

**Policy Process Steering Committee (PPSC) Policy Development Process (PDP)
Work Team (WT)
TRANSCRIPTION
Thursday 18 February 2010 at 19:00 UTC**

Note: The following is the output of transcribing from an audio recording of the Policy Process Steering Committee Policy Development Process (PDP) Work Team (WT) meeting on Thursday 18 February 2010 at 19:00 UTC. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting but **should not be treated as an authoritative record**. The audio is also available at: <http://audio.icann.org/gnso/gnso-ppsc-20100218.mp3>

On page:

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Participants on the Call:

Jeff Neuman - Registry Stakeholder Group - Work Team Chair
James Bladel – Registrar Stakeholder Group
Tatiana Khramtsova – Registrar Stakeholder Group
Paul Diaz - Registrar Stakeholder Group
Alan Greenberg - ALAC
Avri Doria - Non Commercial Stakeholder Group
Marilyn Cade – Individual
Tony Harris - ISCP

ICANN Staff:

Margie Milam
Glen de Saint Gery
Gisella Gruber-White
Marika Konings

Absent apologies:

Alex Gakuru - Non Commercial Stakeholder Group
Wolf Knoblen – ISCP
Liz Gasster
Brian J. Winterfeldt – IPC

Coordinator: The conference is now being recorded.

Gisella Gruber-White: I'll do a quick roll call. Good morning, good afternoon to everyone on today's PPSC PDP call on Thursday the 18th of February.

We have Jeff Neuman, Tatiana Khramtsova, Tony Harris, Avri Doria, Paul Diaz, James Bladel, Alan Greenberg.

From staff we have Margie Milam, Marika Konings, Glen Desaintgery, myself Gisella Gruber-White.

We have apologies from Liz Gasster, Brian Winterfeldt, and Wolf-Ulrich Knoblen. If I could please just remind everyone to say their name when speaking for transcript purposes. Thank you. Over to you Jeff.

Jeff Neuman: Okay thank you very much. It is -- and I have to look up the date because I don't know it off the top of my head -- February 18? Or is it 17th? Eighteenth, thank you, 2010.

And this is the regular weekly meeting of the PDP work team. And I thought today we're going to have a, sort of abbreviated call. It will be just an hour instead of the hour and a half.

There are some other meetings that people need to jump to after this one. So I thought what we'd start with is talking about Nairobi which I'm sure a bunch of you have talked about at a number of these meetings and, you know, plans on what to do in Nairobi. And then just go over the status of where we are on all this stuff and then jump back into Stage 5.

So with that I sent around obviously as many of you know, the - most if not all the registries will not be attending Nairobi. That includes Verisign, (PAR), Neustar, and, you know, many of the sponsored TLDs.

A number of registrars are not going to be able to attend. And so I decided to - I wanted to take a poll to see who in fact was or was not attending.

And so some people have responded on the list. We've not heard from others. Just to go down the list it seems that myself and David Maher will not be able to attend.

I know James has also said that he will not be able to attend in person. Paul, we have not heard from you officially. Do you guys do know...

Paul Diaz: Jeff we still have our tickets but are reconsidering, quite honestly we're leaning against. But we'll make a decision either tomorrow or Monday morning.

Jeff Neuman: Okay. And then going through the other people, so Avri has said she will be there. Alan will be there. Tony Harris has said he will be there. And does anyone else the role in front of them?

Wolf has said that he'll be there.

Man: Wolf Ulrich will be there too.

Jeff Neuman: Yes. (Alex) will obviously be there or I'd hope he'd be there. (Robin) has said she would be there. Whom I missing here?

So the IPC, (Brian) and J. Scott will not be able to be there. From the business actually I've not heard officially from business constituency members but the...

Woman: (Marilyn) said she'd be there.

Jeff Neuman: I'm sorry?

Avri Doria: (Marilyn) said she'd be there.

Jeff Neuman: Yes (Marilyn)'s actually on the committee as her own on it as an individual rep.

Avri Doria: Oh okay.

Jeff Neuman: But so I've not heard from Mike Rodenbaugh or who else is...

Marika Konings: Mike Rodenbaugh's not going to be there.

Woman: Not coming.

Marika Konings: But I think he already decided a long time ago.

Jeff Neuman: Okay so Mike won't be there. So it seems like we're going to have a lot of people that are not going to be there.

What we're talking about doing though is a number of us are looking at what Alan posted on the Adobe. He said it's time to get something done for a change, right.

Avri Doria: Not quite what I said but okay.

Jeff Neuman: Well without the contracted parties. But, you know, so a number of us are trying to plan a remote participation site.

Unfortunately we're not going to be sure of where that will be for a couple days probably at least until Monday or Tuesday of next week.

Just so you know, that Neustar and Verisign have been talking about a remote location in the US on the East Coast.

But, you know, ICANN is having a board meeting tomorrow. Rumors are that they may be talking about a European site.

So I guess it's kind of like a holding pattern as to whether we can get enough people to do a remote participation.

But the real question is to the group is even if people are able to purchase it remotely do we still go forward with a work team meeting, recognizing that it's not as if we have a report that's out there for review. It would really just be like a normal weekly meeting anyway.

