Transcription ICANN Beijing Meeting

Preparation for meetings with Board and GAC

Saturday 6 April 2013 at 16:45 local time

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Jonathan Robinson: Let's start the recording for the final session of this afternoon. This is our preparatory session for our - some of the key meetings we've got tomorrow.

I shall start with just making a couple of remarks on the different - I mean first of all there's a pretty big slot that we've got lined up here. So I think it's a tremendous opportunity to have some important discussions with both the executive management, the leadership. We've got a series of discussions if you look at the agenda.

The first is the meeting with the BGRI. And I'll talk a little bit more about that. I realize that councils are relatively uninformed about where we've got to with that meeting.

The second is our meeting with the board itself. The third is the meeting with the CEO.

And the fourth is the meeting with - I think it's just (Christine). Well it's not Akram at this stage.

Now in some ways in my opinion those are probably in reverse order. Ideally we'd be talking to (Christine) and probably Fadi and then onto the board and possibly the GAC.

But they are as they are. We didn't have complete control over how the time table panned out and how it went.

So let's look at the different meetings in the separate context. The - as you know, many of you, we didn't meet with the GAC in Toronto. I personally was very disappointed that that took place, that we didn't meet with them and felt that it was important that we did meet with them if at all possible and reached out to various people, a couple of conversations that have taken place.

But really what's - one of the things that's significantly on the mind of the GAC is this ATRT recommendation that the GAC is involved earlier in the policymaking process. And the critical question is: how does that work? And so the opportunity is to interact with the GAC on that.

They have been doing - since I think commencing Toronto the Board GAC -- BGRI -- Recommendation Implementation working group is really about dealing with this, the recommendations from ATRT and working out how the board and the GAC might work more effectively together. And indeed the - so we've been offered the opportunity to go and talk with the GAC and essentially reengage, talk about the way in which the GNSO works, the relationship with the council, the policy development process and to start to look at how the GAC might engage with that policy development process in future.

I am not sure we need - I mean there is an existing BGRI meeting that we are going to be a part of. I will forward you the agenda for that. And I'll circulate that after this meeting. I think there's - there may not be a lot to discuss at this point, maybe that the significant part of our discussion comes after that meeting when we see what's - what the possibilities are.

But I think we've got to somehow move beyond saying well the GAC can participate in working groups. It's quite clear that the message we've got back from the GAC is that standard participation as a regular member of the working group is difficult or problematic for them. And so the overture that's been made to them is to talk with them about other ways in which they might engage with the policy development process.

So before we go any further because I think we've got to talk in some detail and there's clearly some themes that have emerged about how - what we might say to and talk with the board and ICANN CEO. And by the way I understand that Fadi will be present at our meeting with the board as well as in our session, our half-hour one-to-one session with him, if you like, afterwards.

Are there any comments or questions about the meeting tomorrow with BGRI?

So just to be clear I'm expecting to make, together with the help of ICANN policy staff, a presentation, a description of the policy development process, to lay it out, to make it clear what the sequences are and to have that discussion commence with where the GAC might see that they could be involved with, engaged with the policy development process early on.

Any questions or thoughts? Yes, (Jennifer).

Jennifer Wolfe: You said that the members of the GAC said they didn't want to or didn't see the opportunity to participate in working groups. Could you explain that a little more?

Jonathan Robinson: You know, I think this is something I hope, (Jennifer), that'll come out tomorrow when they explain. I mean really the way I've talked with in - primarily in - is that they find that we were - the way the exchange is intended

to take place is this is how we work, this is how we work and to exchange a way that the existing ways of working and to understand points like that.

Why they feel that it's - because at the moment I think the concern - my understanding of the concern is that the GAC gives advice to the board, the GAC gives advice to the board on policy. And it's very late in the process potentially when - now there are plenty of arguments say well if one tracks the process through the policy development process, through its lifecycle there's plenty of opportunities for early engagement including participation in working groups or various other ways.

The way the BGRI has dealt with it to date is that there is a - I believe a monthly summary prepared by David Olive and/or the policy staff which is a recent, I think, post-Toronto effort where the GAC are being kept informed directly rather than having to look through the myriad information.

But that's - Marika, did you want to say something? No. Okay. I - sorry, I got the sense that you might want to say - so Jeff.

Jeff Neuman: Yeah. I mean to answer (Jennifer), one of the things that the GAC members who have participated in the past have said as to why they don't want to continue to do this in the future is that oftentimes GAC members can't really participate individually in these groups. They're always representing their government. And anything they say is usually attributed to the government and usually gets back in a kind of a negative way.

So when they do join a group they can't really talk like we do, off the cuff or, you know, express how they feel. And then in the past when they've served on certain taskforces they've been burned, let's just say, before. So they're not as willing to kind of enter these working groups.

They're willing to - if we can give them advance notice, enough notice to maybe try to come up with certain positions on certain things as a GAC on

topics. But they're not - they can't do the day-to-day working group calls and emails and everything as rapidly as - I mean I know we think it moves pretty slow. The GAC actually thinks it - while - when they're actually in a group thinks things move pretty quickly.

