ICANN
Transcription
Standing Committee on Improvements Implementation meeting
Tuesday 6 August 2013 at 19:00 UTC

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http://audio.icann.org/gnso/gnso-sci-20130806-en.mp3

On page: http://gnso.icann.org/en/calendar/#aug

Attendees:
Ronald Andruff – Commercial and Business Users Constituency – Primary – Chair
Angie Graves - Commercial and Business Users Constituency – Alternate
Mikey O'Connor – ISPCP – Alternate
Anne Aikman-Scalese – IPC Primary
Avri Doria – Non Commercial SG – Primary – Vice-Chair
Edward Morris - NCUC– Primary
Nuno Garcia – NCUC - Alternate
Ken Bour –   guest speaker

Apologies:
Jennifer Wolfe – NCA primary
Amr Elsadr – NCUC Alternate
James Bladel – Registrar Stakeholder Group – Primary

ICANN Staff: Marika Konings
Julie Hedlund
Julia Charvolen

Coordinator: Excuse me. I'd like to inform all participants today's call is being recorded. If you have any objections, you may disconnect at this time. Thank you. You may begin.

Julia Charvolen: Thank you. Good morning, good afternoon, good evening everyone. Welcome to the SCI Meeting on Tuesday, 6th of August 2013. On the call today we have Ron Andruff, Angie Graves, Mikey O'Connor, Anne Aikman-Scalese, Avri Doria, Ken Bour. And we have Edward Morris and Nuno Garcia standing for Amr Elsadr for the NCUC affiliation.

And we have apologies from Jennifer Wolfe and Amr Elsadr. And from staff we have Marika Konings, Julie Hedlund and myself Julia Charvolen. May I please remind all participants to please state their names before speaking for transcript purposes? Thank you very much. And over to you.

Ron Andruff: Thank you. This is Ron Andruff for the transcript. Question on statements of interest. If anyone has any change to their SOIs in - since we've last met in the last four weeks, now is the time to bring that forward please. Hearing none, we'll mark for the record that there were no changes to the SOIs on the part of any committee members.

Moving on to the approval of the agenda. I'm - I wonder if the committee will indulge me to allow us to maybe perhaps look at the working group self-assessments so that Ken Bour doesn't have to stay on the call while we work through the minutia of all the other details if we could move that up right after the approval of the agenda.

And then I would also like to suggest that the SCI charter revision has 20 minutes in it. That shall result with the GNSO Council for more work. So I'm wonder if we may take a few minutes from that.

There were a couple of elements that - a couple of new additional elements were brought forward at the wrap up session and I'm wondering if we can have Julie just go through kind of the genesis of those two issues that were noted in one of the emails that she sent through in the last couple of days. So if I don't have any violent disagreement against that.

Anne Aikman-Scalese: Ron, it's Anne Aikman-Scalese. Did you say with IPC - did you say shorten the agenda in relation to the charter or lengthen the amount of time in relation to the charter. I didn't really understand what you were...

Ron Andruff: What I wanted to do is move up the - Anne, thank you for clarifying that. I wanted to move up the working group self-assessments. We have 15 minutes

for that. Start with that first so that we can go through any issues or questions we have. I think we'll pick up a few minutes there and then let Ken go.

And then I want to - I said with regard to the SCI charter revision there are 20 minutes. I'm hoping we'll pick up a few minutes from the working group self-assessment and because the charter revision is still on the table of the Council to in terms of what's going to happen and what that charter's going to look like, I'm hoping we can take a few minutes from that, get clarification on the two new issues that were brought forward by Julie in her email from the wrap up session.

Anne Aikman-Scalese:		Are you saying take it from the time that we're going to save by putting the working group survey first or take it from the discussion of the charter?

Ron Andruff:	Both.

Anne Aikman-Scalese:		Oh, okay.

Ron Andruff:	A little of both.

Anne Aikman-Scalese:		Okay.

Ron Andruff:	I just said two new items are on there - two new issues have been brought forward. I have no idea what they mean and I thought it would be very helpful for the committee to actually get a little background and Julie can give us that. So I don't see it as being a lot of time but I just want to add those two elements in.

All right. So with that, if we could move then to the working group self-assessments. And Ken you've been shepherding that. So why don't I give you the floor for a moment or two to bring us up to speed on where you are

and how many have taken advantage of the work you've done. Please go ahead.

Ken Bour: This is Ken speaking. Well, let's see. We have - I've made a number of changes to the design based on comments received in the list basically. And so I guess I would submit to you that we are on a near final version at this point.

And as a result I went ahead for the purposes of showing you what this would really look like if somebody were in a working group and were asked to actually perform a self-assessment. I put the whole questionnaire into QuestionPro, which is an online survey tool.

I provided the link to you guys for that. However, my timing could have been a lot better because I think you all were literally climbing onto airplanes heading to Durban at that very time.

I had some hope that maybe just in the course of working your way around Durban that you might encourage one or two people that you know to go in there and just play around with the questionnaire. That does not look like it was able to happen.

But here we are subsequent to Durban. And what I would like to have you guys do is make any sort of final comments on where we are with this survey tool.

I gave Julie the link if she has it - if you - oh, there it is. If anybody has not already seen this, the link is now in the chat log. And you can go right in. There's no password or user ID required as long as you have the link to the question - the actual questionnaire. Ron...

Ron Andruff: (Unintelligible). I'm sorry. I'm sorry Ken. I beg your pardon. Julie, when I click on that link it takes me to a page to sign up. I don't know. Did others get that same...

Man: Same here Mikey. There's two...

((Crosstalk))

Ron Andruff: Yeah. So maybe we can get a better link. I didn't mean to interrupt you but I just want to make sure we can all see what we're talking about.

Ken Bour: Let me see what - let me just - hang on a second because - that's bazaar.

