

**ICANN Transcription - Marrakech
CCWG Principles Cross Community Working Group
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Becky Burr: Why don't we go ahead and get started and start the recording. Thanks, everybody in the room and everybody in the remote participation hub for joining us today to talk about the Cross Community Working Group on Developing Principles for Cross Community Working Groups. I like to this as CCWG 2. But I think we've developed a more nuanced title which is CCWG Principles.

The group work was chartered by the ccNSO and the GNSO Councils in March of 2014..And is designed to provide guidance for the community in setting up and managing cross community working groups which are increasingly a working mode of choice in our ever-less siloed world here at ICANN. And I know I can probably speak for Chuck Gomes who's also in the room, that the breakdown in silos at ICANN is a very exciting thing that we're happy to see.

In the course of our work here, I can't believe it's been two years but it has, we looked at past joint and cross community working groups to develop a

sense of their lifecycle, how they're formed, what kind of chartering is engaged in, how they operate, closure, post-closure, follow up and implementation. We issued a draft framework for public comment on the 22nd of February, 2016.

And of course since the work was - the working group was chartered we have an abundance of actual in the wild experience with cross community working groups both in the form of the CWG Stewardship and the CCWG Accountability. So we had a very resource-rich environment in which to work.

Our recommendations are out for public comment which is open through the 2nd of April. And we expect that the final framework will be completed in May of 2016.

Okay we're having a little slide meltdown here. Excellent, okay. The point of this work was not to be prescriptive but to try to identify what approaches have worked best in the experience that we've had with cross community working groups. Obviously if it's cross community you need two or more supporting organizations or advisory committees to come together with the intention of doing joint work.

In most cases this has been done by adopting a shared charter, by drafting a shared charter and then sending it back to the chartering organizations. Hi, everybody. I know it's hard to find this place.

((Crosstalk))

Becky Burr: Right, you had to be, you know, mind melded somehow to Mary.

((Crosstalk))

Becky Burr: Oh that's good. So we just started talking about the output here and the work. There have been joint work groups without formal charters but by far it is

more successful and recommended to actually have a charter that sets out the scope of the work, ensures that the chartering organizations have in mind the same scope and the same end which could be, you know, recommendations, interpretations, implementation guidance or a number of other things. The output can take any number of forms but it is also very good to know - to have a sense at the beginning of the process what you expect those deliverables to be. Who will participate. And how you will work.

So one of the issues that we came across actually in this - when we were setting out to develop our charter for this group and for others is that different SOs and ACs have different standards for what consensus is. In the GNSO there are different grades of consensus and in the ccNSO we take the approach that we have consensus unless somebody is willing to die in a ditch in opposition to a recommendation.

So it's very useful to have a discussion at the beginning about what consensus will mean. And it's important to understand that our SOs and ACs work in different ways. And so it's important to articulate that rather than just assume. So one of the, you know, one of the purposes of our work here and of the charter is make sure that we are understanding differences in working groups or chartering organizations and making decisions about how you will navigate those typical differences.

We have found that the chartering organizations generally remain in control of how they appoint their members and how they consider and review the output of the process. But one thing that is a critical takeaway from our work is respect for the autonomy of the processes and procedures of the chartering organizations. And if you were going to do anything that sort of deviated from that that you articulate it and make sure they're buy-in for that.

But in general, the output of CCWGs goes back to the chartering organization for adoption or approval or however they're going to process it in accordance with their own processes and procedures.

The generally the CCWGs have required approval or at least approval and non-objection by all chartering organization before a final deliverable is deemed to be CCWG approved output. It may be as are CCWGs get increasingly complex and we have, you know, many SOs and ACs that there needs to be further thought given in the charter to sort of what happens. Again, this goes along with the definition of what consensus is. But, you know, must you have the affirmative approval of all chartering organizations. Is it okay if most approve and there is a non-objection?

In coming up with those rules you have to consider the makeup of the chartering organizations and what they're likely to be able to do. Also of course you need to give consideration to - we recommend giving consideration to SOs and ACs that are not participating as chartering organizations but may well have some kind of stake in the deliverable.

