TRANSCRIPT

Framework of Interpretation Working Group Telephone Conference 5 June 2014

Attendees:

ccNSO:

Martin Boyle, .uk Becky Burr, .us (Vice Chair) Keith Davidson, .nz (Chair) Chris Disspain, .au Stephen Deerhake, .as Daniel Kalchev, .bg Desiree Miloshevic, .gi Eberhard Lisse, .na Patricio Poblete, .cl Nigel Roberts, .gg Bill Semich, .nu Dotty Sparks de Blanc, .vi

Other Liaisons:

Maureen Hilyard, ALAC Cheryl Langdon Orr, ALAC

Staff Support and Special Advisors:

Jaap Akkerhuis, ICANN / ISO Bart Boswinkel, ICANN Kim Davies IANA Kristina Nordström, ICANN Bernard Turcotte, ICANN

Apologies:

Suzanne Radell, GAC

Kristina Nordström: -- (Inaudible). From the ccNSO we have Martin Boyle, Becky Burr, Keith Davidson, Chris Disspain, Stephen Deerhake, Eberhard Lisse, Patricio Poblete, Nigel Roberts, Bill Semich, Dotty Sparks de Blanc. And from Liaisons we have Cheryl Langdon Orr. From Support and Special Advisors we have JaapAkkerhuis, Bart Boswinkel, Kim Davies, Kristina Nordström, and Bernard Turcotte, ICANN; and apologies from Suzanne Radell. Keith Davidson: Hey. We have a good attendance today. Is there anyone on the call whose name wasn't mentioned? Has anyone else received any apologies? Okay. Let's move straight onto item two on the agenda, and its further discussion the final report. (Inaudible). Thank you, Cheryl. (Inaudible) if you haven't supplied (inaudible). Can I just comment -- Nigel made a comment on the list saying, yeah, the idea that we had disputed, it was not kind of the most appropriate terminology, and I apologize for that, I think in my haste I probably used names of (inaudible), and coarseness, and suggested that it was disputed, too, (inaudible) would just add that I'm agreeing with you. So if we work through today I have little doubt that we'll reach agreement on all the outstanding groups, and have it so that there will be no disputes for -- being eternally an optimist and hope that we can get there. Anyway can we proceed and work our way through the draft and so speak to the texts that haven't been fully agreed yet. So Bernie, do you want to take us through? Bernard Turcotte: Yes, sir. As discussed, we won't bother with the Executive Summary, because that gets written once we agree with the rest. Bart's introduction was okay. I didn't make the minor edit for the IANA operator as suggested on call. I think that was the only thing on this section. So we will dive into the meat of the subject, the interpretations, on Section 2, we had the question about assigned, it's not a question, it's not agreed. I think we all, generally, agreed that maybe we would do a minor edit if it could be worked out, and we just haven't had time to work on that part yet. But it is flagged, and we will continue looking at it. The next text is Section 3.2, second major bullet, where last time there was concern with the last two sub-bullets. The IANA operator will seek approval for the request from the ICANN Board if it meets its requirements, and the IANA operator will seek approval from the appropriate parties, currently USG/DoC. Now, Becky and I have had a chat about this, we really couldn't (ph) take out all the subbullets, it would really not make any difference, and we would just leave -- I see your hand Bill -- we would just leave for further clarity. The IANA operator should describe in detail those parties -- to those parties what steps they will or may take in response to those parties' affirmative consent. So we tried to preserve the notion of IANA has to tell the people who are consenting what will happen if they do consent. Now this is still creating too much grief, I believe Becky and I agreed that we can just completely take it out. Over to you, sir. Keith Davidson: Yes, Just a few things. Chris is saving that he doesn't have control over the document. and nor did I, so it's scrolling automatically as we scroll it, so if we could have that that fixed, please, Kristina or Bernie? I see Bill has had his hand up, and I'll go to Bill in a moment, but just noting, Patricio noted somewhere in the stream, that the GAC precept was translated, rather on GAC principles. So if you could just note that one. And Cheryl noted that more in -- more the entire Board joined the call at (inaudible); and if there's any other scroll controller notes; so all should be well. So, over to Bill, please?

	Oh. And just noting that Daniel Kalchev has joined the meeting too.
Bill Semich:	A couple of questions, Bernie. I'm a little confused in terms of the two documents you sent out. How are these two documents related in terms of what we are going to be discussing now, and what we are discussing how? That's one question.
Bernard Turcotte:	All right. The two documents are the latest version of this final report which we are looking at right now. The second document was a highlighted version of the SIP publication document that we had published, and that's relating to Sections 5 and 6. And as I said in the email, trying to incorporate in a cut-and-paste operation, the text from SIP into that, I thought would make it quite long. So I preferred to send along the SIP document, and when we get to Sections 5 and 6, we can refer to that document. Does that answer your question?
Bill Semich:	That answers that question. The second question, assuming we are somewhere around page 4 of you have marked as Version 1.1, that PDF on the screen?
Bernard Turcotte:	Yes, sir.
Bill Semich:	Every time we have this call I bring this up. Section 1 of document, near the bottom that says, "On interpretations of the policy statements," and every time we see that (crosstalk)
Bernard Turcotte:	Oh. That's my fault. Yes no, that's my fault I missed that one.
Bill Semich:	And if you go further down after the scope, its policy statements, and so on and so forth.
Bernard Turcotte:	Yeah, yeah. No, I'm sorry; I tried the recording (crosstalk).
Bill Semich:	Every time we've talked about it, and you've said, "I'll fix that next time." Is there going to be another next time?
Bernard Turcotte:	I will fix it, I promise. My fault; I take the blame for that one.
Bill Semich:	Okay. I'm going on mute.
Bernard Turcotte:	Okay. Thank you, Bill.
Keith Davidson:	Bill, I'll make sure Bernie gets through to (inaudible).
Bernard Turcotte:	I've written it in big letters in my notes: guidelines and Bill.
Keith Davidson:	Okay. And I note Desiree has joined the call. So please, continue Bernie.
Bernard Turcotte:	So are we okay with truncating the three sub-bullets, and changing the paragraph to simply ask you know, requiring that IANA make clear to whoever is consenting to transfer, what can and will happen?
Keith Davidson:	I think there is no one seeking to speak against it, so let's regard the alteration as okay and regard that as
Bernard Turcotte:	I would ask Martin specifically, because he had problems with the last two sub-bullets. So, are you okay with this format, Martin?
Keith Davidson:	Martin appears to have dropped off Adobe Connect.

