

**Transcription ICANN Marrakesh**  
**Discussion with Theresa Swinehart GNSO Working Session**  
**Sunday 6 March 2016**

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On page: <http://gns0.icann.org/en/group-activities/calendar>

James Bladel: Okay. I'll wait then until I get a green light from staff. And there we go. So we're now welcoming Theresa Swinehart, Margie Milam and - sorry...

Woman: (Gurnick).

James Bladel: ...Larisa Gurnick to the table. And they will be presenting an update on strategic initiatives I guess. Is that correct? Okay. So I'll turn it over to Theresa.

Theresa Swinehart: Great. Thanks so much and it's great to be here again. Thanks for having us. We wanted to do a short overview of what the department covers, which is called Multi Stakeholder Strategy and Strategic Initiatives.

So we are responsible for a wide range of areas relating to the reviews. And as you know, I've also had responsibility for helping to oversee the work around the transition related proposals.

So I'll touch on that very, very briefly -- I think most people are quite well versed on that topic -- and then hand it over to my colleagues to focus in on the specific review areas; sort of the progress reports of our organization. Next slide please. Next slide. Next. There we go.

So I think everybody is quite familiar with the topics about where we are but I thought this might be a nice visual to show the tremendous progress that the multi stakeholder community has really developed over the past two years to come up with two proposals obviously reflecting the operational communities.

And I know that many have been involved in the naming community proposal and many have been involved in the work of the IANA Coordination Group and obviously the work around the CCWG and accountability proposal.

So I wanted to first thank you and recognize all of that but also really reinforce the appreciation this reflects for the multi stakeholder model overall. These topics are not easy. They're global in reach and they involve many parties.

And there's been a huge amount of work around that. And I think it reflects the value of the models we're dealing with and the opportunities to bring complex issues together and try to reach resolution around that.

And hopefully we'll see how the rest of this week goes. And if things to well, then we have the opportunity to potentially reach the next phase of this process and move forward. So the next slide please. One more back. There we go. There we go.

In looking at the engagement and the involvement and not just by the immediate ICANN community but also by the other operational organizations, the IETF and the RAR community that often have their own meetings in different parts of the world as well.

We though this is a nice reflection of really the tremendous amount of types of engagement that have existed over the past two years of the broader community that has resulted in this in the different forms of engagement whether it's face-to-face, the teleconference calls and obviously ensuring that things are available in multilingual languages in order to allow the greatest global reach.

So we thought this might be helpful to share so it's not forgotten how much of the time has actually gone into this over the past two years. So with that, I'm actually going to hand it over to our colleagues.

As you know, the next phase once it's transmitted to NTIA is they'll go into approximately a 90-day review process. During that period of time we'll be working closely with the community.

Also in finalizing the bylaws relating to the recommendations and getting those prepared and over to NTIA as well. And you heard from Trang and the team those things they're preparing for the implementation. So once we have the green light, we can execute on many of those different areas.

So I'm happy to take any questions on that. But otherwise, I thought I'd hand it over to talk about the different reviews we have under way.

James Bladel: I don't have any questions, so proceed. Thanks.

Margie Milam: Next slide please. So Larisa and I are going to talk about the two types of reviews that we conduct in our department, one being the Affirmation of

Commitments reviews and the other being the structural reviews under the bylaws.

As Theresa mentioned, you know, obviously there's a lot of work that's been under way with the CCWG proposal. And what that discussion really highlighted was the importance of reviews to the ICANN overall accountability.

Essentially each of these reviews are, you know, a kind of report card or progress report on how ICANN is doing with respect to the different topics that are being examined.

You know, part of the process that's, you know, coming in the future is to move these into the bylaws so that they continue to have the importance and significance that the ICANN community is seeking so that we can have continual change.

These are community led reviews for those of you who aren't familiar with them. And they lead to a number of improvements that ICANN is tasked with.

So if you look at some of the past reviews, the ones related to Whois or SSR, you know, you can see that these reviews kicked off a tremendous amount of activity with the hopes of improving ICANN's performance in these areas.

I also wanted to highlight that this is important to the Board as well. There was - at the recent Board workshop there was an overall discussion about how ICANN is doing vis a vie the past reviews and to ensure that there's a delivery of the outstanding commitments.