One of the things that we noticed in the - in doing this work is that there are quite a few vehicles that range from the very, very informal to the more formal approach to this cross community work. And the intention of our recommendations is not to supplant any of the less formal approaches so discussion groups, birds of a feather, any of those things that kind of brainstorming, get the juices flowing, are all still have really important roles in the work of ICANN and should, you know, we should not take this proposal for, you know, best practices to - in any way minimize the importance of those.

But it is important to figure out, you know, is the - is this format, the CCWG, the most important vehicle, you know, the topic is falling - is not falling within one SO or AC's individual remit. Or are there alternatives that are better suited for it?

Now, you know, sometimes in the ccNSO world, for example, we have used cross community working groups where the policy at stake is solely within the

permit of the ccNSO to develop policy. But the under - there are underlying stakeholders in the case of the ccNSO, that's often governments and the GAC, where the - there are stakeholders who have strong stakeholder interests in that and so you can use the cross community working groups to begin to have a conversation that builds consensus and informs the policy development process with regard to sensitivities.

Obviously we strongly recommend that there be a charter for cross community working groups so you need to be able to have two or more SOs or ACs who are interested in the topic, willing to adopt a single charter, agree on expected outcomes. And then because this is a more formal process than the, you know, then discussion groups or birds of a feather kind of approaches, you need to make sure that staff and community resources are available and needed for the effort.

And what we note in the report is that essentially you need a cross community working group drafting team to set up and draft the charter and then it goes back and then the members are appointed by their respective organizations. But there is an initial drafting - charter drafting process.

We think that it is a very useful thing to think about post-closure implementation straw man suggestions and how that might be - how you might proceed after that. There's pretty limited community experience with this phase. We're getting more of it in the accountability and stewardship transition world but it's still early days.

And I think we will talk about some synergies that this work has with other work that's been done in the community specifically by the Policy and Implementation Working Group and there may be some important connections between these two work streams. So when we get to the discussion portion we'll talk about that.

And the draft framework, as I said, focuses - specifically notes the importance of the charter which we think really makes the difference between a successful effort and a less than successful effort and helps you really hone the issues and decide whether it's the best vehicle. And, you know, where we also assume that this is for clearly scoped and cross cutting issues and where outputs are based on community consensus.

So there are all - there are a lot of open questions that we have in the report. And I'd like to really focus attention on those and encourage people to think about them and provide input with respect to answering these questions. Again, there are questions on which there's limited experience in the community. But one question is should all CCWG recommendations be considered by the board if there are minimum requirements.

So right now typically these are forwarded to the board and typically the board does consider and act on them but there's no obligation. The board is not obliged to act on it and to adopt it. And so you can get a situation where there are expectations of the community so for example in the ccNSO Framework of Interpretation Working Group, there was really a strong - that was a huge work effort for the community.

And there was a strong expectation within the community that the board would actually consider and adopt that, affirm that. It wasn't new policy, it was an interpretation of policy. But the charter actually didn't clearly specify and the board was not mandated to act on it in any particular time period. So that's an important - it in fact did and adopted it, which was great.

But that is one area where we think we want to consider whether the, you know, whether the charter should state what that expectation is at the beginning and whether there should be some obligation on the board to say something about it at a specific point in time.

Obviously we have tried to retain the informal deference to the consensus of the working group itself with respect to procedures within a framework that is designed to maximize your chances of success but you could develop a much more formalized set of operating procedures if that was appropriate. So we want to understand what people are thinking about that.

Should - a question we talked about the setting expectations about what consensus means and how, you know, how the chartering organizations have to respond. But one question is do we need additional mechanisms to deal with a disagreement about outcomes or for, you know, discontinuation of engagement.

I mean, typically one would think that if you can't get consensus the, you know, the work would cease and the effort would not have any sort of precedent going forward. But one question is do we need to talk about that a little bit more.

Do we need a formal mechanism to say it's clear this is not going anywhere and we need to end the pain as opposed to relying on the good sense of people in the cross community working group to understand that it's time to move on.

