

>>ROBERTO GAETANO: Okay. Can we start?

>>DENISE MICHEL: Please take your seats in back. We're going to start the forum on GNSO improvements. Thanks.

>>ROBERTO GAETANO: I know it has been only a very short break from the previous session, but if you look at -- from the other point of view, the sooner we let's start now.

This is the GNSO improvements working group, and basically what we are -- we are trying to do here is to present a document, the state of the art of the I will keep the introduction very, very short. I would just introduce the members of the working group.

I would say that the -- this working group was created at the Lisbon meeting because after several months of working in the BCG and the board and so on, So the group is composed by a member of the BCG committee and past board member.

From my right to my left, Vanda Scartezini, Ramundo Beca, Tricia Drakes, myself, and Denise who is assisting as staff, and Susan Crawford. Yes, thank you So next.

So basically, this is part of a bigger process of reviews. I'll -- I will not go through these slides. You'll have them, in any case, in the document I would like only to point out where we are now, and this document has been posted a few days ago, explicitly for the -- as a basis for discussion.

This includes -- it lists the points where we think we have an area of potential consensus, even if we don't have yet a real consensus. The -- we still The objectives are -- of the working group are to maximize the ability for all to participate in the process, to ensure that recommendations are developed And you can read yourself the rest of the slide.

Next?

So the -- next.

I would like to have a quick survey of what, in our opinion, are the points where there is an agreement, even if it's not a complete agreement. Those at The first point is that we have identified the key element in the PDP development in the working group. So the working group model -- the working group So I think that the first -- the first thing on which we have a sort of agreement is in order to make the PDP model inclusive and in order to improve the The council now, in our opinion, has -- or at least appears to have a kind of a legislative function. Everything turns around voting, and as the key issue So in our opinion, the GNSO should return to a role that is a strategic role of managing the process, but not really get into legislative mode. And that So the draft that we have is a basis for discussion, is thick, but I encourage you, especially those who came here from far away, and therefore, have low We are open, of course, to -- to criticism, but what we would be very happy about is that together with the criticism, you could provide alternative solutions So this is where we are now. This document has been posted for public comment. We had several teleconferences. We have had contacts with former and current But our decision was to go to -- to get input early, so that we don't find ourselves at the -- in the last round to have to correct errors that could have That's basically where we are.

So those who have seen the structure of the document, there are areas.

It starts with an area that evaluates the constituencies, the voting of the constituency, the problems related -- identified by the London School of Economics The third area is the working group, in how the working group are working and how they have to be considered the center of -- the core of the process. / Of these, we recognize that the area that would have raised the most comments is the one that's -- that is more sensible -- more sensitive and is the area So we have decided not to start by -- with that area, because otherwise we would spend probably most of our time discussing only that not having time for So we have a kind of a rapporteur for each area, and I would like to start so with the working groups and I will -- I will give the floor to Rita, for details >>RITA RODIN: Thanks, Roberto. I just wanted to thank everyone for coming and really emphasize that we're going to look for all of you in the audience too So hopefully you can see the key initiatives that we're looking for you all to talk about.

Very briefly, to set up the issue that I'm going to ask you all to comment on, one of the things that the working group was dealing with is: How do we deal One of the things that we're looking for, particularly with the GNSO, is to help formulate consensus policy. Under the ICANN bylaws, consensus policies Currently, as you all know, the GNSO uses task forces. The bylaws talk about constituencies appointing their representatives from each constituency to serve For those of you that have been following, there's been, I guess, one and a half working groups. One with respect to IDNs and the other currently with respect So we wanted to get your comments on whether you think the working groups should be the default model, if you will, for policy development within the GNSO And we have a couple of recommendations that the group has come up with. The first is obviously fundamentally there needs to be notice, that the working group Another thing that the working group viewed as very critical -- this working group, sorry, viewed as very critical -- to the success of GNSO working groups So it's important to have a chair in a position that's going to, in theory, try to bring those two groups together and try to drive the group towards some So one of the things that we're going to look for your comments on, if we can go to the next slide, is whether you think that this working group approach So I would love -- I know there's got to be some people in the audience that actually have some thoughts on whether they think this approach of having a >>MICHAEL PALAGE: How you, doing Rita. Mike Palage. I'd like to take that invitation to offer some comments. You talk about working groups. I think it's It's been very complex. But what is important is it goes back to the points that you've talked about, the difference of a much more diverse working base What happens is, when we produce reports, if there is someone who feels strongly, they will support -- they will submit a minority statement. So instead So I think what's very important with that approach is, Roberto, what you were talking about is getting away from the legislative model, where someone makes Going back to, if you will, the preworking group model, ICANN 10, it seems so long ago, I previously served as the chair of the famous names working group One of the reservations I had about the bylaw amendments that were put in in 2003 with the evolution reform, with the task force, if you will, generally So I think with regard to the -- the comments that have been raised by the committee, I think that they're on point. I think they're in the right direction >>RITA RODIN: Thank you, Mike.

