

**Standing Committee on GNSO Improvements Implementation (SCI)
TRANSCRIPTION
Tuesday 06 February 2013 at 2100 UTC**

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On page:<http://gns0.icann.org/calendar#feb>
(transcripts and recordings are found on the calendar page)

Attendees:

Ronald Andruff – Commercial and Business Users Constituency – Primary - chair
Wolf-Ulrich Knoben – ISPCP – Primary
Angie Graves – Commercial and Business Users Constituency – Alternate
Anne Aikman-Scaliese – IPC Primary
J. Scott Evans – IPC - Alternate
Avri Doria – Non Commercial SG – Primary – vice chair
Thomas Rickert – NCA - Alternate
Mary Wong –NCUC - Alternate
Jennifer Standiford – Registrar SG Primary
J Scott Evans - IPC – Alternate

Apologies :

Jennifer Wolfe – NCA primary
Julie Hedlund

ICANN Staff:

Marika Konings
Nathalie Peregrine

Coordinator: Excuse me, everyone, this is the Operator. Just need to inform you that today's conference call is being recorded. If you have any objections you may disconnect your line at this time. And you may begin.

Julia Charvolen: Thank you very much, (Laurie). Good morning, good afternoon, good evening. This is the SCI call on the 6th of February, 2013. On the call today we have Ron Andruff, BC; Avri Doria, NCSG; Wolf-Knoben, ISPCP; Anne Aikman-Scalese, IPC; Mary Wong, NCUC; Angie Graves, BC; Thomas Rickert, Nom Comm and (unintelligible).

We have apologies from Jennifer Wolfe and Julie Hedlund. From staff we have Marika Konings and myself, Nathalie Peregrine. I'd like to remind all participants to please state your names before speaking for transcription purposes. Thank you very much and over to you, Ron.

Ron Andruff: Thank you very much. This is Ron Andruff for the record. And I support that also that we try to remember to put our name forward. I imagine the people writing the transcripts it must be very difficult for them to capture whose voice belongs to which name.

So let's - now we have had the roll call let's have statements of interest. Has there been any changes for any of the members of the committee in terms of their statements of interest in the last two weeks? Avri, I see your hand; please go ahead.

Avri Doria: Yeah but I want to make a statement after the statement of interest about a new participant in the group.

Ron Andruff: Fine so I'll put you down on the side for a moment then, Avri, and ask again, any statements of interest or changes to your statements of interest from any other members of the committee?

Hearing none I will mark for the record that all statements of interest are up to date and current and turn the floor back to you, Avri, please.

Avri Doria: Okay so thank you, yeah. I wanted to announce that NCSG is appointing a new alternate member to fill that empty slot. Her name is Stefania Milan and she's an individual member of NCSG. She's a researcher and a consultant.

And I sent - the decision is just being made. I sent her the notification of the meeting something like about an hour ago so I didn't really expect that she would make this one. But I just wanted to let the group know and then I'll probably introduce her at the beginning of the next meeting also. Thank you.

Ron Andruff: Excellent, Avri. Thank you very much for that. It's always great to have new faces, new blood in the SCI and I'm happy to hear this news. I would also ask staff if they would please take the steps accordingly to make sure she's on the list immediately and that we can go forward in that regard to make sure she's up to speed on all of the information. Thank you.

So the first order of business then we have on our - is the approval of the agenda. Does anyone have any other things they would like to add to the agenda or comments about the agenda please? Hearing none I will move forward then with the agenda as has been published.

And the first item on the agenda is the termination - I'm sorry, GNSO Council liaison to the SCI. To refresh everyone's memory about this topic there was a discussion about whether the GNSO Council should have a liaison from the SCI at their meetings.

As we all are aware, I think for the most part, Wolf-Ulrich Knoblen, who had chaired the SCI prior to my taking over recently is also a councilor so he served both of those roles and was able to provide information to the Council when needed.

So the question comes up for me and I would like to pose this to the group, is there a rationale for us having a Council liaison? And if so to what end? The question that comes up in my mind in particular is that if we look at the most recent experience with regard to resubmitting a motion there was an unofficial statement came back from Wolf-Ulrich as the liaison and then we still had to go back to the GNSO president as a chairman of the GNSO Council and ask for a official request and some background information.