Jonathan Robinson: Thanks, Jeff. I suspect that's one issue will come out and maybe the time commitment required. There may be others. But that's the explain - that's the, if you like, the sharing of information that I anticipate taking place tomorrow.

I expect that there are some who might already have formed opinions as to where they can - where things might be possible to be involved with the policy development process in future. And that's something we have to hear and listen and then take back to the council and reflect on post tomorrow's meeting.

Chuck? Yeah. And then followed by Krista.

Chuck Gomes: Thanks. Chuck Gomes from VeriSign.

I think probably those that have been on the council for a while already know this. But for those that are maybe relatively new I really think we should give up the idea that the GAC is going to participate even though it's open in our working groups and so forth.

We've tried and we've tried and we've tried. And there even have been some individual GAC participants that have tried to participate. And it hasn't worked.

So I guess my counsel, my recommendation to the council, is that we need to try and get creative. Don't - if we go in there hoping that they are going to come around and participate in GNSO processes we're going to be very disappointed. And a lot of you already know that.

And rather than being critical of them for that it's a reality. At the same time we need to get them involved sooner.

And so we all need to put - not just the council but all the GNSO really need to put our thinking caps on and be creative in ways and try and explore tomorrow if you can in terms of what could we do early on to feed you information and what kind of turnaround can we get back on something.

It's not going to be, you know, the GAC just does - most of the - a lot of the members of the GAC -- I guess not all of them -- support the multi-stakeholder process. But governments frankly don't do well in a multi-stakeholder process.

And unfortunately if we're going to succeed in working with them - and I really don't mean this in a critical way but if we're going to succeed with them we're going to have to accept that and try and discover some ways that we can involve them in their own way in - to contribute to what we're doing and much earlier.

Jonathan Robinson: Thanks, Chuck. I've got a queue forming. But I appreciate you expressing what I was perhaps struggling to express quite so easily. But onto Krista and then let's - and then I've got a queue.

Krista Papac: Thanks, (Jonathan). Krista Papac for the transcript.

So building on what Chuck said which I completely agree with, I think the most helpful thing is for us to come to the table with some suggestions or brainstorm some ideas on how we can engage them earlier in the process and, you know, understanding that the relationship that the GAC has with the community is really directly mapped to the board.

If there were just some way, one, you know, one of the things I've thought for a while, if there was some way to have a liaison that is their liaison, similar to

what the registry or registrar liaisons are within ICANN which are, you know, the people that help communicate registries' issues back into ICANN, the company and vice versa wouldn't it be great if there was some sort of liaison that communicated the GAC - to the GAC what's going on in the GNSO, go back to the GAC, explain what's going on. The GAC can sort of say oh that's concerning to us or oh that's helpful information. That person can come back to the GNSO and have them somehow tied to the board like maybe they're a board appointee or something.

But I just think you - part of the two issues we run into is that the GAC doesn't understand what's going on here until it's already happened which is upsetting and frustrating to them. And even when they do understand what's going on here there's not a path for them to get their feedback back to us.

So anyway that's just one thing I would offer up for consideration. Thank you.

Jonathan Robinson: I've got a queue forming which is Joy, Brian, Marika and (unintelligible), (Christine) and (unintelligible). I've got you all in the queue and I've got Wolf next.

Krista Papac: (Jonathan), sorry to interrupt. I just want to clarify one thing I said cause Chuck just pointed out to me I wasn't very clear.

I don't mean a GAC - somebody from the GAC that's a liaison. I mean an - like an ICANN staff person that is, you know, paid by ICANN and works for ICANN but does the communication back and forth.

I know we've done the GAC liaison that's a GAC member in the past. And that was not very successful. So thank you.

Jonathan Robinson: Thanks. Joy.

Joy Liddicoat: Thanks, (Jonathan). Joy Liddicoat, noncommercial stakeholder group.

You know, we talked this around, haven't we, for quite a while now about how we can, you know, work more effectively with the GAC? We thought about having a GAC observer. We tried to structure our discussions with them in GNSO, GAC meetings in a way that doesn't become ritualized but it does seem to. And we tried the working group method. And that also was problematic.

So I think, you know, we have been reaching and we're still not there yet. I think it would be good to listen to what the GAC concerns are.

I think another possibility for a way forward is to lift our conversations with the GAC from sort of issues of the day on which we want their policy input to a more forward-looking discussion. In other words, you know, here's what's coming up for the council over the next 12 months sort of as a forward look, you know, are there particular areas where GAC may have particular interest or topics that they would like to stay in touch with more than others, in other words more of a discussion about the relationship and at a slightly higher, more strategically of all the work programs that we have rather than asking them for GAC positions on particular policy input to try and basically nurture or sustain the relationship at a higher level than - because it's clearly not working, you know, at that sort of more micro level.

