that there's nothing written in that operating model other than use your charter and if the charter is silent you may create your own terms for consensus in which case they do.

We wouldn't write them all out because there might be a dozen different versions. But the point here was and that we just can't see it because of the scrolling. Right below that first section of 2.4.1 there is a definition applied.

And maybe all we have to do here is to say instead of - the point was to the chartering organization here's an illustrative example of a good definition for consensus that you should tuck into the charter. And it's boilerplate. They could just copy it and paste it right into section 2.4.1 and then they're done.

Marika Konings: This is Marika because if I can just point because the illustrative example, the line which there in the same language that I've inserted for now in the - in the working group guidelines which is the same language that's currently being used in working group charters.

So I think there's something for this group to - and you might, you know, you might not want to do this now but you might want to do it when we get to the working group guidelines and then indeed copy the language here. But (this group) is only to consider whether those are the rules they would like working groups to work under or whether there any modifications that need to be made.

And at one point that we already point out at the end of this section; there's some language there that, you know, deals with disputes. But for example, it doesn't specify so see like if the agent agrees with the chair, this should happen. But it doesn't for example spell out what happens if the chair and liaison don't agree with each other. What kind of path should be followed?

So the language that's currently being used has some gaps that this group might need to fill in in order to have, you know, an overall kind of approach towards decision making and how to deal with possible disagreement.

J. Scott Evans: I suggest that we consider taking that illustrious example and not making an example; make it the standard. And then do what do you think belts and suspenders in the UK then use the same thing in the working group guidelines to say well if they're, here's what you do and make them identical.

((Crosstalk))

Ken Bour: Well this is Ken. That doesn't leave the working group any options then. It's either in the charter or if its not it's the same as what's in the - the same as what's in the...

J. Scott Evans: But what I have a problem with is when you give working groups the option, I have a feeling each working group is going to come up...

((Crosstalk))

J. Scott Evans: ...five hundred different types of...

Ken Bour: Right but this is Ken. The way to - the way to solve that problem is for chartering organizations to specify the definition in their charter so that you don't leave it optional. But I think as Cheryl Langdon Orr just pointed out a few minutes ago there may very well be cases. Our work teams have been

examples of that where we were free to create our own definitions of consensus.

Subbiah: May I suggest a way out here. Basically we go the way like Scott suggests where its kind of basically default is identical across. However the - either the chartering organization or the working group can ask for deviation from it and come up with something, you know, if they wanted to but this is - otherwise this is standard across the board whether they're silent or not.

Ken Bour: This is Ken. I would just - I would just repeat one more time that I think we've got it covered here. If we change illustrative example to standard this is the standard that should apply unless the chartering organization doesn't choose to standardize it.

There maybe examples of working groups where the chartering organization doesn't need or want to define how the group reaches consensus. Maybe in 99% of the cases they will. We just don't know but to leave that option available, you say here's the standard and if you decide not to copy that standard into the charter for a working group which case it will be silent, we say the working group may decide on its own how it chooses to arrive at consensus.

Then in the operating model it will just say if your charter is silent, you may decide on your own. And I don't think we have to say anymore because there's already a model for them to work from.

Subbiah Ken I - this is Subbiah here. I understand what you can - but there's a subtle distinction between what I'm suggesting and maybe what (Scott's) saying. Maybe the idea here is to say that - the - if the chartering organization is silent on it doesn't say, doesn't include this then that allows the other working group to do what it wants.

But perhaps what we need to do is (today is to) make it an actual action step for the chartering organization to say no we don't want to give you the usual prescribed one. We want you to go and come up with your own one rather than just - the idea is that if for some reason that we forget to put it in the chartering organization then the other organization is free to do what it wants.

Well we don't want to do that, right. We want to be able to say look, we know there's this consensus standard thing. We don't want you to follow that. Then they're free to do what they want. I don't know. That's a slightly subtle distinction between the two.

Avri Doria: This is Avri. I think that's actually a good distinction. There is a default. And it gets written up somewhere. It doesn't necessarily need to be in every charter. If the chartering organization, as Subbiah said, wants to define something different because there's something special about this group, you know, it's multi stakeholder and its doing something special then, you know, the chartering organization is free to do so.

But that there be a default that, there be a standard understanding of what the vocabulary means and that if you decide to do something different, hopefully you'll pick a different vocabulary so people know that your not talking about the same thing because I think that's one of the things that happens is, you know, whenever the word consensus is used well we have to be careful.

Do you mean full consensus or do you mean the ICANN bylaws definition of consensus or do you mean and so starting to standardize some of these terms in one place.

And if you've done it in one place, you can include it by reference. The danger with including it by cut and paste, by insertion is that then you start to have to worry about well if there is a major change somewhere because somebody also notices a big fault in what's defined and you want to change it

in one place, you can't. You have to change it everywhere and that becomes a problem.

So I would recommend putting it in that overview document, setting it as default and then referring to it, you know, inclusion by reference in these documents. If you need to include it by text but it should be the default unless it's overruled. I definitely agree with Subbiah on that particular issue.