So the question I'm having is whether or not we might want to keep the lines of communication very clear between the GNSO Council and the SCI that everything is provided in a more official manner rather than a catch as catch can manner.

And when I say catch as catch can I'm basically saying that it seems to me that the SCI has a very specific role to play and it's important that - pardon me - that the discussions with the GNSO Council and the SCI are handled in a transparent and open manner.

And I would put that to the group. So I open up the queue, please, for discussion as to whether we should provide a liaison to the GNSO Council or we should look more for a more official channel of communication between our committee and the Council.

I see Wolf-Ulrich's hand and invite others to the queue. Wolf, please go ahead.

Wolf-Ulrich Knoben: Thank you, Ron. Wolf-Ulrich speaking. Well just looking back to what was during my term of being chair of this committee I found it very helpful, okay, that was the specific situation that I personally have been both the chair of the committee as well as a councilor. And it (was very) comfortable and easy then to communicate between the Council and the SCI through that.

And I found, as well, useful and to some extent also necessary because there is a kind of communication liaison so that's the basic, you know, in this respect. From my point of view it could be done through either member of this committee.

It is not necessary that it should be the councilor; it could also be somebody who is, well, very close to either vice chair or the chair himself to do this - this relation - this liaison - because then, as you are saying, then it's simply just the official way as it used to be through my (person) in the past.

So first what I would say is, okay, a liaison is necessary and helpful from my point of view. The other point is, well, it's open to who should that be. Thank you.

Ron Andruff: Thank you, Wolf. That was the - I agree. And where I was comfortable with that situation was the fact that you were the Chair of the SCI and you were able to respond accordingly as the chair.

And that's really where I come from in my thinking about this is it would be, in my view, ideal for the chair or the vice chair to be that liaison or alternate and maybe that's a question that Avri and I should be taking up in terms of one attend one meeting and the other attend the other - this next meeting so to speak.

But I feel more comfortable having chairs or vice chairs in the liaison role just to make sure that there's clarity in the responses that are given to the GNSO Council when questions should arise.

And that's more or less why I was suggesting that we might forego having a direct liaison and make it more of a formal channel. But, again, I'm looking to the committee for guidance. Anyone else have some thoughts? I see Marika's hand is up. Please, Marika.

Marika Konings: Yeah, this is Marika. Just to clarify that (unintelligible) of the GNSO Working Group Guidelines the liaison is used there as a member of the chartering organization which would be, in this case, you know, the GNSO.

So I think if you're using maybe you want - if you don't want to go for the formal liaison function maybe it makes sense then to give it a different title; really make clear that it's not, you know, replacing that function which the Council of course still may decide to appoint if it would decide so so just to clarify.

Ron Andruff: So, Marika, just to understand what you've said the Council would recommend a liaison between our organization and theirs as opposed to we recommending a liaison, is that correct?

Marika Konings: This is Marika. I think it can go either way. Normally in most - like in formal PDPs it's typically the Council that appoints a liaison because a liaison also, at the start of a working group, usually functions as the interim chair until the working group appoints a chair. But I don't see anything preventing a working group or a standing committee asking the Council to appoint or suggest that they appoint a certain person as a liaison.

But as I said if it's a formal Council liaison as it's at least defined in the working group guidelines that is someone from the chartering organization which in this case would be the GNSO council.

Ron Andruff: Thank you for that clarification. I have Anne followed by Thomas. Anne, please.

Anne Aikman-Scalese: Yes, thank you. It's Anne with IPC. I wanted to go back to some language again that's in the charter. And this relates to Marika's comments about the liaison potentially, you know, being appointed by the GNSO Council itself and that that is essentially a liaison communication that runs GNSO SCI chair.

And that is that whenever an issue is referred to GNSO SCI there's a reference in the charter to the GNSO appointing an observer. I noticed that when we look at the list officially provided by the secretariat that both Jonathan Robinson as GNSO Chair and Mason Cole as GNSO Vice Chair are designated as observers of the GNSO SCI.