>>PHILIP SHEPPARD: Philip Sheppard, councilmember, BC member and chairman of an existing GNSO working group.

I think you're right in terms of wanting to move in the direction of working groups, but I think I ought to make a condition, I think, "where appropriate The current concern that you have seen, as did the reviews that we had by professional consultants, with the emphasis on votes, of course, we must all agree Whether or not the working group model should be the default model, I'm not absolutely certain. I think depending on the nature of -- of the policy questions So I think certainly not tying our hands, but giving the flexibility to do that part of that certainly following the proposal that I think has come out >>RITA RODIN: Thanks, Philip.

>>JEFF NEUMAN: Hello. Jeff Neuman with NeuStar. I, like Philip, and Mike, have participated in a lot of working groups and task forces over the years, From reading what you wrote, it seemed to me that a task force was one where people were appointed from different constituencies, whereas a working group You know, I'm in the registry constituency meetings and whether it's called a working group or a task force or -- or advisory group or whatever the label is So --

>>RITA RODIN: If I could just interrupt for a sec, so again I'm going to -- this is from memory. Maybe, Maria, you can correct me. Under the bylaws, I I think what the working group is looking at is really anybody can join from wherever in the world, whatever constituency they might see that they're a part >>DENISE MICHEL: And also a key difference, of course, would be the -- currently the constituencies have voting rights on task forces. The working group >>JEFF NEUMAN: Right. And I think on that point, you know, I -- there's been some analogies to the IETF and their formation of working groups around certificates Unlike the IETF where you would come up with a standard and while there's no contract -- you know, there's nothing contractually binding anyone to follow So, you know, that makes the working group model a lot -- the implications of a working group model a lot more difficult, and in the working groups that we, but there's so many other people here, so I will leave.

>>RITA RODIN: Yeah. We're going to have to close the queue I've just been told by the moderator, but the other thing, too -- and sorry, we're just trying third bullet: What kind of operating principles should the GNSO develop for working groups to promote both the development of sound policies and then in >>WENDY SELTZER: Thanks. So Wendy Seltzer, joining the parade of veterans of both task forces and working groups. As an unaffiliated individual or part I think that the -- the contrast between the WHOIS task force and the WHOIS working group was that the task force force tended to stalemate around the list So in terms of operating principles, I think one of the useful -- one of the ways that working groups can be useful is providing a slate on which people So I guess would recommend seeing these working groups as -- as inputs and not as votes, even in terms of support or disagreement.

>>RITA RODIN: Thank you, Wendy.

>>MARK McFADDEN: Mark McFadden. The first thing that I want to make an observation on is that it's very difficult to peer inside of another organization Because in the engineering community, what happens is, the protocol or the engineering work either works or it doesn't. It's very binary. And in the process Now, we could call the working groups something else, but to look at the way that consensus is actually managed in the IETF is not something that we would I think that's a real danger in this model.

As a veteran, I guess, is what Wendy said -- as a veteran of the IDN working group, one of the things about this model that's very important to understand What I would say to you is while in the IDN working group we were really blessed with an outstanding working group chair who worked very hard at preserving I think if the committee is happy with the 1/2 -- as Roberto said, with the 1/2 working groups that have come along so far, you should just be thinking Another thing I will say about the budget implications is this. If the working group model is something that you like, think about what you're setting up And I ask you, how do you get global policy done? How do you get a sense that the policies are coordinated when you have individual tactical working groups Someone has to do that, and that's not just an executive activity for the council.

