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 Sunday 25 October 2009 at 09:00 in Seoul. 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/meetings/seoul2009/gnso-working-session-1-part1-25oct09-en.mp3

>>J. SCOTT EVANS: Ladies and gentlemen, we need to get started with
the meeting, so let's -- for those that want to participate, this is
going to be the working group work team meeting until 11:30 this
morning. We'll start here in about five minutes. I just want to let
everyone know what's in here. It's the working group work team.

All right, everyone. We're going to get started.

I just want to remind everyone that we are being transcribed. We
are being recorded. And there is audio streaming.

So if that's a problem for you, I wanted you to know that that is
occurring.

Also, during the meeting, if you speak, would you please say your
name, both for those that may be listening and for the transcribers
so that they -- they know a lot of the people here but they don't
know everyone, so if you could announce your name when you speak,
that would be great.

You see up on the screen that --

>>MARIKA KONINGS: Is it readable or --

>>J. SCOTT EVANS: Yeah, I think so. It is for me. Well, you can
also go to the TWiki site and you can look at the document there.
But before we get into the actual document, we have Jeff Neuman with
us. Jeff is the chair of the PPSC, which is the Policy Process
Steering Committee, and he is also chair of the PDP working team.

So they are working on pieces of this project as well, and one of
the things that we wanted to do today for like the first 15 or 20
minutes is sort of look at what their group is doing, so we can see
how it dovetails with what we're doing.

Because portions of our work is interdependent on resolutions from

other groups, because what we're doing is putting together sort of a manual for what the processes are and how it works, but we're not making some substantive decisions. We're just putting those decisions, once they've been made, into a document for reference for newcomers so they can understand how it works and how the process is.

So Jeff, if you would please give us an update on exactly what substantively your group is going to be -- is doing and hopes to do over the next term, so that we can see how that's going to dovetail into our document and then we can talk -- once we sort of get a feel for where you are, we can talk about how it's going to work within our stuff.

>>JEFF NEUMAN: Sure. And Marika, we actually did some slides yesterday. Is there any possibility to pick those up?

>>MARIKA KONINGS: Yes.

>>JEFF NEUMAN: Maybe that's probably the easiest way to do it.

And we could skip over -- let's see. I was just going to test my eyesight here, if I clean my glasses.

Okay. We just want to -- I think so our objective is -- on the PDP work team is to really go from the beginning to the end of the policy development process, and basically look at how we can incorporate the working group approach that you all are working on into the overall policy development process and making it more effective and responsive to the needs of -- you know, we've all -- a lot of us have been involved in this for a number of years, and a number of us have observed good things and bad things about the existing policy development process, and really it's looking back at that and trying to come up with a better way to move forward.

What we're doing is -- it's also in response to the Board Governance Committee's report from a couple years ago now -- I guess it's been going on for a while -- to make a more effective and more realistic policy development process.

So essentially if you'd go to the next slide here, we'll just go on to the next one too. I want to be more brief.

So there's different stages to the policy development process work team. The PDP work team's work. We divide it essentially into five stages and then a final one, which is on a few slides forward, about overarching issues that really permeate through each of these five different ones. So we've spent time talking about the first stage, which is really planning and initiation of an issues report. The second stage being, okay, what happens when this issues report and the council has to vote on it and initiating a formal PDP process.

The third stage, which is really where you guys fit in most integrally is the working group procedures and support. The areas that we're talking about are more how you can get support from the council to do your work, certain things like public comment periods, when they're inserted into the whole working group process, things about voting on a charter.

You all are working on developing the perfect charter, but essentially it's how does the council go about receiving that charter, voting on it, approving it. What are some of the time frames involved with that.

In the fourth stage -- and then it's mostly passed off to you guys to talk about how the working group actually operates and y'all have worked on charter and rules and how to deal with -- internally with a nonfunctioning working group, whereas we're dealing with it from the external source: What if the council is noticing that the working group's not necessarily doing what it's supposed to be doing, or the council wants to -- the oversight function of the council over the working group.

The fourth stage, then -- so the working group produces its product. Then what happens to it?

And that's where the fourth stage picks up for the PDP work team, which is getting it up to the council, when does the council have to vote on it, how they go about it, what -- what can the council do with the report from the working group. You know, is it -- can it take pieces, can it take a piecemeal, can it just -- or is it just forced to approve the whole thing and send it back?

These are the issues that are being talked about.

And then the last stage, the fifth stage, which is one that surprisingly has never been in the policy development process before, which is really how do we go about assessing the effectiveness of the policy and assessing compliance with that policy.

So if we could go to the next slide.

I don't think -- we could just go ahead of this.

>>J. SCOTT EVANS: I'll tell you one area where we need some guidance --

>>JEFF NEUMAN: Sure.

>>J. SCOTT EVANS: -- and understanding is in our document, there are sections that talk about coming to a determination within a working group, how you decide consensus.

>>JEFF NEUMAN: Right.

>>J. SCOTT EVANS: And we have not tackled the -- except in sort of academic discussions -- how that would be done. And my question is: We believe that that -- that the model for that needs to be universal. That developing consensus, there needs to be a universal understanding of what that means so that when we explain that, that everyone knows it's not, "Oh, there's consensus means X in this group and consensus means X in that group," that there's some universal understanding of how you go about that process.

We want to put that in our document, but we're -- we don't believe that it is for us to substantively come up with that determination because it's -- it applies on many levels. And so I -- is that something you guys are going to be working on when you talk about your voting and implementation? Is that something that the OSC is working on?

I mean, that's one of the reasons we wanted to have this, is we know that it needs to go in, but we don't want to put in what we come and -- come to consensus on as a process and then be told, "Well, no, the OSC has one and we've got one."

>>JEFF NEUMAN: Well, it's interesting because in most of the areas of the PDP, they don't really use -- there are really specific thresholds that are predetermined by the bylaws. Well, you know, that are in the new bylaws.

So for most of that, really when you're talking about consensus, it's really within the working group model.

What we have talked about and things -- and we haven't gotten to the fourth stage yet, which is the voting and implementation, which is what you see in this chart.

Most of the ones we've been with have been, "Okay, well, you know, there's a specific threshold in the bylaws now of what it takes to approve a formal PDP, to get that started, but there's nothing in there about what it takes to approve a charter." Right? That's a separate issue.

So we've talked about thresholds for that. But it's never been in terms of, "It needs to be a rough consensus, a consensus." It's always been specific thresholds that we've talked about. Looks like Marilyn's got a comment.

>>MARILYN CADE: You know, one of the things we probably -- I liked your term "universal," because I do think that there needs to be consistent standards at various stages.

In a working group -- what we used to call a task force -- at

various times when I was chairing we took the sense of the group and documented it. But that was -- there was never a requirement we do that. But, you know, if you don't have some kind of thresholds along the way, then you literally could get to the end of your working group and not be able to get the product out the door to the council.

I would think, Jeff, that, you know, this is something that we ought to be thinking about maybe recommendations coming through the working group that can be more broadly vetted, but we probably want to also look and see whether other groups within -- you know, the only other place I could think of that there might be practices related that we might look at within ICANN would be the ccTLD, unless the ALAC also may have thresholds established for various -- and it might just be worth looking at those quickly from a staff perspective.

The thresholds in the PDP, though, are -- we do expect to build in the thresholds at the various stages of the PDP, so the working group needs to work backward from that. Would that be what you think?