And just, you know, the GAC have - I think we should also ask the GAC, you know, what its suggestions are for this. I mean obviously they're far more acutely aware of their limitations than we are but if they're able to say to them, look, you know, what does actually work for them is a particular thing, advance questions or some sort of - not to use this term (unintelligible) but an early warning. In other words the flag goes up. These are the interest - things we're interested in again.

So that would be my suggestion and opening - open in this thing to what the institutions and ideas are.

Jonathan Robinson: So Joy, I just want to make sure I'm clear though. That's helpful. And I mean I very much in my overtures to them talked about, you know, even in - slightly tongue-in-cheek talked about the prospect of, you know, in Fadi's language, a new season, an opportunity to kind of set the - this - the clock back to zero and genuinely approach one another with an open mind.

And so certainly tomorrow I would not be expecting to talk about the issues of the day. Tomorrow is very forward-looking.

But I think what you were talking about was also in general our engagement with them should be on a sort of more forward-looking basis although - and I agree with that. I like that suggestion. My only thought for you is that they - one of the key things that I think is on the collective mind of the GAC is the opportunity, as you mentioned, to do some form of early warning.

It's not a veto. I think that's one thing we'll have with - it will be sent for us. But it is an opportunity to flag up where in their view there might be public policy implications of the work that we're doing.

But let me not hog the microphone. I just wanted to make sure we were clear on your position. So I think I've got Brian next in the queue.

Brian Winterfeldt: Brian Winterfeldt, IPC. I just want to build on what Chuck and Krista said. And I think I also agree with what Joy was just saying as well.

I think that we want to definitely come I think with a very constructive attitude and a very open mind and look for ways and listen to them about how we can help communicate with them better.

I like Krista's idea about potentially eventually having an ICANN staff person. But I wonder if the interim if we couldn't have someone assigned from the council who could serve that function maybe in the interim to communicate

with them in a way that would be helpful for them to start a dialogue going forward.

Jonathan Robinson: Just a brief comment on that out of interest, I mean (Thomas) has excused himself from this conversation which is disappointing cause I would have liked to have (Thomas) here. But he's particularly gone across to the GAC to hear their discussion on the I, you know, N -INGO, NGO, which is of course our hot potato topic of the moment but just to put that into the mix as well.

I think I had Marika followed by (Christina), Volker, Wolf-Ulrich and Milton.

Marika Konings: Yeah. This is Marika. Basically building on I think several of the comments that have already been made cause if you look at the revised PDP I think we made quite an effort there as well in really trying to build in opportunities not only for the GAC but for any SO/AC to provide already input into the PDP process. So I think it's relative to Joy's point.

And we have been reaching out like the working groups for example, you know, we published a preliminary issue report for public comment. That's the first opportunity for anyone to say there should be a PDP, there shouldn't be a PDP, these are some of the issues you should consider. That gets communicated to, you know, published like in websites, sent out to the liaison list to all the groups.

You know, then when the working group starts there are opportunities there, early input. All the working groups reach out as well to the different SOs, ACs.

So I think it will be really interesting to hear as well from the GAC and saying well we've been doing this, why doesn't this work and how can we make it work before maybe jumping to what are all the other things we need to do but maybe focusing on what we currently already have in place and trying to

make that effective and maybe recognizing. So I think working groups have done that as well, recognizing that, you know, the GAC may need more time. They've always said well this is in principle the deadline but if you need more time just let us know, you know, we just need to know by when we can receive something so we plan it into our work plan.

So that may be, you know, some of the things you may want to consider as well as part of that conversation.

Brian Winterfeldt: This is Brian. Can I just jump in really quick on her point?

I think what you're saying, Marika, is very true. You know, we do release all these documents and they're available for public comment.

I think the reality is, is that the folks at the GAC are under-resourced and overwhelmed. They don't have time to read all these reports. They don't have time to read all these documents. I mean I think frankly all of us struggle to keep up with them.

And so I think one of the challenges for them would be feeding them the information in a way that is more digestible and really flags for them what is important and what really requires their attention. I think, you know, the - I think that's why the current...

Jonathan Robinson: Brian, just to help you out there, that step has already been taken. And that is happening via (David) and Marika and co. from ICANN policy staff. So there is a policy briefing, a short digest, that's going once a month.

So we are - we - we're some way down that road. And certainly that will be the intention tomorrow is to flag up and set out where we are on that.

I'm very conscious that between us we - we're stopping (Christina) get to the mic. And I'm scared of doing that. So if you - if...

(Christina):   And well you should be. No, you know, let me take a different tack from Chuck.

I think it's accurate to say that relationship - the relationship between the GAC and the GNSO council has been not as good as it could be. And I am very concerned that if the council goes into the meeting tomorrow with let's talk about how you can participate in working groups that is certainly not going to help that.

And what I think might be very helpful because it's my sense from talking with some of them that they don't necessarily understand -- and frankly there's a lot of folks in the community who don't really understand the PDP process -- if it would be possible to put together, for example, for tomorrow just like a flow chart that identifies the various stages of the PDP process and flags out here are the opportunities that we think you may be able to provide input, here's how it's currently structured for the rest of the community to provide input, we recognize that those may not work for you but let's -- in terms of those specific mechanisms -- but let's use these as starting off points to try and figure out what the way forward is.