Bernard Turcotte: All right. Well then, not hearing anything else, Cheryl did agree (inaudible)--

Keith Davidson: I see Cheryl -- and you all agreeing, so please, continue.

- Bernard Turcotte: Thank you, sir. Our next point is 3.3, what was brought up at the last meeting was that we were talking about the fact that re-delegation is really a transfer, and we described that, but we really did not address what an un-consented re-delegation was replaced by, which was a good catch. So, here in track changes, we've got the addition to deal with that, which basically says: and that the use of the term un-consented re-delegation also be dropped in favor of revocation followed by a delegation. That matches the other language that we have, and addresses that last part which was a good catch last time, I think, maybe from Patricio or Eberhard, I'm not sure. So, we'll be glad to take comments on that one.
- Keith Davidson: I see Nigel is indicating a tick, and so is Stephen and -- it doesn't appear to -- and Patricio, and nobody is seeking to speak. And so is Eberhard agreeing. So I think we have agreement. No one is taking the floor to speak. Thank you. And please continue.
- Bernard Turcotte: All right. Thank you, sir. And moving along. 5.1, this is where we get into the SIP document. So what we'll do is we'll go over the text that was a little bit under discussion, or raised some concerns at the last meeting, and we will then drop out of this document and go to the original SIP text, to understand what it was saying. So, in Section 5, it was the Section 5 header, seems to be fine, which was talking about the definition of Significantly Interested Parties, the addition of manager in there, has survived the last two meetings. I think that's all very good. So 5, itself, is locked in, and we are good.

The one that seems to raise the concern was 5.1: the FOI Working Group interprets the requirements for approval from Significantly Interested Parties, Section 3, from (inaudible) RFC 1591. To require the IANA operator to obtain, evaluate and document input from Significantly Interested Parties, for delegations in transfers.

So as mentioned when we originally got this text, this went through a major edit to cram it all together so that it sort of fits in this version, and we will -- I'm going to try and talk about 5 and 6 at the same time, because we have to take this document off the screen, and then we will go to the SIP document and see the original text that we have.

So here, I think the key point is to require the IANA operator to obtain, evaluate and document input from Significantly Interested Parties for delegations and transfers. 5.2 and 5.3 seem to be okay, and unless someone had something right now, we will say that the (inaudible) is being considered, with potential issues is 5.1.

Under 6, again the definition in 6, for stakeholder seem to carry through as it did in our original work and did not raise any question, but because we used the same principles as in 5 under 6.1 and 6.2, we have the same questions which is why we are dealing with these, as a block.

6.1, the FOI interprets the requirement for interested parties to have some voice, Section 3.4 of RFC 1591, to require the IANA operator to obtain, evaluate and document input from stakeholders, or delegations.

6.2, the FOI Working Group interprets the requirement for concerned or affected parties, and transfers, to communicate the IANA -- what the IANA operator, Section 3, 6 RFC 1591 to -- well, maybe needs an adjustment there, my text is a little small. Require the IANA operator to obtain, evaluate and document input from stakeholders for transfers, so we sort got that split up because the requirements were slightly different between delegations and transfers.

	So I think you see the mechanics, and where they are similar, and basically what we will do now is we'll put the final document on ice for a minute, and we will go back to the original SIP text on that, if there are no other points before we leave this document.
	Going once, going twice. Okay. So, please be patient with me, I'll see if I have the recently-shared whoops oh, come on. Yes. Here we go. All right, so everyone should have the document on their Adobe screen, which is called Draft Interim Report, Significantly Interested Parties. Now, what I've done is I've gone through this, and we won't read the whole thing, I don't there is any need to, the section that is of interest is the recommendations, and I believe I've highlighted it. So we'll just go down to that part, yes. Okay.
	So, let's bring that because I don't have my glasses. Yeah. Now I can actually read it. Okay, so the first part is, IANA should undertake the steps necessary to implement the following interpretations of policy, definition of Significantly Interested Parties and sub- points. Those are the things that we saw and did not seem to cause any heartburn, so we are as far as I'm concerned, unless someone is raising something relative to that now, we won't go into that part. The part of interest versus the recommendations that have been made in 5.1, 6.1 and 6.2, I believe, are contained in these parts, and we'll go through them in detail, and you'll understand the significance of the edits, we tried to cram everything into this.
	So, applicants should be encouraged, 1.2 on the SIP document, if you are not following in the Adobe room. Applicants should be encouraged to provide documentation of the support of stakeholders for the delegation, re-delegation or revocation requests. But IANA should also provide an opportunity for stakeholders to comment on the request via a public process. These requirements should not modify or eliminate the rights of any designated manager existing prior to the adoption of RFC 1591. And stakeholders is used here to encompass Significantly Interested Parties, blah-blah.
	I see Bill has a question, so up to you.
Bill Semich:	Can I ask why you're using the word re-delegation rather than transfer?
Bernard Turcotte:	Yes, you may. And the reason we are using that is because we published this before we finally agreed to that, and I'm just using the official version of what was published for the public consultation, which was part of the reasons we needed edits when taking it into the final document.
Bill Semich:	I'm a little adrift here. So are you saying, okay, now you are going to fix this? Or, what's the purpose of reviewing this?
Bernard Turcotte:	The purpose of reviewing this, is there were concerns about the points we just finished in the other document; 5.1, 6.1, 6.2, and the point I'm doing here, is I'm quoting the original agreed-to-text from SIP, which I use to derive those points just to make sure everyone understands where they come from, and to see if there are still issues, or if we need to make some changes.
Bill Semich:	So, personally, it would be good for me if I could see a copy of the relevant section of the document that you are proposing that this applies to, as well as this document.
Bernard Turcotte:	Yeah, I don't think we can do that in Adobe, is part of the problem, and so I'm not sure how I could best accommodate you. So what I'm proposing right now is we'll just go through it, and then we'll go back to the other text. I'll put it up on another screen for