In terms of budget implications, another thing I have come to, if you have many more working groups that are addressing policy issues, what are the staff I support the idea of working groups, but I think there are some really serious things that have to be thought through before you can make it a workable >>RITA RODIN: Thanks, Mark. Not to throw this back to you, those are great questions, some of which are up on this bullet slide and in the report. It >>MARIA FARRELL: Hi, Maria Farrell. I'm GNSO policy officer, and I have been working with these working groups for several months now. My colleague Orl But several things we have learned with this have been reiterated by other people and importance of chairing. Denise, in fact, has worked very hard to run But working groups, I think are very much part of the way forward around here and I think it would be helpful for us as staff to work with some of the people It is not a panacea. It is something that must exist within the bylaws and I think possibly I was talking to Milton yesterday about how wonderful I think Anyway, as I say, I will be happy to give more explicit maybe written comments or something like that to the group about what the working group model is, >>RITA RODIN: Thanks, Maria.

>>THOMAS NARTEN: I'm Thomas Narten and a lot of people have already said a lot of things that I could say as well. Let me just sort of say generally -- That said, I don't think a working group is a panacea. Even if you look at the IETF, there are plenty of examples of working group efforts that have failed In other cases, the way the group was orchestrated or the way the process went and the way it was chaired, there were failings there that caused things to There is a lot of lessons that can be learned from what happened national IETF and other places. If you apply those lessons carefully, I think there is >>TONY HOLMES: Tony Holmes from the ISPs. Like the last speaker, a lot of things I was going to say when I got in the line they have already been said. I've heard people here say that the balance of the working group is critical, and I certainly support that. Getting that right balance is the difference But it has also been an issue under the current situation. The voting arrangements are very confrontational and coming from a constituency that clearly Just look back at the records if you don't believe that. Those parties that were in that position never won a single vote against those with double votes So we need to move away from that and I think going into the working group format where we can strive for consensus is absolutely key. It is a way forward How we tackle areas where we can't get consensus demands a little bit more thought around that.

The other issue that I'd like to raise here is the actual setup and executive control of such a practice. I think that that's as critical to the success But we need to work with staff and determine how we handle that and recognize that we have to have priorities. We won't be able to do everything at once Having a real program that's mapped out with the key priorities, the right approach, getting the balance in those working groups offers a way forward. I >>RITA RODIN: Thanks, Tony.

>>MILTON MUELLER: Don't look so sad, Vittorio. Wake up. Perk up. I will try to say something that ticks you off.

[Laughter]

I have a philosophical problem as a political economist with consensus as a touchstone of policy making. We need to recognize that what ICANN does is ec

And when there are these economic conflicts of interest, there may not be consensus. I mean, you just have to recognize that as a fact but, nevertheless. Another example is the WHOIS situation in which one party that wants open access has exactly what it wants now. There is absolutely no reason for it to That being said, the working group model as a way of developing policy in an initial stage is something that I like, at least as long as there is a council. But the good thing about working groups are, indeed, their openness and their ability to incorporate multiple points of view that simply would be and have. And in some respects, it is good to have a flexible thing with no voting at that stage of the process where you are finding out what people can actually. The problems with working groups have already been noted very effectively by Mark McFadden which there is a selection bias. People jump into working groups. And they're heavily dependent on the chair for management. However, both of these problems can be adequately resolved by properly managing the input and Thank you.

>>CHUCK GOMES: Chuck Gomes. Let me thank each of you for your work on this because I think the report demonstrates that you've put a lot of thought into As you know by your questions, we have a lot more work to do. I want to comment on a few comments I've heard preceding me here. I know this isn't the T If you want to look at the record, look at the record -- the voting record before that was put into place and you will see that there definitely was a pr It was because people were frustrated that it takes a lot of time to reach consensus. It takes too long. It's easier to vote. But that all occurred be At the same time, I totally agree that we need to get away from voting and we've had some examples in that. Mike's shared some of those, the new TLD wor And the reserved name working group, we didn't take a vote. So we've had some good successes in that and so we need to move away from voting. You're at Leadership is a key but you need to understand that leadership is very time consuming, and when you consider you're working with volunteers, that's tough You know, we may have to talk more about the idea of maybe paid facilitators to do these things. I don't know. I haven't really thought that through ve We have to also accept -- and someone else said this before me. You can't always reach consensus. That's not always bad. We need to accept that.

The goal of a working group should be to motivate members to work towards a common position. That is really critical for working groups. If you just have working groups where the people involved want to make sure their position is the one that wins, you need commitment from individual membe I heard the term "balanced" mentioned by a couple of people. The balance that's needed is make sure you have good balance of competing points of view.

>>ROBERTO GAETANO: Excuse me. The queue is closed. We said that already before -- we said that -- to be honest, we said that when Bertrand was the las And then if we can stay after 6:30, I will reopen the debate on this. I'm sorry. Please be brief.