I mean, you know, I remember having this very same conversation with them in San Francisco which was, what, two years ago now. And they had never even heard of an issue report.

Jonathan Robinson: So (Christina), let me help you out there cause we're already somewhere down - we constructed an agenda for tomorrow. And the agenda has the GAC telling us how they work and the issues they face. It has us telling the GAC how we work, including flow charts on the PDP, including engagement points in the PDP process and including recent changes to both the PDP and then (David) will talk about the reporting.

So we get through all of that and having set that baseline we then go on to discuss in more detail - and I will forward you all the - this agenda that's being workshopped. But then from that point we then go on to say right, and now what else might be - where might there be issues going forward from there.

So I hope the point is to sort of reset the position, reestablish the baseline and make sure cause there's new members in the GAC, there's new members on the council. Not everyone's had that baseline exchange. But yes, that's the intention.

Volker?

Volker Greimann: Yes, just two quick points. I like the idea of a liaison provided by ICANN. But that person would have to be particularly skilled to follow two sessions at the same time because usually the GAC and the GNSO meet at exactly the same times.

That complicates the issue. I don't think it's insolvable. But that is a complication that needs to be resolved as well.

The other thing is if the entry points that we currently have are too difficult for the GAC to wield we should still aim to find a way to incorporate the GAC into our discussions by providing them with an executive summary at various stages of the data that we collect, of the intention of the PDP when we start, of the current process of a PDP in the midway and of the final report when we issue that.

Further we should try to make use of the GAC as a resource instead of somebody to just provide information to as in when we ask our stakeholder groups what their positions on various topics are, we - the working groups should try within the PDP identify issue that may be of interest to the GAC, identify them to the GAC and ask them for input. Give them a longer time to

respond. But use that response to formulate further questions to the GAC that can be posted to them for discussion.

And when we get a result it will be a longer time. But for some critical issues I think it's worth it to ask the GAC and to ask them specific questions during the course of the PDP which might help them understand the process, which might help them feel they have more input into the PDP process and which might help us find a better result.

Jonathan Robinson: Good. Thanks, Volker. I'm going to define the queue now and we're going to have to cut it off at this point because we've got other significant meetings taking place.

So right now I've got Wolf-Ulrich, Milton. Krista, you still wanted to come back in? Yeah, Krista. And then I think I had Joy again. Yeah.

And that's it. I'm going to draw a line under it at that point. It sounds like we've got a relatively clear idea of where we're headed.

Wolf-Ulrich Knoben: All right. Thanks. Wolf-Ulrich Knoben speaking.

I wonder from my talk I had to some GAC members with regard to that issue whether the entire GAC has this issue, this problem, misunderstanding the PDP or whether there are members of the GAC too who have a significant interest in getting more involved in what we are doing.

So the question for me is then is there a different - is there a way now to approach them, let me say, those members who are really interested in getting more involved rather than to find out, to search for a global solution, rather to approach and to engage the GAC as a whole. This is one question.

The question is then how to do this. I understand that they cannot pick up some GAC members and then as a whole, as a GNSO, we could approach

them. But from my experience, for example, in Germany so we and some other GNSO members, not from the council here, we have relations to our GAC member. And I assume that others within the GNSO also know their GAC members, they know their requirements, they know their needs.

They may have relations to them just in the past more related to their own interest rather than to the GNSO process related interest. Why shouldn't we too - use that tool in a separate way also how we are doing it?

We don't meet let me say too many times in Germany. We meet twice a year with a GAC member or even sometimes before each ICANN meeting. So why shouldn't that be used, for example, also to involve those GAC members or to get them more involved, to get them more informed, better informed rather than to find this global solution? Thank you.

Man: Yes. You're all not going to like what I'm going to say. But it's got to be said.

The things I've heard about this GAC, GNSO relationship are completely unrealistic in my opinion. You have to understand that the GAC is an intergovernmental organization that has been grafted onto a bottom multi-stakeholder organization. It is a structural flaw in the way ICANN works.

You put a bunch of governments in a room and tell them that they have sort of the final word on public policy. And then you tell a bunch of people working in the GNSO that they're supposed to develop bottom-up public policy. The governments - you're talking about all these different ways that they can sort of participate in our work and listen to us and we can listen to them.

The governments are in there talking to other governments. Okay? That's the fundamental fact you have to mention.

And because they are separated from the rest of us as a separate entity their primary concern becomes showing their higher ups and each other that they

can have influence or power over this process. When they can go home and tell their minister we wanted some kind of regulation imposed on registrars and we got it, if they have to go back and say we didn't get it they're - they don't feel good and their higher ups don't feel good.

There's a fundamental contradiction in the way these two things are working. And I don't have any idea how to address that.