And so I'm really wondering if this is, you know, communication - the channel already exists as between the GNSO Chair, GNSO Vice Chair who are designated observers and the GNSO SCI Chair. Hello?

Ron Andruff: Thank you for that. I'm sorry. Thank you for that, Anne...

((Crosstalk))

Ron Andruff: I was on mute myself.

Anne Aikman-Scalese: Oh okay.

Ron Andruff: I see - thank you for that. And I see, Thomas, if you don't mind I'll let Marika speak; perhaps I think she might be speaking to that issue. Marika.

Marika Konings: Yeah, this is Marika. Maybe just to clarify to what Anne was saying. It's actually standard practice at the GNSO Council chairs are added to all the GNSO related mailing lists. So, indeed, you know, they are - I don't know how closely, of course, they're following the discussion but it's a standard practice that they're added to all the mailing lists. So that's something you may want to consider as part of your discussion.

Ron Andruff: Thank you very much. Thomas.

Thomas Rickert: Thank you, Ron. This is Thomas Rickert. Just in relation to what Marika said earlier with respect to the working group guidelines, if my understanding is

correct the liaison to the working groups - the Council liaison - would have the role of making sure that all the procedures are abided by so it's more of a checks and balances situation there.

And since the SCI is not a working group I think we could allow ourselves a little bit more flexibility here and, you know, see what is - what is perceived best for the SCI. And I think that what is needed is to ensure that we are dealing with the matters that we're tasked with in a way that does not misconstrue the tasks and that actually provides for solutions that the Council has asked us for.

Ron Andruff: Thank you, Thomas. And actually that brings up a very good point. The question is are we - is the liaison actually reporting back to the GNSO at every meeting or is it just fielding questions from time to time?

I know that our charter calls for a representation at the GNSO Council meeting by the SCI at all face to face meetings. And I think that's standard practice and Wolf reported to the GNSO Council in past meetings. And I have anticipated to participate in Beijing.

So - and that's really the question is it the same voice speaking at each time on behalf of the SCI or are there multiple voices? And I'm of a mind that it should be more of the chair/vice chair. But - Marika, please go ahead.

Marika Konings: Yeah, this is Marika. I can just talk about, you know, what is typically - or currently the role of the liaisons or how it functions because I think in the past there have been instances where, indeed, the liaison would provide updates to the Council but that would take place in a much more regular basis.

I think the way liaisons currently function is indeed that they're more there in the working group as an observer, that they're to assist if there are any specific questions that need to be taken back to the Council for clarification or

a resolution or as well, you know, to serve as a soundboard for the chair should there be any issues or items they want to discuss.

So I think at the moment, at least most liaisons that I've seen in the working groups function more as a silent observer and only jump in if there's, indeed, a specific request either from the working group or the Council at one of their meetings say oh hey can anyone tell me what's going on with that item.

But for the formal presentations or updates to the Council it's typically the working group chair or whoever is designated by the working group to provide that update.

Ron Andruff: Thank you, Marika. I have Avri and then Anne and then Wolf. Avri.

Avri Doria: Hi, thank you. This is Avri speaking. Yeah, this is actually an interesting conversation. I tend to believe that we should have a Council appointed liaison who is a member of the Council. You know, we talk about working according to most of the rules of the working procedures so I think that makes sense.

I can also see reason, you know, why we would want it to be a chair or a vice chair. But since neither of those is on the Council what we'd be asking is to sort of observe the Council. And I don't actually think that that's appropriate in terms of certainly if the Council invites the chair or the vice chair to give a report at a particular Council meeting we should participate.

I think the immediacy of the Council having a liaison into this group is for the Council's benefit and it's part of the buffer that this group has in its operations. Now we can obviously have exception but I really think that this is a Council decision though of course this group can make a recommendation one way or another.

Just sort of say up front is that I have an opinion on this one but I will acquiesce with just about any opinion that the group comes up with on this one in terms of do we ask the Council to appoint one? Do we keep silent on the issue and leave it up to them to decide if they want to establish one?

