

**GNSO**  
**Operations Steering Committee Community (OSC) Constituency Operations**  
**Sub Team 1.2**  
**21 September 2009 at 13:00 UTC**

**Note:** The following is the output of transcribing from an audio recording of the Operations Steering Committee Community (OSC) Constituency Operations Sub Team 1.2 teleconference **21 September 2009** at 13:00 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/gnsso/gnsso-ops-20090921.mp3>

On page:

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

**Participants present:**

Olga Cavalli - work team chair – NCA  
Michael Young - Work team vice chair - Registry c.  
Victoria McEvedy - IPC

**ICANN Staff**

Glen de Saint Géry - GNSO Secretariat  
Gisella Gruber-White  
Julie Hedlund – Policy Staff

**Absent apologies**

Rafik Dammak – NCUC  
Claudio Digangi - IPC

Gisella Gruber-White: Thank you very - (Victoria) would you like just a quick roll call to see who we have on the call today.

Victoria McEvedy: Yes. Thank you.

Gisella Gruber-White: Good morning, good afternoon to everyone. The recording has now started for the sub team. We've got Olga Cavalli, Victoria McEvedy, Michael Young. On this call from staff we have Glen DeSaintgery, Julie Hedlund, myself Gisella Gruber-White. And we do have apologies from Rafik and Claudio. Thank you.

Victoria McEvedy: Okay. Michael, I'll just give you a - we had decided to have an informal chat because we didn't know if we had enough to have a formal call. But now we've got you, we've got the recording and all that sort of thing. And we would just - I was just discussing with Olga some of here thoughts.

As you know from the list, we are focusing just on the language of the recommendation, which I re-circulated just in order...

Michael Young: It's broken out. I see them here. Yes.

Victoria McEvedy: Yes. Just in order to try and, you know, put aside some of the rhetoric and positional things and look at - look at precise issues and language, et cetera, to see, you know, to what extent we really do have issues of principle.

Anyway, Olga has raised two issues and we were just starting to discuss the first one. And her first issues was - and Olga can speak to them again if she'd like to. But the first one was the requirement for the publication of minutes, which arises here in a couple of context.

Executive committees, committees and...

((Crosstalk))

Victoria McEvedy: ...meetings.

Michael Young: Yes.

Victoria McEvedy: So it arises in a couple of places. And the other one that Olga has raised but like I said, we were only beginning to discuss these was open - the open list.

So Olga, I'll just turn the - turn the whatever it is back to Olga actually because perhaps you'd like to - I think we were just trying to get to the heart of her concerns about if it was - why it was onerous to publish minutes in

these context. And we'd already dealt with the fact that it probably isn't a staff issue because it's constituencies themselves. So we were just trying to explore that.

Olga Cavalli: I was just a - if I may Victoria just when Michael joined the call, I was just sharing some experiences I have, not with ICANN, but with other bodies that I belong to like Internet Society or our local chapter. I'm the secretary. And I must confess that now that I am the secretary, this issue with the minutes is in order because I don't quite order when I - when I commit some of my time for something.

But that's note the rule. Generally, what usually happens is that just minutes don't get on time published. Just because people is volunteering time, I - and this Michael, perhaps you can help us in understanding this. How (this time) make it works in between a constituency within ICANN because my experience is as a non-com appointee and from other bodies that I work with.

And so my general comment was this is all good. Is it feasible? I mean is this feasible for the different constituencies? Are we requesting or setting rules that will be achieved or just it's that it's (higher) and the reality to daily life and a daily lack of time makes things really in reality the difference. That's my question. And maybe you belonging to a constituency like registry constituency could give me your comment.

Michael Young: Well, you know, actually I have a fair bit of thinking about this because we - when we were doing our charter in the ROIC, well, our charter that was supposed to be and is for actually our new stakeholders group. We went back and forth on what would be effective in terms of commitments, in terms - in regards to public transparency and publishing what we do, what we're discussing and so forth.

And we struggled between, you know, setting policies or setting rules voluntarily in our own charter at that point in time to, you know, demonstrate a

willingness to disclose and be open and transparent about what we're doing versus actually, you know, something that would practically work and not be worked around.

See when the rules for transparency and discussion are overt, what happens is that you end up getting, in my opinion anyways and from my observations both in ICANN and other groups I've worked in, is you end up getting a bunch of side long, unofficial conversations by phone, by personal email and people keep key decisions and negotiations frankly off these formal lists because everything is so public.

You can't offer a honest opinion without someone twisting it, often violently, on you outside the group. Unfortunately a place like ICANN frankly attracts a lot of fringe zealots that seem to have less of an interest in, you know, improving the Internet for the greater good and more of a personal interest of almost, you know, occupying themselves in lurking and looking for controversy as a form of amusement.

There are some folks that we've seen around at the different meetings that appear to behave that way. And so we were struggling back and forth how do you - for those people with good working intentions, how do you keep them informed. But how do you not make the rules or the conditions so onerous that people try to work around it, right.

So what we came up with in our own charter that I think was effective, and I'm reading this - Victoria, a quick question for you. This is meant to apply to interest groups as well? Is it at this point?