I mean the thing that I have advocated is to abolish the GAC. And I'm sure you don't want to hear that and the GAC doesn't want to hear that. But frankly I think that's the only way to solve the problems that we're talking about here.

The other thing you have to add to this is the broader context of internet governance in which you have a constant political struggle between governments who want governments to run internet and ones who don't. And so, you know, when Fadi makes a decision that bypasses process probably he's looking over his shoulder at what governments think.

This is a very fundamental and very important process. And, you know, I just can't convey to you - having talked to some members of the GAC about this in private terms I don't think people in the GNSO understand what a blip they are on the radar of GAC members, that they - they're sitting in this room among themselves for, what is it, like four days straight. They rarely emerge.

You try to run a conference that educates them about policy issues. They don't come because they're always in their own meetings.

So you come in there for, what, an hour? Is it an hour? Is it that much?

Jonathan Robinson: Tomorrow?

Man: Tomorrow.

Jonathan Robinson: It's an hour. Yeah.

Man: Yes okay, so you come in for an hour but then six or seven other groups come in there for an hour, right? And then they'll go and talk to each other for 48 hours, right?

Jonathan Robinson: I - I mean I - you make a lot of sense, I'm not saying that I don't understand what points you're making but this is an opportunity to interact specifically with the Board-GAC Recommendation Implementation working group and in particular with their - with the ATRT recommendation that the GAC is involved earlier in the policymaking process.

So it is quite a specific remit and opportunity to engage over that issue. I take your point there are some real, real challenges with it and I'm not underestimating those. But I think we have two options, either we kind of run away from those in which case we are in some sense in your definition a broken model where we engage - attempt to engage and so that...

Man: And so yes to really make headway on that you're going to have to hit them over the head with what their role is supposed to be in the process and what our role is supposed to be. That it is supposed to be bottom-up, they're not supposed to re-write policy at the end and every time they do that they're encouraging people to bypass this process and try to intervene at the end.

And they have to - you have to convince them that that's a dysfunctional thing and that they have to address that head-on otherwise I don't think you're going to make any - in other words you can approach it by talking about very detailed ways in which they can get involved in our process. They're not interested in getting involved in our process, why should they be?

Jonathan Robinson: I had a queue that we were supposed to call in to - (Christa) have you left the queue? (Christa)'s out, thank you. Joy I had and I've got Evan and (Yoav) and we - I mean you guys are going to have to indulge me though because

we're going to have to spend some time on our interaction with the Board and the CEO after this so timekeeping aside. So let's get on with hearing from Joy, Evan and (Yoav) and the we really do have to call this a halt.

Joy Liddicoat: Thanks (Jonathan), just very briefly and then sort of trying to sort of think constructively about the engagement with the GAC. I think that we must distinguish between the opportunity for individual GAC members to participate in policy development processes on issues of concern to them and that GAC as a body, as a whole which sort of really comes to agreed concrete positions on particular points and in fact we're able to do so when it does.

And once it does it's really actually has no room to move on them, so I think in addition to - so it might be able to think about talking about the GAC as a whole in terms of the Council's relationship with the GAC as a whole rather than treating them as a specific fit to group that has implemental policy process - GAC as a group who really does (only have) one or two (liabilities), so.

Jonathan Robinson: Thanks Joy - Evan and (Yoav).

Evan Leibovitch: Hi, I just want to briefly sort of speak in support of the idea of bringing the GAC in early in the process in much the same way that ALAC has been brought in early in a number of sometimes across community groups, but even regular working group.

There have been an increasing participating of ALAC and I think it's been to the benefit of all. One of the, you know, (Milton) you were saying that the GAC only comes in at the end and where they clobber everyone after everything's done, well that's the only tool they have. If there's an opportunity given to come in at the beginning it makes it a lot more difficult to come in at the end and say, well we weren't consulted when this first started.

And, you know, if the only tool the GAC has is coming in afterwards reactive and bashing everything around, if that's all they got then that's how they wield it. If there's an ability to come in at the beginning it's one thing to say, well if you offer it they won't come, well if it hasn't been asked you'll never know.

Jonathan Robinson: Thanks Evan, I've got (Yoav) and Jeff's asking - Jeff okay respond to that briefly.

Jeff Neuman: Yes just to respond to Evan, I think you're right it's important to invite them in. I do believe, in fact I know that ICANN policy and others send out notices to the GAC, the same notices that go to the ALAC about coming in, about participating, about here's the issue.

So they're - so I would need a little - and maybe this is a question for the GAC is, you know, we try to reach out to you and bring you in and what way can we more effectively bring you in at the beginning? Because it's not that they're not invited in, it's not that they don't have the same notice you have, so we just need to know what is the trigger point to actually get them in.

Jonathan Robinson: I think that's the part - that's the purpose of tomorrow's engagement at least it's the first step. I'm not expecting to walk out of tomorrow's meetings with a series of solutions, but I'm expecting to explore some of those issues. (Yoav) let's close it with you.