>>BERTRAND DE LA CHAPELLE: I will try to be as quick as possible. First of all, I want to endorse what Chuck has said as the working group -- or the gr I have been a pioneer of sorts in participating as a GAC member into the WHOIS working group and although it is a difficult exercise, it is very benefici The second element is that the policy development process is a process that goes through a certain number of stages. In the working group -- the joint v It is very important to allow a broad understanding of all the different actors. And the next stages is something that Avri has mentioned in previous se Between the issues paper and the moment that the working group is actually formed, some discussion is beneficial on the terms of reference and the object And the last element is that in the process of developing policies, the drafting of the policy is something that is the responsibility of course, in othe This is what we've tried to do in the GAC in the drafting of the new gTLD and WHOIS principles, and it worked pretty well. Thank you, thank you.

>>RITA RODIN: Thanks, everyone. Now we've learned a little bit -- I didn't specifically mention voting but everybody had something to say on that and F If we can limit the next bunch of questions to issues that Susan will talk about and try to be brief and we will think about a better format if we do thi >>ROBERTO GAETANO: Susan is reporting on the policy development process part.

>>SUSAN CRAWFORD: Thank you very much, Roberto. And thank you to all of you for your comments and energy here as we drift into the late afternoon. The consensus policy regime is at the heart of ICANN's legitimacy. We have no power delegated by government. No special expertise like an administrativ ICANN, I think, can best be understood as an organization whose authority to make rules has been based on contracts that require compliance with future r The premise of this regime is pretty simple. If most of those affected by a rule agree that it will improve things and intense opposition is absent or i We have two problems. One is that the bylaws speak generally about the GNSO creating policy but that the contracts that ICANN has with gTLD registries a That's our first problem. There is a mismatch between the bylaws and the contracts. The second problem is that the current PDP as people involved in th So the draft produced by this working group suggests a way to keep voting on consensus policies at the board level only, tries to suggest a way to fix th Okay. So we've made some recommendations to make this happen. And we've got a bunch of questions, just as we did for working groups. So you can see th I know there are lots of people out there who have deep experience with these PDP rules and we're looking for your input on this one. Come on! All righ

>>RITA RODIN: Everyone we told to sit down, come back.

>>PETER DENGATE THRUSH: I'm going to talk about this topic, not the one I wasn't allowed to talk about last time. Peter Dengate Thrush from the board l The whole point of the restructuring and we managed to achieve this particularly with the bylaws governing the ccNSO where I fought very hard under a ren And my fear is that you may be reintroducing that kind of a situation which we fought very, very hard to repair.

Let me just clarify, why should the board resume the power to be voting on important policy decision when is we fought so hard to make it clear that woul >>SUSAN CRAWFORD: Just to respond very briefly, before the next questioner comes up, I'm speaking here for myself. This is not a consist view of the wor So the working group, as Rita has described, does a lot of outreach, gets statements on all sides of an issue, tries to come to a majority view, a minori

>>PETER DENGATE THRUSH: Why that last step.

>>SUSAN CRAWFORD: Why that last step. Because the board ultimately has to adopt a consensus policy. That's how it has always work. So Philip.

>>PHILIP SHEPPARD: Philip Sheppard. Peter addressed one of my questions, which was: How does the board feel with consensus policy moving up to them. He's expressed one view. I'm certain! My question, though, from my perspective is: If you're going to do that, if consensus policy is moving up to the board, if it's still rather weak on cor [Applause]

>>SUSAN CRAWFORD: Thank you.

>>JEFF NEUMAN: So Jeff Neuman. I don't know how I follow that, but I guess my answer to that question is: The board has a fiduciary duty to the corpora

>>SUSAN CRAWFORD: While we have a pause now. We're going to stop the queue after Thomas. I just want to make that clear.

>>JEFF NEUMAN: All right. So I just wanted to clarify that question and then the other point I want to make is I just want to go back in history a little! At that time, you know, it was input from the registries as to why we got the 90 days because at that time the policy for approving registry services was So if a registry wanted to propose a service, it was the fear of the registries that it had to go through this long, draw-out PDP before that service cc Now that the registry services is part of a separate funnel, I agree that the reason for the 90 days, I don't believe -- I don't believe that reason ex

>>SUSAN CRAWFORD: Thank you, Jeff. Appreciate that.

>>STEVE METALITZ: Steve Metalitz. I just want to comment on two small -- relatively small points in these questions.