And so this is something that is very much in focus with the Board to ensure that the recommendations that came out of past reviews are fully implemented.

There's also a lot of work under way to gather data and report on the implementation status particularly with respect to the new review that's just been kicked off, the Consumer Choice and Trust one.

Many of you are aware that there was an extensive effort that led - was led by the community in ensuring that we had enough data to conduct that review. And so it's been very much important as we kick off these new reviews that we have the data and the preparation so that when they start that the review teams have all the information they need to do their work.

The other thing I wanted to highlight is as part of the CCWG proposal there will be an additional review of IANA. So in addition to the ones that are under the Affirmation of Commitments reviews, there will also be an IANA review.

Now the next phase of this discussion is really to inform you of what's coming up in the next 12 months. We already have the Consumer Choice and Trust review that just kicked off this year.

But I also wanted to highlight that we have three additional reviews that will be kicked off over the next few months. And we are in the preparation phase for these. These are the second review of the Security, Stability, Resiliency.

We are expecting a call for volunteers to go out in June. So this is literally, you know, a few months away. We have the second Whois Review Team is scheduled to launch in October with a call for volunteers. And that will be looking at the Whois policy and how it's implemented.

And then the third one will be the ATRT 3, which is kicked off in January. And so, you know, our department is very busy trying to plan for this and to get ready for the work that's involved.

But one of the questions we have for all of you is how is the community going to be able to handle this and is this something that there's sufficient

resources and volunteers to be able to staff from a community perspective, provide the input that they need, you know, in order to conduct these reviews.

James Bladel: So I put myself in the queue but certainly will defer to any of the Councilors on this point for exactly that question.

Margie Milam: Next slide please.

James Bladel: How much...

Margie Milam: I just want to hold on a minute.

James Bladel: Oh.

Margie Milam: We can go to the next one, sorry. We'll skip this for a minute. Keep going. One more. Sorry. Because it really - no. Keep going. There. This one. Okay. I think this is very representative of the work at hand.

James Bladel: Just a question of Whois Review Team Number 2 when, you know, we're already under way with RDS PDP - at least the first phase of the RDS PDP. And ATRT Number 3 when we're just completing a massive cross community accountability work and probably will be up to implementation of Work Stream 1 and kicking off Work Stream 2 concurrent to all of this.

Setting aside for the fact that we're probably talking about the same volunteers that we'll be wanting to work on both of these, how much sense does it make to continue with these reviews?

I understand they're on a schedule that's part of the Affirmation of Commitments. But is there any acknowledgement that this work is already kind of occurring and in fact eclipsing some of these review teams in other areas?

Margie Milam: There is discussion at the Operational Effectiveness Committee of the Board about the schedule. But what we really need is input from the community as to whether there is, you know, concern about the schedule because that's something we can take back and try to see if there's a way to accommodate a revision in the schedule.

But we really can't do that without input from you all who will be required to participate in this process. And it very much is a demanding process and you all lived through just the call for volunteers for the CCT review. Remember how much work that involved in on the GNSO side.

Well, you know, multiply that by three more in and of itself. It's going to be a significant amount of work.

James Bladel: And cannibalizing some of the volunteers that are already overbooked up. Rubens and then Carlos.

Rubens Kuhl: Rubens Kuhl. Just a question is whether we need a waiver from NTIA to not do those reviews at this time since there are contractual obligations? Is that such a requisite or not?

Margie Milam: So we've flagged and obviously they're following the CCWG Accountability process as well. And so in looking at the incorporation of the AOC reviews into the bylaws and then the trigger date of when those start as well as the trigger date of when we have ones that start.

We're certainly in discussions and we're aware. We just want to see when the final proposals come where we are time wise and then enter into those dialogs. But we are in dialog around that, yes.

James Bladel: Thank you. Carlos.

Carlos Gutierrez: Yes. Carlos Gutierrez for the record. Thank you Theresa. You are already answering half of my questions. But do you expect them just to take the Affirmation of Commitments reviews as they are today into the bylaws? You don't expect them to change a little bit to get another perspective, another (distance) of the review teams?

I would expect that when we go to the bylaws, we will have something slightly different from what we have today since this becomes a really very important task. I don't know if it should be within the ICANN organization or we step away and have a different format and a different way of developing the review teams.