So let me throw that out if people have any thoughts on that. It'll be - if we do it from the East Coast in the US if a bunch of people are able to get here or even on the West Coast I know it'll be a strange hour. Any thoughts on that?

Okay. What might - okay James? I think you might still be on mute.

All right I'm going to jump to Alan and see what's going on with James. Alan?

Alan Greenberg: I was going to say at this point, to be honest, as much as I like face to face meetings I'm not sure there's an awful lot to be had in this one unless we really are sure that there'll be remote participation with a lot of people - with a lot of the people actually available at that timeframe.

Jeff Neuman: Yes. I'm - I understand what you're saying. James?

James Bladel: Yes, sorry mute button giving me trouble already this afternoon. Yes I'm just trying to understand exactly what we would be doing in, you know, if this were a full attended meeting in Nairobi.

We have a report you're right, it's not out yet but its forthcoming, correct? Or should be somewhere thereabouts after Nairobi.

So it just it seems as though the face to face meeting might be extraneous at this point. And with so many folks in this group that aren't attending, then

maybe it's something we should even consider whether it's - there's any value to having it all.

Jeff Neuman: Yes the face to face that we were thinking about was, you know, it's nice to get everyone together, but it would just really be an extension of our normal weekly calls because we'd probably be - although it would give us an opportunity to discuss the - really at that point the overarching issues if you will, that kind of permeate throughout each of the stages, things like timing issues, things like translations and some other items.

If just to jump into the next topic or to overlap, so you may have noticed that Marika sent around now we have a report on Stages 1, 2, 3 and 4 very much in draft stage.

It includes the comments of Stages 1 through 3 that were received by James, Avri, and I'm not even sure that was on all three of the previous stages.

It might've just been on the - on one or two of them. So it incorporates those comments and then obviously includes all the new stuff from Page 4.

We're on Page 5 right now. And, you know, whether we have one or two more meetings my hope is that we can finish up Stage 5 before Nairobi.

And then we would just have to, you know, concentrate on looking at the report and then going back to some of the issues and the overarching ones.

So, you know, that's the thinking. So at this point in time, you know, we'll wait to see what happens with the ICANN board and to see if there will be a remote location.

Because if people are going to be there and there are enough people at one or more remote locations that will - are willing to dial in at that point in time,

you know, you it still may be useful to do a meeting. But we'll kind of play that one by ear.

So that said is there - so where we are right now I think I've kind of - I went over. We've done Pages 1 through 4.

There's a report out on each of those stages. It's a combined report that's now to something like 90 something pages and there's still fairly big holes in those.

So the plan is to really just go to, you know, finish up Stage 5 for Nairobi and then start on the overarching issues and going back to things that we may have missed.

Okay that said oh, Marika you have a comment?

Marika Konings: Yes this is Marika. Because we definitely will need to go back to the report and some of the different stages, because there are quite a lot of areas where we haven't come to concrete recommendations.

We have to talk through the issues. You know, there are different points of views. But we haven't gone into the depth yet like okay so what is that we want to recommend? Is there something that we can agree on?

Is it something that, you know, would require something in the bylaws? Is there something that we would just like to see in a PDP guidebook or guidelines?

So I think at a certain point in time maybe when we have all the five stages together and maybe even before going into the overarching issues or maybe in parallel -- I don't know what will work best - we'll need to go back through all of these things and see where we have recommendations if we agree with those.

However if there are no recommendations or to be decided to actually discuss okay so what is it we want to put in there? And so that probably will take us back through some of the initial discussions. But we still need that content or, you know, context to come up with those actual recommendations.

Jeff Neuman: For some of you that have long plane rides and are going to Nairobi, you have plenty of time to actually read the 90 page report to give us your comments and thoughts on some of those areas that have holes in them.

Man: I was thinking we'd use the time when we're not having the meeting.

Jeff Neuman: That's quite possible as well. And it's not as if you don't have a lot of other documents that ICANN has put out to read either.

Man: In the last two days.

Jeff Neuman: Yes. Okay. So Avri has said if they're in economy they won't have enough room to open up the laptops.

So that's Avri you either do it the old-fashioned way where you print it out on paper or you, if you have some money you can go get a Kindle or actually a Sony e-reader. You can load documents in PDF form.

Okay. So that's said why don't we go back to, you know, one of the things I wanted to ask Marika and actually ask a bunch of the people on the call, for the working group work team has put out their preliminary report and that's out for comment. I do think that there are some areas that kind of either were referred to us in that report or that may overlap with things that we have talked about.

So Marika, I was wondering if there was a way that at some point in the next couple days if you could kind of go through that and point out some of the areas of overlap or some of the areas where they kind of refer to us?

Marika Konings: This is Marika. I mean I kind of already provide some detail. I mean they have put in there a placeholder for, you know, specifics that come out of PDP Work Team discussions and recommendations on what is, you know, different from a normal GNSO working group and what is specific to PDP working group?