Victoria McEvedy: Well, it's very - it is inherent to the structure of this that it's right at the end of the - right at the end it seems in (each one) applies to the stakeholder group. Because I do think that we need to think through carefully. I mean I'm not familiar with the stakeholder groups here. You know what I mean? I mean I'm...

Michael Young: Yes.

Victoria McEvedy: ...really thinking in a constituency way because I've been in two of them and I understand how constituencies work. As a rank and file member and not as a leadership member, you know...

Michael Young: Right. Right.

Victoria McEvedy: ...and I think that's part of the distinction between my distinctive and that of Tony and Chuck's who have been...

Michael Young: Sure.

Victoria McEvedy: ...probably deeply involved in the leadership. You know, so I'm very much someone who feels frustrated and in the dark constantly in those scenarios.

Michael Young: Right.

Victoria McEvedy: So - but I think we do need to start. So even if we think this - so what I've done just because it was from my experiences, try and think these things through from a constituency level. And I've said at the end then we should rethink them through from an interested - well, from a stakeholder group point of view.

Michael Young: Okay.

((Crosstalk))

Victoria McEvedy: Because there may be slightly different considerations there and I don't want to, you know, apply such a broad brush we can't reach consensus on any of it. But...

Michael Young: Well there are - there are three names here we're talking about just to clarify now because the - I forget the name of the group that's the advisory group for the recommendations, the board recommendations. Olga, what's their name now? They've been...

Olga Cavalli: I don't recall it but...

((Crosstalk))

Michael Young: You know what I mean.

Olga Cavalli: ...to my mind. Yes I know.

Michael Young: Yes. So they went over the charters and they made some suggestions.

Victoria McEvedy: The Board Governance Committee?

((Crosstalk))

Olga Cavalli: Exactly. The Board Governance Committee. Right.

Michael Young: So the Board Governance Committee went over and they suggested that for the contracted side of the house, from the GNSO, we scratch the term constituency and we change it to interest group. And that's because constituency on the contracted side of the house anyways requires a contract, right, for membership.

Victoria McEvedy: Yes. Look, I am aware of the terminology. But I think it would be dangerous to substitute the word constituency here.

Michael Young: Well I'm wondering if we shouldn't add both interest group and constituency because they're supposed to be the equivalent really. You know, one's on the contracted side of the house and one's on the non-contracted side of the

house, right. And they were the same term until someone, you know, decided - and I think wisely to change that just to differentiate the fact that, you know, one is - requires another significant precedence membership and the other one is...

Victoria McEvedy: I'd like to take a look at - I hear you. I hear you. I'd like to look at the documentation for that because I mean are there charters for interest - for the interested parties? Because if there are not, that's a very whole different equation that we're talking about.

If that's a loose gathering, let's not in any way formalize the...

((Crosstalk))

Michael Young: No. No. It's expected to have charters just like...

((Crosstalk))

Victoria McEvedy: Right. Well until they do - until they - well perhaps we should just footnote that. But until they do have charters and look something like constituencies, I'm not sure that's going to be helpful to the analysis. But I mean, you know yes, we could - I take your point and we can - we should footnote that.

Michael Young: Yes.

Victoria McEvedy: But I mean all of - you know what I mean?

Michael Young: Yes.

Victoria McEvedy: But it's a little premature if they haven't - if they're not - if they kind of haven't been formed.

Michael Young: Right. Well, I mean technically I guess nothing's been formed under this new structure so much yet because the new Council hasn't been seated. But...

Victoria McEvedy: Yes. But I mean the constituencies all have re-certified and submitted new charters and amended the charters...

((Crosstalk))

Michael Young: Right. That's true.

Victoria McEvedy: ...and put on their charters. And I mean the interested parties don't exist yet until they've got a charter. And we don't know what they'll look like when they do start...

Michael Young: Right.

Victoria McEvedy: ...trying to come up with a charter and they may never do that because actually I don't think there's any need for anyone to do so. So I mean it's purely - in a way it's pure theoretical. But I mean let's footnote it and I take that point. But they're not - they're not entities yet.

Michael Young: Yes.

Victoria McEvedy: And also I think there's also - there's some room for discussion or there's some room for (movement). They may end up being things that look quite different from constituencies because they might be something a bit more like birds of a feather group. So I don't know. You know what I mean Michael?

Michael Young: Yes.

Victoria McEvedy: There might be more factions than constituency, you know, and something like a constituency. But...



Michael Young: Well, you know, that's actually a good term. And I would have to agree to some - I would have to agree that that's how they'll probably tend to form up, right?

Victoria McEvedy: Yes.

Michael Young: You know, similar interests, similar motivations. I almost look at them as the type of - as a voting block, if you will, in a stakeholders group

Victoria McEvedy: Yes.

Michael Young: You know.

Victoria McEvedy: And certainly I mean that's right. I mean I know because - this was said before. I mean that - I mean no one's quite clear about the entire new picture or how it's operating. But what the transitional charters and the non-contracted has, the power is utterly residing with constituencies. The votes are residing with constituencies.