In any case, I would recommend to get feedback from the previous review teams as how in the future it should work. Thank you.

Theresa Swinehart: Thank you. That's very helpful and of course the CCWG proposal as well comes with some suggestions on that. So that'll be factored in too as we develop the bylaw part.

James Bladel: I had (Brett) first and he's withdrawn and then Marilyn.

Marilyn Cade: Thank you. My name is Marilyn Cade. I thank you so much for this presentation. I'm going to make three separate points. One is that I hope that you'll take the opportunity to hear from not just the GNSO policy Councilors but also the representatives who participated in past review teams who may have particular experiences to share.

The second point I would make is ICANN has gone through several stages of evolution. And some of those review teams worked in earlier stages of our evolutionary process.

And I make that point to say that within the community I come from, the business user community - constituency, we have made many, many efforts

to improve the - and to increase the ability of more participation in the review teams so that we are not limited to a single representative from an SG for instance.

We have a lot of new members in the Business Constituency, in the ISPCP, in the CSG. There are a lot of new members in the NCSG, the NPOC, et cetera. I think that if there was more openness to allowing more members in the review teams that we would be able to draw on new volunteers, not recycle the past volunteers.

My third point is it's really good to hear about this today because all of the constituencies are meeting on Tuesday. And we'll be able I think to give more thought to the prioritization of work and timing and perhaps come back to respond through their policy Councilors but also perhaps through the leadership of the SO/ACs.

Theresa Swinehart: Thank you. That's really helpful. And we do appreciate having more people volunteer for the review teams in the case of the Consumer Choice and Trust review, we had 78 volunteers, which was really incredible. And you saw how many names the GNSO recommended for the review team. It was quite remarkable. We hope to continue that with future ones.

James Bladel: Susan and members.

Susan Kawaguchi: Thank you. Susan Kawaguchi with BC. I was - that was what I was going to point out. With the CCT review we had lots of volunteers and they weren't all the usual players.

And I agree with Marilyn that we should work on incorporating people that haven't participated. Everybody's a newcomer at some point. But - and I also want to just emphasize the need for these reviews. I don't think it's something - yes, I think there's too much work right now in the community. But it's also really good necessary work.

And so I would - we've delayed a little bit. I think that's fine. I would hate to see these put on hold forever. And that we need to move forward because we've seen good outcomes from the review teams. And, you know, I had never participated on a AOC review team prior to the Whois review team. And so I, you know, I think there's a lot of new people that could step forward and do that. We should move forward.

James Bladel: Thanks Susan. Donna.

Donna Austin: Thanks James. Donna Austin. I think going to Margie's point whether there's value in getting a sense of the Council as to whether we have concerns about the timing for these reviews and whether we have the capacity to actually do them whether that's something we could take a sense of the room on.

But I also have something else that I think, you know, when you look at these reviews, perhaps the other stuff that you need to take into consideration is that the GNSO has kicked off two significant PDPs in the last two months and is likely to kick off another one at the end of this meeting. So that's an impact on resources as well.

Obviously the accountability transition work that has to be factored in in terms of implementation when that comes down the pipes. So I don't think it's - while I understand the reviews are important to your work Margie and Theresa you're team but I think you have to look at the work as a whole.

So there's a lot of work that's been put on not so much the Council itself but other members of the community in getting through these other PDPs that are coming down the pipe. So all that stuff has to be taken into consideration as well when you ask that question.

So I don't know whether it's worthwhile taking a sense of the room about how we feel about this. But, you know, if we don't want to do that now, then

maybe it's a conversation we have to have in order to provide Margie with the ammunition that she needs to take it back to the Board to say, you know, maybe we just need to step back and take a really good look at this and start to prioritize the work efforts that not are only required for reviews but the PDPs and the other significant work that is going on.

I really feel that it's - I know people have talked about volunteer burnout for a very, very long time and there's been a lot of conversations. I think (David), you were leading a team that was to look at how to manage that.

We need to make some program on that. Make some really good progress on that into how we're going to address it and work out what's really important, what are the top priorities that we need to address in the next 6, 12, 18 months.