I think on one - most of the other issues there's not that much overlap. There is still the outstanding questions that we've asked on how to treat, you know, recommendations that are not consensus but maybe strong support or - and there are I think some answers coming forward from the working group work team.

Another issue is and I think that's something we actually discuss internally and it's maybe something that needs to come back here or actually in the work group work team is more guidance on what it actually means to have, you know, rough consensus, strong support.

That's actually something I think that we've found that in I think the BGC report were they actually asked for more examples.

And now looking back and where we actually have done in the working group guidelines it still leaves it up to more the chair's discretion. So maybe something this group at some point will need to discuss as well and providing guidance to PDP work teams where, you know, you might be deciding consensus policies whether there should be any further details on what it means, you know, the different voting thresholds or, you know, how do you call them, assignments that you give to the support that exists for a certain position.

And I think that's as far as I can tell. I'll definitely look back to see if there are any other elements.

And, you know, Avri has been very active in that group. She might have some other points that she sees as overlapping.

Jeff Neuman: So and I'll wait to see if Avri wants to add anything. But one of the things also I noticed which kind of relates to the topic there we're discussing today, unless I'm just imagining things which wouldn't be the first time today, I believe it does talk about the roles of persons like the liaisons and others to the council.

And in doing so I think may cover a little bit of or as part of our discussion on number two in Stage 5 which talks about should the, you know, Stage 2 is really GNSO council review of a particular PDP.

So in other words, you know, talking about the GNSO should review things like whether the scoping of the issue still remains valid, you know, things like are all relevant stakeholders aware of and involved in the process.

I do believe the Working Group Report touched on some areas of making sure at least that the council was being informed if during the PDP that for example the relevant stakeholders weren't being included in the process or involved in the process. Avri is that - do you have your?

Avri Doria: Yes there's two things I wanted to add. First I was going to say I have nothing to add but then things went on in and I thought I did.

One is I think though there's a difference. There's the things that the working group has to report on like you were just saying. Was there, you know, sufficient diversity of opinion; how were things don't with; what were the conditions under which strong support or rough consensus or consensus was reached?

In terms of what the council does with that, in other words, the working group's got to give a true report of where it got to. It also talks about the role of the liaison and all that stuff, you're quite correct.

In terms of though what is the meaning to the council of that, I think that's where a normal non-PDP working group and the PDP working group might have different behavior responses from the council.

In other words, on a regular recommendation a rough consensus versus strong support may be one thing versus it means another thing in a PDP.

And I don't think that the working group work team necessarily will get into how should the council treat various levels of reports that come out of the working group.

Whereas I think the PDP group should deal with that because they go beyond the working team's work. They go to how the council wraps this thing up.

So I do think that there's a slight difference in the scope of these two groups where the working team really stops at the delivery where - and the PDP goes okay, what you do with the delivery?

Jeff Neuman: So I think Avri may be more referring to Stage 4 when the council gets the recommendation to the working group, and what it does with it and how it turns news out to the board and what its responsibilities are.

In this stage what we're talking about is GNSO council review after the fact. So the policy's already either gone to the board, has been voted down.

Whatever's happened has happened. Implementation may have already happened or may not have happened depending on how everything came out.

This phase now deals with after all that's happened should the council then review. That's why it's a little confusing that it's in this stage.

Should the council review the - or do an assessment at the end of the process as to how that went? Marika you have your hand raised?

Marika Konings: Yes this is Marika. I mean something that the working group guidance do include and that's more, you know, what Avri talks about as well that, you know, they really look at what happens from the start of a working group till the end of the working group and don't really look further.

They have as well this self-assessment at the end of a working group where they look back and saying well how do we do our work? Did we indeed have enough representation? Did we have enough participation and maybe some recommendations as how to improve things?

So, you know, there might be a link there. But, you know, they don't really look further to, you know, their end product and what does the council do with it what kind of impact it might have. That's really not covered in the working group guideline.

But again that might be incorporated once the specifics from this working group come out. That might then be - because we foresee that there would either be, you know, separate sections or, you know, a separate chapter or just a completely separate document, you know, to go together that specifically focuses on PDP working groups.

Because they'll have, you know, specific requirements and, you know, timelines and objectives that they need to achieve that are - that will be different from, you know, normal working groups that are not PDP working groups.

Jeff Neuman: So in this is just my own personal not chair or registry or - in reading Question 2 I really thought that one, to do an assessment, for the council to do an assessment after every single PDP is probably going to be excessive and not be able to be done.

But really Question 3 or Issue 3 which is the periodic assessment of the overall PDP process may capture some of the elements in number two.

(Marilyn): Jeff it's (Marilyn). And I'm sorry to be late. I have a comment on this.

Jeff Neuman: Sure, please.

(Marilyn): I think that periodic is probably the right term. But since we're making significant changes to the PDP process and it hasn't been changed in a very long time and we really have lived without the updates that were recommended a number years ago, maybe we would want to propose a review at the end of a year and then periodic.

Jeff Neuman: You're talking about a review of the overall PDP process as opposed to a review of an individual PDP?

(Marilyn): I am because a review of an individual PDP, you know, I think you'll have to review individual PDPs. But I think the overall PDP process should be assessed to see if the changes that were made address the limitations that were identified in previous evaluations of the PDP.