And so at the end of the day, you know this is very much drafted from the point of view these known quantities who actually will retain the real power in the GNSO until we see new charters maybe in a year or so.

Michael Young: Right. So let me - let me just go over and make it really clear because I mean I know - I understand on the contracted party side of the house. I fully understand how the registries have organized themselves. And the registrars are a little bit different but I've been going through their charter really - and I need to have a conversation with a few of them to really understand it a bit better.

But for our - in our vision anyways just as a point of comparison, we left the voting power with the members of the stakeholders group at all times. So

they could have gone off and formed prior. They were supposed to form constituencies but now it's interest groups.

But they could go form factional groups and organize themselves with a charter and they could choose to have a spokesperson and so forth if they want to. It's all valid. But when it comes to actually voting and applying, you know, voting for your - or GNSO seat representation or telling our councilors how to go on a motion. It's actually the individual members' exercise their vote regardless of what interest groups they choose to participate in. Right.

And we did that just so that at the end of the day...

((Crosstalk))

Victoria McEvedy: In the stakeholder group you mean?

Michael Young: Yes. Yes. Yes. Because it was easy for us to form it that way because of precondition of being part of any of the interest groups underneath the stakeholders group was that you had to be eligible for membership in the stakeholders group in the first place. In other words, have a contract with ICANN. So we were able to simplify the structure for that.

Victoria McEvedy: I mean like I say, I mean I'm very skeptical as to whether there will be interested parties that will choose to formally organize. So I don't think that should stop constituency reform. But until - you know, certainly...

Michael Young: Yes.

Victoria McEvedy: ...until constituencies look like they're going to become less relevant and that's not looking like it's going to be the case.

Michael Young: Well they are...

((Crosstalk))

Michael Young: ...refer to itself as a constituency after the new Council is seated. We'll refer to ourselves as stakeholders.

Victoria McEvedy: Yes but I'm talking about - I'm talking about for example the IPC and the business constituencies...

((Crosstalk))

Michael Young: Right. Right. Right. Right.

Victoria McEvedy: ...right. But those - they are...

((Crosstalk))

Victoria McEvedy: ...alive and well going nowhere.

Michael Young: Yes. Yes.

Victoria McEvedy: And so I look, you know, I apologize for that but I think we need to footnote that and I - I mean I - I mean to be honest, my own preference would be if anything to carve out interested parties until we see them and know what they look like. And I don't think it would be really necessarily the best thing to try and anyway so just (roll a thing with it). I don't think are going to resemble constituencies or behave like them or have...

Michael Young: Right.

Victoria McEvedy: ...the significance.

Michael Young: Okay. Well we could put that in a footnote and just say, you know, we're aware that there - that there was a recommendation to change the language

from constituency to interest group on the contracted side of the house. And since we haven't had specific guidance on what an interest group is...

Victoria McEvedy: Yes.

Michael Young: ...versus a constituency and, you know, our base assumption is that it's, you know, likely to be much the same thing - intends to be much the same thing with the exception of requiring a contract that's contracted by (unintelligible), you know, could we have clarification on that.

I do - I do think your point...

((Crosstalk))

Victoria McEvedy: Well I think only - yes, well, I mean who would clarify that? I mean until time - I mean until they do organize, will we - I don't know if anyone can tell us until - the proof will be in the...

Michael Young: Well I mean they put out a huge description of what they expect the stakeholders group to be. So why can't we do the same thing for - why can't they clarify interest groups?

Victoria McEvedy: Well I would have thought - I mean I don't know, but I would have thought they'd want some sort of bottom up process. Like they'd want to have a look at what people were proposing. But look, we - I'm sure we can find - I'm sure we can footnote that in a way that's, you know, that makes everyone happy. And I think it's - I think it's the way to go.

Michael Young: Can we go back to the mailing list for a second?

Victoria McEvedy: No, we're on minutes. We haven't got to mailing list.

Michael Young: Oh we're on the minutes. Sorry. Minutes, I was kind of lumping minutes and mailing lists.

((Crosstalk))

Victoria McEvedy: No they're quite - I don't think they're remotely similar. And I think we should start with minutes and it's, you know, it's...

Michael Young: Okay.

Victoria McEvedy: ...it's a really basic thing about organizations and committees and...

Michael Young: Yes.

Victoria McEvedy: ...you know, I think we need to give it its due time. I mean I think - you know if people think longer - I've already changed the recommendation to 72 hours.

Michael Young: Yes. I...

Victoria McEvedy: If it's a...

((Crosstalk))

Victoria McEvedy: ...time zone...

Michael Young: I think minutes are fine. I think you're going to get a little bit of interpretation of what's adequate.

Victoria McEvedy: Yes. Yes.

Michael Young: And I don't think we can - I mean I throw my hands up in the air at that because I don't think we're ever going to get consensus on what's, you know...

Victoria McEvedy: Yes.

Michael Young: ...adequate for minutes. I think we just have to kind of leave that for the groups to work through and their memberships will object I guess if they don't feel the minutes are sufficient.