Anne Aikman-Scalese: Sorry guys. I - this is Anne. I'm having trouble with my Adobe Flash. We have a new system and I'm not even in yet at all. So...

Ken Bour: Oh, I know the problem. Hang on. It's my fault. Let me give you the correct link here. It's supposed to be - I basically copied the link from my login screen but that's not the one. The way you need to get to it is the link I just posted, which is scitestwg.questionpro.com. And that's what I put in the list.

          Those - because several of - Mikey, Angie, Ron and even Rob Hoggarth have all gone in and taken a tour of - some people actually went through and completed it all the way to the end and others just read it and interacted with it a little bit and then let it go.

Ron Andruff: Oh Ken, let me just tell - for those that aren't on Adobe Connect, the site is scitestwg so scitestwg.qustionpro all one word, Q-U-E-S-T-I-O-N-P-R-O.com. And back to you Ken.

Ken Bour: Right. And so if you - I don't know if you want to take time going through this on the call. Well, yeah, maybe you - yeah, we...

Ron Andruff: I would revert - I would revert to - if - Ken, if you don't mind, I'd revert to Mikey who knows this stuff really well. For my part I saw that what you've got us to is excellent. You know, so head and shoulders above where we were flailing around a month or two ago. So Mikey, may I impose on you to give your thoughts?

Mikey O'Connor: Sure. This is Mikey. I'm sort of in the same place Ken. You know, this is looking awfully good. I was sort of using the criteria, you know. Would I be willing to unleash this against a real working group? (Seems to me is) yeah. I would. And there was huge echo there for a minute. I don't know what was going on.

                 Anyway, so, you know, if you want a working group to try it on, we could try it on the Thick Whois gang. We're getting - we're within months of being done now. And, you know, I think it's ready to go.

Ron Andruff: Thanks Mikey. That's my point of view too. I think it looks really good at this stage of the game. And if you're willing to bring it into your working group for a test, I think that would make a lot of sense. Any other thoughts?

Mikey O'Connor: Well, this is Mikey again. You know, I don't know our process very well because I'm still a newbie. When we do something like this, do we run it by the Council for them to put their thumbprint on? How does...

((Crosstalk))

Mikey O'Connor: Be happy to do it but I'm just not sure that - sorry.

Ron Andruff: Yeah. Go ahead Ken please. I think I hear you in background.

Ken Bour: Yeah. I wanted to comment on Mikey's comment there. Under normal circumstances if we had this tool in and looking at the procedures that have been written, and I also call your attention that I have submitted to the list

some recommended changes to the working group guidelines and other assorted documents and the charter template.

And those are all now documented for your consideration. And then presumably we would finalize those. Now the - what would normally happen is the Council creates a charter for a working group. One of the check boxes in that process will be I want you to complete a self-assessment working group when you're done.

That has never been formalized until this time. But it now should be and can be and we've - and I've included updates so that that could be done by the - a chartering organization in this case let's say the Council.

And so now - and you say well way wouldn't they always do that. Well it may be that after some six months or eight months or some period of time and we've done this a bunch of times and the data's starting to look very common or nothing unusual is popping out.

They may just say to some working group, you know what, you don't need to do a self-assessment. We're getting that feedback and we're going to do it every third working group or sever second working group. Something like that.

So I just wanted to make the provision available that you don't have to do it every single time. It's an optional - it's an optional item that a chartering group could do. But that would be the way to start it Mikey would be the chartering organization would tick the box and say we want a self-assessment done.

When the working group gets nearer or completes their work, staff would remind the chair that they have this item to do. That would trigger a task to someone like me to set the work - to set up this QuestionPro survey and the links. And then that would be delivered to the working group members.

They would complete the survey; the administrator, in this case it might be me, would follow through and make sure that everybody had filled it out. And then when we declared that had been done, we would produce some kind of summary analysis of what the data said. That would be distributed to the working group as well as to the chartering organization.

So I just wanted to run through that quickly. In the test case to do this the very (unintelligible), I don't think we have to do anything. We're still testing. And so asking your group to do this I would characterize it as a real test because again, we still don't know how long it's going to take a person who's really filling it out.

The two people that actually completed it took about five minutes. But I suspect they weren't really thinking through the questions. They were really just ticking the boxes to get through it. So I would - all right. Let me stop there.

Ron Andruff: Thank you Ken. Avri, I see you poked something in the chat. So need to include...

Avri Doria: It was just - it was just a note to Ken. I sent an email.

Ron Andruff: Oh.

Avri Doria: I'm doing the survey while we're talking. So it was a note to Ken.

Ron Andruff: Very good. All right. So yeah, I think from my part - Mikey, is your hand up? Please go ahead Mikey.

Mikey O'Connor: Yeah. This is Mikey. You know, I don't know if Marika's really watching this call super close. But I kind of like the idea of doing a test. And, you know, what I'm thinking is that we could send this idea around to Thick Whois

Working Group list giving people lots of opportunity to opt out and discourage us from this plan if they don't like it.

And then frame it as Ken was saying as a test under the umbrella of the SCI rather than something sponsored by the chartering organization because I think getting an up and down through Council could take a while. But I'll leave it to sort of better minds than mine as to whether that's legal. But it seems like a useful next step.

You know, I certainly wouldn't be uncomfortable with doing that. Maybe - Marika's probably multitasking but over the next couple of days maybe we can touch bases and see what's cooking on that front. But anyway, I think the survey's great Ken. I think you've done a fabulous job. Thanks a million.

Ron Andruff: Thanks Mikey. I see Julie's hand is up.

Julie Hedlund: Thanks Ron. This is Julie Hedlund. Just very briefly. The SCI Ken did test this when we developed the initial survey that we were working with. We did ask one of the working groups that had just finished their work. I forget now which one it was.