Obviously Wolf-Ulrich is a member of the Council so even though he's not a liaison he could certainly go back and forth with discussion and bring up ideas if he wishes or whatever it is to do. I just sort of - I think it really is a Council decision and if they want one they can appoint one and we can offer an opinion. Thank you.

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

Anne Aikman-Scalase: Yes, this is Anne with IPC. I think that one of the most important issues in the liaison function is going to be the definition of the scope of the question that's coming from GNSO to the SCI. There have been a number of discussions about whether or not particular topics are within our purview or within our charter or within our remit; a lot of different terms are being used for how we define the scope of the questions presented to SCI.

And I'm still not sure myself with respect to, for example, the question about reconsideration of a motion that our subgroup is going to meet on Monday whether that question as formulated includes looking at the area of conflict of interest which it originally was formulated that way to SCI when Wolf-Ulrich presented it. And I think he was also still chair at the time that he presented that formulation to us.

But then I've heard others say well no, well, conflict of interest is a separate issue that's not - that the SCI has not been asked to look at and so, you know, we shouldn't even be discussing that issue.

I'm personally - where I'm going with all of this is that I think that there has to be a formal communication channel. I think it pretty much has to run between

the chair of the GNSO and the chair of the SCI in order to avoid problems associated with, you know, a lack of clarity, the scope of our task.

Ron Andruff: That's very helpful. Thank you, Anne. Wolf-Ulrich, you have the last word on this in terms of people bringing thoughts to the table. Go ahead.

Wolf-Ulrich Knoben: Yes, thank you, Ron. It's Wolf-Ulrich speaking. Well I'm just thinking about, you know, how it is - this communication between the Council and the SCI is going to be done in practice.

So if you look at this, you know, the meetings - the Council has meetings every four weeks where the SCI is now supposed to have meetings every two weeks. So what's going on? In case the SCI has a question to the Council.

I don't think, you know, that the SCI is going to wait for, let me say, the next meeting (unintelligible) right now is the meeting would be after three or four weeks, the next Council meeting, well, to get that (ask) for, well, other than, well, to send an email to the Council, let me say, leadership and ask for that because it may be of interest to get an answer as soon as possible to put (anything) forward.

The other is then that from the other thing we need a kind of channel and to hear something what's going on on the Council with respect to question the Council may have regarding the SCI.

So therefore looking at this - so from my understanding from these kind of communication the - how it is really done. So I tend to agree more to that model to have something - so that you have somebody who is on Council as a communicator; being that channel - call it liaison in this case to do this communication.

So that's - what I'm now - what comes to my mind talking about the practicing of that. Thank you.

Ron Andruff: Thank you, Wolf. I think what we can do here to bridge the gap and I'm not - I support Avri's suggestion that we might bring this to the GNSO Council. And what I will do, you know, unless I hear some violent opposition to it, is we'll send a letter to the GNSO Council Chair and we will offer him the - two alternatives.

One, that either the chair or vice chair of the SCI sits in on the Council meetings as an observer to provide any feedback when and if necessary. Or the GNSO Council would provide a liaison to the SCI to be abreast of the topics we're talking about and the various determinations we're coming to.

So if everyone is in agreement with that that we provide - we give them the option of making that selection and then I think Avri and I, if in fact it comes back to the chair vice chair, we will then pick up that mantle. And alternatively if they recommend a liaison to us then I think we can accept that as well. So if everyone's in agreement with that I'll move us on to the next topic.

I see Anne's - or Anne's got a checkmark; she agrees. I see Wolf-Ulrich agrees. So then that's what we should do. And if - Marika, if you can make note of that. Thank you, everyone, for those positive comments. Let's move forward with that.

Moving on to the next topic, the termination/suspension of a PDP. And thanks to J. Scott for doing the heavy lifting on this and trying to get all of the final elements done. We've all seen this document, I hope, in the last 24 hours since it's been submitted.

And I would - I think we're all quite clear on what we've been discussing over these last several weeks so I would take a queue. If anyone has comments or suggestions that they would like to bring together with regard to this termination.

And I know Marika had made a comment on the list so I'd like Marika to actually get in the queue as well. Perhaps you might start with your comments that you submitted earlier, Marika, please.