Victoria McEvedy: Yes.

Michael Young: And I think 72 hours is kind of the minimum period we have to leave for people given that in the constituencies anyways there's no guarantee of staff support. I mean we've been very lucky in that we've been able to fund some assistance from (Sherry) in our group. And (Sherry Stubbs). And that's worked out very well for us. We've been very fortunate and to get somebody so reliable and to help us. Our minutes come out relatively quickly as a result.

But I know a lot of the other groups it's just, you know, they take turns and it's whoever's on the call and, you know, it's going to be a challenge for them for sure.

Victoria McEvedy: Yes.

Michael Young: You know. And so I think we - and, you know, especially constituents on the non-contracted side of the house may not collect fees or anything to deal with the administrative side of their group. You know.

((Crosstalk))

Victoria McEvedy: I know we pay - well, we pay fees.

((Crosstalk))

Michael Young: Right?

Victoria McEvedy: And certainly enough to do - well, I mean they've got the option to charge fees and it's pretty basic to do some minutes I think. I mean even - I mean, as you say, I think that's a very good point you make about adequacy. But I mean, you know, it doesn't - they don't have to be - I mean it needs to be, you know, recording the decisions taken. You know.

Michael Young: Right.

Victoria McEvedy: It doesn't have to record the discussions, you know. And so, you know, the action points alone will be minutes, right. I mean it's not - it's not really that challenging.

Michael Young: Do we want to try and introduce then like kind of a minimum expectation of minutes? Minutes are at a minimum, you know, clarification of decision points made and resolutions.

Glen DeSaintgery: Do you think that would be helpful?

Michael Young: I think it would be.

Woman: I think so, yes.

Victoria McEvedy: Okay.

Woman: I agree.

Victoria McEvedy: So decisions, resolutions and action points.

Michael Young: Yes.

Woman: Yes.

Victoria McEvedy:

Victoria McEvedy:

Olga Cavalli: Can I ask a stupid question? Could some group say or interest group or a constituency say that they just don't want to do minutes? I don't know if it's possible or...

Michael Young: Well I think that's what we're trying to guard against with this.

Olga Cavalli: Okay.

Michael Young: Yes.

((Crosstalk))

Victoria McEvedy: ...minimums that way.

Michael Young: Yes.

Victoria McEvedy: We're setting really basic minimums and quite frankly I think decisions, resolutions or action points is - it should be an acceptable minimum. I mean...

Olga Cavalli: No. I agree. I mean I totally agree that there should be minutes and it should be - they should be at least in 72 hours. I'm just talking about what reality is in different groups, interest groups.

Victoria McEvedy: We'll we're looking - we are...

((Crosstalk))

Olga Cavalli: But we shouldn't say...



((Crosstalk))

Victoria McEvedy: I'm sure the - the IPC's full of lawyers and, you know, they're perfectly capable of doing minutes. I'm sure the business constituency and also the NCUC again it's full of lawyers and law professors. I mean, you know, this is who we're actually talking about and they're certainly, you know, the leadership and the executive and what have you and, you know, they're just very highly educated sophisticated people.

So I don't think that this is a huge, you know - even the parish, you know, even your parish council if you have one, they do minutes.

Olga Cavalli: Oh perfect. No I totally agree.

Glen DeSaintgery:(Victoria), this is Glen. Just to add in because some of you might not know, some of the constituencies do have secretaries like as Michael has said the registries. And the business constituency has a secretariat and the ISP constituency has a secretariat. I cannot not speak for the IPC, which you probably can. And the NCUC as far as I know don't have but they have in the past asked to have a secretariat.

Victoria McEvedy: That's Glen. That's very helpful to know. Are they ICANN secretary so they've got - made their own private arrangements.

Glen DeSaintgery:And they've got - they've made their own private arrangements. I know the BC, the business constituency pays for their secretary from the funds that they collect, the fees that they collect from being a member of the business constituency. And I think that the ISPs do the same thing.

Victoria McEvedy: Right.

((Crosstalk))

Glen DeSaintgery: And I know the registrars they have got somebody who writes their papers for them. (Tough work).

Victoria McEvedy: Very (sensible).

Glen DeSaintgery: Which is very useful because, you know, the contributions come in on time and constituency members are - play the role of secretariat because I have to do with them during the meetings for example, the big ICANN meetings.

Victoria McEvedy: Okay. That's really helpful. And also, you know, for those organizations, you know, for those constituencies who really are comfortable with transparency, I mean it's very cheap and easy to stick up a recording if they're comfortable with that level of disclosure. And, you know, that's the cheapest - probably the cheapest and easiest option because of the technology; so feasible and affordable.

But anyway, does anyone else have any comments on minutes. Julie, did you want to - did you have any - something that you wanted to add?

Julie Hedlund: Yes. Thank you Victoria. I don't have any particular comments. I do like the idea however of having some kind of a bare minimum definition. And, you know, ideally something basic enough that if a particular constituency is, you know, constrained for resources and, you know, and want to, you know, understand how much they have to do to meet the guideline, I think that's very helpful.