But at any rate, we had them test it. And that led to a number of changes. And in fact I think Mikey that was a group you were in because I think that led to some of the questions that led us to getting Ken involved.

Ron Andruff: Thanks Julie. You know, the one thing - you mentioned Mikey maybe circulate it and a lot of people to opt out. Is this a rationale? Are you just trying to be kind because the workload's heavy enough or where were you coming from on that point of view?

Mikey O'Connor: Well, you know, the way this process is supposed - sorry, this is Mikey for the transcript. The way this process is supposed to work is it's included in the charter so when a person signs up for a working group they kind of know that

this is coming. To the extent that there are many parts of this questionnaire that make me people uncomfortable. I wouldn't want to make them feel like they had to complete it.

And so I would want to surround that invitation with some words to that effect so that people didn't feel like they were being blindsided with a questionnaire. I don't find it particularly burdensome but I wouldn't want to just force people to take it either. So that's all I was meaning by that. Just give people some wiggle room if they don't want to do it. I think that's fine.

Ron Andruff: Thank you. That's helpful. Ken, please. I see your hand's up. Go ahead.

Ken Bour: Yeah. I just wanted to respond to that point. I think it would be, you know, helpful to give somebody the questionnaire to - and then let them decide if - yeah, if somebody didn't want to fill it out, obviously no one's going to be forced.

                 But I also wanted to make it clear, and the instructions say this in the actual survey, if there's any question that you don't feel comfortable answering or don't have any information to submit, there's a skip provision in every question except the ones that deal with identification and the demographic questions.

Ron Andruff: Excellent. So - and Marika, please go ahead.

Marika Konings: Yeah. This is Marika. I think that you just said to echo what Mikey said because indeed in the charter there is a provision for working group self-assessment. But so far we actually haven't really filled in anything there because we didn't really have a mechanism.

                 So something you may want to consider is once you really feel comfortable with the survey and I think, you know, indeed having maybe another test run

as there's been quite a revamped version of the initial one we did a test run on.

Once you really feel comfortable with the survey, you may want to recommend to the GNSO Council that from now onwards and it may even include a modification of existing charters that working groups are, you know, required or encouraged or whatever way you want to frame it to actually do this at the point where, you know, they submit their final report to the Council that that is the trigger point for sending around the self-assessment.

And that may be done, you know, by staff or maybe the chair but it may be creating indeed this formal mechanism whereby the Council endorses or recognizes that this is now a required step of working group processes so it automatically then feeds into the chartering process as well.

Ron Andruff: Thanks Marika. So then why don't we do this? Mikey, are you the chair right now of that or one of the co-chairs of the PDP?

Mikey O'Connor: This is Mikey. I'm the Chair of the Thick Whois Working Group.

Ron Andruff: Perfect. Or Thick Whois, I beg your pardon. I guess I made a wrong note. So then why don't we do this? I'll send you a note - I'll send you an official statement from the SCI to the working group saying we've just finished working on developing this. We'd be very grateful if you would offer to your working group to go through it.

And that way there'll be a clean handover to you and then you can submit - circulate it to your working group. Would that make sense?

Mikey O'Connor: This is Mikey again. Sure. That would be fine.

Ron Andruff: Great. So Ken, can I impose upon you to perhaps draft that - just a short note so that it includes the salient points you've just brought up? And we can send

that over to - if you send it to me then I can send to Mikey with a copy to the SCI list. I see your hand is up Ken. Go ahead please.

Ken Bour: Yeah. Thank you Ron. This is Ken. Yes, absolutely. I was - that was what I wanted to do was to volunteer drafting that note on behalf of the SCI. And I can send it to the list and you guys can look it over. But the big thick idea is yeah, we're in testing. We have created this link and I - so what I need to do is go into QuestionPro and essentially copy the survey into a new area, title it Thick Whois and maybe put the word test in it or something along those lines.

And then I'll create a draft memo, short. Is it from Ron to Mikey or Mikey to the working group or you want two email messages?

Mikey O'Connor: This is Mikey. I think it would be fine if you just made it from Ron or the committee to me and then I can just forward it to the working group with a little (endorse) in front of it. That would be fine. I don't think there's any reason to do two.

Ron Andruff: Yeah. That makes sense to me too.

Mikey O'Connor: I was wondering if it would have capital letters in it and people wouldn't think it was me.

Ron Andruff: Okay. Very good. So that's settled then. Ken, thank you very much for taking on that extra task. And again, thank you on behalf of the committee. Some fine work. Everyone is very pleased with it. I certainly am myself. So thank you for that.

So we will now move on to Number 4, resubmitting a motion. And Julie just had submitted - sent something around to us all yesterday and pointed out that the questions from Marika have been answered except for the last question. And now that we have Marika on the call, I wonder if we might just

flesh out what issue is outstanding in your mind so we have a clear picture of it Marika.

Marika Konings: Yeah. So this is Marika. And I think it may have already been addressed if I understand correctly how you've currently worded because I think it basically says that it needs to be submitted by the second - before the second GNSO Council meeting following the meeting when the motion was first submitted because as you may be aware, the PDP manual actually has a specific provision that deals with reconsideration of the initiation of a PDP.

So that has been broken down. There's an option to actually have a (unintelligible) initiation of the PDP that basically need to take place at a next subsequent GNSO Council meeting.

So basically the question is does that, you know, trump the requirement that you're trying to propose say by the second meeting. So would an additional meeting be allowed to have that reconsideration or consider that a reconsideration of a PDP vote is a different thing and basically has its own requirement?

I think that's basically what we're trying to get clarification on. And based on that because as I understand I think this language still needs to be translated into a provision that can be included in the operating procedures. We can then make sure that those sections align and it's clear what applies in the case of either general reconsideration or in the case of a reconsideration of a vote on initiative of the PDP.