Yoav Keren: Yes something I must say I disagree on part of what you've said I agree that there's maybe a flaw in the structure. I don't think some- anyone is going to abolish the GAC anytime soon so the constructive way to move forward is to find better ways to communicate between these two bodies.

I must say that I personally had a few times of direct communication with the people from the GAC and I think we're very constructive, helped them better understand what's happening here. Help us to understand things about them - I mean (after) that (specification) was registrars and I think that this is - for

me it was a good example that there's no - not enough communication. I can - I just want to suggest one more maybe ID - a liaison is a good ID, you can also have something given a little broader than that that will also bring them in more actively.

Maybe have kind of how you can call it, a standing committee or whatever - some group of two people from GNSO, two people from the GAC that talk on a monthly basis have a com call or something that I volunteer for that if, you know, the student get it going maybe one from each house - I think this can start a good communication, just maybe.

Jonathan Robinson: Okay (Yoav) thanks for that constructive (just) I really have to draw a line, its 5:30 we have - we're leaving for our dinner at 6:30, we've got a (scheduled) stop now and we have a two hour meeting tomorrow with the Board and the CEO.

It's normally scheduled for an hour and a half with the Board followed by half an hour with the CEO and we have little or no structural or topics to that meeting so pretty serious concern to me that I don't want to go into that meeting in that kind of a shape. So I'm going to have to ask your indulgence for another half hour and then we'll close it at 6:00, give half an hour to freshen up and go to dinner.

Mason has taken some notes here which from my point of view we should serve and then they'll be circulated to all of us as an aid memoir of this discussion. At tomorrow's GAC meeting the engagement is they'll be an exchange of presentations and a discussion. The tone of this discussion's been great, I'd encourage you all to carry that similar tone into the meeting tomorrow and let's take it from there.

So switching gear again now where we are with the Board, I met with Steve a couple - Steve Crocker a couple of weeks ago and I voiced with him my concern about our historic engagement to the Board where we've tended to

throw two sets of issues on the table, tended to talk past one another somewhat, sometimes have a somewhat sort of accusatory nature of the way in which topics were raised and we agreed to get a group going who would go through some of the topics including Bruce Tonkin and other Board members - (aside from me), I've got a memory lapse, can someone remind me the other chair who's a Board member?

Woman: (Unintelligible).

Jonathan Robinson: (Phil) - sorry so (Phil) and Bruce were going to be talking with us on that and we haven't really got any momentum in that.

So really I've got a couple of themes that have clearly existed and one is the way in which we've worked and have worked recently as a Council, our concerns over the bottom-up process - issues of policy versus implementation, some of the threats and challenges the multi-stakeholder model. I throw these out as a handful of ideas but I think these are some of the sort of the (special) conceptual or bigger topics that we've been talking about I think we could usefully discuss with the Board.

But I'm very, very conscious that we need to go into that meeting with these as topics of discussion rather than in a sense accusatory of this is not working, this is in some way your fault Board. So I first of all welcome your comments as to how we work tomorrow and what sort of - and then to bring some topics out and I think that it's going to have to be that form of meeting. I'm going to have to let them know the topics with short notice that there hasn't been significant preparation of these, so that's a little bit of a concern to me.

Any comments or input on either the topic or the way in which we engage tomorrow? Jennifer thanks.

Jennifer Wolfe: Hi this is Jennifer Wolfe the NomCom Appointee, I think you really just said it, I mean I think the whole point is to have the discussion, not to label anything as a specific issue but to go into it like you're facilitating any other kind of planning session. Raise the questions, open up the floor for discussion and then frame-up the solutions and ideas that get presented. And then perhaps there is some sort of committee or follow-up to take each of those ideas and flush them out and make them more substantial.

Jonathan Robinson: All right thanks Jennifer, I think I like that suggestion, I mean it's going in more the level of themes rather than particular themes of concern or of issues to discuss.

And so maybe we can try and create a more conducive conversational mechanism of engaging with the Board other than we throw these topics at you, you throw these topics at us, we say our opinions, we walk out and have somewhat talk past each other so I was aiming to get past that. I haven't got as far down the track in trying to set that up as I have, but if we could walk away from this half hour with those themes for discussion and approach it with that kind of open mind and genuinely engage in a way that is not as I say accusatory or - so I think that would be very helpful.

So I know all of you have I suspect some of those kinds of themes or topics, I've touched on them but I'd love to get them down so that we can circulate those. I don't think we want to get agreed position, I think in some ways that's what we've struggled with in the past because we don't necessarily have agreed positions on detailed topics, its more about areas of effective work.

And I know one of those themes that's on all of our minds is the ongoing effectiveness and effective functioning and importance of the Council within the policymaking of the GNSO and within the multi-stakeholder model, so fire away and let's get some issues, (Yoav).

Yoav Keren: I would call it the ongoing or the flash of things that bypass the GNSO and the policymaking process.

Jonathan Robinson: So it's quite clear we have a broad theme of concern that certain issues are starting to get outside of the scope of the GNSO Council. Now it's our intention with the policy and implementation issue, some other to be effective in getting a hold of those, but we need to understand if the Board is even aware that that's a concern of the GNSO.