Jeff Neuman: Okay I agree with that. And I think you'll probably find agreement from the people on this group. So let me try to go back and then I'll get to Alan.

And so the real question is in this Issue 2 which is the GNSO council review, should the GNSO council be required to conduct an assessment at the end of a PDP process if you ask what elements should be included?

The Board Governance Committee Working Group report reported - the report suggests checking one, does the scoping of the issue remain valid; are all relevant stakeholders aware of and involved in the process; has no one stakeholder group been dominating the process; did they get the necessary expert opinions; data - to make sure that data was provided and used where appropriate; and can the proposed policy be implemented?

I almost think all this is in the wrong stage that we're talking about this, that we already kind of have talked about this stuff when the working group is operating.

And, you know, possibly having something happen, maybe some sort of GNSO council initiated by possibly the council liaison while the PDP is ongoing.

But to do - to ask all of these particular questions after the processes over I'm not sure is effective. But let me Alan?

Alan Greenberg: Yes. I think most of those questions are not talking about the appropriateness of the PDP process but did that particular PDP go well?

And I think these are two different very different things. I mean what (Marilyn) said is true. We're coming up with a completely new PDP process that is different in at least some aspects and probably will be very different in at least a few aspects.

And I think it's important to understand to put it bluntly, did we mess up? The question of was any particular PDP dominated by one group or another or did they use the external resources properly or was data provided properly is an operational issue for that particular PDP and I think these are very different things. I would think for the - we don't do that many PDPs.

I would think it would be reasonable for the first few, at least the first few that are done under this new process for the working group to report back to council on how appropriate were the new rules there were operating under.

And if indeed council starts getting reports from the first two or three PDPs that it isn't working then council has to make a decision on whether to revisit the issue or not.

But - and I think - but I think these are very - two very different kinds of reporting we're talking about.

(Marilyn): And just to clarify it isn't - I'm just thinking about who gets that feedback. Does the PDP include a heavy reliance on working group not on council? The feedback is from the working group Alan?

Alan Greenberg: I would think the feedback is from the working group to council.

(Marilyn): Got it. Thank you.

Jeff Neuman: So okay, which would be separate then feedback on, you know, and it doesn't talk about in number one which is an assessment of their actual substantive recommendations.

So you're talking about recommending at least for the first few PDPs that are completed after the new process goes into place having - or recommending to the council that the working group does an assessment of how everything worked for that individual PDP, including doing an assessment of whether the - you know, someone should do an assessment of whether the council got it right as well.

Alan Greenberg: Well...

Jeff Neuman: In other words, did the council do what it was supposed to do or did the council go beyond what it was supposed to do or, you know, did that element of the PDP not work?

Alan Greenberg: Yes I'm not sure who would do that. That kind of thing I'm referring to is right now anytime you do a PDP, we start off with the statement that the rules and the bylaws are stupid, we cannot meet those timeframes, whoever thought of them didn't understand reality.

We need to see if there are going to - there are similar problems with the new set of rules. In other words are the rules realistic in the real world or did we get something wrong in this group and everyone who ratified us? That was the issue I was talking about.

Jeff Neuman: So I definitely saw that for the third one which is the assessment of the overall PDP process. All right, there are two different issues here.

There's one which is the effectiveness of an individual PDP.

Alan Greenberg: Right.

Jeff Neuman: And the next one is the overall effectiveness of the entire process.

Alan Greenberg: Yes. And that's the one that I'm suggesting they should be reporting back from each working group for at least a while and council should consciously address the, you know, address it if there are problems that are identified.

Jeff Neuman: You know, feedback from each - from the working group on each of the PDPs that would essentially serve as data points for the assessment of the overall process.

Alan Greenberg: Sure.

Jeff Neuman: Okay. So I think that makes sense. I'm not sure about the, you know, some of the questions that are asked in Number Two may - are actually appropriate I think for the working group to opine on.

You know, did the scoping remain valid throughout the term; did you find that essentially - did you have to change the scope or recommend changing to the scope as things went on; did you find that you had involvement from all the relative stakeholders?

If not, you know, who participated and who didn't, not the individual names but, you know, which stakeholders generally participated submitted and why?

I mean there could be a very logical explanation as to why one stakeholder group participated much more heavily than others, so to do an assessment on that. Paul you have your hand raised?

Paul Diaz: Yes thanks Jeff. I just wanted to follow-on. Listening what Alan said, it made perfect sense for me for Number 3.

But I was also I guess a little confused about Number 2 and what you were just - as you were going over the issues pardon me, and trying to get your head around, you know, what we say I guess I'm just left with sort of wondering to what end would answering some of these questions?

How would it help? For example the who participates, who didn't, not individual names but stakeholder groups, constituency groups? I'm just left wondering what do you do with that information when you report it back to council?

So if a particular PDP's initiated it has whatever level of participation for more extreme examples like let's say it's fairly low regular participation.

After some long period of time they finally reach a report and there's strong differences of opinion on the success of the work.