Ron Andruff: Let me ask you a question Marika and then I'll take Julie. I see her hand is up. Do you see with the current language we have now that they could be easily tweaked to resolve the aligning issue that you brought up? Or do you believe we need more language in here to clarify that?

Marika Konings: Well this is Marika. I think the main questions for you is whether you want to expand the current provision on reconsideration of the PDP votes to, you know, to also allow the second meeting because basically the current PDP manual says that it needs to be at the next subsequent meeting. So immediately following the first vote. While I think now with your proposed language you're actually suggesting that it needs to happen by the second meeting so would give people a meeting more.

So basically the question is, is it the intention that for this specific provision in relation to a PDP vote you also have two meetings to redo the vote or are you saying it applies for resubmission of motion except for initiation of a PDP vote where it only - or where it can only be done at the next or it has to be done at the next subsequent meeting. And there's no further extension of that.

I think that's what I'm trying to get clarification on. And based on what your feedback is I think we can build that in either by saying there needs to be a change as well to the language of the PDP manual to know that it needs to be, you know, before the - I think the language is the second subsequent meeting or whether the provision dealing with resubmission of motions basically says this does not apply to the reconsideration of a vote on initiation of a PDP, which is addressed in this specific section of the GNSO operating procedures.

Ron Andruff: Thank you Marika. Julie, please.

Julie Hedlund: I just wanted to note that it's actually the second bullet and I've synced the document in the Adobe Connect window that had not been addressed. But I agree with Marika. I think, you know, you have to decide about the issues that she raised on the third bullet.

But then you'll note the second bullet where, you know, there is the question about, you know, a councilor may appeal a denial - well, what I have up here. Any councilor may appeal the denial and request that GNSO Council hold a

renewed vote on the initiation of the PDP. And I see that actually I'm wrong. Marika was talking about the second bullet.

I just couldn't - I don't think we talked about the second bullet extensively in the last meeting, which is why I - it had not captured a note as to how that was addressed.

Ron Andruff: Thank you very much. Okay. So if I understand this correctly, the issue really is about whether a councilor can come back and object to the denial. And it is something that I don't recall quite frankly where we kind of ended up on that. I don't think we even got to the meat of it as you just said.

But I do believe that we all agree that two meetings was the right timeframe. So unless anyone disagrees with that, I think that we said, you know, maybe not right after the meeting right after but give someone time but within two meetings. And I think we all came to agreement on that. Does anyone disagree with that statement?

Anne Aikman-Scalese: I'm sorry. Can you say that - it's Anne with IPC? Can you say that again?

Ron Andruff: Yes Anne. So what Marika was describing was the timeframe within which a PDP could be brought back to the table again. And we had suggested that the following meeting was our original thinking. But then as we discussed in more detail, I think we all settled on the fact that the first meeting after might be a little short time. So the second - by the second meeting after the motion had been proposed, it had to happen within that timeframe.

So either the first or the second but no later than after the second meeting. So the third meeting - I mean - it could not be resubmitted. That's my understanding.

Anne Aikman-Scalese: Let me just comment. After receiving - again, this is Anne on behalf of IPC. After receiving Julie's email yesterday, I put the draft that Julie submitted to the IPC to the full membership and can't express, you know, any agreement with respect to the thing that you just mentioned on behalf of IPC until I receive feedback from the IPC and leadership about, you know, what the current draft said.

Ron Andruff: Thank you Anne. Understood. Marika.

Marika Konings: Yeah. This is Marika. Basically if we would follow that line, I think it would be a minor tweak to the existing language because basically you could then just change it in saying that, you know, and requested the GNSO Council hold a renewed vote on initiation of the PDP no later than the second meeting after the motion was initially submitted.

And maybe to Anne's point what maybe be the next step for staff is to work with legal maybe to translate what we currently have based on the notes and the discussion that we had to turn this into potential language that can be introduced in the GNSO operating procedures and we can then also identify what may be the appropriate section to include that.

And then use that as the next stop for the SCI to review that language for you all to be able to go back to your stakeholder group and constituency to indeed see if that reflects the feedback that has been received to date. And once indeed there is agreement on that is indeed the approach to take forward then the next step again is to take it for public comment and have community input before it gets sent up to the GNSO Council for consideration.

So that may be an approach as well in making sure that you have some time to consult with your respective groups and trust to translate this into actual language that can get inserted into the GNSO operating procedures.

Anne Aikman-Scalese: Ron, it's Anne. I'm not able still to get into Adobe Connect but I would like to raise my hand and I don't know if there's a queue.

Ron Andruff: Please go ahead. Mikey will follow you. Go ahead.

Anne Aikman-Scalese: Okay. Yes. This is Anne with IPC. On the question of adopting something and putting it out for public comment, I note that Marika first of all said that we may want to have legal rewrite this. I'm not actually sure why legal would rewrite it in this case where we had, you know, on - with respect to other issues not sent those to the legal department.

I'm wondering about whether we should be sending stuff to the legal department before the GNSO Council itself has, you know, decided how to act on their recommendation and whether that's, you know, the appropriate process.

But secondly, I think that where we are currently under the SCI charter, and this will bring in, you know, charter issues, is that we are still operating on a full consensus requirement. And as previously mentioned in connection with issue of resubmission of a motion, I think there are two issues there.

One is, you know, Mikey had commented that he thought that resubmission of a motion is outside the current SCI charter so that there's a question, you know, do we think we've been formally, you know, told that we are able to act with respect to resubmission of a motion is one question.

The second question in relation to charter is the issue of full consensus that I'm sure we'll get to in connection with the next discussion. And as previously commented in more than one meeting of SCI the IPC does not agree based on its full meeting that was held in Beijing - it does not agree to the inclusion of Condition 3.