	myself, and if you have questions, I'll read it off. I think that's about the best I can do right now, unless I go and share my screen.
Bill Semich:	Well, I (inaudible)
Bernard Turcotte:	Eberhard is
Bill Semich:	copies that you sent to me, which I can open and scroll down to a particular page and section myself, if you just were to while you're discussing this section, 1.2, perhaps refer to that other document section so I can back and forth, you know, just with my tab here.
Bernard Turcotte:	Okay. Well, in the SIP document we are talking about recommendations 1.2, which is what's up on the screen right now.
Bill Semich:	And then I can
Bernard Turcotte:	Okay. Section B
Bill Semich:	FOIWG, Version 1.1 PDF, where do I go in that to see how you are referencing it. Do you know what I mean?
Bernard Turcotte:	5.1, 6.1, 6.2 under section of recommendations.
Bill Semich:	Down at the bottom here.
Bernard Turcotte:	And those points in the final document refer to, in the sidebar comments; that they are referring to the SIP document, public consultation.
Bill Semich:	All right, I'll work on doing that.
Bernard Turcotte:	All right.
Bill Semich:	Yeah.
Bernard Turcotte:	You're welcome. Eberhard. If you are speaking we are not hearing you.
Eberhard Lisse:	Can you hear me now?
Bernard Turcotte:	Yes, sir.
Eberhard Lisse:	Okay. All documents did sort of from now on, we'll use the word transfer instead of re- delegation. Am I correct in that?
Bernard Turcotte:	All new documents from this point on, we'll use transfer, unless we are describing it as in Section 3.3 to explain why we don't use re-delegation anymore. That is correct. Thank you, Eberhard.
	Bill, your hand is still up, I'm guessing that's just waiting to go down. Thank you very much, sir.
	All right, so as I said, we'll go through Section 1.2 in the SIP document, and then we'll go back to Section 5.1, 6.1, 6.2 in the final report. All right, applicants will be encouraged to provide documentation in support of stakeholders for the delegation, re-delegation or revocation requests. But IANA should also provide an opportunity for stakeholders to comment on the requests via public process. 1.2.1 (ph): these requirements will not

modify or eliminate the rights of any delegated manager existing prior to the adoption of RFC 1591, I think we are all good with that.

Stakeholders, is used here to encompass Significantly Interested Parties, Interested Parties, and other parties referred -- referenced in RFC 1591. And I think that's fairly standard language, and we are all good with that, which is why it was accepted in here. And we've seen basic sub-pieces of that in the text, in the final report.

One, two, three, classification and input. IANA should develop, publish and document its compliance with procedures for consideration of input from stakeholders, taking into account the nature of the commenting parties' interest in the delegation, transfer, unconsented re-delegation, revocation and operation of the ccTLD and the relevance, substance and weight -- and such input, the classification should be based on these FOI Working Group's interpretation of Significantly Interested Parties. This classification must also take into account, 1.2.3.1. In the case of the delegation, Significantly Interested Parties should agree that the designated managers for the appropriate party, and that other stakeholders have some voice in selecting the manager.

In the case of transfer, stakeholders input should be considered and taken into account. IANA reports on delegations transfers and revocations should reflect consistent application of these FOI Working Group recommended guidelines, and should include detailed results of IANA's evaluation, of stakeholder input regarding the request of action. IANA (inaudible) managers request to reform the GAC, ccNSO, at each meeting. Those things were all the things that we dealt with at the bottom, and really are not relevant to 5.1, 6.1 and 6.2.

So I think we are sort of clear on where we are here, that we were asking IANA to provide some mechanisms, and to classify the input and report on this, when they considering -- when they are doing delegations, transfers, and revocations. Now, before we go back to the text, in the final report, I'll take some questions. I see Stephen. Stephen?

Keith Davidson:	Stephen, you are on mute.
Stephen Deerhake:	I put my hand up accidentally it looks like.
Keith Davidson:	Okay. I'll put it down for you.
Stephen Deerhake:	Okay. Thanks.
Keith Davidson:	Okay.
Bernard Turcotte:	Anyone else?
Keith Davidson:	Bernie, can you hear me? Hello?
Bernard Turcotte:	Yes, sir.
Keith Davidson:	Well, you can hear me? I'm having real trouble with audio today, I don't know why.
Bernard Turcotte:	I'm hearing you I'm hearing you very well, Keith.
Keith Davidson:	Excellent. Okay. I think the main issue was from last week was possibly Martin, or if not it was Eberhard, but it was around the word obtain. I think we go into a great deal of detail here, but the issue on the new (inaudible) was that IANA should obtain this input, and there was some conjecture that IANA shouldn't be speaking together, they should

	merely have a vehicle by which it could get it, but please feel free to correct me if I'm wrong. And I see Martin has his hand raised, so he might want to clarify that. Martin?
Martin Boyle:	Yes, Keith. I did raise that because I remember that we had had a discussion about this when we were talking about Significantly Interested Parties, and I thought again was assuming that that's telling IANA to obtain this input itself, was a little bit excessive. And that, in fact, it should be the people who are putting in the request who should be consult their local stakeholders and reporting on it. And there was also, then, the opportunity for stakeholders to comment on the via public process a public process. And when I look at the 1.2 which was on the screen, that's exactly what I think it says.
	That the applicant should be encouraged to provide the documentation, but IANA should also provide an opportunity for stakeholders to comment via a public process, and it's that I think, perhaps, the words that's been going into 5.1 and 5.2 5.1 and 6.1 without putting an obligation on IANA. That IANA could be in a position to carry out. Thanks.
Keith Davidson:	Thanks, Martin. I think that does clarify it. So the conjecture is still around the word "obtain" rather than any of the rest of the intent. Anyway, Bernie, back to you.
Bernard Turcotte:	So, if there was confusion it should be heaped upon me. I apologize. In trying to smash all of this together in a format that fit the text that we find in the final report, was mine, which is why I explained this every time we've gone through it. So, I'm perfectly happy to give it another shot in taking an approach that is very close to what we've got in 1.2, if that will make everyone happy. But before we do that, let's go back to what we've actually written in 5.1, and what I've written in 5.1 and 6.1, and see if that sort of matches, all right.
	So, 1.2, just one more time before we leave it. Applicants should be encouraged to provide documentation for support of the support of stakeholders for delegation, re- delegation, or revocation requests. That IANA should also provide an opportunity for stakeholders, and we define stakeholders to include Significantly Interested Parties, to comment on the request via the public process.
	All right, so give me an instant here, and we'll try to bring back the document we were looking at a few minut4es a go, and I think it's this one. At least, I'm really hoping it's this one. I'll just go back up, just to make sure. No. I don't think that's how.
	Kristina, do you know what it's called? Because it doesn't seem to be called the same thing?
Kristina Nordström:	I'm so sorry. Okay, do you want the other document?
Bernard Turcotte:	Yeah. The document we started the call with.
Kristina Nordström:	Okay.
Bernard Turcotte:	There's a bunch of documents there but they don't have the same name.
Kristina Nordström:	l think l don't
Bernard Turcotte:	0.45 No. That's not the one.
Kristina Nordström:	Okay. Look at the current one.
Bernard Turcotte:	Ah. Okay. I think that's No. This is the that's the Significantly Interested Parties we were just trying to leave. The document we were looking at before that.