Do we really need even more process to say that this was not a successful policy initiative that we couldn't come together really, you know, move the issue forward et cetera?

And let me use a real-world example. I love to come back to the Fast Flux Working Group. You know, there were lots of problems identified with it before it got started. It managed to get through as a PDP because of the particular voting thresholds at the time.

It was honestly very painful for those of us involved grinding through month after month. When it's all said and done, you know, we generate a report that didn't really change anything. It just highlighted problems that people recognized from the start. But there was no sort of way forward.

So I'm just left wondering what is our goal here? What will we do number two, going back to council, asking the working group to continue to be involved just to continue to highlight those sorts of problems? I - just help me understand what is our goal? What do we want out of this extra effort?

Jeff Neuman: So I think, you know - and then I'll go to Alan. I think during the process I think this information is helpful while a PDP is going on, you know, for a couple reasons.

So you took kind of the fast look. I'll take a positive one. So let's say domain tasting we had pretty good involvement by most of the stakeholders.

At that point in time if the working group can report back to the council and say hey look, we had great participation from all the groups, all the groups got together and we came to this conclusion hopefully that would stop a debate from taking place at the council level and rehashing all of the issues.

So on the positive side, a good report from a working group could essentially or hopefully put an end to the debates that, you know, essentially council acting as a legislature but basically looking at the process and saying look, the process worked, and therefore we should trust what came out of the working group because they spent much more time on the issue and they were fairly representative and did use the data and they did have the experts that had the opinion. So we shouldn't really substitute our own opinions for it.

So that's a positive way that I think the council can use the data. But I totally understand, you know, in the end after the process is over and you're asking these questions, I don't think for anyone case that there is any action item out of that.

But I think if you take five PDPs that have occurred and you're getting the same feedback every time then it's possible as Alan said, it's possible for the council to go wait a minute, something's not working here.

We need to change a process because it could be the process that's causing the lack of participation or the lack of experts or the lack of data or whatever it is.

(Marilyn): Jeff I'd - it's (Marilyn). I'm also going to as someone who works on policy and a number of IGOs such as the ITU and OACD, APEC, a number of other places besides ICANN and also within a company, I'm just - and within the industry, I'm just going to offer a comment that I think may be very frustrating if you're in the working group or even if you're in council.

But sometimes the exploratory process that a working group goes through is the most significant outcome in a policy development process.

Sometimes as effective, this is hard to believe that, you know, sometimes it's - it can be as influential at change as an actual change in policy.

And I think we have to be careful not to judge the council on the number of delivered policies they make. Otherwise we do, you know, we're measuring people on whether they change as opposed to whether they are making balanced effective policy, whether they - sorry but I think you got my point.

Jeff Neuman: Yes. Alan you have your hand raised?

Alan Greenberg: Yes. I think the benefit of this kind of thing depends on the specifics. In the Fast Flux example maybe there's some merit in navel gazing and trying to understand what happened and maybe not.

I'm not actually sure of that. You gave the example of a successful PDP where everything, you know, worked well and that could reduce the amount of re-debate that the council has.

There's the other side also. If you have a PDP that does make policy recommendations but it was heavily imbalanced or some of the other questions have not as good answers, that may influence how council decides to vote on that and whether to approve it and pass it on to the board or not.

So I think in both - in a successful PDP - not successful, in a PDP that does recommend policy, the specifics of how the process went and a synopsis report of that I think is important for council to understand.

Now that may or may not actually come out in the report. I would think in some cases all of this should be included as a part of the report so the report is taken in context. But if it isn't in the report, I think it's important information for the council to have prior to its vote.

Jeff Neuman: So that's prior to its vote. And again I'm - and I hate to keep coming back to this but this is supposed to be - what we're talking on now is a review after the vote everything has already taken place.

Alan Greenberg: Okay. But your example was also prior to the vote that you said...

Jeff Neuman: Right.

Alan Greenberg: ...in the domain tasting it may remove the need for additional debate in council. So I was taking the side of a less successful working group which still comes out and recommends consensus policy.

Jeff Neuman: And I agree with that. And I think so - and I guess my point was really that this - these questions really belong that possibly a separate - you know, possibly a separate stage...

Alan Greenberg: Oh okay.

Jeff Neuman: ...right?

Alan Greenberg: Yes.

Jeff Neuman: And so I think you're agreeing with me at that. The question is - that Paul was raising is there utility in doing this after the process is over and how will that information be used?

And I think I - so the point was well we could do it after the first few PDPs and that could be data points for the Number 3, a periodic assessment of the overall PDP process.

But I'm not sure doing it after a PDP, an individual PDP is over has any real other independent value. But James and then Avri?

James Bladel: Yes thanks Jeff. This is James. And I'm just going to jump in and support what Alan was saying earlier. But now I think I'm confused as to where the sequence is are occurring.

So I'm not sure that it has as much value as it did maybe five to ten minutes ago when I was still a little off.

But, you know, I think that there are merits to doing this. There are merits to this kind of review. And, you know, I'm not going to beat up on the Fast Flux group or any other specifics.