One asks whether some change to the PDP process should be reflected in the bylaws. I think that almost nothing about the PDP should be in the bylaws. B The other point I wanted to mention was the question about public discussion, fact-finding, and expert research before launch of a working group or other on that, too. Thank you.

>>SUSAN CRAWFORD: Thank you.

>>RITA RODIN: Hey, Steve? Steve? Could I just ask you a question?

So I've heard this a lot about the data and there wasn't enough data with WHOIS. Who could that be fixed?

>>STEVE METALITZ: Well, there are a couple of ways. One might be that ICANN could actually commission a study and we would have to figure out what were I think it's -- first, it would be important to get them -- try to get some of that information out first. And second, I think if there were a process v

>>RITA RODIN: Thank you.

>>MICHAEL PALAGE: Mike Palage. This is a tough issue. And again, I'd like to start off by supporting the comments of Peter Dengate Thrush and Philip SF

>>SUSAN CRAWFORD: If I could just one very briefly, the question before the board would be: Does this policy maximize consensus. That's the question fc

>>MICHAEL PALAGE: And so that's the one side.

>>SUSAN CRAWFORD: Yeah.

>>MICHAEL PALAGE: But now as someone who has served on a board for three years, while looking at the, if you will, inefficiencies or imperfections of the The only thing I want to say is if the board is going to go down that path, there really has to be some type of supermajority for them to take that actio

>>ELLIOT NOSS: So -- Elliot Noss. Before I reached the microphone, I wasn't sure exactly what I wanted to pose as suggested answers, but I knew what th I think I had the good fortune of listening to previous comments and things have crystallized a little bit.

First, this will be an extremely difficult and contentious area to effect a structure that's going to arise in clean consensus being presented to the boe The first would be that the subject matter is incredibly arcane. It's very, very narrow. There are very few people in the world who understand it in de

Second, we have a very diverse -- which is a positive thing -- diverse group of participants representing a diverse group of interests.

There are "coming at" questions from all angles and points, and again, I don't think that's a bad thing but I think it's an environmental factor that we And third, and certainly for me the most important as it relates to looking at governance models like the IETF, W3C, this is overwhelmingly, or to a grea [Laughter]

>>ELLIOT NOSS: There are certainly some engineers in the room, but there is a large number of lawyers. And we need to recognize -- that's not -- that's

>>RITA RODIN: You're a lawyer too.

>>SUSAN CRAWFORD: He's a lawyer too.

>>ELLIOT NOSS: Yeah, well, I filed the possession, as I like to say.

Engineers are trained to solve problems. Generally lawyers are trained to advocate interests. And again, I say that observationally, not judgmentally.

So we have those three big structural, environmental challenges in crafting any policy process. So when I hear, you know, people talk about volunteers i

Second of all, when we talk about consensus being presented to the board -- and I understand that the pointed of the PDP is to effect consensus. At the n existence proof, they may be unfortunately an existence proof of one thing: That trying to do that with this concept of consensus as we try to employ i

>>SUSAN CRAWFORD: Thanks, Elliot.

>>ELLIOT NOSS: Thanks.

>>THOMAS NARTEN: Okay. So Thomas Narten here. I would say something fairly narrow, based on some things that were said earlier. I think on the questio

And I'd sort of step back and say, what I think actually works best, if your goal is to have good clean, clear policy or engineering documents or anythin entire process. And so, you know, at the board level, in some sense, you want to be able to look at it very broadly and say, you know, is this reasonable

>>SUSAN CRAWFORD: Thank you so much.

>>CHUCK GOMES: Chuck Gomes again. The board already decides whether consensus policies happen. I mean that's nothing new and that's not going to change

Now, one of your recommendations -- and this -- I'm sorry if this goes into another one of your categories, but you talk about the council being a manage

In light of that, the council, if they have to take a -- if they need to take a vote to determine whether they have something that they believe is -- is So I don't think you have to go so extreme that there can be no vote, even though I do support moving away from voting in working groups and so forth. s

>>SUSAN CRAWFORD: Thanks so much.

>>ROBERTO GAETANO: Okay. Then we move now to the third item, which we thought was the -- the one that was going to create more debate, but -- [Laughter]

>>ROBERTO GAETANO: So I fear what's going to happen now. [Laughter]

>>ROBERTO GAETANO: It's about the constituency structure. I would make a proposal, and actually I will use the privilege of the chair to make -- to enfo I would try to group together the constituency structure and the GNSO Council for the sake of time, since we are really approaching fast the deadline. s

The key issue is obviously the voting -- the voting power, and the balance of voting. However, what we have seen as problems is that in the initial conc That has never happened, and we have wondered why it has happened -- it has never happened. And the answer that we have given is that most probably, thi

So I think that we tried to start attacking the problem from another side, taking the idea of the London School of Economics of the three large groups.