>>J. SCOTT EVANS: Ken?

>>KEN BOUR: Yes, thanks. Ken Bour.

Just a couple things. I think we are a little bit confused on two subjects.

When J. Scott was talking about consensus -- I want to come back to Marilyn's point too. When he was talking about consensus, he was talking about within the working group, with respect to its deliberations at reaching internal decisions, not with respect to any particular threshold.

So once -- and the working group guidelines that we're -- that we're struggling with are not specific to policy development activities. Any working group -- in fact, this team itself is a working group, and so these procedural would apply just as well to an OSC team or a -- as they would to a policy process.

One of the activities at the end was to go back to your team, Jeff, and see if there are specific PDP issues that need to be fastened into the working group that are specific to that -- to PDP that would not generally apply to other groups.

And I also wanted to just make a comment to Marilyn that thanks to Bart, on the policy staff, I did get the cc procedures, and I circulated them to our team so we do have those. Thanks.

>>MARIKA KONINGS: I just wanted to clarify like because what currently is in the working group work team document is actually the language is that being used for PDP work teams in their charter. So that talks about unanimous consensus, rough consensus, strong

support, minority viewpoints. So that's language that's currently being used. I don't think, you know -- it was never formally adopted but it has been the practice, so maybe the discussion should be is that, you know, is that the approach we want to continue moving forward on? Should there be more definitions around those concepts? And should there be a difference between, you know, ordinary working groups and PDP working groups, should there be a different approach.

So just to clarify that.

>>J. SCOTT EVANS: And I have no problem with us making a recommendation on that. But I wanted to make sure that we weren't coming up with the working group version of sort of this, and somebody else was coming up --

What I want to do is have buy-in from everybody that we're going to work through this issue. We'll be glad to recommend up what we think and then the whole group work on ours, what we've come together, but I don't want competing wars or -- because it's a lot of time to come into these issues.

I personally -- and I'm a nonvoting chair -- think the language we have now is a good starting place because it is sort of a codification of existing practices, and if there are tweaking that needs to be done because people think that there are problems with that, I'm all about doing that, and I would have no problem putting in what we've already got.

But I wanted to make sure from --

>>JEFF NEUMAN: Yeah.

>>J. SCOTT EVANS: -- your level that that's what you want us to do. That we're not waiting on someone else to figure this out, that we just drop that in.

>>JEFF NEUMAN: I guess what I -- I probably did a bad job of explaining it. I guess this is really within your bailiwick.

>>J. SCOTT EVANS: Okay.

>>JEFF NEUMAN: This is not something that's come up in our PDP -- in our discussions because everything that we have is by a predefined threshold. There's no terms in the stuff that we're talking about that -- you would never use the term "consensus," right? Everything for us is it goes to the council level, it has to be voted on by this threshold. And so it's all predefined, whereas -- at least so far. I guess Marika has got something.

>>MARIKA KONINGS: Yes. Because in principle, we haven't really spoken about -- you know, because indeed, we assume that the working

group worked and would be doing that, how a working group indeed, when developing its report -- we've talked about, you know, what products they should be out, you know, if they should run public comment periods. But we haven't really spoken about how do they get to decisions. Because there is no voting threshold for a working group to adopt their report, so it is an issue that we might want to raise --

>>JEFF NEUMAN: Well, we'll get to that -- once the working team does what it does, whatever it is that it does, once that's delivered to the council, we'll talk about, again, the specific thresholds that will preestablished.

>>MARIKA KONINGS: Yes. But it's --

>>JEFF NEUMAN: But we're not going talk -- and then they'll look at -- the council will look at what the working group did and the levels of support within it, in order to make their assessment.

>>MARIKA KONINGS: Yes, but I guess the question is for work -- a PDP work -- PDP working group to come to a decision on their report, what kind of decision-making methodologies should they use. Is that indeed -- do we use the universal Oprah Winfrey that the working group work team is being -- is developing or should a separate discussion be held in the PDP work team to decide what kind of voting mechanism or definition of "consensus" should be used in the case of PDP working groups for a working group to reach -- adopt that recommendation.

>>J. SCOTT EVANS: Okay. Let's do one thing. First of all, can you put up our document that has what we've codified, so everyone can sort of just see what we're talking about --

>>JEFF NEUMAN: Yeah.

>>J. SCOTT EVANS: -- what we talked about in Sydney, I believe. There were four or five of us that had a pretty long discussion about this.

So I want to do that.

Secondly, I would like to put out to the group that I don't think we should have different definitions of what consensus is, depending on what your subject matter is. I think that leads to nothing but bickering and complaining about process. I think there should be a universal understanding of what "consensus" means, and it doesn't matter whether you're deciding who's going to be the chair of the working group, what time you're going to meet, or if this is what we're going to recommend up to the council.

It has to be the same definition of "consensus" on all decisions, no

matter how ministerial or how policy-oriented, because if you start getting into these different definitions then you're going to argue about how you reached your conclusion and it just needs to be the same. That's my opinion.

Marilyn and then Jaime and then Gray.

>>MARILYN CADE: Yeah. I wanted to ask a question of Marika. Again, just going back to the historical experience, we had a process at one point of showing the -- it was the transmittal to the council from the task force, right? And it was a vote that was -- so there may have been previous votes, but this was the vote about transmitting the report to the council as a policy recommendation from the task force, and that had a -- that had a threshold on it. But it was the -- that superseded -- in the task force work, that superseded previous votes at various stages because this was the final task force report to the council for approval for passing on.

Now, I just want to say it seems to me that you still need that. Right? You still need the documentation of including whether they're going to be minority reports, but my second question to J. Scott's point, we have a different threshold, for example, for establishing an issues long story short than we do for approving policy, but we don't have a different definition of what those thresholds are.

So to your point about consistent thresholds, I think that's really important. Otherwise, I think what people will do is they'll say, "Well, I want to work on this project and so I have a lower threshold of support needed." You can spin a lot of wheels without being able to get to policy.

However, how does that issue -- how -- and somebody else on the staff -- maybe Ken or Marika, maybe you -- could answer the question: If the council wants to just authorize a study before you don't -- you know, before you get to the issues report, where are we addressing that threshold?

>>J. SCOTT EVANS: Well, that's not for this working group, so I'm going to let him take that question and he can ask that question to his group when they meet at 2:00, because that -- you can just -- if you want.

But I don't think that that's for this group. I need to get to Jaime --

>>MARIKA KONINGS: Can I answer to the first question.

>>J. SCOTT EVANS: Yes.

>>MARIKA KONINGS: Just an answer to your first question. Current practices in working groups is that once they deliver their final

report, there's no vote. The report that is being presented is the consensus of the working group. In that report, there might be minority viewpoints. We've had some reports where a minority viewpoint would be stated, not specifying who made that point but just making the point that a certain point was either, you know, supported or had some support or there was a minority viewpoint.

But the overall report or recommendations are not separately voted upon. It's -- in the working groups I've supported, it's the feeling of the group then the report that's on the table, that's the consensus of the working group.

>>MARILYN CADE: Let me be sure. So that's the transmittal vote that documents the consensus of the working group, right?

>>MARIKA KONINGS: Yes, but it's not an official vote. It's just a document that's being shared under the assumption that that's the consensus of the working group.

>>MARILYN CADE: Well, you have to -- you may not call an official vote, but unless you take a vote, you can't document consensus.