Again, there's a question about implementation and what the role of the CCWG should be in and whether the charter template should be expanded to include implementation. There's some questions about mechanisms for appointing members across SOs and ACs which obviously vary and which we feel, you know, need to be respected for the purposes of SO/AC autonomy but there are questions about transparency and notification that should be addressed.

Right now we rely on sort of the GNSO style statements of interest in most of the CCWGs but is there a different kind of statement of interest or something similar that's needed? And one area where this has been an issue is

government participants typically are a little uncomfortable with the statements of interest that - and so, you know, we should think about whether there are more appropriate models for that.

And then should specific requirements expertise be listed for the appointment of members, I think again this will depend on the nature of the CCWG and - but it's another issue that can be spelled out in the charter for the cross community working group.

So with that, you know, this is an increasingly important tool at ICANN, and it's a very exciting time. This has not be a particularly controversial piece of work. Largely we've been scribes, sort of observers and scribes about what's going on and what seems to work and what doesn't seem to work. And so at some level this may be a, you know, a living template. But I'd like to open this up to questions and comments and recommendations.

Chuck.

Chuck Gomes: You'll find out I have quite a few and I won't cover them all at one time, I'll give other people a chance to jump in. So I read your report and appreciated on my flight - one of my flights here. And one question I had is - has to do with the fundamental concept that two or more supporting organizations or advisory committees adopt a charter.

And I can see situations where you might have just two advisory committees working together. I think the ccNSO has done that probably with the GAC in a lot of instances. If there's a chance that something might result in eventual policy it seems like it might be useful to require at least one SO to be involved in something like that, although I wouldn't necessarily want to preclude two ACs from using this if it applied.

So I throw that out just to get your reaction and thoughts on that. I'm not absolutely saying that should be the case but if something could result in

policy and you don't have a policy - one of the three policy SOs involved, you can get them involved later I suppose. But anyway just throw that out for responses.

Becky Burr: So I don't think that there has been a case where there are two advisory committees and that's all, the ccNSO GAC as a SO/AC combination. It's an interesting question because you clearly could see a situation, for example, where the GAC and ALAC want to develop an informed position about something.

On the other hand if it's going to affect policy then you would expect the policy development organizations, either the GNSO or the ccNSO, to be interested in that. So the assumption is that these chartering -- these charters - chartering organizations status is open to any stakeholder. And so if there was something that was going to develop - to end up in relevant policy you would expect the supporting organizations would be interested and to come to the table.

And it would probably say something interesting about whether the CCWG is the right vehicle. If in fact, you know, there was something that was related to policy or could implicate policy and the relevant supporting organization was not interested in it. But we certainly don't preclude the notion that, for example, you know, two advisory committees could get together and produce a, you know, a joint work product on something.

And then the question is, is it, you know, what is the interest level across the community? But certainly I don't think a CCWG would be necessarily the right vehicle if you wanted to have a closed discussion group between, you know, to organizations and other interested parties were precluded.

Avri Doria: Thanks. Avri speaking.

((Crosstalk))

Avri Doria: Oh sorry. Okay, never mind.

Jim Galvin: Thank you. Jim Galvin, Afiliis. And speaking just as a member of the working group. I want to make a distinction between a working group which is somehow producing policy as opposed to somehow producing a work product which would be an opinion or advice towards a policy.

I think in the case of producing something which might be advice or input to some policy process, I don't think there's any issue in response to what you're saying. On the side of the working group that might be producing policy and you're proposing a scenario in which the group most affected by it would not be a chartering member of it, I guess as a practical matter I think I'd be surprised that could even happen.

You know, I mean, if these charters are intended to be visible and they will be known to the community and as Becky said, anyone can invite themselves to the table, once it's exposed that this group is going to start and the charter is there, you know, I just find it hard to believe that any kind of working group that would produce a policy would somehow not have involved that stakeholder most affected not involved in the charter.

So I guess -- and I'm not sure what the motivation is for your question or your concern, what you're looking for specifically in the document. I want to be sensitive to what it is you're trying to cover so thank you.