Marika Konings: Yeah, this is Marika. I actually, I think, had two comments. One was more a linguistic one. In the first sentence I think it mentions somewhere - let me just see - yeah, basically saying in the third line it says, "Specifying the reasons for the action taken," which seems to suggest that the working group has actually taken an action while I think it's the working group that makes the recommendation and then the Council that would take action. So it's just a semantical issue.

And as a more broader point one of the things I raised is that one of the main objectives of the previous review or the review we currently undertook of the PDP is to actually build in more flexibility in the PDP process because before it was very rigid, very strict criteria, very strict timelines that actually didn't really work in practice.

So my concern is that the way it's currently written it basically binds the Council with, you know, hands and feet on what they need to do. There needs to be a written report. There needs to be public comments while there may be certain circumstances where there is really no need to create that additional work or extra time that is spent on that.

So the suggestion I had is to see whether an alternative may be to actually say okay there is a requirement to produce such a report or do a public comment period if there indeed is a request from either, you know, any Council member or it could be a stakeholder group or constituency or any SO/AC to build in the kind of safeguard that I think some people were concerned about that the Council may just terminate or suspend without giving any kind of reasons or any kind of opportunity to, you know, comment or provide input.

So maybe that would be a way of balancing that and saying well in cases where everyone really seems to be in agreement and it's completely obvious why there is a suspension or why there is a termination there may not be a need to product, indeed, a formal report or, you know, have a public comment period but at the request of anyone basically there would need to be such a report and a public comment period would need to be conducted.

Maybe that would be a bit of a balance between allowing, you know, flexibility but at the same time building in safeguards to make sure that, you know, there is a need - or that the Council needs to justify if there are questions being asked or why something is suspended or why something is being terminated.

Ron Andruff: Thank you, Marika. I'll take comments from the committee. And I'd like to (unintelligible) if you would also get into the queue that would be helpful. Thoughts about what Marika has just shared with us please? J. Scott.

J. Scott Evans: I guess I would say that I'm not really bothered by that concept. I just want to make sure that - and I think the concern that's trying to be addressed here is that if a recommendation is made to terminate or the decision is made to terminate prior to the issuance of a final report then there needs to be some justification or an avenue for obtaining justification.

I worry that Marika's suggestion would make it, you know, just another point for everybody to argue over rather than if we just make it mandatory. So I'll leave it to the group especially to Anne who had - who brought this concern up to see if that - if she's fine with that. But I just, you know, I always get concerned when we leave it up to, you know, groups doing this because I think it leads to gamesmanship and misunderstandings and more in-fighting. So that's my thoughts.

Ron Andruff: Thank you, J. Scott. I'm inclined to agree with what you've said in so much as while we're - the principle here, as I understand it - and Anne has her hand up in the queue, I see Marika also so I'll come to you both in a moment.

But I think the principle that we were trying to achieve was a transparency and that there was a specific action that would have to happen in the case of a termination or suspension of PDPs because we are now in a PDP mode - model - mode if I can use those terms.

So what we've achieved here I think is a very clear line. But I obviously - the comment about finding hands and feet is not lost on me. So perhaps I can let Marika respond and then Anne follow. Marika.

Marika Konings: Yeah, this is Marika. Just to add what I was saying before and maybe in response as well to what J. Scott was saying is that, you know, of course like a forma vote needs to be taken by the GNSO Council on any of these actions. And the vote is a really high threshold so it's a super majority vote so it's not an easy thing to game or just overrule.

So I think, you know, in principle of course of course the objectives or the reasons will already be in the motion itself. And there, of course, we have, you know, a lot of GNSO Council members from different constituencies that can already raise their concerns or raise objections.

And I think what I'm trying to say is that in that case where indeed there is, you know, a certain group that might say well, you know, we don't agree even though, you know, you have specified in your motion why you want to do this we want to ask you for, you know, a formal report and a formal public comment period. I think that's the moment then where that happens.

But I'm just - you know, as said I'm concerned that this creates a workload so, for example, for the Council liaison to produce a formal report where in

certain cases that really may not be necessary as there will be broad agreement.