Kristina Nordström:	Okay. Well, that should be Oh. Okay. I see now.
Bernard Turcotte:	Ah. Okay.
Kristina Nordström:	It should be this one.
Bernard Turcotte:	Yes. That is the one. Okay. Excellent! So 5.1, the FOI Working Group interprets the requirement for approval from Significantly Interested Parties, Section 3.4 (ph) of RFC 1591, to require the IANA operator to obtain, evaluate and document input from Significantly Interested Parties for delegation and transfers. All right, so I guess
Keith Davidson:	Yes. Martin's conjecture of this that the evaluation and documenting of input is quite appropriate, it's a word obtained that IANA the IANA operator shouldn't be seeking to actually obtain, that should be gathering or elucidating, or some other word, but it's not there's no obligation on IANA to go out and seek input.
Bernard Turcotte:	Well, the reason it ended up being like this, just so unclear, I was trying to be ambiguous here, and I probably failed to do what my objective was. My objective was, give flexibility to IANA if a requester is providing great input, then IANA has obtained the input. If there is no input coming for whatever reason and input is required, then it would leave IANA the room to try and obtain some. So, this was my great, hidden purpose here, and I seem to have caused concern with the word "obtain" which I sort of understand that we discuss it. Bill?
Keith Davidson:	Well, just looking on the chat, before you go to Bill, I see Chris suggested the word "seek" rather than obtain. I don't know if that would satisfy Martin's concerns. So let's hear from Bill (inaudible).
Bill Semich:	I would add a little more, as you might say, depth and substance to that word, by instead of saying obtain, to say something similar to or perhaps exactly say: solicit, receive and evaluate, and document. Yeah. Solicit, receive, evaluate and document, instead of obtain, that's my proposal. Anyway, I think we do have to put it on and then go out of our way to get these things.
Keith Davidson:	Okay. And, Martin?
Martin Boyle:	Thanks. I'm struggling to know why we can't go to the text that we had already agreed in the 1.2 of the Significantly Interested Parties, so the text in 5.1, for example, would read: the FOIWG interprets interprets the requirement for approval from Significantly Interested Parties, to require or to encourage applicants to provide documentation for support of stakeholders, and for IANA the IANA operator to evaluate and document this input. So it essentially word wording like that that draws on the already agreed, because as it stands, just adding more words to this paragraph, I'm not sure necessarily makes the thing any clearer, because you've still got the where it is where does the onus lies to collect the evidence, and in my mind the onus should be on the requester to show that he has been consulting the Significantly Interested Parties. Thanks.
Keith Davidson:	That sounds to me like the perfect wording. Thanks, Martin. And does anyone have any issues, and did you get that all the way through, Bernie?
Bernard Turcotte:	I did, sir. And that's essentially what I was proposing when we were in the SIP document. I can adjust the three bullets relative to that, and I think that would be fairly faithful to the text we had as agreed text in SIP. You know, hopefully, resolve the issues here.

Keith Davidson:	Thanks. Becky is just asking, Martin, if you could write out that text, maybe, in the chat room, by showing some judicious (inaudible). So we'll keep an eye on that on the way through, if you have a chance to do that, Martin.
	Okay. Is there anything else on
Martin Boyle:	Oh, sorry. I was just, in fact, to note that I did that off the top of my head, and it's probably going to be safer to go and just extract the wording from the transcript, when the transcript is available.
Keith Davidson:	Fair enough. Thanks, Martin. Okay. Back to Bernie.
Bernard Turcotte:	Thank you. So, if we are going to do that for 5.1, 6.1 and 6.2, that that would take care of those points. So we will come back with the text as per that, for everyone to actually have a look at. All right, our next point was eight, and I believe it was Eberhard last time that had an issue with this text. We'll read it and then this was not too long to cut and paste, so I went and got the original text, and we can compare those, looking at both, pretty much, on the same screen, I hope.
	The FOI Working Group interprets the requirement that the Manager serves as a Trustee for the delegated domain, with a duty to service the nation in the case in the case of a country code, and the global Internet community, Section 3.2, RFC 1591, to require the manager to (1) provide mechanisms to allow for Registrants and Significantly Interested Parties to provide input regarding operational policy to the manager. And (2), to preserve the security and stability of the ccTLD. And (3) to work with the IANA operation to preserve the stability and security of the global DNS Internet.
	Now, the thing that seem to concern Eberhard when we were walking through this last time was the first point, to provide mechanisms to allow for Registrants and Significantly Interested Parties to provide input regarding operational policy to the manager.
	And I see Stephen has his hand up, I was actually going to ask Eberhard if I got that right. Eberhard, you get the first go at this.
Eberhard Lisse:	Yes. Can you hear me?
Keith Davidson:	Yes.
Bernard Turcotte:	Yes, sir.
Eberhard Lisse:	Okay. I don't want to renegotiate everything, but I don't (inaudible) in the RFC to say this. I can live with if we remove the word (inaudible) I can live with regarding policy, but I cannot live with operational (inaudible)
Keith Davidson:	We just lost you, Eberhard. But I see the issue. Eberhard's issue of, he doesn't mind if it's said, input, regarding policy to the manager, but doesn't like the word "operational" being there. (Inaudible)
Eberhard Lisse:	Can you see it in the chat room?
Bernard Turcotte:	Yeah.
Eberhard Lisse:	Can you hear me now?
Keith Davidson:	Yes. We can hear you now.