The other -- the other thing -- so that is mainly to address the dynamics. It will be easier in this -- in this context to have new groups that are formed. But also, for instance, to have a specific role for domains, so that they could have a place where to get together and discuss their -- the issues relate. The other issue about the constituencies is participation. There's a wide difference among constituencies about how much they cover their potential membership. Of course we believe that ICANN should provide increased support in terms of staff, in terms of resources to support the constituencies, in order to all the questions that we have are here.

Which of the groups that could better balance? We have an initial shot, as registries and registrars with a question of whether registrars should -- who. So those are the -- basically the four groups that we're thinking of, but that is open to debate. Are these or others the ones that have to be -- that? Then the question, the well-known question, whether the noncommercial users should be grouped with the individual constituency, what is going to happen? Since you don't have to stick to those specific questions, I think I move to the next slide, and then I gather the -- your opinion on what -- on what -- So the key function will be this one: Will be the management of the working group and of the PDP, and we assume that voting should be less important. And the questions are related on the voting system and related to the first three bullet points relate to voting, and then is there a threshold and how? I would like to limit the -- in order to give the opportunity to everybody to speak, to limit the duration of the -- of the intervention. I'm sorry that So I see already people strategically positioned in the --

[Laughter]

>>ROBERTO GAETANO: So you can already line up. You don't have to wait until I -- because I'm actually continuing talking until I see the first -- okay.

[Laughter]

>>MILTON MUELLER: When does the time limit -- what is the time limit?

>>ROBERTO GAETANO: Well, three minutes.

>>MILTON MUELLER: Three minutes. Okay. All right. This part of your report, we've actually given some attention to, although you cast a pall over it. So number one, there's no support here for the idea that you should eliminate or completely move away from voting. Voting can encourage people to go out. Now, with respect to the stakeholder groups, we really are pleased with the way the group has approached this problem. We think that the fourth stakeholder. We think that we're concerned -- we just think that those three or four groups should be constituencies and you should not have a double structure of core. If you have stakeholder groups as a formal structure, then people within them can ally and make groupings as much as they like and you don't need to form. What question have I not addressed? Oh, yes, the weighted voting issue. On that issue we think that if you do only have three stakeholder groups, we t

[Laughter]

>>MILTON MUELLER: No. I'm just kidding. There is something to be said for that, because if it's a broader constituency group, they do have have to form

>>ROBERTO GAETANO: Thank you, Milton. Who is the last person in the queue?

[Speaker is off microphone]

>>ROBERTO GAETANO: Thank you.

[Laughter]

>>ROBERTO GAETANO: Okay. Michael, you're the last one. You have the last word, as often.

[Laughter]

>>ROBERTO GAETANO: There's no obligation for using completely your three minutes.

[Laughter]

>>STEVE METALITZ: And I will not. Thank you. Steve Metalitz. I really have a very small point to make. To the extent that the recommendation here or But, in fact, under the bylaws, constituencies have no role -- no role whatsoever -- in the recognition of new constituencies.

That decision is made by the board. It can be made by the board on the petition of somebody who wants to organize a constituency. It can be made by the So if the board thinks that there should have been other constituencies, it certainly can't look to the existing constituencies and blame them for this. If that should have happened and it hasn't happened, it's because the board decided not to make it happen. Thank you.

[Applause]

>>KRISTINA ROSETTE: Kristina Rosette, IPC. I am not actually going to be answering any of the questions you've posed but I do have another one.

This report could easily and particularly the section about constituencies and the council, could easily be interpreted as granting great deference to be And that -- if you -- in light of this deference, it's entirely possible that you are going to have a public perception that as far as ICANN is concerned

>>ROBERTO GAETANO: Just one -- one very short comment. There's nowhere written in the report that the four groups have an equal number of representative

>>PHILIP SHEPPARD: Philip Sheppard. Roberto, you asked me earlier, when we were discussing this, and also on an earlier phone call, that part of the res Voting does have, finally, merit because that produces closure in terms of something so I think you can't completely get rid of it. We talked about work In terms of structural change in the next set of your report, first of all, is a definition of public interest. What is it that you are creating as you I mentioned the word "dynamics" as well. Now highly concerned about the change in terms of the current dynamic structures where you do have different gr And the fact that you sometimes see common interests and say let's put them all in one group together, I think, miss as point not necessarily about the C If we're talking about structural change, you mentioned Nominating Committee or so. I think you must separate the concept of the fact that council has r And if you are going to unravel anything, you need to look at how that works again.