>>MARIKA KONINGS: It's not --

>>J. SCOTT EVANS: Well, I will tell you this: That the general understanding I've had -- and I would like to see hands from my work team. My work team, we've operated under the assumption that voting is out, and that getting consensus is going to be something other than voting.

So, you know, it's gauging but it's not really taking a vote. It's more like taking a temperature I would say is --

>>MARILYN CADE: Okay, okay. Fine, but I ---is that something --

>>J. SCOTT EVANS: Right. There is going to be call for consensus and then there is a gauge and once that has been gauged, the chair uses -- the way we've designed it is you can see the chair then takes the temperature and based on their understanding, they call -- this is what we've got rough, we've got unanimous, we've got whatever, and I have said again and again, and -- and I -- my opinion is the fail-safe in all of this is the appeal. Is if somebody believes the chair has overstepped or defined it in a way that is not reflective of the record, they can bring in the liaison or the chartering organization is to, "I was on that working team and I think this has been overstated, "Or, "You left out the minority report," or that kind of thing. Okay. I want to go to Jaime, please.

>>JAIME WAGNER: Jaime. And I would like a clarification of your viewpoint, because I see here that these five positions -- unanimous consensus, rough consensus, strong support, minority viewpoint, and

no consensus -- they seem to be quite good for I would say not to build consensus but to at least manage the census, you know, and what is -- I agree with you that that excludes voting and it's kind of a way --

I think it's a good guideline to reach or at least manage the census, not to reach consensus. What is your problem with that? Your overture was not clear to me.

>>J. SCOTT EVANS: We didn't have a problem with this. We just didn't know it was under our purview to suggest that this model be the model. We thought that we were supposed to -- we didn't know whether someone else was going to say to us, "This is the model," and we were just going to stick it into our document. We don't have a problem with this -- at least I don't think we do. I think the only thing was, we weren't really sure if there wasn't another group that was working on what does "consensus" mean. And we were like, "Well, if they're doing that, then the best call for us would be, rather than coming up with a separate model that would then compete, is to sit back and wait and then just drop that definition into our document."

Now that this has been clarified for us, we are under the understanding that we are going to come forward with a codification that then may be adapted in public comment, may be tweaked by others as they see this. This is the jumping-off point. But we understand that that is now under our purview and we will do that.

>>JAIME WAGNER: But just a matter of history. This came up in this working group or it is inherited from some other paper?

>>J. SCOTT EVANS: This is a codification or a -- it is written statement of how the task force system has been working to date.

>>JAIME WAGNER: Okay.

>>J. SCOTT EVANS: This is how -- that's where -- what we did was we talked to Avri and others who have worked through this system is that has sort of been undefined over the last two years, and they said, "This is what we do." And so we just took it and scribed it down.

>>JAIME WAGNER: And it was not scribed anywhere?

>>JEFF NEUMAN: No, it was --

>>J. SCOTT EVANS: Well, it may be somewhere, but --

>>JEFF NEUMAN: This actually came up in the creation of this group. This very issue was debated by people saying, "Well, how is this PDP work team going to work and how is the working group work team going to work?" And we created -- we took past charters and just put one

together.

>>J. SCOTT EVANS: That's right.

>>JEFF NEUMAN: We got people to agree on it, and then -- but some
people started complaining, and we said, "Don't worry about it. The
working group work team will look at this issue. We hear your
concerns. We got to start with something. This is what we're going
to start with, and the working group work team will then work with
that."

>>JAIME WAGNER: So is this a creation of this work team. Yes?

>>J. SCOTT EVANS: Right. Okay.

>>JAIME WAGNER: Okay. Thank you.

>>J. SCOTT EVANS: So I want to say Graham is next and then Margie.

>>JAIME WAGNER: It's -- I think it's great.

>>GRAY CHYNOWETH: Gray Chynoweth. My only comments are I guess
just to make sure that I'm not confused here.

When we send up -- the things that would need a threshold at the
GNSO to become policy, part of the policy development process, we're
not making any decisions that would bear on it. Even if we're
working on policy development -- even if it's a policy development
working group, the eventual consensus or threshold that needs to be
reached, that needs to be reached by the council. Correct?

>>JEFF NEUMAN: Right.

>>J. SCOTT EVANS: That's right.

>>GRAY CHYNOWETH: So the working group, when it's working on its --
when its doing its job, I'm not sure that it even needs -- that -- it
may be good to have the same kind of consensus that you would need at
the council level, but I'm not sure if that really, at the end of the
day, gets you anywhere, because -- so it's all encapsulated in what
we're doing at this level and at that level, because they're going to
have formal representation from each of the stakeholder groups and
we're going to have who knows who is going to join this --

>>JEFF NEUMAN: So the council will have a formal voting threshold.
That's what they have. But one of their --

>>J. SCOTT EVANS: That's different from consensus.

>>JEFF NEUMAN: One of the things that they need to determine,
though, when they vote is was a consensus achieved in the working

group below it. that's going to influence their -- or should influence their vote.

That part is within our group. As to how it gets to the council, the options council has, and the standard of review, if you will, that the council has over the working group's product.

>>J. SCOTT EVANS: Right. And what I'm hoping is the codification of this formula of how to gauge -- right? -- puts in process, in stone, something that everyone has a universal understanding of, "This is what they mean when they said that," so that you don't have Version A, Version B, and Version C of "consensus," so we have a whole discussion at the council level about what it meant to have consensus.

No, it's this -- it's this.

>>JEFF NEUMAN: Right.

>>J. SCOTT EVANS: Is what it meant. Everyone has a clear meaning and then there's something to gauge it against. If somebody comes up and says there wasn't consensus, they go, "Well, here's what you're supposed to do. What's missing?" And they can then manage the process.

This is a guide to them. They know that this is what they should have been working under, the framework. Margie.

>>MARGIE MILAM: I think it's difficult to say that there will not be different definitions of "consensus" because some of it is dictated by contract, and I understand what you're talking about here relates to consensus on a work group, but the registry agreements and the registrar agreements talk about "consensus" in a different way, so I -- we're going to have that discrepancy, no matter what.

I just wanted to clarify that.

>>JEFF NEUMAN: Yeah. I just think it's an unfortunate use of the same term. I don't think any working group or even the policy development process needs to worry at all whether something fits within the definition of a registry or registrar agreement.

I think there -- the working group's job is to come to a consensus on its product. Whether that falls within the picket fence, whether that's a consensus according to the registrar accreditation agreement, that's a determination that's made by essentially ICANN staff, the board, the registry -- not even necessarily the council as to whether --

>>MARILYN CADE: (Speaker is off microphone).

>>JEFF NEUMAN: Oh, the general counsel, yes. Sorry.

>>J. SCOTT EVANS: I think the best way to talk about this is the consensus I'm talking about is small c and the consensus you're talking about is capital C.

>>MARGIE MILAM: That's right.

>>J. SCOTT EVANS: And while they're the same term, one has a legal definition in a contract and small c can be big C, but not necessarily.

>>MARGIE MILAM: Sometimes.

>>J. SCOTT EVANS: And I know that -- but that's what you have to understand --

>>MARGIE MILAM: It is very confusing.