Eberhard Lisse:	Yeah. We need to remove the word "operational" it opens a lot of doors, your local situation by waving this document around to attack the local managers, and we must have overlooked it initially, but I would not have stood for it (inaudible) my attention. So we really need to remove this.
Keith Davidson:	Okay. Quick comments from Stephen and Nigel. I see Bill suggesting that he is agreeing with the deletion of the word operational. So, Stephen?
Stephen Deerhake:	When we are done with this, come back to me, because it's not directly related to this, it's all its work up in Section 8 proper.
Keith Davidson:	Okay. Nigel?
Nigel Roberts:	Okay. Well, no, I don't think we should remove the word "operational" I think we should remove it all. I don't see anything in RFC that we are interpreting that produces anything like this, and this is a stepping of the line into creating new policy. It strikes me that the 4.3.2 purports to interpret the manager as well as the trustee for the delegated domain, with a duty to serve the nation in the case of the country code, and the global Internet community.
	There's nothing in there that says it should provide mechanisms for Registrants and Significantly Interested Parties to provide input regarding any kind of policy. I mean, we all know that it is good practice that we have ways of getting policy advice from all of the Internet community or the Significantly Interested Parties, but I don't think there's anything in RFC 1591 that says it in those terms, so I don't think this is helpful, I think the whole thing should go.
Keith Davidson:	Okay. Thanks, Nigel. Chris? Chris, you are on mute.
Chris Disspain:	we spent Can you hear me?
Keith Davidson:	Yes. We can now.
Chris Disspain:	We spent a very, very long time coming back (inaudible), and I remember huge discussions about indictments, and the manager, say, the trustee and so on. I really do think that removing the whole paragraph would mean having to go back and check everything in the document to make sure that it doesn't have any flow-on effects, and so on. But no issue whatsoever in removing the word "operational" and I think (inaudible) to accept that and move on.
Keith Davidson:	Yeah. I'm in reasonable agreement with that proposal, that looking at the quoted text below, that's highlighted in yellow, there's if we remove the word operational there's nothing inconsistent with that. In actual fact anyway I see Stephen still has his hand held for something else. Nigel has been has his hand re-raised, I mean so, Nigel first. Oh, Nigel has got a green tick as well as his hand raised. There, he's suggesting agreement with that. Martin?
Martin Boyle:	Yeah. Thanks. When I look 4.3, 2.2, the wording actually does include operational policy, so it provides mechanisms for live Registrants and Significantly Interested Parties to provide input of (inaudible) operational policy. So manager as a fact, the wording in the paragraph that is above, does seem to have taken quite as a result all of 4.3, 2.2. So, just at this stage, deciding that you want to remove a word that was already agreed, so then leave us without saying: well have we actually got that consistency with the original text that we agreed? Unlike Chris, I seem to remember spending many a jolly evening discussing this.

Nigel Roberts:	And I'm sorry to interrupt everybody. Martin, I just want to clarify before we go off on a tangent. I'm comfortable to take the word "operational" out, I am comfortably to leave it in, but I understand Eberhard's point. The point that he's made very clearly that it slipped by him, and he's very, very uncomfortable. I don't think taking the word "operational" out makes a huge difference, but I do think removing the clause itself makes a huge difference. So, I just want to make sure that you are clear on what I just said, rather that everybody is clear on what I just said, rather. Thanks.
Martin Boyle:	Yeah. But can I make sure that you are clear on what I've just said, that I'm quite comfortable having the quotations from the earlier text. I'm actually also quite comfortable with the idea of removing the word operational, but I think we do need to go back and revisit that earlier text to make sure that it does stay consistent. And then actually agree to remove it out from the Significantly Interested Parties text. I don't think we can quote verbatim and then just drop one word from it, because then we have big questions about why did we drop that one word.
Keith Davidson:	Okay. Eberhard, over to you.
Eberhard Lisse:	Sorry I as I said, don't actually recall any major discussion about it. I don't want to (inaudible) if we can remove the word "operational" and have it aside, then we can move on. If I had if it had come to my attention (inaudible) and Nigel's position that we need to remove the whole (inaudible), but this the paragraph, if we remove the word operational, and therefore that's what I propose.
Keith Davidson:	Okay. Look, I think Martin has indicated that he's not exactly (inaudible) to live, but can live with dropping the word operational, so on that basis, two speakers in the queue. Chris, then Martin. Chris? No. Chris isn't on the floor. Martin.
Martin Boyle:	Yeah. Sorry, I obviously wasn't as clear as I thought I was. I don't actually have a problem with removing the word operational, off the top of my head, my point though is, that we need to go back and revisit the Significantly Interested Parties document, to make sure that it is removed from text as well. I feel uncomfortable having something that is a quotation from the document, that then just sit random and without explanation, drops the word, and it is that bit that's that bit that concerns me.
Keith Davidson:	Oh. Okay.
Martin Boyle:	So, if we are removing operational from 8, here, we need to understand the consequences and remove the word up from 4.3, 2.2., of the Significantly Interested Parties text.
Keith Davidson:	I think the difficulty with that, as that has been text that's been through a public consultation, so that's finally agreed sort of text, so I think it would be more consistent to stay with operational policy in 8, than to go back and change 8, and that's that document on that basis. Chris?
Chris Disspain:	One way of dealing with it would be to take the word operational out, and put in a footnote that simply says, no, following discussion of the FOI Working Group, you know, there was a small change from the original document, and I don't have any problem with that. I take Martin's point that it might be sensible to, at least, work from just the fact that we've made a change. But just a simple word point might work I'm sorry, footnote, might work.
Keith Davidson:	Okay. Thanks, Chris, that's a potential solution. Eberhard, do you before I hand over to you , do you think you could look what operational policy, since it was in the original-agreed text? Over to you , Eberhard.