But it's easy to picture a hypothetical working group that, you know, struggles for a year and then produces a, let's say a controversial report where a strong majority is on one side and a substantial minority is on the other side.

And then, you know, to understand that the, especially if there's a pattern where that substantial minority is not participating in the working group process, so just kind of jumping in on the 11th hour and getting insertion savings to the report so they weren't going through that exploratory process as (Marilyn) was describing.

So I think that there's value in that, especially if it establishes a pattern over time. And I think that that can feed the, you know, the policy whether it's voted on either whether it comes prior to a council vote or whether it goes into a board vote or even if it's just ammunition to go back to a reconsideration, you know, could help to serve that effort as well.

Jeff Neuman: Okay. Avri?

Avri Doria: Yes. I actually think that there is value in the totally after everything is said and done review of the PDP and how it works.

And one reason for thinking that it's totally after everything is done is because hopefully at that point we're not still lobbying one way or another for our viewpoint.

I think that, you know, one of the things that (Marilyn) said that we're changing the PDP now for the first time in a long time because, you know, it's been getting more and more broken over time.

I think that we're also with the recommendation going more into this are we getting consensus, are we getting beyond the strict silo mentality, are we including all voices?

And we're taking a guess at it at this point in terms of creating a new PDP process. And I think it's only after it's been run several times in several different cases that we will have an awareness of that and we'll start to understand.

And I mean I've always had this notion that any of these processes need to be reviewed periodically. These after everything has said and done reviews are the contribution to that.

Now exactly how you do that, is it the PDP group or is there a meeting at every face to face for every PDP that's been finished is sort of, you know, you have a postpartum on it, I don't know.

But, you know, it does seem to have value in doing something like this when it no longer can affect the decision, when all you're really reviewing is did the process work? Did it not work? What worked, what didn't? Because it's always going to be some stuff worked, some stuff didn't. So I do see value in that - in the notion of ever improving the processes.

Jeff Neuman: So what if you find with Avri, if you find that individual PDP it just went - it was all wrong? It got approved, it through the council, it got to the board, the board approved it but you just realized hey look, we're looking back on it.

And the thing wasn't representative. The experts got the data. The data was all wrong. We didn't involve everyone we should of. The question - next question is what do you do with that?

Avri Doria: Okay. My opinion is I guess there's two things. One of them is figure out why that went wrong and get the lessons learned so that future PDP you can hopefully avoid those mistakes.

Second of all is a different process. If it really is broken and a broken policy is now in effect then, you know, the policy managers have to look at it and see do we need to fix this policy?

But that's a separate - that's a separate issue. For this part of the review that I'm most concerned about I think is that well how come it was allowed to go so badly? Why was it not caught?

You know, should it have been - what could have happened? What could we have done if we had caught this at the time? Could we have noticed, et cetera?

So you've got something there that's an incredibly valuable lesson to learn from because you don't want it to happen again. And so in terms of this review that's what I'm thinking of.

(Marilyn): Jeff, can I get in the queue on that?

Jeff Neuman: Yes (Marilyn).

(Marilyn): So I'm going to comment that I think that this is actually a different - I don't think this is - I think this question is actually a different question. And let me pose it.

That is if in the middle of a PDP process this kind of - both during or after this kind of problem is identified, how does a PDP get paused and restarted?

Because let's say - and I think this could easily happen. You write a terms of reference, you have certain data in the course of running the working groups.

You discover, you know, significant other information that is not being taken account - into account. I don't know something else phenomenal happens.

And so you're terms of reference are wrong, your process is wrong and your scope is wrong and you're in the middle of it.

So if you continue it, the end result is going to be what you described. So I'm not talking about assessing a PDP. I'm talking about how would - what would it take to pause and start over if that were the right thing to do? And is there a mechanism to do that?

Would for instance in the midst of this a group who feels that they've been completely disaffected be able to file an ombudsman report or an independent review and through that process impose change on a existing PDP process? I don't know the answer. So...

Jeff Neuman: Let me go to, you know, Avri and Marika, when the working group tackled this issue they - or tackled sort of around this issue, in the - it's the roles of liaison to actually bring issues to the council's attention?

Avri Doria: Yes. That's what I put up my hand back up for. Yes there's basically been set up a whole chain of appeal mechanisms that the disaffected take that start out with the chair that go to the liaison that go to the council.

And then obviously there's always, you know, the ombuds fellow at the end of the chain. So yes, the working group did put in - now it didn't get into what (Marilyn) talked about, the notion of starting and restarting a PDP because

again that's outside of what the working group does. That's within the council's area of well what do you do if something's irretrievably broken?

Now you don't necessarily need to restart the PDP but you may need to restart the working group or what have you.

But certainly the notion of escalating these kinds of problems to the council and beyond exists and it has been put in in various ways, the working team recommendation.

Jeff Neuman: So I'm looking through the report, the draft report that we have and we talk, you know, at Stage 3 about the activities of the working group, you know, that's aside from what the working group recommendations were. Stage 4 is voting and implementation.

I'm just trying to look to see if we cover, talked about council deliberations and the council can send things back if it finds a problem right with - and this in theory could be a problem with the report that the council could send things back.

