RySG interaction

Chuck – lack of transparency with regard to the contracting activities – newTLDs; look at the issue of contracting – ICANN staff – take those seriously (on personal basis) – “substantive involvement” – it’s pretty good, with one exception, the GAC and we are working on that – working groups – there is good participation – every one has opportunity to participate and an opportunity to review reports;

Jeff – Reconsideration or Independent Review = meaningful? 15 Reconsideration requests, all 15 denied, 1 denied but the Board put the process in place. Independent Review – ATRT1 call for an Expert Review - ASEP recommendations – gutted the Independent review – only looked at Board acting in good faith – not “did they violate the Bylaws”? – may be too late for Reconsideration; RySG – doesn’t matter if it is policy or implementation – should still go through the bottom up process. Board was of the view that CEO is responsible for implementation. There will never be a bright line between policy and implementation. Should be a third term “execution.” Execution is job of the Staff. Policy and implementation are part of bottom up process. Question from Alan – If there is no way to review the substance, then ICANN is accountable to no one. What happens if the Board gets something wrong?

Ken – concerns about the Comment process over the last year – statistical analysis comments come in in the last few days of the comment period; instances of ICANN moving forward before comment period closed.

Chuck – Q.11 – RySG does review Board decisions – sometimes agree; sometimes disagree (e.g. unilateral right to amend)

Question #2 – effectiveness of cross community deliberation

Policy v. implementation – WG Charter – GNSO decides who participates?

There is an opportunity to participate. PDP initiated and Working Group is formed – request goes out to the ACs and SOs the GAC, the ALAC inviting participants to the Working Group. Impacted parties in the case of IGOs (Red Cross). ALAC’s participation – they regularly provide a liaison that report back to the ALAC – have done a very good job. Facilitated ALAC participation in the process. Liaison with the GAC didn’t work out. Efforts to try to enlist impacted parties – sometimes successful, sometimes not.

Jonathan – GNSO document provided to the GAC that shows the specific opportunities for where the GAC can participate. Asked GAC for its view. IGO – WG trying some new approaches that may work

Becky –RySG – ATRT1 – accountability mechanisms – sat on recommendation until August 2012 – picked a panel, little attention from community, meeting in Toronto lightly attended, gutted the standard of review. Will send an overview to ATRT2.

Jonathan – liaison works for some not for others

Chuck – ALAC liaison works because they regularly participate – they don’t just attend meetings; they provide feedback back to the ALAC and the RALO community – they really provide a liaison function.

Jordan - it is incredibly unclear today, no predictability about the process (other than Consensus Policies). No catalogue of GNSO policies that exist; no process definition. Need to have definition. Perception that it doesn’t work well or that issues get pushed into the PDP because you don’t want anything done. Predictable repeatable process – not just the PDP. Other processes.

Jeff – notion of “execution” in addition to policy and implementation (e.g. Transfers – porting domains between registrars; implementation = defining the mechanics of how to do it. That is being done by the bottom up process. Execution is then in the hands of staff – put language into contracts, start date, notice to registrars, compliance efforts etc.

Jonathan – feedback/iterative loop has to take place – suggestion that shouldn’t be sequential, should happen in parallel

Avri – how does creating an extra process accommodate the multi-stakeholder process?

Larry – since the GNSO controls the scope of the PDP, why is this an issue? Why aren’t they being dealt with in the PDP?

Jeff – it is in the PDP.

Larry – what is the environment wherein someone says “we can’t go any further.” Don’t go further in the PDP. Then asked why didn’t you deal with this implementation issue.

Jeff – can’t see every issue. newTLDs there were a number of issues that arose later. If they come up, should go back to PDP group.

Jordan – Policy v. implementation - time when process goes from GNSO and community hand over to Staff; Staff thinks about how will this work on the ground? Utility in moving through phases in this instead of spending time on policy – implementation sorting.

Chuck – every PDP is not the same; easy to draw lines on some not others; depends on how much implementation detail is given in the PDP. At implementation, depends on how much detail is provided. Sometimes it’s not easy to get the right people involved in a PDP process. newTLD process was general by design;

Jonathan – learning from newTLD process – greater awareness; will be better focus going forward.