Eberhard Lisse:	I'm not I'm willing to die in the ditch on this, this is a major point.
Keith Davidson:	But point of
Eberhard Lisse:	This operational policy has slipped by. Had it come to my attention I would have never we must find a way, and preferably a noiseless way of removing (inaudible).
Keith Davidson:	Eberhard, would you be happy if we did what Chris just suggested we refer we drop the word operational, but add it on as a footnote in that, on the original text it said, operational policy.
Eberhard Lisse:	I wouldn't be happy with it, but I will not die in a ditch on it.
Nigel Roberts:	Keith.
Keith Davidson:	Hello? That's sounds like Nigel. Was it Nigel?
Nigel Roberts:	Keith? Yeah, sorry. I'm here.
Keith Davidson:	Yes?
Nigel Roberts:	I don't I think we are getting too hung up over process. We may have gone through this in a different part of the documents, even one that's gone out to public consultations in the past, but we are not proposing major surgery, and our final report consolidates everything that we've done. And I think we can easily leave the word operational throughout out final report before that final report is finalized. Personally, I think the whole thing needs to go, as I said earlier, because there is nowhere in RFC 1591 that this is any language that I can construe this to mean, but I'm happy to go with the flow and do what Chris suggested and just drop the word operational. But let's not get too hung about this, about what might have gone on in the past, let's just do it. Make the edits and put it in our final report this way.
Keith Davidson:	Okay. Eberhard, I'd you want the floor again, or is your hand still up?
Eberhard Lisse:	Yeah. I've just I've just lowered, but I support what Nigel is saying.
Keith Davidson:	Okay. Thank you, Eberhard. So I think we have some compromise there. So, Stephen, do you want to comment on this, or is this the new point? Stephen?
Stephen Deerhake;	Let's try that again. Back to this operational policy issue question. If we drop "operational" from it, so it just reads: regarding policy, that doesn't exclude operational policy from being inputted to the manager, so I don't see it that there is any downside to dropping operational out, I think it should go. I don't think it's consequential.
Keith Davidson:	Okay. Thanks, Stephen. Any further comments? (Inaudible) to you oh, Bill Semich. Bill?
Bill Semich:	Yeah. Stephen's comment raises an interesting point, and I would like Becky's opinion. I suspect that the operational the word operational may have been put in there in order to limit the type of policy that input could be accepted under, and it's possible that maybe another word that could be put there, but you just say policy, it could be any policy. Pricing, whatever. Again, I think Nigel's comments that it's absolutely, no mention of this kind of activity and requirement, or even a hint of it in the RFC, is something we need to consider, and I'm suggesting we might want to just put it aside for future discussion.

Keith Davidson:	Okay. Thanks, Bill.
Becky Burr:	I'm happy to respond to that.
Keith Davidson:	Thanks, Becky.
Becky Burr:	So, I think that there's a difference between say, input into policy, versus input into operations, and I think I disagree with I think that Eberhard's concern is so if the in if the you know, every time you don't like something you bash the manager over the head about operations as opposed to policy. So I actually do think that getting rid of I mean I I don't know what operational policy is other than policy, and I do think that it's different than actual operations. I am remembering that we did have very, very long discussions about what this (inaudible) meant and, you know, it was about sort of and again, of course this only applies to ccTLD is governed by 1591 but you know, that there was a sort of general notion that, you know, the community could have input into who serves in those kinds of issues.
	So, Bill liked I think that there is a distinction between operations and policy, and I'm not and I'm comfortable with taking operational out, I don't think that that expands the scope. I think it clarifies a particular, you know, a possible ambiguity that somehow operational policy could be kind of strewed to include actual operation.
Keith Davidson:	Thanks, Becky. I'm trying to want to go with Chris' suggestion that we drop the word "operational" in 8, but add it as a footnote saying that in 4.3.2.2 we agreed, you know, that it was operational policy, and reference that there. So, as the can we have a look at that as an option, as a compromise that should appease everybody? Is there anyone who would object to that?
Unidentified Participan	t: Perhaps it's worth just mentioning, I'm fine with I mean, it's worth saying, I think, in a bullet point, you know, upon final consideration we will remove the word "operation" or the word is relevant just making a (inaudible) that was in there, it's not here.
Keith Davidson:	Yeah.
Unidentified Participan	t: Saying, you know, upon final consideration. And I'm only saying that you could put it on the basis that it explains it handles Martin's point that there is the exchange.
Keith Davidson:	Yeah. Okay. I see Eberhard is agreeing anyway. And Stephen and Becky still have their hands raised. I don't know if that's
Becky Burr:	Oh. That's a mistake on my part, sorry.
Keith Davidson:	I can put it down for you. So, Eberhard?
Eberhard Lisse:	I don't particularly like not like Nigel, I don't see the need for a footnote. What we write in our final report, and we don't need to I actually think we are spending I'm trying (inaudible) there's never been any discussion about this, as much as we are discussing it now.
Keith Davidson:	I don't think that's
Eberhard Lisse:	This is a major issue for me this is a major issue for me, and I would (inaudible) what a member is, I don't want to renegotiate the past I want to move (inaudible), and so my proposal is we leave it out and go on.

Keith Davidson:	Yes. Eberhard, I think we did go over and over this several times, I don't really want to dig back in the transcripts, but 4.3.2.2 below is agreed text, it was agreed by the Working Group and that has been through an iteration to public consultation, and it does say operational policy. So it has been agreed, and I think objecting to something that has been debated thoroughly and agreed is, perhaps, not the most useful way of us ever getting through this document.
	But back to you, Eberhard, and then to Chris. Eberhard?
Eberhard Lisse:	Chris mentioned, this has slipped by, and it's an important point, but I don't want to revisit old things, I would want I would like to try to
Keith Davidson:	Sorry, you've
Bernard Turcotte:	He's disappeared.
Keith Davidson:	Yes. Eberhard, we can't hear you.
Eberhard Lisse:	Can you hear me now?
Keith Davidson:	Yes.
Eberhard Lisse:	I want to reiterate this, it has it must have slipped by. I'm not really wanting to re-debate it, I want to move forward, I want to find
Unidentified Participan	t: Every time Eberhard is about to tell us what he wants to find, he disappears.
Keith Davidson:	This Eberhard, you are
Chris Disspain:	Can I Keith, while we get him, can I make a suggestion that might help.
Keith Davidson:	Yes.
Chris Disspain:	I think if we would, too, as a general principle, put footnotes in where we've made editorial changes, or on final considerations we made changes that wouldn't (inaudible) that would be highlighted, but rather would be another series of footnotes that would deal with changes that we've made.
Keith Davidson:	Yes. Okay. Thanks, Chris. And I see Cheryl is agreeing with that as a suggestion. Nigel?
Nigel Roberts:	Thanks, Keith. I think we are getting a little battle-weary, and we are getting to the end of the campaign. Look, it's really quite simple, everything we do up until the final report stops being addressed, final reports becomes a finalized final report is not final. I know it was agreed text, I know that we we are allowed to make a mistake and fall asleep and miss the occasional things, and because we are revisiting it in the context of this part of the report, we spotted something that for one reason or another, none of us object to removing the word operational. I told you I think that should all not be there, but I'm willing to go with the flow. So we just take it out here, we take it out in the other place, because nobody objects to us taking it out, I've heard no good reason. It's not in there's nothing RFC 1591 that this to even point to that means what we are saying here.
	particularly necessary
Keith Davidson:	(Inaudible)