Do we need to expand on that more? Do we need to set up this kind of official process of taking, you know, if the working group liaison sorry, if the liaison to the council comes back to the council and says that the working group's just not operating correctly, do we need to spell out what the council's options are at that point?

Marika you have your hand up?

Marika Konings: Yes this is Marika. I just wanted to point out as well like if the working group agrees like well, you know, we really got it wrong in the charter because now there's data available and the term of reference is completely incorrect and it needs to be changed, they always have the possibility to go through the chair

or the liaison to go back to the council to say look, we would like - we would recommend to make these changes to the charter. Do you agree?

For these and these reasons because we think, you know, this new information means that, you know, that charter question is no longer correct or et cetera.

So that the working group has always the possibility in the process if there's consensus in the working group in support of course from the GNSO council to change its charter or change it's, you know, reference framework to do so. So I don't know if there is separate processes needed but that possibility exists as well.

Jeff Neuman: Okay. James?

James Bladel: Yes I just wanted to add that, you know, the - a long time ago I was an engineer. It just sure seems like you don't want to have a process for starting a mechanism if you don't also have a process for shutting it down.

I mean and we don't know why one would want to do that necessarily and I don't think we need to. You know, maybe it's been obsoleted or the issue is no longer relevant.

But I just feel like you need that symmetrical mechanism to take something back to a council at a certain point to say is this still necessary or we feel that this is no longer necessary because and then offer that up.

It just it seems wasteful to say that once a process is started that it must run through its course.

Jeff Neuman: Well what it sounds like the last several minutes of discussion is again really during a Stage 3 while the working group is actually doing its work, I do think we need to put some of this in that stage.

Marika, could you forward around to the group the language that deals with, from the working group report, that deals with these appeals or the mechanism of getting the issue to the council?

And then perhaps we could take it from there and make some recommendations as to what council should do with that once it gets it and then the options council has after it looks into that matter?

Marika Konings: Okay.

Jeff Neuman: And perhaps all of that can go into that section?

Marika Konings: Yes. I can forward it. No problem.

Jeff Neuman: So it sounds like at least with the group that there's strong agreement that should happen and that we should define it a little bit more during the working group process.

Sounds like this is useful information for a working group to -- at least for the first few work PDPs that are done after this whole process is put in place -- to do completely after the fact that would feed into an overall assessment of the PDP process. So why don't we jump there to the overall assessment of the PDP process?

Now (Marilyn) had thrown out that we should do an assessment after a year to see if it's working. And then, you know, after that it could be at less or more periodic intervals as opposed to, you know, one year. It could be every few years after that.

Let me throw out another option. And I'm not saying this is a good option. I'm just saying this is another one, is what if you wait for a certain number of

PDPs to be - to go through the process and then so it's not defined in terms of years but defined in terms of number of PDPs?

Is that an option as opposed to just saying arbitrarily it's going to be a year?

Paul do you have a comment?

Paul Diaz: Not to be a smarty Jeff, but if you do the number of PDPs you're going to be talking many, many years.

Jeff Neuman: Okay.

Paul Diaz: Now my other question or my only other thought was is there another avenue here under the broad areas under the affirmation of commitments, the various looks at ICANN's efficiency and processes and whatnot?

Does the policymaking process hence the PDPs, does the AOC envision looking at that level of detail? So is it already built-in that, you know, within the next three years or whatever there will be a review? I'm not sure. It's just a question for the group?

Jeff Neuman: Marika do you have an answer to that or a separate point?

Marika Konings: Definitely no answer to that question. I just wanted to point out that in actually in another working group there was a discussion on how long does it take to actually do a PDP?

And there I could good look at the average numbers. And it takes an average, a year to actually get a PDP from initiation to a vote by the council, not even the board or implementation.

So and, you know, maybe neither option is ideal. But if you just looked at a year you might run the risk that not one PDP has actually been completed

from start to finish. So it might be difficult to actually review it if you haven't gone through all of the stages that the new PDP process would prescribe.

Jeff Neuman: Yes. So I think that's right. A year may be too soon because you really shouldn't go back and review the entire process until at least one or more PDPs have gone through the entire chain.

But I understand that if you say five or ten you could be talking in years I mean in theory. So...

Alan Greenberg: The other problem is PDPs are very different. And what works well for one may not work well for another.

So just saying three PDPs, I'm not sure a time limit or number driven is relevant. I think problem driven is going to be what's really going to drive the review, you know, or a revamping.

Jeff Neuman: Can you expand on that -you said problem?

Alan Greenberg: Well if it's one of these things if things are working then we're not going to go into any real major review of the overall process. I think any conscious effort to review the process and the details is going to be driven by problems.

Jeff Neuman: Right.

(Marilyn): Actually Alan I think there has to be a scheduled - it's (Marilyn), sorry. I think there probably has to be a scheduled review period. Otherwise because it's going to take resources to do the reviews scheduled right?

Alan Greenberg: I'm not disagreeing. I just don't think it's really going to happen unless it's driven by some real issues.

Jeff Neuman: Well oh okay.

Marika Konings: Jeff if...