>>J. SCOTT EVANS: And that's what we'll just have to -- somehow we'll -- maybe we put in a footnote, maybe we do some explanation about the fact that there's terminology here that you need to be aware of, that when we speak of "consensus" here we're talking about coming to agreement, not the definition that's in the contract, or something. And maybe we want to throw a footnote in, or something, just so that -- because this is for the newcomer that's looking this document up, trying to understand the process, and that's a good clarification point.

>>MARGIE MILAM: Sure. And where it even gets more confusing is when the group wants to come up with a consensus -- where the goal is to come up with something that's enforceable on the contracted parties. You know, I think it's, you know, inaccurate to say that the group's not going to look at whether there will be consensus in the end, because I think that might be the goal of the work team to -- to actually come up with a policy that is enforceable.

So, you know, it sounds nice to say that there isn't going to be confusion, but maybe we come up with different definitions or something, so that we can distinguish between the two.

But it will be addressed.

>>JEFF NEUMAN: But the working group -- what the working group comes up with as a definition of "consensus" for the contracts is -- as a registry is irrelevant. I don't care what -- I mean, there is a contractual -- what J. Scott is saying, there's a contractual term, and there's nothing the working group can do to influence whether it reaches the consensus policy under that registry agreement.

>>J. SCOTT EVANS: Okay. As chair, I'm going to bring this section to close because I believe we've answered our yes and our question

was: Is it our purview to come up with a codification, and that
question has been answered yes.

>>JEFF NEUMAN: Yes.

>>J. SCOTT EVANS: So let's -- let's go. Let's charge forward.

>>MARIKA KONINGS: (Speaker is off microphone).

>>J. SCOTT EVANS: Yes.

>>MARIKA KONINGS: Another issue I would like to bring up -- and
something that came up yesterday in the updates to the council --
there was a question of public comment period. It is an issue that
has been discussed in the PDP working team. And I think the initial
feeling there was to have a public comment period before presenting
the recommendations to the PPSC for their review. I think in this
group it hasn't been discussed yet. But there was some discussion
yesterday where people said should that maybe be harmonized? Should
there be a similar approach whether to have a public comment period,
when to have a public comment period before sending it to the PPSC or
afterwards. So that's maybe something the two groups might like to
discuss about as well or have an opinion on so the PPSC can take that
into consideration.

>>J. SCOTT EVANS: I would like to put to the group that I think we
should do exactly what the other group is doing. We follow it march,
lock, step so that we are -- no one's confused about different
process. And, personally, the more public comment we get, hopefully,
we're just educating the participants in the process. And it gives
us something to react to so that we're not in a vacuum. So I have
absolutely no problem. And I would just put to the group that we'll
follow the same process, we will put it out for public comment before
we present the final document to the PPSC. Is everyone comfortable
with that? We have consensus? Small "c."

>>JEFF NEUMAN: So just to explain what we're doing, if you go back
to -- there's five stages and then some overarching issues. We are
developing draft reports at each of those stages. And one of those
is already out on the first stage. The second one is -- I have a
draft of it. It's going to get out. When I say, "out," I mean out
to our team, not anyone else, although it's on the TWiki so anyone
can read it. It's not hidden. The goal is to get all five of these
done, stages in draft reports to produce one big report that would go
out for public comment. And the rationale that we don't want to send
individual ones out is we're finding, as we go through each of these
stages, there are things that relate to previous stages. There are
updates and things that we need to make consistent between all of the
stages that we may have talked about in stage 1; but, actually, it
belongs in stage 3. Or it's usually the other way around. We talk
about it in stage 3, and it really belonged in stage 1. So there's

constant evolution of those documents. So the timeline for us -- I mean, I know you guys worked -- you guys worked on a charter -- what should be in a charter. I think that is the type of document that could go out completely independent of waiting for us to be done. So I think there's --

 >>J. SCOTT EVANS: I'm not saying --

 >>JEFF NEUMAN: -- there's aspects -- what you're saying is we're putting it out for public comment before it goes to PPSC. That's what you're --

 >>J. SCOTT EVANS: We're not waiting on you.

>>JEFF NEUMAN: Okay.

 >>J. SCOTT EVANS: In fact, ours probably -- I think you've answered the questions I had for today. So, if you need to go, you're welcome to stay. But I'm just saying, I don't think we need -- I'm not -- what I want to do is I want to get back to the document itself. So I want to look at, if I can -- this is different than what we'd intended to do. And what I'd like to do is look at that consensus session that's in the first document. Because that first document is very, very close to complete, that charter document. And I'd like to look at this consensus section and see if, when we've got people face-to-face -- and some of the people who have been conflicted out of being on our calls are here today -- that we can get this and maybe get that sewn up so we can do a call for consensus on that whole document and then push it maybe out for public comment, even though the fact that we may say one of things we're doing is thinking about putting this in a whole document. What do you think? We might ask a question.

 >>MARIKA KONINGS: Because my question will be for that wouldn't it make more sense to try to integrate the two and put that whole document out for public comment instead of doing all the charter guidelines?

>>J. SCOTT EVANS: That's fine. Let's get to this paragraph. Is it paragraph 3? 3.6.

>>MARIKA KONINGS: Because what we're looking at now is the working group guidelines document, not the charter guidelines. We, basically, said if we integrate those, we don't need to duplicate --

 >>J. SCOTT EVANS: That's right. So this is the standard methodology for making decisions. For everyone -- for those of you who have not participated in our calls and have not -- we have a new GNSO member today that has not followed this probably as closely as many. So let me explain what this document is. This is the document that I mentioned yesterday that is designed to give to working

groups. And they would get this working group. And it sets forth
certain processes and normative behaviors that they would then
understand that this is how the working group is going to operate.
And one of the paragraphs is this one, 3.6, which talks about making -
- what's the standard methodology for knowing that you've made a
decision? Okay. And so that's where we are on background. Again, I
think, as this sits, it's a good draft to put out for public comment.
But I'd like to hear from the voting members or the -- you know,
those that are representative of their groups, since I'm nonvoting
chair, what do you all want to do and think about this particular
section? Take a few seconds to read it over. But, again, I want you
to know that this really is a rough format of what we're already doing.

 >>MARIKA KONINGS: One question I have, as you can see, do you
really want to talk about the process like, if people don't agree
with the designation of consensus of the different positions?
Because there was one question we raised in the document here is that
the current language deals with certain situations but doesn't seem
to address all the elements. One example here is, like, what if a
liaison does not agree with the chair? What happens then on -- like,
if the chair designates a certain position but the liaison says, "I
don't agree. I don't think it's rough consensus. I think it's
strong support"? What would happen then? What would be the method
for objection? So there are some elements that seem to be not
spelled out here. And it's a question whether we need to work through
those different scenarios and include those as well.

>>J. SCOTT EVANS: Gray?

 >>GRAY CHYNOWETH: The one comment I would have is, understanding
the difference between strong support but significant opposition and
minority viewpoints. And I guess the explanation that I would need
to see is it seems, I guess, as though the difference is that
significant oppositions means there's one group that has a different
idea that doesn't agree with kind of the broader group, larger group.
And then minority viewpoints is that there's multiple -- there's a
large group that doesn't agree with the majority, but there's
multiple groups within that minority.