Nigel Roberts:	and we are beginning to fall asleep here.
Keith Davidson:	Yes. And I think we are falling over a very low hurdle on this point. But Martin has raised the issue and does have strenuous objections, or I understood him to have quite strenuous objection to drop in the word operational without putting in a footnote, so there is (crosstalk)
Nigel Roberts:	And if Keith, if we are going to go down this road I'm going to I'm going to raise a serious objection that we are writing policy here, and it's out of scope. Point missing to the words that we are interpreting here that produces this conclusion, and I'll happily withdraw the objection. Otherwise, I object to the whole lot on that basis.
Keith Davidson:	Okay. Thanks, Nigel.
Unidentified Participan	t: So Nigel I'm sorry. Nigel, the words we are dealing are the trustee words from Section 3 (inaudible)
Nigel Roberts:	Yeah. And I can't see the (inaudible) through the words into saying this means you must do this. I can say it means that you must drink (ph) had red Ribena.
Chris Disspain:	Nigel Nigel, it's inappropriate to you know, don't try and throw the baby out with the bathwater here, it's not necessary. If we can reach to some sort of agreement that we can note text or changes, I don't think there's an issue.
Keith Davidson:	Okay, let me
Nigel Roberts:	I've already said I'll go with the flow of you said Chris. So let's not get hung up on it, let's just do it and move on.
Keith Davidson:	Well, I'm hoping we can do that. I saw Martin was seeking to speak, but is no longer. But Martin, is there a way out? Your hand is re-raised so
Dotty Sparks de Blanc:	Keith?
Keith Davidson:	Martin, is there a way we can move on?
Dotty Sparks de Blanc:	Keith, this is Dotty, I'm not on a computer, so I can't raise my hand.
Keith Davidson:	Okay. Dotty.
Dotty Sparks de Blanc:	I do not think we should create a document that has footnotes. I think we should create a document that has no footnotes and make the document say what we want it to say, because footnotes are just not appropriate to this.
Keith Davidson:	Okay. Look, I have to agree with you, Dotty. I think if we can have a clean document, it's more subjective and objective. So let's try and avoid it. Martin, back to you.
Martin Boyle:	Yes. Thanks, Keith. Really my concern comes with the fact that we've had the Significantly Interested Parties text that's gone to consultation, that's gone out, and we are now going to adopt the text here, and change it, and I have no problems in us changing it, that's not my that's not my problem, my problem is that, do you then make considerably more out of the issue by not or by hiding it, and then somebody coming in and saying, why did you say that in one place, and there's something that's slightly different in another place.

So it just seems to me, at least in the initial text that we are putting forward for essentially what will be a subsequent discussion with other parties, that we are actually indicating that we have had second thoughts and, you know, I certainly recognize your point, Keith, that this earlier document having gone through the whole process, we can't just sort of turn around and say, you know, we just make a change -- we are going to make changes to this document. And, because that would then put us back into a time to go through the approvals process again.

So it just seems to me that all the text that we produce now, the footnotes used -- (inaudible) footnotes, rather than, you know, this will be the footnote as exists in the final text, once we've actually had discussion on it. But you know, at the end of the day, you know, all we are doing it saying, it's a -- that it's the management at risk, that somebody does compare the two documents, and that there is a difference, and of course it's easier to see there is a difference when (inaudible) -- pasted the text from the earlier documents here, in nicely colored font in front of us in this document.

Keith Davidson: Yeah. I'm sort of -- I'm just not really sure where we can go with this, and we seem to have reached an impasse on what seems to be a relatively minor thing, but I'm actually, more in agreement with Martin's view, that if you drop the word operational, you are opening up every single one of your policies to input from the community including your human resources policy, and so you are inviting discussion with your registrants, and have our interested parties over what your HR policy might be, or what your business continuity policy might be, or anything else. Most find that if you confine it; that if you are using the words that can confine it to operational policy, then that seems to be the appropriate area where Significantly Interested Parties should have an input.

Anyway, I'm not seeing a way through this, and I don't know that we want to spend a lot more time on it today, but I see that we have Nigel, Stephen and Eberhard with their hands raised. So I'll draw a line on the discussion under Eberhard, so starting with Nigel, we'll work through these three and then we'll move on. Nigel?

Nigel Roberts: Keith, what you just said, is both entirely, 100% correct, and the exact reasons why we should not be saying any of this. It's open to other, and reviewing our work to find that we may have made a small misstep earlier, and to excise that misstep, I don't really think that anybody is going to be saying to us, well you said that in the draft, but in the final report, you took that out. This is what revisions do, this is what bodies like ourselves do in their final report. They spot the odd thing, we are not perfect; we let something slip by. As I said, personally my view is that we should excise this because I cannot get the construction that we are putting on this from the original words of RFC 1591 in any way, shape or form, so we should excise it in both places, and we don't need footnotes, we just do it.

Now if the mood of the meeting is against me n that point, which I think is the correct way, then I'm happy you remove just one word, but I -- my view is that it's all -- that all should go. But, Keith, you are entirely correct. That's why we shouldn't be saying that anybody has any input to any kind of policy at this point. That's not what the trusteeship thing means. There might be other reasons, like it's good practice, and everybody has done it, and so on, and it's best practice. I'm not saying they shouldn't have input to policy, I'm saying that these words don't mean that they should, so we shouldn't say that they do.

Keith Davidson: Yeah. Okay. Thanks, Nigel. Look, I didn't know, we've debated on agreed-text in the past, I'm sort of sharing your view that if we can't get agreement, then the easiest way forward is to drop it, but I think we'll be also dropping some fairly other useful points, if we did that.