My final point is structural change. If you are looking at merging constituencies and changing them, I find it very difficult to do without fully under And we've just seen from them a very good public interest-based document that has come to council recently. A structure is beginning to look there. We

>>WENDY SELTZER: Wendy Seltzer. Coming from ALAC, I will, I think, invert much of what Philip has just said. I think that ALAC -- the individual Inte But having the opportunity to work within that group rather than simply providing advice as currently is the structure.

I think fewer groups, as three or four as outlined here, would drive toward better consensus at the same time I agree with what Milton said earlier that Along with the recommendations up here, a recommendation that I haven't gotten a chance to throw in elsewhere so I will throw it in here is a recommendat

>>ELLIOT NOSS: Those are great words to end on, "block change." I think that I'm going to repeat two comments I made in Lisbon, expand on them a little First, it has been again at an existence-proof level the case that the GNSO has been an exercise to date in blocking change and, I think, WHOIS, new gTLD The first substantive course that I recommended in Lisbon that I will repeat here was a combining of the ISPC and the BC because those two constituencies Sadly, that infiltration expanded to the ISPC where, for me, an ISP guy for many years, somebody who has been in the service provider industry for a doze The second is to expand the concept of ISPC and instead have that be a service provider's constituency. Those would be the thousands -- tens of thousand It is a very easily defined class and one that is a huge contributor to the distribution chain that deals with domain names and is effectively without a Last point I'll make is that while registries and registrars have combined to agree on issues, their issues are not issues in common and however you deal

>>MARK MCFADDEN: Being with the ISP constituency, it is great to be able to follow that.

>>ELLIOT NOSS: You are the exception.

>>MARK MCFADDEN: I appreciate that. Since you were so progressive as to suggest who should be in our constituency, perhaps we should suggest who should Some of the constituencies have, for instance, a direct monetary, as was so clearly pointed out -- a direct monetary interest in the policy work that's b And so there are real differences in the way that the constituencies -- and if we believe in the bottom-up process -- the constituencies are built up frc That's one of the most important things for me here is that I think we should focus on the fact that the constituency should self-organ that's one of the One of the things -- he's not here to hear this. I wish he were really here. I was going to add three words in that Milton is right. I just wanted him [Laughter]

But he is not here so we have to probably say it to his face. Number one, I think that what you've done with the idea of these stakeholder groups is ins You know and you've heard from other people here that voting is going to be a part of the work we do. As much as you would like to get around that fact, What needs to be cleared up here is, I propose to your working group that you remove this concept of stakeholder groups and, instead, in its place solve

>>TONY HOLMES: Tony Holmes. Some of my comments are many miles away from Mark's. I think as a group, it is your responsibility to focus on what are th I must admit, I find it amusing when people come along and tell you how to merge constituencies and then give you the reason why they're different and see Going down that path, the only comment I want to add to that is that there was a reference earlier to what I think is a very unhealthy linkage that's oc We heard earlier today a remark from Paul about what is happening in IGF, the whole issue of ICANN and critical Internet resources is back on their agenc The other point I want to make is we need to fix this problem. I do not believe -- and I think previous experience in ICANN underlines this. I do not b But some of those changes will only become apparent on the way this thing is reshaped in the early days. So let's tackle the things that we can do, star I would welcome new constituencies and I think helping that along would be to put much more focus on having a clearly defined remit for each of those cor And that may generate new constituencies in themselves as well.

>>ROBERTO GAETANO: Tony, the point is taken. You are over four minutes.

>>TONY HOLMES: Thank you.

>>AMADEU ABRIL i ABRIL: Good afternoon. I'm Amadeu Abril and I plead guilty of the current system of constituencies creation, among many others. But, y The original idea behind the constituencies were that they represent functions, not interests. VeriSign and MuseDoma probably have different interests r The question is: They represent for the system the same function, and therefore, they are asked to give their collective opinion or agreement because of So my personal original idea for the constituencies was that they only existed as an electoral body for electing people to the council. That is, I joine I am absolutely against the fact of multiplying political parties within the GNSO, because then the situation you have is that, I mean, interest parties strange bids that have no other stands than power brokerage, and this is not what we need. We need to work.