 >>MARIKA KONINGS: The minority viewpoint can be both in case of
rough consensus and strong support, I think, or at least in my
experience. It's, basically, you might have rough consensus where
you say I might agree, but I don't necessarily have a different
viewpoint. Or you might have a case with rough consensus or strong
support and someone says, "I really don't agree because I think this
is how it should be, and I want to see that recorded in the
documents." So a minority viewpoint can occur in cases of rough
consensus and strong support. It's not necessarily -- or you might
have only minority viewpoints. That is another an option where no
one agrees, but everyone has very strong different views on what --
you know, the recommendations.

>>J. SCOTT EVANS: Then I think this is flawed as drafted. I think
-- because it's not -- a minority viewpoint is not a -- what it
should say is unanimous consensus, rough consensus, strong support,
no consensus. And then it should say in the case of rough consensus,
strong support, and no consensus, there will be minority viewpoints
that da, da, da, da, da. And that's how it should be. Because
bullet-pointed out like that it looks like it's something rather than
more of a process when you come to one of the others.

>>MARIKA KONINGS: That's why we added here -- I mean, we took the
language as it was. But we already foresaw this as well and saying
maybe there should be a clarification that -- you know, minority
viewpoint occurs, although it can still be -- to be honest, I've
never seen it where the only minority viewpoint. So there's no --

>>J. SCOTT EVANS: But that would be no consensus. Actually,
that's no consensus. And the only difference is what you're saying
is, when you get to one of these, your documentation for that is
minority viewpoints. So I put out to the group, do you agree that we
need to remove that from the bullet and put in an explanatory
paragraph that says the process, when you get these, is to seek out
minority viewpoints and make sure that those are turned over to the
council or your chartering organization with your main report and
main decision?

>>JAIME WAGNER: Even in the case of no consensus that would be a
set of minority viewpoints, yes?

>>J. SCOTT EVANS: Could be. It could be that nobody wants to put
out a minority viewpoint. But I think, as chair, you have an
obligation to say, "We have no consensus. I'm going to call for
everybody to put out their minority viewpoint so I can turn it in."
If you don't get anything, then you don't turn anything in. But I
think you have to let them know that that is something they can do.

>>JAIME WAGNER: By the way, I totally agree with your removing of
the bullets at another level.

>>J. SCOTT EVANS: Avri, you have a comment that's noted in red
below. And we probably skipped over your comments in our conference
call when we discussed this because we left this session to come back
to. So, if you would refresh your recollection, as they say in
evidentiary law, and sort of look it over and then, if you want to
make that point, you still feel that is a relevant point, if you
would explain it to the group.

>>AVRI DORIA: Yeah, I think so. I think what I'm recommending
there is the rest of --

>>J. SCOTT EVANS: You need to move the mic closer. You're hard to

hear.

>>AVRI DORIA: This is -- okay. I got it. Okay. Yeah, I think there the question was -- there was a question about what the rest of the process was. And so, basically, I was trying to define the rest of the process there as a first estimation. That, if the council supported the chair and the liaison's position, this is, basically, what happens when it goes to the council. So at this point they have supported the chair and liaison's position. So attach a statement of, basically, all of the information. So of the appeal to the board report as well as the response to that appeal. And then it should include all of the documentation from all of the steps in the process and should include a statement from the council or the CO, the chartering organization. So it's, basically, the last step in the process. If the appeal goes all the way to the CO, if the CO approves it, then it -- agrees with the person making the claim, then, obviously, you go all the way back and fix. But, if they say, "Yep, liaison and chair did the right thing. We support their decision," then they have to attach the whole story as an appendix.

>>J. SCOTT EVANS: Marika, in answer to your question earlier, I would assume -- and we'll look to the group. And I'm going to call on Cheryl to sort of put some input in here, because she deals with appeals-like process a lot. But I would assume that you said what happens if the liaison who's assigned to the group disagrees with the call the chair has made on consensus? I would assume that the liaison's appeal would go directly to the chartering organization.

>>CHERYL LANGDON-ORR: Yeah, that makes perfect sense, J. Scott, yes.

>>J. SCOTT EVANS: If a member says, "I disagree," they go to the liaison. And the liaison then looks over that. And they decide whether they're the appeal mechanism and it goes to the council. But, if it's the liaison that's got the problem, then it would go just directly to the group. You just pull them out of the process.

>>MARIKA KONINGS: The question relates to as well to point 2 where it, basically, talks about if the liaison supports the chair position, forward appeal to the chartering organization. So it's saying, well, what if the liaison doesn't agree? What do you do then? If --

>>AVRI DORIA: Liaison doesn't agree with the chair?

>>MARIKA KONINGS: Yes. It's not the liaison making the same --

>>AVRI DORIA: Then the person that made the appeal has prevailed.

>>J. SCOTT EVANS: That's right.

>>AVRI DORIA: I mean, the chair can then take it up with the

council. But the person, basically, made an appeal. The chair said, "No." The liaison said, "But yes." And, yeah, then the chair can perhaps take it further.

>>J. SCOTT EVANS: Yeah, the chair would have the option, just like -- the chair has the same rights as a member. They would go to the chartering organization, if they didn't agree with the liaison's decision. The ultimate purveyor of whether the process is working, as I understand the way this is designed to work, is the council.

>>MARIKA KONINGS: So we just work it further out, so it's clear.

>>J. SCOTT EVANS: That's right. And, if we put language in there to put the different scenarios down. And, if you'd make a note to do that, then we can review that. But that's what I think we're talking about here.

So what I would suggest now is we sort of understand that this is how it's going to be. Marika is going to put in some comments and flush out this appeal mechanism and how it works under various scenarios. And we can look at that in our next draft, so that we can move on to our next session.

>>GRAY CHYNOWETH: My only suggestion would be -- I don't know if you can do a flow chart. But I think that would be a pretty helpful thing for people to see, in addition to just the language to it. So --

>>J. SCOTT EVANS: Great idea. Okay. So I think we've moved -- we're further along in this document. Okay.

Avri, here again you have a comment.

>>AVRI DORIA: Me and my comments. Frustrating me.

>>MARIKA KONINGS: Just to clarify what was highlighted in yellow. One of them -- one of the things in some of the working groups I've run where we had, for example, certain proposed changes to the documents and there were so many changes that we ran a survey, basically. And we did -- you know, how do you then assess -- because you do have -- although it's not voting, but you do have eight people say they agree; three say they don't agree; one said they strongly disagree. You know, do any examples need to be given saying, well, you know, if it's 90%, you probably have rough consensus. If it's 75%, then probably it's strong support. Or is there any guidance we want to give in examples? Or is it really left up to the discretion of the chair to say, "Well, I think 83% is, you know, rough consensus or 82% is strong support." Is there anything that should be included here? And I think Avri made a comment to that point. So -- go ahead.

>>J. SCOTT EVANS: Jonne, can you announce your name for the scribes?

>>JONNE SOININEN: Yeah, right. Jonne Soininen, Nokia Siemens Networks. I'm trying to read what Avri wrote here, and I think I understand what she means. Let's see if that's true. The -- what -- I think what she's pointing out here is, basically, saying that the chair has to say that, "I declare consensus." I think that rough consensus or unanimous consent has been reached. And the group can say, "Well, yeah, true." Or the group can say, "No, hey, wait a minute. That's not true." And, like, we have 50% saying no. And you're saying rough consensus, so that's not rough consensus. And then the chair can either reconsider, or it goes to appeal. Wasn't --

>>AVRI DORIA: Yeah, that's right. I would think that the chair would, obviously, in the first instance reconsider. But, if after reconsidering they say: "No, I still think there is," then I --

>>J. SCOTT EVANS: I would put to the group that I sort of think that's better than giving examples is to allow this -- here's what I've declared and let there be a self-testing back with the group rather than putting in numbers. Because you get the numbers game again. And that becomes, "Well, I say we have 90," and you get down to voting. And -- but --

>>GRAY CHYNOWETH: So Gray Chynoweth. I'm torn on whether to go with specific numbers or not to go with specific numbers. Because it's unclear to me which one in the end will result in less debate. So, if you have a specific number and you have a group and you can figure out whether or not you reach it, that would be a pretty clear determination. There's facts on the ground.