Jonne Soininen: Yeah. This is Jonne. I agree with Subbiah and Avri as well. I think that as much as possible there's default and they - that's it's better when it doesn't have to be carried around and copied around because then people also make mistakes or maybe there's a little change that other people didn't notice or something like that or it looks the same but it doesn't really feel the same as in the original.

And it should be a kind of like a very special case where there's deviation from the standard and that should be done by the chartering organization. And I agree with this approach that Subbia and Avri have proposed.

J. Scott Evans: So as I understand it we are going to take this illustrious example and make that the default. And then we're going to state that if a chartering organization wishes to deviate from the default and/or empower the working group to decide its own decision-making methodology that it affirmatively states so here?

Jonne Soininen: Yes, I'd be okay with that.

Avri Doria: Yes.

((Crosstalk))

Marika Konings: This is Marika.

Man: Sounds good.

J. Scott Evans: It seems to get close to what you're talking about Ken.

Ken Bour: Yes it does.

J. Scott Evans: Why don't we do that?

Marika Konings: This is Marika. I just would - just want to affirm that I guess at some point - but J. Scott you want to leave that for the next document to actually run through this procedure and make sure that, you know, we've covered all the steps and, you know, and perceived all the situations that, you know, need to perceive at that you know, at the end there's some, you know, there's a path explained if the chair agrees, the liaison agrees but there are no others like, you know, what if the chair agrees and liaison disagrees. What happens then, those kinds of things? So I think we need to at some point run through the different scenarios and make sure that it's complete.

Subbiah: On that being - this is Subbiah. Actually even in the earlier step I noticed something. I don't know. This might be a place to discuss it. I'm not, you know, suggesting it but I'm just thinking formally, logically.

There are four things here that have been set out as to consensus variance unanimous consensus, rough consensus, strong support, minority viewpoints right. But is there one way - it's a drastic thing I've seen it happen at ICANN before, I mean we have, which is a fifth thing which is no consensus. I mean meaning something, you know, that we just don't want to make a decision because this thing is hopeless.

Avri Doria: I like hopeless as a name.

Subbiah I knew we've had it, you know, the who is and what not. I mean it's actually a definitive statement. It says we don't - we're so disagreeable on this we can't agree on anything. We are just staying status quo.

Avri Doria: Isn't that though what one would say there is no consensus. There are the following minority conditions.

((Crosstalk))

Subbiah Yeah. It's kind of the same I guess but I was thinking as minority viewpoints as simply sort of a - at one level I was thinking of minority viewpoints as just - as opposed to 10 - say that 10 people all with 10 different views and they can't get anything or it's a question of this, you know, there two, three groups of people with, you know, three choices each...

Avri Doria: (You're right).

Subbiah ...yeah.

((Crosstalk))

Avri Doria: The term is overloaded with - it's sort of being...

Subbiah Yeah.

Avri Doria: ...both ways. A minority view on rough consensus would be listed but there would be no minority rule - minority view on full consensus. So minority views are always listed on any of the others but your talking about a situation where there's nothing but minority...

Subbiah Yeah. And we've actually had - believe had communities where basically they go out they take a look after a long time the chairman just he says look, it's

hopeless. We can't do anything here. Just take it back. We don't want to do this. I don't know, it's a thought.

J. Scott Evans: That is a thought.

Marika Konings: I think it's a fair point. Because you needed some of the working groups its, you know, they do then explain, you know, certain thoughts, paths they have followed or options they've explored and then basically said well the group couldn't reach any consensus on, you know, endorsing it.

But indeed it doesn't specify any minority viewpoints. Just that they couldn't reach, you know, consensus around a certain solution or option. So I think it's fair - a fair point to add that to the list (unintelligible).

J. Scott Evans: All right. With that, I'm going to call us to a close at 12:03. That's been about an hour. I would ask that everyone look at this list here that we're - that we have in front of us and be ready to discuss this next week. All right?

Woman: Okay.

Avri Doria: I probably will not be able to make the meeting next week. But having had a strong hand in writing that - some of those lists it doesn't matter and I'll write any comments if (I had any) but I'll be in Geneva and I'll probably miss next week's call.

J. Scott Evans: Okay. Thank you for the heads up. So with that, we're going to call this to a close. We can end the recording and Gisella, we'll send out a reminder the call will continue to take place at this later date - later time so that we can accommodate some schedules.

Avri Doria: Actually I might make it. It'll be 9:00 at night. Anyway, sorry.

J. Scott Evans: Okay.

((Crosstalk))

Jonne Soininen: No it's 10:00 at night in Geneva. Its 9:00 at night in Finland.

Avri Doria: Okay, thanks.

(Yonis Finningen): So anyway, yes, thank you and see you next week.

J. Scott Evans: All right everyone. Thank you.

((Crosstalk))

J. Scott Evans: Thank you Ken for jumping in.

Ken Bour: You're welcome. Bye bye now everybody.

Woman: Bye.

Man: Bye now.

Woman: (Thanks Gisella).

Coordinator: Thank you for calling the Digital Replay Service.

END