>>ROBERTO GAETANO: Thank you.

>>AMADEU ABRIL i ABRIL: Oh. So --

[Laughter]

>>AMADEU ABRIL i ABRIL: So no constituencies, yes to stakeholders that is function representation, and then interests can work and can coalesce in those >>ROBERTO GAETANO: Yeah.

>>IZUMI AIZU: Izumi Aizu, a member of the at-large from Asia-Pacific, and I think there are very few members from at least Asian region in this room or t One of the -- ALAC's sort of characteristics, as you may all know, is the geographic diversity, or we have -- we come from all five different regions. I We haven't -- at ALAC, we haven't really discussed about the report yet, and so I cannot really speak of any of the committee, but just as an individual I generally appreciate the inclusion of the individual users into this GNSO's stakeholders' group.

However, there still remains some tough questions, perhaps, where ALAC at least is tasked not only to deal with the GNSO areas, but the whole area of ICF So that means that, you know, putting individual users into the GNSO doesn't really, I hope, mean that -- folding them all into the GNSO basket and just For the consensus or voting, in relation to the grouping of the constituency, I think sometimes we could think a kind of hybrid model. I don't think the Some of the RALOs discussing their own internal procedures agreed that, okay, we'll try to reach as much as possible consensus, and when we cannot reach So it is not an either/or situation that we think we can come up to some hybrid model that might be considered. Thank you.

>>ROBERTO GAETANO: Thank you.

>>MIKE RODENBAUGH: Hello. Mike Rodenbaugh, with Yahoo with the business constituency, GNSO Councillor, obviously speaking personally, since we haven't b But it's going to be pretty clear that we're going to be strongly opposed to the notion of merging together the BC, the IPC, and the ISPC for a number of I think, first of all, there doesn't appear to be a strong reason to have such a, I guess, nuclear option at this point even on the table without trying You know, focusing on working groups, modifying the PDP process, trying out all the different ideas, professional facilitators and that sort of thing, ar Also, that should come in conjunction with the reviews of the other SOs and the ALAC. So that everything is consistent and at the end we have one sort c You know, generally adding new layers of hierarchy, as is suggested by this proposal, with the sub-constituencies underneath the stakeholder groups, gene So -- and then there's just the perception amongst those of us in these groups, at least the initial perception, that, you know, combining these constitut You know, despite the fact that business constituency, the IPCs, you know, they pay the ISPs, essentially are paying the bulk of the registration fees t

Also, it seems as if it is designed, perhaps unintentionally or will have the effect of turning those constituencies against each other, just with, you know. Despite the fact that to 99% of the public, they're one and the same. They clearly have the same primary business model of trying to maximize registrations. >>MICHAEL PALAGE: Hi. I always love the last word. Mike Palage. I'll try to keep this short. I supported in the LSE report the proposal for a 15 council member. I think some of the terminology we used here has led to some -- some confusion. I don't think the registries get to elect two, and then the registrars and registries together need to come to an agreement to elect the fifth. The five business constituency representatives, instead of, if you will, forcefully merging the ISPs, the BC, and the ISPs together, you would allow then the five noncommercial could be elected through the NCUC and the ALAC together coming forward. So what we would have here is instead of coming up with a new layer of management, it would just be representatives that would be elected to the council. What I would do is I would fix those constituencies in place for three years. They would be the ones that would get to elect those 15 on the council, but ICANN would be able to -- would be able to, if you will, provide them support to see if they could self-form. At the end of three years, there would be as I said, I -- as Mike Rodenbaugh has said, when you begin to merge and do things, it really is a sign -- it's really a sign of last resort, so I think and this goes to just my final point. ICANN, with its ever-growing budget, has allocated a lot of money to global outreach, and the question that I am asking is -- >>ROBERTO GAETANO: Time. Thank you. Thank you, Mike. Can you go to the last page? Okay. We have also other questions and other things, but there's no time to relate to those, and so the -- the slide will show the e-mail address for people. I will just go over quickly what is happening. First of all, we have -- the other part that we needed to go over was the relationship of the GNSO to other organizations. So also on this, your comments will be welcome. I think that I'll close it here. I'm sorry for having gone very much over the time allocated, but we also started late, so you are now free to attend the meeting. [Applause] >>ROBERTO GAETANO: Yes. Go and multiply. [Laughter]