Avri Doria: Thanks, Avri speaking. So first of all I think that we have to distinguish again, and one of the things we got into in policy and implementation between the big P policy, and the little P policy, the policies that have PDPs are obviously inappropriate for CWGs.

Now the little P policies, you know, corporate policies, ICANN policies, those general policies that aren't specifically applicable to SOs, whether they're an

SO or not in it, I don't know that that really matters. Obviously if it's an ICANN wide policy you're going to get as much buy-in as you want.

I could certainly see a position where you would have two advisory committees wanting to work on common advice. And in fact in some sense, except for the very exceptional CCWGs like the one we've done on transition and accountability, mostly is they're not going to be doing something that goes from recommendation to board approval of something.

They're going to be more working something out, making a recommendation in the form of the advice because really when you look at the difference between recommendations and advice in the dictionary they mean the same thing. It's only within an ICANN context of a PDP that's a recommendation takes on a special meaning.

And so outside of PDPs I don't see any reason why any combination of groupings that were interested in doing something couldn't do it. And also you want to invite the others but if they say no, we're not interested, then I see no reason not to go on as long as you have the two. So that would be, you know, the kind of policy and implementation cut that we put to big P and little P would go here too.

Chuck Gomes: Chuck Gomes speaking. So a related question is, and you kind of hit on them a little bit Avri, is could recommendations from a CCWG resulting consensus policy? And a corollary question is if so, how would that happen? See and I thought you shaking your head, Becky, but it seems to me that things could come out of a CCWG that would make very good possibility for consensus policy.

And it would be a shame to duplicate, you just have to initiate a PDP, for example in the GNSO, for work that's already been done. Now we now have a vehicle for an expedited PDP. And that might be a way of handling it.

But take for example, IDNs, ccNSO and GNSO both have huge interests in IDNs. And in fact one of the historical CCWG is related to IDNs that Edmon Chung I think was chair or co-chair. And so those kind of things could flow into something that really could become a requirement for registries and registrars and would be very valid.

Now I know the intent isn't for a CCWG to develop consensus policy. But I got to believe they're going to be instances like the example I just gave where that might be good. Now there has to be a procedure for that so that's kind of where I'm getting at here.

Becky Burr: So just on the IDN fast track, there was a PDP or a CCWG first. And then there was a PDP. That PDP obviously was very much more streamlined as a result of that consensus building process. But that was, at least in the ccNSO world, these cross community working groups are very much used to identify rough spots, build consensus around those rough spots, the brainstorming in a less fraught environment before going into the policy development process.

And I don't know, everybody should think about their views on this. But to me, consensus policy has a very specific definition. And we certainly have not built into these guidelines the kinds of safeguards that I would want to see applied in the context of developing consensus policy.

Chuck Gomes: Chuck Gomes again. I agree with you. In fact I'm not disagreeing with any of you, okay. I think it might be good in your final report, and I'll leave it up to the working group to decide that, to address this issue and what might happen if a possible consensus policy was developed. And I'm not asking you to go into this working group to define all of that. But I think that would be a good thing to talk about.

Avri Doria: Avri again. Yeah, I think that talking about it is fine but I think given the contractual aspects within the GNSO of a consensus policy that reaches into the contract and affects material conditions of the contract that avoiding that

PDP -- and I'm not even sure if the expedited PDP would work because the expedited PDP is kind of strict in its definition of when it's usable. So I'm not sure, I'd have to go back and read whether an expedited would work. But certainly I would think you'd have to go through that formal step for you all to accept the change to your contract.

Chuck Gomes: If I can jump in just real quickly in response to that. This is Chuck again. Yeah, expedited PDP is clearly defined. The conditions for operating would have to be met from what the CCWG did. But that's relatively easy to implement because they are fairly clearly defined.

Becky Burr: Malcolm.

Malcolm Huty: Thank you. It seems to me it's pretty clear that one size does not fit all in this. You can imagine, you know, quite a range of different possibilities here. And your report leaves quite a lot of things open. I wonder if it might be useful to actually more dropouts that rather than just being these things are open that actually there are potentially a range of different corrects for different circumstances.