Ron Andruff: All right Anne. Thank you very much. And Condition 3 says require a seconder of the motion from each house as prerequisite for placing the resubmission of the motion on the consent agenda just for the record. I have a response but I'll turn the floor to Mikey first. Please. Thanks for waiting Mikey.

Mikey O'Connor: No. I'll let you go ahead Ron because I was going to take us in a little different direction. So if you've got a response to Anne, I think it's better to do that now.

Ron Andruff: Thank you very much. And I see Marika's hand so I'll come back to Marika right after I finish. I think that the issue is if you go and look at the transcripts from the meeting - Durham meeting - the wrap up session, the Chair of the GNSO Council and others had said that they see a very important role for the SCI to go forward and that yes they want to get the charter revised accordingly so we can continue to act.

                 So I think that for the purposes of this discussion as we had started the resubmitting of a motion work some six or seven months ago, perhaps longer, we really should complete the work.

                 So my view is that we should perhaps send it to - and I like Marika's suggestion that we send it to legal just to make sure that if we're trying to harmonize the way these different elements work together, make sure that legal has a look at it before we then start submitting it in case there's any change to the comeback because of some legal rationale for having to make a change.

                 So I'm kind of leaning that way. But Marika, perhaps I'll let you speak and then come back to Mikey.

Marika Konings: Yeah. This is Marika. Just, you know, first of all maybe to agree with Ron I guess it's an issue that was requested by the Council and as Ron said, you

know, the Council has reconfirmed that they see the SCI as a standing committee that they can, you know, push issues forward to - and they have indicated that this is no longer a concern. So I think from that perspective the SCI is tasked to look at this issue and come back with a response to the GNSO Council.

In relation to my comment on working with legal, it's not as much to put this and have their approval. It's not at all in that direction I was going. It was more that as the language as it currently stands basically as three bullet points. It's not written as - it's more the principle.

So the idea would be that as - to make it fit with operating procedures to actually translate that into language that would fit with existing operating procedures and actually identify where that space would be. And we typically work with, you know, our legal department in getting that language right as, you know, we're not lawyers or most of us are not lawyers on the policy team.

But it's not a question of getting their approval or sign up but just being able to put something in front of you that fits with operating procedures and maybe language that can be considered of course allowing you all room to - for the tweaks or amendments.

However, noting Anne's objection to the third point, maybe there needs to be a little bit more discussion before we actually start translating this into a kind of provision to really make sure that we actually have agreement on what that provision needs to look like.

So I mean I haven't - I've missed some of the previous meetings so I'm not really sure how - in how much detail that Point 3 was discussed but maybe it requires a little bit more conversation if now it turns out there's no agreement on the third point or maybe it's only the first two items that will need to be included in any kind of (unintelligible).

Ron Andruff: Thank you.

Anne Aikman-Scalese: Yes. It's Anne again. If I could get in the queue.

Ron Andruff: Go ahead Anne; please respond.

Anne Aikman-Scalese: Yes. Anne with IPC. And I think Marika is correct in her observation regarding the last point that it should not go to legal until there's full consensus because I think we are still operating on full consensus.

I don't personally have an issue with the scope of this work. Was only raising it because Mikey had raised it before. So I'm not trying to argue that we should not be doing this work. I'm just raising it to give Mikey the opportunity to comment with respect to the consensus issue that is a comment that I have that I don't think we are operating on anything other than full consensus.

And I believe that it would be premature. And I know that these comments are quite clear in previous recordings and of GNSO, SCI that, you know, I have zero authority to agree to Condition 3 on behalf of IPC. So I believe it would be, as Marika said, premature to send this to legal.

Ron Andruff: I'm inclined to agree. And thank you for bringing that fact to our attention that there was a problem with Number 3 for the IPC. That's something that escaped my mind. So I'm going to recommend that we put this onto the agenda for the next meeting and pick it up immediately after the approval of the agenda. And in the meantime ask if we can have a conversation on the list as to the merits of Number 3.

I think this was put in to try to make - to be a hurdle, if you will, for people to resubmit and that was part of the rationale behind it to make it a little more difficult for a motion to be resubmitted. But again, something we need to discuss further. I'm going to go to Mikey and then we're going to move on to the next agenda item. Mikey please. Thank you for being patient.

Mikey O'Connor: Oh sure. I think this is good discussion. The thought I has just unfolded as it dawned on me that we sort of got three parallel processes at work here that we may want to step back one step and take a look at.

We've got the PDP manual. We've got the operating procedures. And then presumably this work that we were drafting is a third leg. And it seems like we would want to take a look at how those three different things interact. See if they - if there's some value in making them consistent.

It seems to me that we could get into a situation where the person running the GNSO Council meeting would have to know whether - would have to follow one set of rules if it was a vote on or a reconsideration of a PDP, another set of rules if it was in the operating manual scope and another set of rules if it was falling in the scope of whatever we're drafting. And that seems mighty complicated.

So I'm just thinking that in addition to noodling through the Item 3 issue we might want to also just step back and see if we could come up with something that sort of unifies all this stuff so that we don't have - so we have something a little bit less complex.

In terms of the scope issue, you know, I'm going to sort of save all that for the re-chartering discussion and, you know, I don't think that there's a showstopper either way from my vantage point on that. I haven't talked to Wolf-Ulrich about it. But, you know, I wouldn't put a lot of worry into that concern that I've got. I think that's more derived from the fluid state of our charter right now. Thanks.

Ron Andruff: Thanks Mikey. Also I point you to the chat. Marika posted a couple of things in there that you may or may not seen. Julie please. You speak and then we're moving on to the next topic.