Victoria McEvedy: Great. Thank you. Okay. Shall we go on to communications or open mail lists then, which was Olga's second point. Olga do you want to just talk to use about...

((Crosstalk))

Olga Cavalli: Yes. My experience is that sometimes when the lists are quite open, they are captured by some participants. So this really is discouraging for people that really want to make a relevant comment sometimes when it's necessary and not all the time about anything.

And so the list loses interest for many people and it just doesn't make sense. That's my experience with some groups. And I know that some (unintelligible) and I don't know constituencies in ICANN but some other interest groups have this problem.

So my question is should they be really open? I know that for the sake of transparency that is good. But sometimes in practical issues, it's a burden. It becomes captured by two or three activists and brings - it brings some problems.

So my experience with - for example, with Internet Society that we have totally one for the - for the whole - all the - all the members of the chapter which is quite open. And there are some general communications but then there is one more restricted that they - for the - for the board and for other members of the - of the chapter.

And so some decisions are discussed in that shorter list. But (unintelligible) and example that I wanted to bring about the capturing. That I have seen sometimes and it's quite - it's quite bad for people that really want to participate with relevant comments.

Victoria McEvedy: Michael.

Michael Young: Yes. I have to - I have to agree with what Olga is saying there. I mean that's what we struggled with when we were discussing this back and forth. And then there's also administrative burdens on a - on a more public list to frankly make sure you don't get hacks on there saying derogatory or racist or personal attacks. And there's quite a bit of work involved in that.

What we resolved we would do and we haven't finalized this but this is where the discussion is going in our group is create a public submission mechanism. So we publish our minutes, you know, resolutions, decisions and so forth on the Wiki or maintained Wiki so people know what we're up to.

And if they want to comment, they'll have a public submission mechanism. So anybody in the open community can come in and have a place where they can post their thoughts or their comments on anything. We've posted that we plan to do or that we intend to (unintelligible). That we felt was a little bit more maintainable.

And then we also have a working list of course that the members of the actual constituency or stakeholders group in our case now can go back and forth but that's not - that's obviously public within the working group membership or the constituency membership but not public to the general public. And that was the compromise we came up with. And it seems to me to be a practical and realistic approach.

Victoria McEvedy: All right. Well, I mean the only thing is that I'm not sure if anyone's focused on this but this isn't even one of my recommendations. This is one of the board governance committee's minimums.

Michael Young: Yes.

Victoria McEvedy: Must observe.

Michael Young: Yes.

Victoria McEvedy: And when - I have to say looking at all the other examples, well, I don't know. Maybe you can tell me in practice what happens. But if you look at - is it IPF, IPFL or whatever it is, you know, international - it's the one that you were involved in Michael. What is it called?

Michael Young: Oh, the IATF?

Victoria McEvedy: Yes. I mean...

Michael Young: Yes.

Victoria McEvedy: ...everything's open, isn't it?

Michael Young: Yes. On the Internet Engineering Task Force but then that's mitigated by an extreme harshness in administration of those lists. Like people are frankly very rude and very nasty on those mailing lists. If you get on a mailing list with the ITF and you start spouting a position versus a, you know, a technical argument, you'll get thrown off the list almost immediately.

You know, if you're in a meeting and you stand up and you comment on something and you haven't read the relevant document thoroughly and can demonstrate that, people will literally say shut up and sit down. They'll say that.

And so if that has, you know, other mitigating capabilities that would not be diplomatically acceptable in ICANN. So...

((Crosstalk))

Victoria McEvedy: All right. Look, what I'm wondering is remember the board governance committee came up with this pre stakeholder groups. I mean the report was originally pre the stakeholder groups.

Michael Young: Yes.

Victoria McEvedy: Was it not? I mean do you think that there might be a case for - I mean I think - I mean I think in some ways the principle is important because, you know,

the lack of transparency is real - what I'm say lack of basic transparency or the three reviewers are complaining about it and it is true. And this is a major contributor and also sits at the (unintelligible) I think.

So, you know, we do need to like really take some time with them. It's an important one. But is there room for distinction between constituencies and stakeholder groups? Although I say that with - I mean do you think maybe it's more important that the stakeholder groups have openness and the constituencies could in that sense have...

Michael Young: I think they're kind of equal in that regard. I mean one is in a way just a subset of the other. So I don't - I don't see that they're - you know, I'm not really distinguishing a whole lot between, you know, what's good for the goose is good for the gander kind of thing here in this situation.

I think the - I think, you know, if I was to phrase a recommendation around this, I would almost say that, you know, try not to define the mechanism but say that, you know, both constituencies and stakeholder groups should be providing a mechanism for the open public to understand what's going on.

In other words, publish your minutes, publish your resolutions and your decision, maybe publish your MP3s if you want to go that far. But you should be publishing what you're up to and your decision-making. And then you should also be providing a mechanism for people to respond to that regardless of (unintelligible).

Victoria McEvedy: I'm not - yes. I'm not sure that we actually have - like I say, it's a minimum and they're quite precise. Mailing a discussion that should be open and publicly archives with posting rights limited to members. And I think that partly addresses your concern about, you know, you're not going to have hate speech for members of constituencies because they can be subject to obviously to expulsion, et cetera.