Addressing Chuck's point of actually, you know, of building consensus policy, you know, on the one hand you can imagine that SOs would be very leery of having a CCWG as a way that provide an alternative route and an end run around the balances that are constructed and the procedures to be constructed for safeguards for the PDPs.

On the other hand, you can also imagine that there might indeed be policies which absolutely affect both of the G side and the CC side where it would be - where both sides would very much have a strong interest in working together in the development of that, and might construct carefully restricted structure or mechanisms for developing that so as to ensure that those balances are protected but that we can work together.

And that might result in, for example, well we've - you've already mentioned one form of streamlining, but, I mean, and so to make a very American centric reference here, but whether the SO might indeed have something like a fast-track negotiating authority where do delegate to the CCWG really the task of developing the policy and then just have a straight up and down vote at the end of it or something like that so that there is that ultimate oversight.

But really take the business of doing the work out of the SO and into that - into that other structure. But if you do that you would likely, I would expect, to want the kind of CCWG that has quite strict rules in terms of participation and procedure and so forth so as to ensure that balances in safeguards were protected.

On the other hand in other areas that might be precisely what you don't want. I mean, looking at the CCWG Accountability I strongly believe that it was a great success to have really de-emphasized membership and to give the strongest open participation there. Partly because that looks good and so forth. But on pragmatic levels, if that had not happened the process would have been faster and it might have achieved agreement more swiftly.

And as a result, run into serious trouble when the (fame) challenges were brought in chartering organizations. And chartering organizations then might not only find themselves - find it in a position to have found it difficult to agree to the report but very difficult to resolve the disagreements between each other. An open participation in that context I think was extremely important for the success that we appear to have delivered.

Now, how you - there's very little in your report that indicates, you know, the dimension of where you could have open participation or you could have participants, but there's very little in terms of guidance as to the sort of circumstances when you should consider that, the circumstances and quite when actually you might wish to have more strict structures and so forth. So I

wondered if that is something that could be, you know, potentially elaborated on and considered in more depth.

Becky Burr: Very good comment. And while I don't think our work is at a level of maturity that we could, you know, recommend the use of a CWG for fast track negotiation, we did mean to keep it open but I think, you know, in the time since our draft report we have much richer experience so we could, can get into some of these details a little bit more.

But again, the point is to allow - the point of this report is to create best practices but to leave a huge amount of flexibility to develop a working arrangement that works best in the particular situation. So really it's probably more about flagging issues that you might want to consider as opposed to making recommendations about what the right answer is in any circumstance.

Avri.

Avri Doria: Yeah, thanks. While he was speaking I was thinking, I thought this was mostly producing guidelines but then you take them and you modify them as you need given the group you're doing, not - we're not making a policy recommendation.

Becky Burr: Chuck.

Chuck Gomes: A statement at the top of Page 2 of your report says, "In principle adoption, approval, support, non-objection by all chartering organizations is required before a final deliverable," and so on. And of course it starts within principle which probably covers my concern.

But I can envision a situation where maybe the ccNSO and the GNSO were - and some ACs were all involved in a working group where the ccNSO may

not support it because it really doesn't apply; it ended up not being terribly applicable but the recommendations might be very valuable for the GNSO.

So all I'm saying here is - and then I'll totally respect what you guys decide to do with it - but there may be situations where you don't necessarily need every chartering organization to support it.

Becky Burr: Well we definitely contemplate the notion that you don't need - you need to articulate what the standard is but you don't necessarily need affirmative support from every organization.

But in the - in the context you just identified, you know, what that would be would be essentially work product of the GNSO as opposed to the joint work product of the ccNSO, the GNSO. So, you know, it's sort of that's the question of when does the CCWG morph into a working group of the GNSO? And I think the title - the cross community title - conveys something that then wouldn't necessarily be, you know, the right information.

Jim Galvin: So Jim Galvin again. I guess building on what Avri was saying and trying to understand the points that Chuck is making, it's probably important as we go forward with this document to always remind ourselves in some sense that they are guidelines, that these are not an absolute requirement. And I think that particular detail of the messaging probably cannot be repeated enough and needs to be a part of what's going on here.