Is that (Mike) on because you're next to - okay does anyone else like to add? So is it - I'm not - would it - I mean really what we've got to do is put down the themes and we have 45 minutes tomorrow where we can touch on them but I would hope to be a little further down the track in dealing with these. I'm very happy to circulate some of these themes on an email and take a lead on that, but I wouldn't mind some further input or confirmation of what you would like to see covered - Chuck?

Chuck Gomes: Chuck Gomes, I know the registries have talked about this and our counselor's know this - we got to deal with this issue of the Board coming to the Council for advice and then wanting the advice in three weeks.

You guys know how hard you can do that, you know, how much time does it take you to go back to your stakeholder group and get advice on something? And the Board and staff are (counting) the multi-stakeholder bottom-up process and yet when they do things like that they're ignoring the process because there's no way a Council as diverse as we are and a GNSO as diverse as we are can give serious advice in a matter of a few weeks time and not - without ignoring the bottom-up processing going back to our groups. I think you got to deal with that with them.

Jonathan Robinson : Thanks Chuck I agree and I would capture that in some ways as reiterating the role and function of the Council and give that as an example of where that role and function is challenged.

Chuck Gomes: And Chuck again and they approve the GNSO improvement recommendations which emphasize that the Council as a policy management body, they don't develop policy they manage the process and yet they're treating you like a legislature.

Jonathan Robinson: So we just - there's one other issue (Yoav) and then you come in and then that's - I mean I think we will deal with this in our work on policy and implementation but it's clearly the staff flagged this and that is the requirement for short-term advice. So I think we need to acknowledge that at times there will be a requirement for shorter term turnaround and somehow that that - that those need to be married without under- so that for me is one of the related topics, (Yoav).

Yoav Keren: Just maybe we should be acting more of a legislature.

Man: Sorry I won't agree with you on that one.

Jonathan Robinson: Joy?

Joy Liddicoat: Just trying to think of a helpful way to sort of frame this and I'm wondering whether it might be under sort of emerging issues that, you know, as this (has clicked to Council sticking) back from specifics of the day.

And just reiterating looking at this strategically there are some trends or some emerging issues that we're noticing that we want to reflect back to the Board early, (Ted)'s given one or two examples of those that have been mentioned but trying to just lift it up to that more sort of level if I can call it that - expressing our concerns about the possible trajectory of where this is going should these trends continue and sort of concerned that, that (liberal) might be one way to do it.

Jonathan Robinson: Thanks Joy and I - just before we hand it over to Marilyn who's joined us at the table, I think that this - for me the key point here is that I'd very much like - I don't want to be standing up at the front and leading this.

I'm not afraid to do so but I think it would be very good for the Board to hear a broad-based view of this kind of thing - but as you say it's very helpful to keep it at that level rather than (you've) circumvented the multi-stakeholder approach by A-B-C. It's specific examples illustrated some of the challenge we're facing great but let's focus level looking forward and where we see challenges to our ways of operating - Marilyn.

Marilyn Cade: Thank you, my name is Marilyn Cade while I am an officer of the business constituency I'm going to speak as an individual about a question that I want you to think about because I'm listening to this and many of you know I was a councilor in the past and I've lived through the study which led to the restructuring of the Council and the very strong clarification that in fact the policy function as established by the bylaws are about managing a policy process.

So here's the thing I haven't heard you say maybe enough about before you go to the meeting with the Board tomorrow and I would just ask you to think about whether it's relevant. You are trying to work on policy development with the ingredients and participants that you have via the gTLD Council and stakeholder groups and constituencies that are actively engaged.

That's a finite population if I could call it that and the bottom-up consensus based process that we established at ICANN and I was heavily involved in helping to draft that language called for the Board to have the responsibility to take broader public comment on various issues. So just think about when you're conveying the messages you've talked about to the Board, how do you answer the question of how does this broader public comment from parties who are effected by the policy that you're recommending, how does that get taken into account?

I think that's part the struggle that you've been talking about in relation to when do you get input from the Government Advisory Committee, but I think it's broader than that because as more and more people become aware of ICANN's policy activity and how it affects them, more and more players want to express an opinion that they may not yet be in a stakeholder group or they may not be fully represented via the Council process. But the Board has that broader responsibility to take that input into account.

Jonathan Robinson: Any follow-up comments - thanks Marilyn, any follow-up comments or input or other points that we should be covering? Wendy?

Wendy Seltzer: Thanks - Wendy Seltzer, I'll just note a couple of the other points that we had suggested earlier one being the public interest at ICANN and how another being ICANN engagement and outreach and possibly issues of new constituencies. Each of those has some flavor of thinking about how we work as a body and as constituents of large organizations trying to figure out all of these. What does its decision-making look like as constituencies of interested parties grow?

Jonathan Robinson: Yes thanks Wendy and thanks for reminding me, those were covered on the list earlier which is why (you've practically) bring them up and remind us of those as potential (projects).