Michael Young: Well sure.

Victoria McEvedy: I mean...

Michael Young: But how do people then guarantee they have a right to voice their thoughts and their opinions? That kind of leaves a hole open in my mind.

Victoria McEvedy: No. But it's not about that. It's not - I mean I think if you - I mean maybe we need to look at this one further. I think it's a really important issue. But I mean it's not about the - it's not about giving the public the right to post. I mean they have other - there are general ICANN lists anyway out there for the public to - you know, most - because most policy goes out for public submission, doesn't it? Public comment.

((Crosstalk))

Michael Young: Well yes. But not...

Victoria McEvedy: Isn't there a general list? There's a GA list or what is it called?

Michael Young: Yes. There's a GA list.

Victoria McEvedy: So I mean there's already one public. So the public can post, you know, comments on the GA list. But this is about, you know, the fact that I mean, you know, at the end of the day the way I look at this is the whole thing is, you know, constituencies are not supposed to be little private clubs that operate in secret which is actually I'm afraid what is happening.

It's to - this is really to pry them open and render them transparent because they're only in existence, you know, by privilege, i.e., their charter with the privilege grounded by the board. You know, and they're supposed to be, you know, collections of people with similar interests to participate in ICANN in a transparent and open way.

So we may have to go and look further at some of the base reports that I'm - this doesn't seem - like based on the - it's a minimum guideline. So I'm not even sure that we have the right to try and...

Michael Young: Well interestingly enough the board recommendation - the Board Governance Committee that was looking at our charter, we thought they might say something because we were - we did not in our charter say that we would publish our mailing lists openly as per this minimum requirement. But we said we would convey what was going on publicly and we made some general terms. And they didn't blink an eye at it. I was surprised but I think, you know...

((Crosstalk))

Victoria McEvedy: You know that's not the final process of that. I mean that's - I mean none of these...

Michael Young: Yes.

Victoria McEvedy: ...I mean that's not necessarily dealing with our work is it? Is was...

Michael Young: No.

Victoria McEvedy: ...they were basic minimums.

Michael Young: No. They're - that's true. But, you know, I rather think that this statement was a bit of a mistake. I think it's too constrained to the - to the medium. I mean why define the medium? Why not define the goal? And this is - this is the definition of the medium.

What if, you know, five years from now nobody's using mailing lists. We're using another mechanism. Then that means you've got a get out of jail card



free because this was too specified. Right. It's - so I'm reading it with the intent, deliberately reading it for it's intent. Not for its specificity. Sorry. I have a bit of a speech impediment that crops up sometimes. It's hard for me to say that word.

Victoria McEvedy: I don't think that - I mean I don't know how we would manage to craft something that would ever come up with - I mean, you know, I mean we've met quite a lot of resistance generally about making constituencies suggesting real change in their practices.

So how would we ever craft something to try and, you know - it would be - you know, it was proposed as an (unintelligible) I think fairly drastic step, which would have made broader (see) change to the way of operating. How would we craft something that would ever get to adequacy? You know, how would we...

Michael Young: Well one of the things that we do in the - because I have to go back to our, you know, my own experiences, that I think is effective is when we publish a comment document as a group, we also publish, you know, how the group weighed in on it. So if we have a super majority but a minority opinion, the minority opinion gets published as well regardless of, you know...

((Crosstalk))

Victoria McEvedy: Okay.

Michael Young: ...frankly sometimes only one member, right.

Victoria McEvedy: But I think that's a slightly another recommendation. Their next basic guideline was procedures to developing policy positions publicly about how many participants...

Michael Young: Yes.

Victoria McEvedy: I mean that kind of practice is picked up elsewhere on a slightly a different point. I mean it is - these are the main...

Michael Young: It's kind of related to this issue, right. Like, you know, transparency, openness, what's the group doing, what's the group really up to? Right? You know, is...

((Crosstalk))

Victoria McEvedy: Well they're making a distinction between policy and general business. I mean the lists - what are the lists - the mailing and discussion lists do that's - your general business forum?

Michael Young: Well I mean, you know, what happens on the list at least in our list sometimes is some robust debate. And sometimes people to make their point will cite examples that they're comfortable with with the group because it's a (knowing). Like for example, you're just talking to another registry (company) so you know a - they understand what you're talking about. You don't have to do 16 paragraphs context to make sure that something's done, misunderstood or taken the wrong way.

And, you know, if that were to be published just openly, you'd have to couch your language so carefully because the next thing you know, you know, because this is a public list, you know, some reporter's going to be listing it and putting it in an article out of context.

And you're going to - anything that you put out of this list you're going to have to pass it by - through your PR department. I mean it just gets very hairy and very difficult to have an honest, you know, discussion about things.

Victoria McEvedy: So why do you think the Board Governance Committee recommended it?

And why do you think like have the ITF do it and don't they have the same concern?