I mean, I appreciate the comments that Chuck is making because in some sense which are right down in black and white, you know, that's for the future and we're not going to be there then. And although we've got all these great nuances about what it really meant, none of that matters when the next person comes along and wants to look at it. So I think it's important to take on board as part of the messaging that this is not an absolute and, you know, it's allowed to be different and to change and things like that.

And I think it would be very valuable to - I don't know if there's a way to say something a little different in the beginning, in the introduction to emphasize that a bit if that would help in all of this too. But something to think about, take on board. Thanks.

Becky Burr: Good point. Other comments, question, Mary?

Mary Wong: This is Mary from staff. So maybe just to add some context to Chuck's question. In some ways that's tied to some of the open questions because one of the questions is obviously well what happens if it becomes clear that the CCWG is maybe not the right vehicle? Or it becomes clear to one particular chartering organization. And it could be a completely valid reason that turns up in the middle that it no longer was just a continual support.

Becky Burr: We have a remote hub participating, do we have any questions from the hub? I take it not. Okay. Welcome, remote hubs. And thank you for joining us. Other comments, questions? You had one.

Chuck Gomes: I have several more but I will always want to pause and give other people a chance. Okay, this is Chuck again. So in Section 3.4 of your report, item 2, you say the chartering organizations will typically agree to formally close the CCWG once the final CCWG outputs have been received and a final decision has been rendered. I think we have a real live example of why that needs to be modified a little bit, okay?

Becky Burr: We do indeed.

Chuck Gomes: And I'll come back to this more in terms of the policy and implementation recommendations because I think that relates to one of your questions too. Because the CCWG, if there is any implementation, even if it's small P, policy, which there often is, the CCWG or some representatives from it, really need to be involved in that implementation. So that's - I doubt that that needs

discussion but that's just a point there that I think is really important and I'll come back to that if we get to some of the questions.

Malcolm Huty: Yeah, but can I comment specifically on that? Because I agree with that. And while I think this would be done very cautiously I think we should at least be open to the possibility that a CCWG might find it appropriate to remain open (unintelligible). The - it's possible that some mechanism for channeling a certain kind of input into the process, into the structures, was felt to be lacking and recommended to exist. And actually the CCWG itself thought that it would be an appropriate process to receive that and channel it through. That's a possibility that I wouldn't want to foreclose entirely.

Becky Burr: Excellent point. Chuck.

Chuck Gomes: Okay, sorry about this. I didn't intend to monopolize. But by the way I really appreciate the work this working group has done and I was a big advocate for it way back when I was on the GNSO Council which is a long time ago. So I next go to your questions, do you want me to go there or - and then maybe others can chime in too.

And let me see, your first question I think we probably covered that already. The - should there be a requirement for recommendations to be considered. Well we haven't because if it's - certainly if something is going to impact the community it seems to me that the board does need to weigh in. It's very similar.

Now this is a GNSO issue. But in the policy and implementation recommendations, that was not a PDP, and yet we in the working group, specifically requested board approval of those, not just GNSO Council approval but board approval. So I'm not you always need that but I think there will be instances where it probably doesn't have the impact that may be desired if you don't get board approval.

Now it's back to - it's not a one case fits all scenario. But I think that there are cases where without board approval you - the actual impact may be too limited. And I'll stop with each of the questions that I have so that if somebody wants to chime in on your question I'm sure that would be helpful for you.

Malcolm Hutty: I'll chime in. I mean, I think this is really about building the - both this can't be, you know, a rigid set of things, your points. And the need for, you know, to draw out that there are, you know, many different scenarios foreseeable and unforeseeable that we need, you know, to be contemplating. This is - this provides things to consider in that. I think that's something to draw out. I mean, certainly one of my - I don't want to say hobby horses but particular things is to draw out, you know, the consideration of - the possibility of open participation.