If you put a softer -- you know, "a few," "many" -- you know, if you use soft terms like that to talk about rough consensus or something like that, then -- then I think there could be debate about that as well. But I don't know if -- to me, I'm -- I would believe that we would -- that putting in thresholds gets people to start thinking about this as a voting mechanisms when we're trying to stay away from it. But I'm not sure if that really ends up avoiding some of the debate that's going to happen.

>>J. SCOTT EVANS: We're not defining it with "many" or "some" or anything. What they're saying is you take the temperature of the group and you announce to the group "We've decided -- I called for consensus, and here's my determination based on this." It's X. And the group then reacts to that call, and they -- then the chair has to reconsider whether they're going to ratchet it up or down, depending on the pushback they've received. Or they stick with their call, at which point the people who disagree could go to the liaison. And the liaison could make a call as to whether there's an agreement on that level. So what I think they're saying is it's a self-checking mechanism within the group itself as to whether it's been reached rather than doing sort of a definition.

>>GRAY CHYNOWETH: I think what people will refer back to, though,
is that is the language up in 3? And that will be the test. When
I'm a chair, I'll say, "All right, we reached rough consensus."

Everyone, if they're not sure about that, will then reference -- go
back up to 3 and say, "Wait a minute. This is what rough consensus
is defined as, and I don't think we reached that. I think we're at
no consensus."

So there's got to be some test against which people go back to. And
I guess the -- you know, the description that's provided above is
going to be the test for what everyone pushes it towards. But I
think you're right that there will be a feedback loop, and that will
be what determines it.

>>J. SCOTT EVANS: Subbiah?

>>SUBBIAH S.: Just as much as -- when we're going through this
whole document, this is the section we said we're going to do last,
because this is going to concern a lot of people in how we're going
to do it. It's clearly a people issue. And secondly, we are also
talking about making it flexible for the chair and the working group
itself not to have real bullet numbers, target numbers. So it seems
to me appropriate that, just as much as we're having a discussion
about this as the last hard thing, in a way, that every working
group, before they begin, the chair sits down. And one of the first
tasks they do is discuss amongst themselves what do they think that
for this particular working group and this particular combination of
chair and members, what would constitute minority or consensus so
that everybody has some general idea -- once you pre-agreed at some
level, before you start out, without any real examples, leave it up
to the group themselves. And we just direct them in this process to
say it's a good idea. In the beginning one of the things you handle
is discuss this through before; so that, when these things do happen
later on, it's less of an issue. That's just a suggestion, A
guidance thing.

>>J. SCOTT EVANS: Jaime?

>>JAIME WAGNER: I would bring forth my position that I think that
thresholds -- specific thresholds are not needed. This is a good
guidance. I think any chair would like to achieve consensus, if it --
well, we have to leave room to do work to be done at the working
group level, not here, you know? And I don't think we would be able
to reach consensus on each specific level of threshold now would be
suitable.

>>J. SCOTT EVANS: How -- I take Subbiah's point. I put to the
group would you all like to amend up in the document and put in one
of the first steps the chair would do is discuss the consensus model
in 3.6 with the group as one of the checkpoints as initial steps

before you begin substantive work?

>>JONNE SOININEN: Jonne Soininen. What I fear or feel is that, basically, I don't think that that works. Because the people that are there in the beginning are then the ones who say, "Well, this is the consensus or not." And then somebody comes along and says, "Well, I wasn't there," and stuff like that.

The chair having the discretion of saying, "Well, I see in this situation that there's rough consensus. We have five people for it and only two against. That's, in my view, rough consensus." And the group can disagree at that point.

Rough consensus or consensus or -- well, unanimous consensus is, of course, very clear. It's also a little bit an issue-driven thing. Because, if you have something that is really, really critical and really difficult to discuss, you might want to say, "Well, 2 against 5 is actually pretty many."

If it's a minor point, you say, "Well, okay. Those two lose. We just have to move on." So I would like to give that -- keep that kind of, like, flexibility.

 >>J. SCOTT EVANS: I just want to clarify my point. I'm not saying you define what it is as the working group. I'm saying you discuss that this is the model, that you actually put it on the table as an agenda item. You don't assume that people have read this document. As chair one of your items is to say, "Please understand that we're going to be working under this. Please look at 3.6. Let's have a little discussion about decision making."

 >>CHERYL LANGDON-ORR: Thank you, J. Scott. Cheryl Langdon-Orr. When we were discussing this first time around, I did bring forward -- and I'll bring forward again for the wider table here -- that it's been a very effective tool in the last 10 years for the Australian domain name authority where we use policy panels. So it's a very analogous process to what we're discussing. And, having a first agenda item to be the discussion on what the consensus levels will be for this particular panel is not only a great icebreaker; it actually works extremely well to get a good dynamic going with the group, particularly in the more complex issues.

And, in fact, what we found, if I look back over what people have come up with -- and these are all independent panels -- they're incredibly consistent. You know? That they may have taken longer or shorter times to come to the same measurable levels; but they are, in fact, very consistent. So I'm certainly supporting having it as a discussion point.

>>SUBBIAH S.: May I just add --

>>J. SCOTT EVANS: Let Marika respond.

>>MARIKA KONINGS: One concern I would have about putting that as one of the first items, I've seen how much discussion that led in the PDP or the PPSC discussions. And I don't know how many meetings that took up. Because there were very different views on what's consensus, rough support, strong support. So I would have some concerns in making that one of the first items. Because there are many issues that need to be discussed in that first meeting. And often topics that already will lead to, you know, many different viewpoints.

And also, to Jonne's point, I would be concerned as well, if you're really set in stone, like, well, 80% is going to be strong support, 60% is rough consensus. On those things that are relatively minor, you might -- you know, make that -- you know, it might differ a bit. You say well, this is really not a big deal that people agreed. We say okay, we put that in because it's not a major issue.

So I really like Avri's suggestion -- and I think that's something that could be fleshed out here in the document -- to say, well, it's for the chair to announce and give his or her assessment of what level is reached and make clear as well that the working group has an opportunity to discuss and debate that, whether that's indeed strong support or rough consensus. That's obvious that it's not just the chair that says, "Okay, this is it, done," that it's a working group assessment in general.

>>J. SCOTT EVANS: All right. But my suggestion is -- that's fine. I'm not suggesting that you sit down and you figure out a matrix for what consensus is going to be. I'm saying that you have a discussion about this is how we make decisions. And I just want you to understand that, when we -- when I do a call for consensus, I'm going to do a call for consensus. I'm going to put it back to the group. That is your opportunity to tell me whether you disagree. But it be a primary agenda item in the early stages, so it doesn't devolve when you're under time pressure to get your output out and you're having that discussion, that it's handled early on.