Julie Hedlund: Yeah. Just very briefly. This is Julie Hedlund. And to address Mikey's comment and Marika has some comments in the chat as well. But we are really only talking about one set of changes. And those set of changes would be in the GNSO operating procedures.

The operating procedures include the PDP manual and they include the working group guidelines. So there really is only one place that changes would be generated based on what the SCI and the GNSO Council decides with respect to procedures addressing the resubmission of a motion. So there really is only one place that these changes will be made and they will be consistent.

Ron Andruff: Thank you Julie. And Anne, for your benefit, what Julie just summarized was what was in the chat with a little bit more depth. But thank you for that. All right then. We'll then pick this up as - the Point Number 3 on the list.

And if Julie would send around a message noting that this is a - this is an issue for IPC and that we all need to look at this more closely, determine whether or not we feel strong and we need to push on this to see if we keep it or if we remove it.

Now moving on to the next item, the SCI charter revision. This, as we all know, has been - we've been working on this for some time trying to figure out the best way forward.

In Durban I brought it to the attention of the GNSO Council because they are the chartering organization for our mandate. And there were a couple of questions that were brought up there that were in my view important.

One was whether or not we continue or not because this is a question Mikey's been asking and it's been a valid question. And the second was under what basis should we be operating?

So brought those to the attention of the GNSO Council. They took it up to a certain extent on their wrap up meeting in Durban; and as Julie sent around Pages 52 to 59 kind of flesh out what they discussed at that time. And so as I understand it right now we are operating on the original mandate until we receive further information from the GNSO Council vis a vie what our charter will say.

I do not believe the charter determination is in our hands at this point. It's really in their hands. But with that, I'll open the microphone to anyone who would like to make a comment. Mikey, please go ahead.

Mikey O'Connor: Thanks Ron. This is Mikey. Just a couple things. One, I'm not lobbying that we stop. I'm lobbying that we stop when we're done with what appeared to be our original charter. You know, I would certainly be the first to say look, we've got plenty of work to do and it's going to take some time because it takes a while for PDPs to be completed under the new PDP guidelines.

So I just want to clarify that. I'm not saying that we stop now. And I'm not even sure that I'm saying where I sit on the wide versus narrow definition of the charter. I think I'm going to reserve that for later.

But the other point that I would make is that on the - there were two discussions with this. There was one on the wrap up that I had and I was running another meeting so I couldn't be there. But on Saturday I think or Sunday, over the weekend, we also had a conversation with the Council and I was able to participate in that.

And one of the things that I came away with from that is that I think we could do a better job of framing the question that we're asking them. And sort of injected that into the conversation and sort of got nods around the room although it was an informal meeting.

It seems to me that what we could do is write sort of a briefing document that lays out the pros and cons of the two approaches or multiple approaches to our charter to help the Council make its choice.

You know, was there any discussion of that during the wrap up and was that something that was treated with any enthusiasm? Because I think the problem that Council's got is they're sort of shooting in the dark on this. They're not nearly as close to this issue as we are. Probably can't put nearly as fine a set of arguments together as we probably can. So maybe we can help them.

Ron Andruff: Thank you Mikey. Julie, you were present for that wrap up. Do you have any response to Mikey's comments?

Julie Hedlund: Hi. This is Julie. Actually I was not present for the wrap up. Marika was there. I did try to summarize the discussion. And Marika can chime in as well.

But based on the transcript and the sense is that number one I think the Council in their discussion did make it clear and seemed to be in agreement that they wanted the SCI to continue as a standing committee, as a group to address questions that come up relating to the GNSO operating procedures including PDP manual, including working group guidelines that are not limited to the implement - the improvement implementation but are related to how those procedures are used and when questions arise.

But because is there anything that - to that part of the discussion?

Ron Andruff: Thank you Julie. Marika, could you tell us if in fact you agree with what Mikey's suggesting that we might kind of draft something for them or do you think they have a grasp of it or what was your take?

Marika Konings: Yeah. This is Marika. I agree with what Julie said. I think the Council is quite clear and I think that was across the board. I didn't recall any objection to that.

That indeed SCI should be a standing committee and the charter should be clarified to that end if it's not clear at this stage noting as Julie said, it's not only limited to those recommendations that, you know, were specific to the GNSO improvement effort but also to those issues that maybe were in part of those but are creating issues now that have been identified as potential gaps.

I think that the Council's quite clear on that and I think they expect, you know, with the help of staff and based on the work you have already done to clarify that revised charter for their meeting in September.

On the other issue of, you know, full consensus versus following the working group guidelines that was an issue that was also quite extensively discussed and Jeff Neuman was actually tasked to provide the GNSO Council some further historic information on how the SCI came to be a full consensus body.

I think a majority of members present actually identified that maybe as a part of an anomaly where indeed that was created at the time because we didn't have the GNSO Working Group guidelines yet that provided a sound methodology for decision making. And I think (unintelligible) there was several members expressed support for following the GNSO Working Group guidelines as that is being done for effort that's currently going on.

But I think one - I think David Cake pointed out that there may be (unintelligible) agreements for why we want to - why the Council should consider a full consensus as the decision-making methodology for the SCI.

And where that currently stands is that Council members were encouraged to share their views on the Council mailing list with regard to the voting issue so

that can be considered as part of the discussion hopefully in September with regard to a revised charter.

And I think at least from a staff perspective what we can do on that basis is basically provide, you know, the two different options with one having the full consensus option as it currently exists and the other one following the GNSO Working Group guidelines standard method of - methodology for making decisions so that the Council has those two different charters for consideration and further discussion.

And obviously it's also within the SCI agreement to provide any further feedback that you think may be helpful for the GNSO Council in making its decision if there is either a joint view or of course through you respective stakeholder groups and constituencies.