But in many other aspects there are, you know, different times when this - when things may be - need really seriously you need to really think that this might be an appropriate thing or you might really need to develop something very specific in this area and others where not. And while this report is currently written is open as to possibilities I'm not sure it really comes across as the first order recommendation that actually that statement that things could be different and that you need to work through what you're actually expecting in terms of - and what are you prioritizing in terms of these issues, you know.

I mean, for example, I mean, again coming back to my open participation, if you are prioritizing detailed work on detailed technical or contractual specialties and with specific commercial considerations, you are likely to end up - and I don't know we necessarily say this in the report, but you can imagine how that would tend to prefer a more structured and a more proceduralized form.

But if you are prioritizing the broadest level of engagement and the broadest level of community support being required, then an open participation would

be where you would tend to lead them less in terms of formality of that structure.

Now that's just one example. But then there are many others. And I - I'm not even suggesting that the report say specifically those things that I've just said. But more to bring out that it's not just these are things, but be aware that when you are reading this report you are thinking about a context and a set of requirements that may be very different to other people reading the report. And there are a whole range of things that were in contemplation or even beyond contemplation at the time that it was written. And getting that across is a really - a first order guide to reading the report. I think would be helpful.

Becky Burr: So I think I'm taking away from all of this that these are guidelines and also intended in some way as a sort of - a - intended to provoke the group to think through issues that come up in the context that they come up and may - and that in addition to making that clearer or that as the premise of our work clearer we also might provide a little bit more detail on when, you know, for example if you're doing this - if you're in this context these kinds of considerations might be more important than other considerations.

Malcolm Hutter: Certainly but in particular to emphasize to the reader that there are different contexts because if you don't emphasize that and you just these are only guidelines, they're not rules, what you're - what the reader may well infer from that is thinking naturally as they do about their own context that these are things kind of to be followed, although I have an opportunity for deviation.

Whereas what's actually being meant is, no, these are not really recommendations to be followed but a loose degree with a degree of discretion. These are, instead, these particular things some of them may be relevant in particular context or may be completely wrong in others. And we don't know what, you the reader, are facing at the moment. So you need to set a guide to intelligent reading and that's kind of the understanding. That's really the point that I wanted to sort of draw out.

Becky Burr: Okay great. Thank you. Mary.

Mary Wong: This is Mary from staff again. And thank you, Malcolm, for those comments. I did have a sort of follow up for you and for everyone if you're able to provide some input. One of the sort of early approaches of the group was to think about is it possible to have some recommendations that indeed are quite rigid as in all cross community working groups must follow X, Y and Z and then have an add on set of optional guidelines as it were.

And you can see in the draft report that that's not what the group chose to do. But then that creates, in part, the issue that you're talking about. So what the draft report has, and maybe it's not that clear maybe because we haven't really figured out what might be the most appropriate way of formulating this, is that these are all best practices or guidelines but that there are parts where we say that a CCWG is strongly advised or strongly encouraged to do this or to consider that.

And one example is that we do say that the charter is the most critical document and that there's a draft template charter that's provided that we strongly recommend is used. So it's probably not perhaps as clearly demarcated as it should be but that's a point that I think some feedback would be very welcome to the group.

Malcolm Huty: I can see that and you might even go, you know, multiple levels on that. So you can have some like that one that you drew out there which you might be able to identify that you need something to at least indicate what choices you've made and so - and that's - and that's a fairly neutral thing to say. And you might say that's always like going to be best practice.

Other things you might say that in most circumstances these are likely to be, you know, very strongly good things. And then others which really may be

very much dependent on the circumstances. So you can have potentially construct a hierarchy of likelihood of applicability.

Becky Burr: Just a point, a checkpoint on time. We have about 10 minutes because I have to be launching the PDP on retirement of ccTLDs at noon. That should be a really fun one. So I want to make sure we, you know, touch on all of the areas. So other input?

Chuck Gomes: So I think that we're talking about right now leads right into your second question and I would say no, you don't want it - formalized operating procedures. And we've all said why already here because you need the flexibility, you need the case by case basis and so on.