So I think we probably have enough to talk about, I am slightly concerned that we haven't flagged these issues with the Board in advance. I think if we can take the right approach going into it and explain that it is our intention to have this in the way that Jennifer described it to some extent as an open discussion of some of the key issues that are on our collective plate as of the moment I think we can have a constructive and effective discussion, so I hope that that's put us in a relatively well prepared state to go into the discussion.

We thought Fadi would be there so as a member of the Board, he has a half hour session with us afterwards. I've certainly flagged with him some of the concerns we have when I've had the opportunity of seeing him. There's a SOAC leaders meeting with senior ICANN staff that traditionally takes place yesterday - the Thursday before - or Friday before the meeting.

And I certainly took the opportunity to flag with him some of the concerns about, you know, this decision-making and the GAC that might be emerging between (since that the) executive decisions are being taken (then the GAC to that policy). So I'd expect them to come in and expecting to talk about that, his view of the multi-stakeholder approaches because that's been a concern that I've heard time and time again at different meetings and on email lists. Is there anything else we should be flagging with Fadi specifically - (Yoav)?

Yoav Keren: Yes I've also sent it in the list, I think - and we had a long discussion about this earlier about the IDN Variant issue implementation at (MTCH) I think this is some thing we should really hear from Fadi how they're going to treat this.

Jonathan Robinson: Jennifer?

Jennifer Wolfe: Just to add to that I think that the larger question is really, you know, is the timetable that Fadi has set for the gTLD roll-out realistic? And it seems to be a self-imposed deadline not real actual deadlines, so I think that might be worth discussion just given all the issues that have been discussed today is how is his timetable setting with everyone else's timetable?

Jonathan Robinson: So we've really got - which is entirely appropriate conversation to have in his ongoing confidence in the execution of the new gTLD program as the Chief Executive of ICANN and the one responsible for leading that execution, it seems to me that that's an entirely relevant point to raise with him as well as if you'd like a specific example where there is a concern we've heard about today on IDN Variant. I think we should - yes? Go ahead (Yoav).

Yoav Keren: So yes I think it's, you know, it's a serious concern. We had a very serious discussion here and I'm not sure whether people, you know, like Fadi or other people in the ICANN new gTLD team are aware on how problematic this issue is. So this has to, you know, it was a nice going discussion here but it's not enough.

Jonathan Robinson: So here's my suggestion, I think ideally we should telegraph that to him beforehand and I'll endeavor to do so - he should know that that's coming down the pike as a matter of courtesy.

But in any event I think we could say to him that, you know, out of our sessions, out of our preparedly session today we noticed that, you know, notwithstanding Jennifer's broader question about, you know, a discussion from him, an indication of how he feels about his timing and the overall execution of the program, the second issue is we've noted something specific that's come up which is in and around IDN and IDN Variant but certainly I think we should prepare him for that if that's to be discussed.

Marika can I take it from your note that you might even be doing that as we speak? Thank you - (Christa)?

Amy Mosuar: (Amy Mosuar) with the Association of National Advertisers and I think we should be a little bit broader than just worrying about ICANN (false) imposed deadline, I think it's a little more concerning than that.

I think we have no idea what the rollout timing actually is because, you know, of course Fadi did announce the April 26 deadline and then we saw as late as last week, you know, there was chatter that the first delegation won't actually occur until late August at best. So I think we should be a bit broader and really ask what is the rollout timeline, is it realistic because we all need to prepare and, you know, my Association clients are extremely concerned about all of this.

Jonathan Robinson: Thanks (Amy) I think it's a bit helpful to get that input on how we frame it. Any other comments or questions about sessions with either the Board and/or Fadi tomorrow - or are you all exhausted?

All right so I think, you know, I certainly feel Mason's done a good job I hope of capturing some of those points that will come around to you, so you can expect to get two items up. One I'm going to circulate the agenda for the meeting with the BGRI tomorrow and I hope it will just confirm what we've already discussed. And two, Mason will circulate our notes - his notes from our discussion now which should serve as an aide memoir for the kind of topics and areas we will want to cover with the Board and the CEO.

And I hope that the new style of doing so will work effectively for us, so thanks very much, thanks for staying a little longer. I know you all need a little bit of time, we're going to be gathering in the hall in the reception at 6:30 - Ching one housekeeping note from you, thanks.

Ching Chiao: Thank you (Jonathan), for the dinner tonight I have sent out notes I mean previously, so 6:30 for those who is going to join. I do anticipate the counselor's - most of the counselor's can join this informal dinner.

We have booked for the table for tables for 30 people. I know some of you have other commitments but the details - for those who cannot make it at the 6:30, you can pick up the cards from me so you can go there directly and there's a cost and other stuff which I have already placed in my notes so please read through that. If you haven't paid (Glen) yet you will not be able to get a slice of duck so please pay and - yes 6:30 at the hotel lobby, to the conference lobby but the hotel lobby if you come, thank you.

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