As said, this is an item where Council members have been encouraged to share further views on the mailing list. As far as I'm aware this hasn't happened yet but I think it's one of the items where hopefully we'll see some further dialog over the coming weeks.

Ron Andruff: Thank you Marika. Avri, thank you for your patience. Please go ahead.

Avri Doria: Thank you very much Ron. Yeah, okay. A couple things. I'm glad to hear that they're recognizing that it is a standing committee and indeed should continue as one.

I would actually recommend that we finish the charter changes that we were working on and we send them a charter, which of course they can then discuss and decide on, get back to us, go into discussion. But I think the easiest thing for us to do is to actually finish the charter work that we started and send it on to them.

In terms of - so the issue of it being standing committee, I think it always has been. I'm glad that it's (our fight). I think that's something where we confused them by starting to talk about closing the standing committee and it was almost as if we didn't understand who we were. And I'm glad that they're working through that.

As I pointed out quite emphatically, I think it's a pity that the full consensus issue came up in the way it did. And, you know, I don't want to necessarily take that further unless it's needed to. But the way it came up as a chair's indication of an issue within the group I did think was rather inappropriate.

But that having been the case, it is now on their table. And one of the things that I think we have to remember and I think that, you know, we need to point out to them is that the (rules) changes we make or we recommend they vote on by 50% plus.

We could recommend to them that on a 50% plus vote they change one of the 60% plus votes that don't have to be in the bylaws but are only in the working group documents.

And that's one of the reasons why, you know, I continue to press the point that the only way a standing committee like this can work is if we come to full agreement on any changes we propose. Thank you.

Ron Andruff: Thank you Avri. Mikey, please go ahead.

Mikey O'Connor: Thanks Ron. This is Mikey. I'm just curious was there any - and where - was there anybody from the SCI at the wrap meeting that sort of was arguing the case or was the Council sort of free running on this thing? (Unintelligible).

Ron Andruff: If you look at the transcript it says, pardon me, from Page 50 through 59, it was kind of I would say follow the free running example that you've noted.

Wolf-Ulrich of course was there but unfortunately he's not with us today to give us any indication.

Mikey O'Connor: Yeah. Okay. I think that if I then add on a little bit to Avri's idea, I think that we could do them a lot of good by continuing to bash away on the charter that's on our table. The one that is in front of us - can't tell which version this is.

Ron Andruff: This is the most latest version that you had sent Mikey, as I understand it.

Mikey O'Connor: I don't think this is.

Julie Hedlund: This is Julie. Sorry to break in but it's not Mikey's version.

Mikey O'Connor: Yeah.

Julie Hedlund: Because the Council said that they wanted the SCI to work on a charter - well wanted the charter to reflect the SCI the standing committee. This is actually the version that the Charter Drafting Team had developed and that was discussed by the SCI prior to Mikey's changes that changed the scope of the charter. So I went back to prior to Mikey's version.

Ron Andruff: Thank you.

Mikey O'Connor: Yeah. Okay. So that's helpful. Thanks Julie. I think that what we probably need to do is take another run at this given our new instructions. And because I think this one - what got me going on this is that this particular draft is a little bit confusing.

And so I think knowing what we know now we might want to take another run at this draft with a goal of continuing as a standing committee, et cetera, et cetera.

And then maybe prepare a cover memo that sort of outlines the issues that we were grappling with so that they have a little bit more of the background, which was what I was lobbying for on Saturday but they also - I like Avri's idea that they have a working draft. I think it's going to be pretty tough for them to revise our charter on their own. They're not nearly as close to it as we are.

Anne Aikman-Scalese: Ron, it's Anne. May I raise my hand on this one?

Ron Andruff: Please Anne.

Anne Aikman-Scalese: Sure.

Ron Andruff: I beg your pardon. Mikey, are you finished?

Mikey O'Connor: Sure.

Ron Andruff: Yeah. Anne, please go ahead.

Anne Aikman-Scalese: Yes. It's Anne with IPC. I agree with the remarks made both by Mikey and by Avri in connection with trying to help inform the Council of some of the, you know, viewpoints within SCI.

Mikey's talking about continuing work on the charter and I think that we should do that. And we should try to get it more, you know, finalized and get it into a form that we hope is a consensus recommendation.

Mikey's talking about doing a cover letter to that recommendation that outlines some of the issues in which I'm sure he'll probably want to raise, you know, potential issues regarding scope.

I think it might also be appropriate to raise in that cover letter the issue that Avri has raised in connection with what's the substantive difference between,

you know, what are the pros and cons of reaching full consensus versus going with the working group form of consensus.

I know that from staff's point of view they describe the full consensus within SCI as a quote unquote anomaly. I'm not sure that that's really how the full SCI sees the issue.

I tend to agree that when the issue was raised at GNSO Council meeting that the alternate view of full consensus was not presented either by the chair or by staff or by anyone there. And I would suggest that it behooves SCI to brief Council on those issues as well as the issues that Mikey is raising.

Ron Andruff: Thank you Anne. We're coming up to the hour. So - and I see Marika's hand's up so Marika I'll come to you in a second. The thought that was going through my head was whether it would make - now that we've, okay, opened the Pandora's Box within the Council and they are working on this to a certain extent.

The question going through my mind is whether I should send a note to Jonathan Robinson, the Chair of the Council, and ask him if he would like us to continue to do this or give him some pros and cons.

So Mikey had two - there were two ideas there. One was just work on the charter now from the revision of 10 January that we're looking at or two, send the pros, cons of different things we're looking at to kind of get them up to speed.

So the thought is that we could do something immediately because we're going to be working now - we'll have another meeting in a month and with Labor Day weekend and so forth in the United States we'll lose a lot of people so we'll probably have to push it into the second week of September or so.

And at that point - that's six weeks from now - five weeks from now maybe. I'm just thinking that if we push it over to Jonathan and ask how he'd like us to proceed, we might get some quicker direction. Marika, please go ahead.