>>MARIKA KONINGS: I thought you meant at that stage you wanted the group to define, like, okay, what percentage qualifies?

>>J. SCOTT EVANS: I'm going to put to the group, because I'm not deciding. I think Avri's process is the best. And here's why: Because I think that we're not starting in a bubble, in a vacuum. We've been doing this a lot already. So there's already a sense of what consensus is and how it's worked. And it seems to be going smoothly, for the most part. And I think, as it matures, it will only get more -- a smoother process because people will have a better understanding of it. And so -- I think we're already about 30% there. So I don't think this is going to be as conscientious as it would have three years ago. And I think leaving it in this

temperature gauging with the group is just better because then you don't get in an argument about definitions. And arguments about definitions have driven so many things off the rail that that's very difficult. I think it's best to throw it out to the group and let the group come back. And it self-defines itself in that way. That was your suggestion. And I put that to the group. Do you -- I know that there's some that feel otherwise. I'd like to know what the general feel about that is.

 >>GRAY CHYNOWETH: I think it's a great idea. It's just, basically, walking through the document. That's really what it is. And it's not a -- it's not a discussion as to the content of whether this is a good idea, bad idea. This is what the working group guidelines say. And so I don't -- maybe we want to -- it may even make sense to be a little more aggressive on it and say maybe thresholds aren't a good idea, maybe just walk through it. Don't get into a discussion about what any of these mean at this time, but that it's just a walking through the document, so that you don't accidentally get into that discussion, which could really derail things at the outset. So even give guidance on that.

 >>SUBBIAH S.: I just -- this is exactly what I meant, initially, by saying look -- the problem is many people come on the working committees. They don't know this is the way you're going to be, essentially, voting down the road, you know?

It's going through the things, so people are aware. You put a time limit on this. You cannot spend more than half a minute on it. It's just a way of avoiding some of the problems later down the road. And, if problems do occur later down the road, these mechanisms pick it up.

 >>J. SCOTT EVANS: Right. Jaime.

 >>JAIME WAGNER: I'm in favor of putting this as a first step of clarification since there is a recommendation not to try to quantitize, since there are terms here that are alliterative, strong support, significant opposition, I would -- opposition can be significant even if it's only one person. Okay?

>>J. SCOTT EVANS: So my suggestion as chair to the group -- and I want to see a nod of heads. Let's all get our bobble head or do this (indicating) if you don't agree, yes and no's. I suggest, Marika, that we go up and we add that in as an early item and that we then take Avri's comment and you turn that into a paragraph that explains the general concept we've done so we can look at the wording of that since there needs to be some tweaking on the wordsmithing. We can do that after we get -- that would be my suggestion.

>>JAIME WAGNER: To avoid the discussion or thresholds?

>>J. SCOTT EVANS: Absolutely. So it looks like we have general consensus.

[Laughter]

A new term. Now I've really messed you up.

>>MARIKA KONINGS: Because I'm just looking back at the document, and we do have items for review in the first meeting where we do point out that a working group should review missions, goals, objectives, deliverables, the working group charter, the working group operating, the guidebook and all the documents where we could specify there including decision-making process.

>>J. SCOTT EVANS: Okay. Let's move up in the document to 4. I think a lot of the rest of this is going to be more ministerial, but we do need to go through it.

Avri, once again, I believe you have a comment, if you could pull up. And I thought this was a good point, but I think this has to do with agenda?

>>AVRI DORIA: Yeah. I was just basically saying to have it fixed as "one day before" is probably not a good rule as sufficiency. Obviously, it should be at least that, if anything. Sometimes, yeah, one day before is the best you can do. But...

>>MARIKA KONINGS: That comes back to the reality of the working groups as well. With weekly working groups and many things that you do, it's often a couple of hours before the working group. So as long as we don't put a strong penalty on it.

>>J. SCOTT EVANS: I think what -- if I take Avri's point, she's saying don't say it has to be a day before. She is saying "at least." So if I want to do it a week ahead of time, I can. That's never going to happen.

[Laughter]

But if I somehow in a different world am a different person, it could.

>>GRAY CHYNOWETH: This may be overkill; but in response to some comments that Adrian was making yesterday, if we say "one day," we may want to say 24 hours because when I think of what "a day" means to me, I think, okay, wake up -- if we are going to have the meeting at 5:00 p.m., then I send it out first thing in the morning for me. And that's kind of a day ahead. But obviously that's while he's asleep.

So we may want to say that to suggest -- but we may want to suggest that kind of be the rule to take into account that there could be

multiple time zones.

>>MARIKA KONINGS: Ideally. The practice is often, at least for the working groups I support, I normally try to get them a day out. But I normally sent them first through the chair so they can review. Based on their time difference or their availability, you know, sometimes it does happen that it is only a couple of hours before the meeting.

>>J. SCOTT EVANS: Again, this is just a best practice. We are not going to send you to the electric chair for this, so "ideally is" fine.

Jonne?

>>JONNE SOININEN: Jonne Soininen. I don't know about not sending to the electric chair. But the thing is that at least we should thrive for having them ahead of time. I know that reality is sometimes different, but this is the current practice that we have that everything is late. But maybe sometime in the future we could get to be better people.

>>J. SCOTT EVANS: Subbiah?

>>SUBBIAH S.: You might want some language in there to say the committee itself can decide what the appropriate time may be but the one day being the -- yeah...

>>J. SCOTT EVANS: That's great. Let's go up.

>>MARIKA KONINGS: This is just a comment or a placeholder. We've put in here some things on the communication and collaboration tools and just to know that we might need to add further information here once the OSC communication team is done with their recommendations. I think it is something I need to go back on to see if there is actually going to be anything that might be applicable here.

>>J. SCOTT EVANS: And I think it's okay if we put out a document for public comment that notes that we are going to incorporate the recommendations of other teams when it's been agreed upon that that will be incorporated in this document.

>>MARIKA KONINGS: So the next point is translation. And here, again, a point is made on further information might be added based on OSC recommendations. Another point we might need to add here is -- because this is also on the agenda for the PDP work team to look, like at which documents should be translated. If they come up with any binding -- like, any issues report or any final report needs to be translated, it might be something as well that should be included here so working groups know what the expectations are. Also, for example, for public comment periods if that would be a decision of

that group.

>>J. SCOTT EVANS: Cheryl?

>>CHERYL LANGDON-ORR: Thanks, J. Scott. Wouldn't that also have
some -- there would be some ramifications for whatever happens with
the public participation people's work on having executive summaries
at least translated and using executive summaries and pro forma
documentations. That's going to be a little open space for "as other
things change, additional information will need to be inserted here."
It just makes it a living document, which I know we have been
intending to do.

>>J. SCOTT EVANS: All right. Jaime?

>>JAIME WAGNER: [Speaking Portuguese.]

>>J. SCOTT EVANS: I think he said, "If you spoke French, you would
understand what I am saying" but I don't know. Portuguese, French,
it sounds the same when you are from the south.

>>JAIME WAGNER: What I said is I will give you an example of how
difficult it is to participate in other languages.

>> Well done.

>>CHERYL LANGDON-ORR: There is no way with all the work and pushing
we do in the ALAC to make sure that we do have at least minimal
requirements that we wouldn't want to be supporting that in this
context. We're running three languages in all of our meetings,
including our community calls to ensure that our regions are better
able to participate and think it's important as a policy development
process, things that are going on in these work groups.