Michael Young: No. The ITF don't really talk about policy per se. They stay off that topic. So it really is a bunch of, you know, excuse my language but bit heads arguing about, you know, the best thing from a technical perspective. And, you know, sometimes frankly they say some pretty ludicrous and outrageous things.

But companies, you know, these are - these are tend to be - people in that group tend to be more of the mad geniuses of companies so they tolerate that in that space and they realize part of their creative process is kind of a different thing.

And like I said, the people managing the groups are quite vigilant and will slap people down in a way that you'd never ever see in a more diplomatic environment. So it's not - it's not as difficult to manage. Although, you know, scroll through those lists. You'll see some things that sometimes you can't believe that somebody said it.

Now in this environment though, I mean anything that you say could, you know - it's almost, you know, a whole different arena because anything that you say or argue if it's taken out of context could result in policy going in a direction that, you know, the organization that you're representing or the interest group you're representing or whatever is not happy with and it can cause a world of trouble.

So, you know, now you're going to end up having a hard time getting down to a good debate. I mean you'd think things are very quiet in some of these groups already. People are very, very, very couched on what they say and very cautious quite often.

And it seems to me like it's one extreme or another. You know, there's not very many people down the middle. Chuck's a wonderful example of that. Chuck will weigh in on almost everything he's asked to and but, you know, I think that's kind of the exception. And that someone can kind of balance, you know, public facing concerns and also, you know, have a robust debate about something.

So, you know, what can I say? I think if you make things too public what you'll get is comments that are or a debate that is not really debate. You know, it's stuff that's vetted by people's PR departments and who really we're not going to end up with improved decisions.

Victoria McEvedy: Well it's interesting you say that. I mean there was no - there's no debate. There's almost zero debate on any of the lists. And I mean I don't know if there's other lists but I can tell you already in NCUC, well that's not quite severe, but certainly in the IPC, there's almost zero debate on anything. There's almost no commentary.

Michael Young: Really?

Victoria McEvedy: No. I mean so they're already there and that's not a - and that's not - they're already there.

Michael Young: Wow.

Victoria McEvedy: Basically stuff comes in. You don't know what's going on. You don't know who's dealing with it and, you know, all you'll see is the final position paper and you have two days to respond and no one says - no one says a word. A couple of people say oh that's great or what have you.

So where the discussions going on I don't know but it certainly isn't in the IPC.

Michael Young: Okay.

Victoria McEvedy: So I don't know what's happening in other constituencies. I've only got the experience of those two. I think the NCUC is - or maybe I wasn't on the right list because I never saw any of the discussion their either. So I wonder...

((Crosstalk))

Michael Young: ...list basically.

Victoria McEvedy: Exactly. So which makes - so the very thing that you're worried about I would say is already a problem, you know, wouldn't make any difference.

Michael Young: Well the contracted side of the house, both the registrars and the registries actually use their lists. I can tell you that. And I do see the working groups have participated in and around ICANN seem to use their lists pretty actively. I can't - like, you know, this is news to me.

So I'm sorry that the other side of the house basically is not doing that debate. But I would hate in the groups that are being quite, you know, open and debating in a health way to have improved decisions. I'd hate to shut them down, you know.

Victoria McEvedy: Well, do you think we should - what strikes me that this should go back to the Board Governance Committee for clarification.

Michael Young: That's a good idea.

Victoria McEvedy: Maybe, you know, maybe sending out the concerns. You know, maybe we should just, you know, write to them and ask them very - you know, say this is what we're worried about. You know, what did you really mean? You know, hear the pros and cons.

((Crosstalk))

Michael Young: ...intent or is it, you know, do you want to be this specific. Yes. Yes. That's a good idea I think.

((Crosstalk))

Victoria McEvedy: And if you have a suggestion about some other minimum then we could look at putting the language to them. It just - you know, it was one of theirs and I think that, you know, there's been a lot of money spent giving to the point of their report, right, with the LEC and what was his name, (Sherry) and there's another one as well.

So, you know what I mean. It was a combination of an enormous process and no doubt large sums of money. So if that kind of makes one of their five, four minimums here - oh hang on. One, two, three, four, five minimums or something, you know, I think - I don't know we should just be throwing that away without asking for clarification.

Michael Young: Yes. No. No. I think that's a good idea. Olga, how do you feel?

Olga Cavalli: Hold on a second please. Just my phone is ringing. Yes, I totally agree with you and I think that the experience of Michael is very interesting. This is why Victoria I think that comments from constituencies has a lot of value. It's not that I think they are more important than other comments but I think it's - it adds experience from the dynamic of the different groups. And if we don't respect the dynamic that is already existing, we will lose perspective and we will propose things that will not be suitable.

Victoria McEvedy: I mean I have to say I'm a little - I mean I take that - I take the first part of what you say. I have to say I'm a little skeptical about the - the constituencies are quite happy, certainly the ones I have - they're quite happy off writing exactly as they are. And, you know, they're going to have to be forced to

change because I've ignored all the reports, you know. And there have been some changes but nothing substantial I don't think.

So - but, you know, there's no point - you know, it is a bottom up process. And if we can reach consensus, you know, all the better. So we can work on that. Now listen, did - okay so that's minutes and communication. Olga, did you have any other thoughts?