Marika Konings: Yeah. This is Marika. Just a note, I think you need what is currently on there that you already worked on and I'm wondering how much still needs to be changed there because it seems that the major issue that's still remaining is on the voting.

And I do want to point out because I think Anne said that no one represents the other view, I think that's not correct. I think actually David Cake presented the full consensus view and why from his perspective...

Anne Aikman-Scalese: Oh yes. I'm sorry Marika. I meant no one from SCI.

Marika Konings: Oh, okay. So I think if there's any specific feedback the SCI as a whole can present to the Council on that issue. It may help inform their discussions. I think that would be really helpful. I think Avri's suggestion of maybe considering a differing - having a different voting threshold apply is a possible alternative although it's work (coming out) that would require a change to the bylaws.

Another approach you may consider is saying that of course in the GNSO Working Group guidelines you have different levels of consensus. One thing you may want to consider is saying that only consensus recommendations are presented to the GNSO.

It would lower a little bit the full consensus notion but at least you still operate on the basis of consensus, which I think is, you know, what most groups try to achieve although they also have the ability to have the other options with, you know, strong support, significant opposition to present that as well to the Council. And the Council takes the decision on what to do with that.

I think (unintelligible) is considering, you know, that the charter would require only - (and send the) recommendations, charter definitions in the GNSO Working Group guidelines. Another way of looking at it.

But again, I think one of the things you probably you should be doing indeed is communicate with Council leadership on what the next steps should be because at least from a staff perspective I think we've been instructed to get this issue on the agenda for consideration in September including a revised charter and for the Council to further discuss the issue of the decision making methodology item, so.

Anne Aikman-Scalese: Yeah Ron, I think actually with respect to - this is Anne again with IPC. I think that we should likely be telling the Council that we - that SCI wishes to provide its views and outline its views for the Council's consideration as opposed to saying hey, you know, should we do this and then they say no, we don't really need for you to, which is also, you know, a possible outcome.

Now if they say no, we don't really want your views, that's also fine. That's their prerogative. But it strikes me that as much discussion as this has had in connection with both the scope question of the mission and in connection with the full consensus versus some other form of consensus that we should advise Council that we wish to have further discussion of it and to provide the views to them.

Ron Andruff: Thank you Anne.

Avri Doria: This is Avri. Can I correct something that was misunderstood or...

Ron Andruff: Avri, go ahead.

Avri Doria: Okay. Thank you. I was not recommending that we change the threshold for bylaws changes in the Council. What I was doing was trying to make an

argument that said since charter changes - bylaw changes - not bylaw changes but operating procedure changes by a majority vote, we could recommend by a majority vote something would change a super majority condition.

For example, we could recommend that by a majority vote they decide to elect chairs by a majority vote that's 60%. I was using as an explanation of why we should remain full consensus and not muck about with it. I was not recommending that we change the threshold for operating procedure changes. (Sorry) I wasn't clear.

Anne Aikman-Scalese: Ron, I'm sorry. It's Anne again. I am five minutes late for another conference call. I don't know where we can go from here. But if there's a letter to be written to Council, I certainly recommend that it be, you know, we ask Council for the opportunity to provide our views on both scope and on the consensus issue. And I apologize but I do have to get off because there are many other people on this other conference call that I have to go to.

Ron Andruff: Thank you Anne. And I'll pick up - I'm going to pick up right from there. And so go ahead and drop off.

Anne Aikman-Scalese: Okay. Thanks.

Ron Andruff: You'll see on the list how we proceed. Thank you.

Anne Aikman-Scalese: Okay. Bye.

Ron Andruff: So thank you everyone for staying on the extra six minutes. We - I thought we might have a little more time. But as always we get into deep discussion and good discussion. So thank you all.

I'm going to ask if Julie might prepare a draft letter and send it over so we can kind of nail down - prepare a draft letter from me to Jonathan, which kind of outlines that things that have been discussed on this call today.

We can all wordsmith it on the list to make sure that we're satisfied that actually it states and that we all agree upon. And we'll get that over to Jonathan as quickly as possible so that he can bring it into Council and/or send us back a note as to how he'd like us to proceed. And if there's no disagreement with that.

Julie Hedlund: Yeah. And - this is Julie. I can do that. However, I did not necessarily hear a consensus on what that letter should contain so I'm not really quite sure.

Ron Andruff: Okay.

Julie Hedlund: I mean as it stands it would have a couple of different options in it and then I guess people would have to decide because I've heard one that would say ask the Council whether or not the SCI should continue to work on making changes in the charter and another saying that the SCI should state that it wants to continue to make changes to the charter. So I'm not exactly sure which direction I should go in drafting this.

Ron Andruff: Thanks Julie. I would suggest let's go in the direction that the SCI being as close as we are to our work would like to have input on the development of the charter if the Council feels that that would be of value to them. And if so, then please give us that instruction so we will get started on that so that we can be of assistance to the Council in offering to get that charter refined as quickly as possible.

Julie Hedlund: Okay. Thank you.

Ron Andruff: Anyone disagree with that direction? Okay. So hearing none, we'll pick up more of this conversation on the list. Thank you all for - the ones of you who

were able to join us today particularly Edward and Nuno. I hope that they're able to (unintelligible) to sit in. The SCI is a very interesting animal. As you see we take long looks at things. And that's basically a nature of us.

Thank you all for taking (unintelligible) and look forward to speaking with you on the list.

Man: Thank you Ron.

Man: Thank you. Goodbye.

Man: Thank you.

Ron Andruff: Bye bye now.

Mikey O'Connor: Thanks Ron. It's Mikey. Bye.

Ron Andruff: Thanks Mikey. Bye bye.

                        END