Jeff Neuman: Here's the other option...

Marika Konings: Jeff if I can make a comment based on what the working group work team is proposing. Because basically what they're proposing is saying there will be a review every year.

But a review basically means the council saying are there any issues? No? Okay we go ahead. And indeed it's a bit - the model that Alan proposed in saying okay if there are any big issues identified, then they - those will get looked at.

But at least there is a specific point in time where the council just turns around and goes does anyone have any comments or any serious issues that we need to address? No?

Okay then we just continue and have some kind of standing committee maybe or kind of group that then can look at those issues that are being raised if some sort -there's a real serious problem here and it needs to be addressed now because otherwise, you know, we run into serious problems other PDPs. And that might be a bit of a combination between the two suggestions.

Jeff Neuman: You took kind of the words out of my mouth. I think one - what I was going to say was that the PPSC in, you know, that's the Steering Committee above the PDP work team or the working group work team, it was envisioned by some, now maybe not all. But it was envisioned by some that the PPSC could be a standing committee to review issues as they come up.

And then maybe also you could say that after five years go by you do a complete review. But, you know, so what do people think about the - and

Avri's got a check mark. I'm not sure how long that's been there or which concept that was for agreeing with.

But what do you all think about the notion of making a recommendation that the PPSC or some other committee set up by the council should be this standing committee to look at issues as they come up?

Avri agrees. Anyone else have any thoughts on that?

Man: I support the concept. I'm again not 100% sure it will actually happen given the continual ongoing workload. But it's a good idea.

Jeff Neuman: I'm sorry what won't happen given - the fact that we have a standing committee or the fact that...

Man: The fact that the standing committee will meet and do something about it.

Jeff Neuman: Okay. That's fair enough. That could also be reviewed. Okay. So but you're not against making a recommendation?

Man: No.

Jeff Neuman: Okay. Is anyone - Avri supported it and it looks like I've got to scroll down here to see. Paul supports that as well.

Does anyone disagree with the notion of making a recommendation for a standing committee to be on hand to hear these types of issues as they come up on an as needed basis?

Okay hearing no disagreement that sounds like something we could recommend. I know people have to drop off the call at - in about a minute or two. So I want to end it here but then restart on this for the next call.

I'm going to do a Doodle for - we'll get back to the group on email as to what the plans are for Nairobi.

But in the meantime we're thinking if it's possible to have a call on the first or second of March again, don't answer now. We'll send around the Doodle.

Because what I'd really like to do is finish up with all these five stages at least an initial run through all five before Nairobi so that we can concentrate on overarching issues at and after Nairobi as well as some of the issues that we skipped. So look for that Doodle. Any other questions that anyone has at this point?

(Marilyn): I do. So can you just tell me what you're and Marika's and anyone else's estimated time of arrival of this completed project is?

Jeff Neuman: So we need to get back to you. We need to revise the - we had a timeline. We had a plan...

(Marilyn): Right.

Jeff Neuman: ...that was maybe around maybe a month or so ago.

(Marilyn): Right.

Jeff Neuman: I - you know, we're a little bit behind on that timeline but not terribly.

(Marilyn): Okay.

Jeff Neuman: So we will have to take that on as an action item to too send that around.

Marika Konings: Okay. I think it's delivery by Brussels meeting. I think that's this timeline what we're working on.

Jeff Neuman: Correct.

Marika Konings: And Jeff just to confirm, so you don't want to have - there's no meeting next week but you wanted to try to see if we can have a meeting on the first or the second. Is that correct?

Jeff Neuman: You're right. I forgot about next week. So I'm not able to be on the call next week. But if everybody else is then please continue.

Then I'll send around a note to the list to see if anyone wants to volunteer to chair that call for next week.

So there is still a call scheduled for next week. And then the question is whether we also want to schedule something for the first or the second.

Man: Are we back to our normal time next week?

Jeff Neuman: Yes next week normal time which is, I can't remember UTC but it's East Coast US Time I know it's 9:30 East Coast Time.

And I may actually be able to join now that I think about it because I'll be on the West Coast and I don't think any of my meetings at that point - will have started by that point.

So I might - I'll still send around a note asking if someone could chair if I'm not on. So think about it. And, you know, people like James, I might come to you.

And you're probably on mute now or...

(Marilyn): Or fainted. He fainted.

Jeff Neuman: He put the big X up on the...

((Crosstalk))

Jeff Neuman: So in all seriousness, if anyone wants to volunteer and to think a little bit more long term, if anyone wants to volunteer as a vice chair that could chair these meetings if for any reason I'm unavailable, that would be great.

Because they don't want me to be the reason why this group is held up. So...

Man: It's nicer having someone to blame.

Jeff Neuman: Well I'm okay with that. I mean, you know, I am a lawyer so I'm constantly blamed for a lot of things. That I'm fine with as long as I actually do it I'm fine with being blamed.

Anyway thank you everyone for attending this call. And next week at our regularly scheduled time. And then I'll send a Doodle for the first or second to have another call.

Man: Thanks Jeff.

Jeff Neuman: Thank you.

Avri Doria: Thanks.

END