You know, we really need to do that because I think if we look at some of this stuff and the Whois one just seems to be too early given the PDP that's just kicked off. There's going to be intersection there. So how do we manage that?

So I think let's try to think about this from a holistic perspective, not just the review work that's going on but all the rest of the significant bodies of work that's being undertaken and try to prioritize that workload in some way.

Thanks.

James Bladel: So quick response from Theresa. Just a note that we have about five minutes before our next guest is going to be (unintelligible). So we've got Theresa, (Bruce), Stephanie and we'll have to close the queue. Theresa.

Theresa Swinehart: Just two seconds. Donna's point about the holistic aspect in looking at this. The reviews are required in the bylaws and the AOC. And so this is exactly the concern we have is how to manage some of the requirements that we have around the organization in the context of (unintelligible).

James Bladel: Thank you. (Bruce) and then Stephanie.

(Bruce): I'll put my comment on the Council list just to protect your time.

James Bladel: Thank you (Bruce). Appreciate that. Stephanie, if you can be...

Stephanie Perrin: Yes. Donna - Stephanie Perrin for the record. Donna has said more eloquent than I what I wanted to say. But I just wanted to emphasize that we really have to solve this problem of how we bring new people up to speed.

It's not fair to them to throw them onto something as complex as a review team and say here, you'll figure it out. It's just not fair. And we don't have the resources to mentor them appropriately nor do we have the resources to double up so that we've got experienced people and, you know, someone who's their buddy.

And we talk about burnout but we haven't solved this. I think we need to start some other committee or whatever we need to do. We need to figure this out because it's really bad right now what with the CCWG stuff coming.

James Bladel: Thanks Stephanie and just I know we have to wind up here. But I'd say thank you and I mean clearly there's some concerns. We, you know, before you arrived, we had a really interested discussion about how one requirement that we're being asked to develop is going to be obsolete almost, you know, shortly after we develop it.

And I think we're kind of setting ourselves up similarly here in some respects if we're - I'm not even looking at the capacity of the volunteers. I'm just saying if you are tasked to be on a review team and you're reviewing something that's changing, how do you freeze it in place to conduct an effective review if it's - if it itself is under, you know, extensive evolution. So I think that's a challenge.

But I think maybe that's something that we need to discuss as a Council and understand what our potential actions would be and, you know, perhaps find a good way to communicate those concerns effectively to the Board. Because I understand that, you know, you guys don't feel like you have the discretion of staff to just cancel or postpone something.

And I think - I don't know that that's necessarily warranted. But on the other hand, it also - we're still chewing on the things that came out of the last reviews. So I think there are legitimate concerns.

So - yes. Absolutely. Can we...

Woman:

In the interest of time I know that there's several slides and I was planning to provide and update - a real quick update on the GNSO review. So I just wanted to highlight that while you have it on your agenda to consider the good work that the GNSO Working Party has conducted and a lot of time and effort went into the prioritization and feasibility work that they prepared, this has already been flagged for the Organizational Effectiveness Committee.

They've previewed the report and it would be certainly very helpful to get a better idea of when that topic would be undertaken. I understand that this meeting may not offer that opportunity. But it would be really useful to have a schedule so that the committees and the Board can consider the very good work that has been prepared by the Review Working Party.

And then finally, I wanted to remind everybody that we have a session on reviews that's really intended to newcomers, people that have never participated in a review and may not even know what a review is.

So we'll follow up and make sure you have that information. Strongly encourage everybody to come and participate on Monday and learn about reviews and why they're important to the entire community. It's a progress

report and accountability mechanism that we certainly feel very passionate about and want to continue doing it the right way.

James Bladel: Okay. Excellent. Thank you. And I know we're waiting our next session. It's 11 o'clock. But have they arrived yet Marika or (Berry)?

(Berry): I'm checking.

James Bladel: You're checking. Okay. So while we wait then we can continue the discussion. I didn't know if we had any other hands in the queue or any other folks that wanted to weigh in on this topic. Or we could certainly cut you lose a few minutes early and I'm sure that wouldn't be unwelcome. Okay.

So thank you Theresa and your team. And thanks for the questions. And I think we have certainly some follow up discussions and some takeaways that we need to work on on our side. Thank you. If we could stop the recording please.

END