	Anyway, Stephen and then Eberhard. So Stephen first.
Stephen Deerhake:	A housekeeping question primarily. Does not the entire final version of this document have to go out for public reviews for last comment?
Keith Davidson:	That's an interesting question and I guess Bart or Bernie would be in the best position to comment on that. Do either of you have a comment?
Bart Boswinkel:	I would say in principle, no, because say the way the charter was originally drafted is that we would or the Working Group would produce final reports on each of the topics, and that these final reports would then be submitted to the ccNSO, and the GAC for support or endorsement. During the process we agreed with the GAC that we would end up with say, a final report that would contain all the final recommendations. So in so you could say if you go back to the ccNSO, and the GAC after one consultation on the interim report, and they were adopted but the GAC felt uncomfortable. That's why we are going through this process.
	In principle, you could say that for each of the different Chapters you could produce the final report that contains the recommendations, and this final report is just capturing them again, so you don't need to go through a public consultation, because it will e discussed for adoption by the ccNSO and the GAC.
Keith Davidson:	Thanks, Bart.
Bart Boswinkel:	Okay.
Keith Davidson:	Stephen, I think the short answer is, no.
Stephen Deerhake:	Right. That's what I wanted to find out. Thank you.
Keith Davidson:	Eberhard?
Eberhard Lisse:	Okay. I don't agree with you, operations, human resources, management and business is not policy, it's operations. We now input into operations, that's a non-starter and (inaudible) in a ditch before this happens, seriously. Yeah? And I don't (inaudible), so not to be held to an earlier mistake after identifying it just because (inaudible) not acceptable to me even at this late stage.
Keith Davidson:	Okay. Thanks, Eberhard. I was going to draw a line under Eberhard, I see Chris has his had raised, so last comment on the topic, Chris. If we can't resolve it we'll carry it forward to London. Chris?
Chris Disspain:	Sure. Thanks, Keith. Just to I just wanted to challenge your (inaudible) effect, and I'm slightly concerned we are talking very different things here. My view is that it's critical that we do address what trustee means. We had a very, very, very detailed, long discussion over many calls, about coming up with conclusions. What we are actually talking about here, is the interpretation of the word of the word operational. If you are operating as trustee for your local community, et cetera, and I think we all agree that that's that the case, then quite clearly there should be an obligation for there to be input on policy.
	If I understand Eberhard's problem correctly, he's concerned that operational policy will be interpreted in a different way, so really, if we are uncomfortable with operational policy, and I completely get that Eberhard is uncomfortable with that, and others are uncomfortable with the word with just the word policy, then the solution is not to take the whole paragraph out, but rather to suggest an alternative description of policy, or a

	word that goes before policy, and n that basis I think just that we will need to roll it forward, get it out and let everybody think about it and come up with some suggestions. Thanks, Keith.
Keith Davidson:	Okay. I think on that basis let's see if Becky, Bernie and I can't come up with some alternate wording that might work, and let's hold that over and if we can, and get it onto the list, we will, otherwise it's a topic for London. Okay, thank you, and I see people are agreeing with that as a process. Can we move on please, Bernie?
Bernard Turcotte:	Yes, sir.
Keith Davidson:	Just before you do, too, I'm just noticing Patricio has left the call.
Bernard Turcotte:	Thank you, sir. All right. We are actually getting the recommendations here because we are all the way though. Here we've got, some text, one of the (inaudible) sections was the authorities section, and actually I'm going leave this one and come back to it, unless people really object, because this one may drag out a bit like the previous one, and I'd like for us to get the other things done, because I think they are plainer and easier, or at least I hope so.
Keith Davidson:	And just before you just before you move on Bernie, can we go back to that just, could I ask people to indicate if they have a problem with it, and I'm putting up a little cross beside their names and, yeah, they
Bernard Turcotte:	A tick or a cross.
Keith Davidson:	Yeah, I see Eberhard is agreeing. Stephen is agreeing, Cheryl is agreeing, Chris is agreeing. Is there any dissent? Nigel is indifferent. I'm not seeing any objection so I think we could consider that to be accepted text.
Eberhard Lisse:	Nigel has to abstain because it's his language.
Keith Davidson:	Okay. Is Martin still on the call? I can't recall if this was one of the things that I picked up too, who knows. But Martin is here so Martin has his hand raise, so Martin?
Martin Boyle:	So, yeah. I just abstained from this because I need to read the text again. So I don't think that this was one that I originally raised an issue on.
Keith Davidson:	Okay. I think we have general agreement, but we need a second reading on that anyway, so that should give Martin some more time, and (inaudible), and so thank you, all, and please proceed, Bernie.
Bernard Turcotte:	Thank you, sir. All right, One of the heartburn sections was, Section 1 was fine, Section 2, we had some the original language was more around some stuff we borrowed from the IDN, BDB (ph) policy. Chris thought it was heavy, other people didn't like it. And so we adjusted that, and now the first bullet under 2, sort of says: the ccNSO Council should consider chartering a working group to collaborate with IANA to develop content and other tools, to educate and inform stakeholders so that IANA's processes and procedures consistent with the FOI Working Group interpretation.
	Over to you, sir.
Keith Davidson:	I see Bill is agreeing. Chris is agreeing. And any objections? Cheryl is agreeing. Any objections? Stephen is agreeing. Eberhard is agreeing. Violent agreement everywhere. Can we consider this text? Thank you, all.

	Please, proceed, Bernie.
Bernard Turcotte:	Yes, sir. The second bullet did not elicit any comments, so we are going to keep that, the third bullet rose some considerations. Becky and I went through this, given how the second bullet is now structured, we can actually strike all the third paragraph the third bullet and actually plus remove any of the issues associated with that, if everyone is okay with that.
Keith Davidson:	Any objections? I see Cheryl is agreement with striking it, so is Daniel. And people seem to be happy, nobody is objecting, so consider it struck off. Thank you, Bernie.
Bernard Turcotte:	Okay. We are actually done here, sir.
Keith Davidson:	That's the end, excellent. Okay. I note we have ICANN London coming up in a couple of weeks, and it looks to me like we might even struggle to conclude this document there, so I will work on a plan of just in case we need some calls in between . Working on a schedule of course, from July, August, September, and I remain very hopeful that we can finish this in London. I'm just noting that we have had meeting approved to go to three hours in London. So please mark from 9:00 till midday in your diaries, local time, London, on the Thursday, the 26 th June, and we'll see if we can get through it then.
	Eberhard has his hand raised, so Eberhard.
Eberhard Lisse:	Bernard. Bernard, can you just circulate a new text which has everything in black and white, and only the contentious, or the unagreed sections are marked, so that we can concentrate on that.
Bernard Turcotte:	Okay. Yes, sir. Will do.
Keith Davidson:	Okay. Thanks, Eberhard. Thanks, Bernie. Anything else? Any other business from anyone else?
	If not, thank you, all, for your participation and your willingness to compromise along the way. And let's see if we can you know, really remain hopeful that we can get this finished by the conclusion of the London ICANN Meeting. Thank you, all, and we'll see you in London. Cheers.
Unidentified Participan	t: Bye.
Becky Burr:	Thanks, Keith. Thanks. Bye.
Unidentified Participan	t: Bye.