Olga Cavalli: No. In general my concern was with the openness and with the minutes not because I don't think they're necessary but just impractical. I think that sometimes just people don't do them. But no, in general those were my comments.

Victoria McEvedy: Okay. Michael was there anything in particular on this call? I know we're only having a truncated call so it won't be the last opportunity in the list as well but was there anything else you wanted to talk through while there's the three of us?

Michael Young: No. I think that was really, you know - what we covered was kind of what I thought was the tougher part, you know. Because like you said, it isn't the minimum list. And, you know, I thought it was just - I think it's - I think it's shortsighted the way it's phrased. And I don't - I can't imagine that that's what they meant. I think they just got - you know, sometimes when people have a good idea or good intent; they turn around and try to almost execute it in their articulation of their intent. And I think that...

((Crosstalk))

Victoria McEvedy: Yes. That's a good point. Just the - I'm just wondering, I mean it was - so do you think that - I'm just wondering. I'm just looking at that language. Do you think they mean committees as well or do you think that would be the way that a constituency could have - or an interest group could have privacy while formulating policy?

That being as they (intelligible) a bit of an effort to make them form a committee. Because if you're only making - if you think about these things - these two together, you know, if it's only action points, decisions and resolutions and, you know, basically you've got (Chatham House) rules in, you know, while under discussion. And if committees can have closed lists, would that do you think deal with some of the sting of it?

Michael Young: Well, I mean it could except then, you know, within the group sometimes you're going to end up with some political problems, aren't you? Because I (hope) what you're going to have is because everyone wants to make sure they're - they know what's going on even if they don't want to contribute.

((Crosstalk))

Michael Young: ...end up with committees of like 30 people because they just want to be able to keep their thumb...

((Crosstalk))

Victoria McEvedy: True. True.

Michael Young: Now and only three people are going to be doing the real work. Right now in our group it works very well. I mean a typical - we call them working groups usually and say it's a committee. And, you know, usually it's maybe three, four people on average. Sometimes if it's a really dicey interesting subject you might get five to seven. That's at the outside. You know...

((Crosstalk))

Victoria McEvedy: That's very usual. Yes.



Michael Young: And yes, I think you'd end up having, you know, everyone in the - in the constituency putting their hand up just so that they had the information.

Victoria McEvedy: Yes. Yes. That's if you knew there was a committee. (Unintelligible.)

Michael Young: Well then that's another problem.

Victoria McEvedy: That's another problem. You don't even know what committees there are, you know, or what they're doing in lieu of...

((Crosstalk))

Michael Young: Yes.

Victoria McEvedy: Anyway. Okay. Well look, I think that's pretty helpful. I mean we just have to - what I'll try and do is I can just re-circulate that. I mean the - and I'm happy to do it. I have a first go at clarification to the Board Governance Committee that Michael I hope that you would input to the language and help me draft this.

And then I'm just going to re-circulate this again and try and explain to everyone what we - what we are recording so they can listen to the recording. But...

Michael Young: Right.

Victoria McEvedy: ...I'll just try and summarize what we discussed. We've got to - and then really call again for other comments and raise the possibility of another call, you know, perhaps maybe after our call on Friday.

Michael Young: Yes.

Victoria McEvedy: For the people who missed it. Olga.

Olga Cavalli: I think that's a great idea. Also I would suggest Victoria that you stress in your email and if you want after you send yours, I can send another to receive comments from our sub working team. Because we all agreed that sub working teams should have some feedback from the different draft parts of our final outcome. And the idea I think on Friday is to see how we are going to - how a level of agreement we have in the sub working teams and how we move forward.

On Thursday I have the GNSO conference call. So maybe if the same time I think it would clash with my GNSO teleconference. So but just check perhaps with the (unintelligible) if the other people is available. I'm not sure that with four days in advance they will manage to participate. That's just a suggestion but we can try anyway.

Victoria McEvedy: Great. Okay. Thanks Olga. Thank you. Thank you Julie and Gisella and Glen. Hope that's how you pronounce it Gisella. Just - is it Gisella?

Gisella Gruber-White: Gisella.

Victoria McEvedy: Gisella. Oh I'm sorry.

Gisella Gruber-White: No problem. I (unintelligible) struggle with your surname.

Victoria McEvedy: Everyone does. Okay. Look, thank you very much everyone.

((Crosstalk))

Woman: Thank you Victoria.

Woman: Talk to you on Friday.

((Crosstalk))

Victoria McEvedy: Talk to you on Friday. Thank you very much everyone. Bye bye.

Woman: Bye.

Michael Young: Bye.

Victoria McEvedy: Thank you (Anna).

Glen DeSaintgery: I think (Anna's) off.

Victoria McEvedy: Oh you're there.

Glen DeSaintgery: Yes I'm here. Oh well that was fun in the end.

Gisella Gruber-White: Okay. I think that the translation...

Glen DeSaintgery: All right. I'm going to stop the recording. Yes, the recording messed up. Okay.  
Bye.

END