((Crosstalk))

Chuck Gomes: Yes, in this document, absolutely. Now when you get to the charter you can refine that and develop it more. But so my personal response - and by the way, what I'm going to do just to let everyone know, is I'm going to write up some comments and response to your posting and submit them to the Registry Stakeholder Group for consideration. If they don't support it I'll submit them personally. But I suspect there's good chances that there would be support there.

Malcolm Huty: I mean, on that, Chuck, you know, it may be - certainly there are cases where formalized operating procedures for the particular CCWG are actually the core of the issue, yeah. It may be that there is an issue where it almost, I mean, the kind of which side of the road you drive on issue where it doesn't matter which side of the road you drive on, just that you agree about it. Yeah.

And in those - if that's the kind of problem that you have then actually really all that matters is how you're going to agree about resolving it and once you've done that you pretty much done your group, yeah. So, you know, so we certainly wouldn't it specified in this document but separating out, you

know, formalized operating procedures in particular groups may need very strong or not at all on that side of things depending on the circumstances and what the requirements are.

Becky Burr: Be in the room at noon.

Avri Doria: Thanks. Avri speaking. Wanted to offer a different thought on it. In terms of possible formalized procedures, for example, in the PDP rules for the GNSO, there are formalized charter that are specifically mentioned as here's a guideline, change them if you want to. You know, change them if you need to. But they're a useful thing to build on. And they do give a group the chance to just start up, look at these saying oh except for 3.2, yeah, this looks like to works. Why don't we use it as opposed to needing to spend the first month or two of their phone calls on doing the procedure thing.

So I actually think offering a set of possible procedures is actually a useful item to have as long as, again, it's got that caveat around it that says, use them, don't use them, change them but, you know, here's a vanilla set of procedures that might just help. Because we waste so much time at the beginning of every group...

Becky Burr: Right, so an optional white label.

Chuck Gomes: So this is Chuck. And I totally agree, as you would guess, because it is so helpful to have templates or whatever. And those can be kind of formalized as long as there's flexibility with them. If I can jump ahead, because I know you're short of time, don't want to cause Becky to be late. But I think it's the fifth item up there, for implementation what should be the role of the CCWG? Should the charter template be expanded to include these details?

I personally, and hopefully it'll be the Registries and maybe others as well from the Policy and Implementation Group, from the GNSO, are going to come back and recommend that as applicable the Policy and Implementation

Working Group from the GNSO that their recommendations be included in your charter. Again, to the extent that they apply. Like for example, I suspect, I don't know, I'll let you make that decision, but maybe you don't want to recommend that a implementation review team be required for a CCWG. Maybe you will. I'll let you worry about that.

But I think those - and it's become very clear this week that those would - Avri and I were in the same meeting where it became very clear. The - those - the principles in particular but even some elements of the recommendations would probably be very good to incorporate in the guidelines that you're recommending.

Becky Burr: Yeah, and you made that suggestion when we were talking about it yesterday, GNSO ccNSO Council. I think it's a great recommendation to look at. Other comments? Questions? I have to say this has been one of the least stressful CCWGs that I've ever been involved in. It involved very few 1:00 am calls, also a great thing.

But I do really think that like the Policy and Implementation Working Group what we're building here is a tool kit that can really help the community continue to operate in the, you know, to really take advantage of the strides that we've made in breaking down silos and seeing where we're interrelated and working across groups which is a very exciting stage of ICANN's development for me and for others I suspect.

You can tell by the people who are interested in it who - the folks who have been around ICANN the longest. Okay, thanks very much, everybody.

((Crosstalk))

Becky Burr: Oh yes.

Mary Wong: Really quickly since Becky has to leave. So the public comment period is ongoing and closes on the 2nd of April. And hopefully sounds like there will be some public comments forthcoming. We've taken some notes from this session so we will take these notes back to the group as well as the public comments and the aim is to have a final report somewhere in the May or June timeframe. Just so folks know.

Becky Burr: Excellent. Thank you very much. And I would like to say thanks very much to the wonderful staff support that we've had which has probably made this the least stressful - which has surely made this the least stressful CCWG I've been involved in. All right. Thanks.

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