There are thorny issues that have to be grappled with. And I think
ensuring use of language, both simple and making it accessible is
something that we do have to consider along with the cost of doing
so, which is where things like executive summary translation and
future technologies might make translation easier as well.

But it is extremely difficult, and that comes back also to when we
need to ask for longer periods in public comment, for closing of
public comment, because if it's going out and then has to be locally
interpreted or translated and discussed and come back, 30 to even 45
days is still pushing.

>>J. SCOTT EVANS: Well, again, we are fully supportive of whatever
determinations are made by the other groups that are going to make
those determinations. And we are going to put a placeholder in this
document that says, "Once those determinations are made, they will be
specified here so you know as a working group these are your

obligations to make sure that you follow the necessary recommendations that have been decided upon by the organization as a whole."

>>JAIME WAGNER: It was just drama.

>>MARIKA KONINGS: So next sections are 4.4, "briefings and subject matter experts." Number 5 is on products and outputs. This is just a section to give working groups some examples to look at other reports that have been done, other documents that have been developed. And here also we added a placeholder for whatever the PDP work team comes up with, what should be final products for PDP work teams.

>>J. SCOTT EVANS: I think there's something missing now, and I think that's self-assessment. If I'm not correct, isn't one of the processes now that a working group will at the end of its -- they're not going to self-assess?

>>MARIKA KONINGS: Probably in the future PDP work team, I think that will be a requirement. But currently that's not a requirement and not being done, at least not for the working groups I have been involved in.

>>J. SCOTT EVANS: But it is my understanding that going forward there's supposed to be self-assessment.

>>MARIKA KONINGS: Yeah, yeah.

>>J. SCOTT EVANS: And I would assume for "products and outputs," we need a bullet point "self-assessment" because that's your last output as a working group.

>>MARIKA KONINGS: But the links provided here are just examples, so we might -- you know, once we explain -- I think that comes up in the PDP description then because I presume the PDP work team might provide some guidance on what that entails. So it might be a separate section where we explain what certain documents need to contain.

It's the same, for example -- the ones you provided, I think they will move to the bottom once we have descriptions of what these documents mean. What the PDP work team is looking at -- because the bylaws currently prescribe certain headings or categories or parts of information that need to be included in certain documents like an initial report or final report.

And the PDP work team is looking at that as well. So I would definitely foresee once they have finished their work and we create either a separate annex or integrate in here the specifics for our PDP work team that we would, indeed, describe what the requirements

are for PDP work team or -- as well provide the example on the self-assessment, what it entails, what you should do as a working group.

>>J. SCOTT EVANS: I would put to the group that eventually there should be a template for self-assessment because what you want to do is make this as easy as possible for -- because it is the last thing, it is the last housekeeping chore. So the easier you can make it for the group to get through the process, the more success I think you will have in actually getting them turned in.

So I would suggest that once -- if there are going to be categories of things they need to look at, we give them a template.

Ken and then Gray.

>>KEN BOUR: Ken Bour. I just wanted to point out that in the charter drafting guidelines document in Section 4.4, we have a whole section called, "Closure and Team Self-Assessment." So this begs the sort of question we've been toying with for a while, is between the operating model guidebook and the charter drafting guidelines, the two documents, we -- there is a task, I think, to try to blend these together because we have got an output section over here that doesn't include an output that's in the charter drafting guidelines.

So that's just -- I just want to make sure you knew that it was already included in our work, but we haven't put it necessarily in all the right places.

>>J. SCOTT EVANS: We need to put a bullet here that says, "That's your last deliverable." Gray?

>>GRAY CHYNOWETH: I guess we'll just have them -- they will draft the form and we will plug it in?

>>J. SCOTT EVANS: They may not draft a form. What they may say is these are the areas, and we will put it into a template similar as we did the charter template. I assume it would be very much that, that we just sort of set it out and make it easy visually to look at because, you know, it's easier to look at a form than it is to look at a paragraph that describes what you are going to do, especially if you have language issues. And we haven't gotten to -- and so they're dealing with the document in a separate language and English is their second language.

>>MARIKA KONINGS: So last item of this document is a chair checklist. That was an item that I found in the listing for this document, but I wasn't really sure what you would like to include here as many of the elements are outlined in the document. I'm not sure which specifics you would like to add to a chair checklist.

I mean, I could foresee once the PDP work team has done its job that

there would be a clear PDP timetable kind of checklist, like, Did I do my public comments as prescribed?

But for other working groups, I'm not really sure whether you can have a standard checklist of, well, having your first meeting and things like that. But I don't know. The document is not that lengthy. I don't know if you really need to include a separate checklist here. It's a question for the group. And if you say yes, what kind of elements should be in there?

>>JAIME WAGNER: This is a guideline. It would be a housekeeping checklist, I think, for the first meeting and then for other meetings.

>>GRAY CHYNOWETH: It seems like maybe we could either just strike this or it would be -- the only thing we would do is it could just be a form a chair could use when they went over Section 2 for introductions and team formation just for the things that they need to talk about. So that's what you are checking off. It is part of your agenda.

I would either say strike it or just make it an attachment.

>>J. SCOTT EVANS: That would be my suggestion to the group is that we strike Section 6 and then in Section 2 we say, "See attachment X" and then we put a list there that goes through those elements.

With that, I'm happy to say that I think we are finished. And what we need to do is have Marika give us a draft, we look at this again, and we may be at the point where we can start putting these documents together.

I want to thank everyone for participating today.

I'm sorry, Subbiah, you are to my left.

>>SUBBIAH S.: Maybe I didn't catch it, but are we going to make a self-example of ourselves and have a self-assessment for ourselves?

>>J. SCOTT EVANS: We certainly -- I certainly think that that might be a good idea. But what I'd like to do is I would like to get the documents out to public comment and then we can have a discussion about that.

>>SUBBIAH S.: I understand that. But if we were going to be preparing something for that, template or something, we would probably have to do that on the side.

>>MARIKA KONINGS: If I can just -- just to ask a point of clarification. You first would like to have a review of an updated version of this. And following that, I will make an attempt of gathering the two documents together into one document, and then we

will be out for final review to the working group -- working team before it goes out to public comment.

>>J. SCOTT EVANS: And because we have moved a lot faster, my sense as chair is what I would prefer to do is get us comfortable with this, move the two documents into one and then do our call for consensus on the document so that we just do it on the full thing that we are going to put out for public comment.

I would feel much more comfortable that we are all -- that there are less changes going to happen as things go and we won't lose consensus that we have, although I think we have a lot of unanimous consensus with this.

So that's my goal, is for us to look at this. Get comfortable with this language. Then do the merge. So I'm hoping that, you know, by three or four weeks we'll have a document that will be in a place for us to consider.

We will not be having a call, of course, next week because a lot of people are exhausted and staff is hopefully taking some time off. So I will send out something when we return to the states about us having a call the week after which is going to be the second week of November.

And to remind everyone, we did a Doodle poll and the time we have been having our calls came out again as still being the best time for everyone who responded to the Doodle poll. So we will keep our call at the normal time which is for me 11:00 a.m. Pacific Daylight Time.

>>MARIKA KONINGS: 1800 UTC.

>>J. SCOTT EVANS: So, thank you, everyone. We finished early. We plowed through. Our goal was to get through today, and I think we've done an exceptional job. And I appreciate everyone very, very much. Thank you.