And I said the details are - will be outlined in the resolution and the high voting threshold is - that's, I think, to come back in the original reason for having this high voting threshold was specifically for that to really make sure that this is not an easy thing that's applied or an easy vote that can be taken and just a couple of people that can just, you know, bring a PDP to a complete halt or suspend it for a certain amount of time.

So I think that was, you know, the original safeguards that were built in there when it was just about the determination.

Ron Andruff: Thank you, Marika. That's very helpful. Anne, please.

Anne Aikman-Scalese: Yes, thank you, Ron. This is Anne with IPC. I had three points to make the first being thanks to Marika for pointing out that in the last paragraph the words "action taken" need to be changed. And it should either be consistent with the term recommended action in the next to the last line as Mary had pointed out or it should be recommendation in both places.

So the first point was that in the fourth line and in the next to the last line the term should be conformed either recommended action or recommendation. I guess since we've already used recommended action I probably would suggest that rather than the action taken we say the recommended action.

Second point is merely a typo in the next to the last line of the last paragraph appears the term "public commit" - "public commit" and I think we mean "public comment" forum. Sorry for not pointing that out earlier.

And then lastly with respect to the more substantive comments that are being made and J. Scott's invitation for me to comment on that, I tend to agree with

both the chair and J. Scott that if we are going to err we should err on the side of public comment not on the side of not seeking public comment.

Ron Andruff: Thank you, Anne. Is there anyone on the committee that disagrees with what Anne has just said and the existing text that is there? Mary, please go ahead and then Marika.

Mary Wong: Yes, thanks, Ron. I'm not sure that I disagree exactly, you know, black and white. But I understand what Marika is saying so I'm just wondering if - I guess my question is going back to the origin of this discussion when Anne raised it what is the concern that we're trying to address here?

Is it, sorry (sounds) to make sure that the Council is taking such an extraordinary action is recorded in writing or is it in addition to that to also insure that there is an opportunity for public comment like the community to comment on top of its Council as being therefore the vote. If so then I guess I, you know, maybe this is has specifically gone on for so long my brain is turning into a mush, then that seems interesting because I'm talking about public comment prior to conducting a vote and that's why I come back to what Marika is saying.

I guess I'd just like some clarity from the rest of the committee as to whether we are trying to do more than to just have a written record to make sure that the Council actually documents and acts responsibility on top of everything else.

(Jeff): Thank you Mary, I think that's a - the spirit of this whole exercise has been trying to ensure that there would be - if there's ever a termination or a suspension that there would be a report and it would be automatic, that there has to be a report. And I think everyone on this committee agrees that transparency is so critical to ICANN as an organization and that everything is very clear and upfront and open and so I understand that and I really support that personally.

I also understand what Marika is trying to share with us the not creating more work than is needed, whether Anne is right insomuch as if we're going to air on one side I'd rather air on the side where we're asking for more transparency, so that's really the tricky part of this question. I see Marika's hand is up so Marika please.

Marika Konings: Yes this is Marika maybe to respond to Mary's question on the public comment because I think the way it's currently written in, I think it's a bit amiss of what was originally there.

Because what was originally there was just talking about determination and the reason why there was a request for public comment there was basically to indicate where a working group or wouldn't recommend or wouldn't agree with the termination but the Council still wanted to take such an action that there would be an opportunity for public comment basically to reflect the fact that there was no agreement between the working group performing the work and the Council wanting to terminate for, you know, one of the three reasons or maybe other reasons.

And I think that's one of the safeguards that was built in the original language on determination was that then in those cases there should be a public comment forum. But I see now it has been reworked and now it's basically saying if there's no working group forum then is when there should be a public comment forum. Which I'm not really sure if that really - in my view that doesn't really follow the spirit of the original language and basically creates indeed more public comment forum just because there was no working group.

While the concern case is where I think the previous case - where we've seen the suspension, there was a real clear reason why that was being done because of a contract negotiation going on and people saw that it made sense to wait for that to finish or clear in the case or whether that issue was

going to be before continuing that. And in those cases I mean adding a public comment period seems really over the top, because again there was a unanimous vote by the Council without any objection from any of the stakeholder groups.

So that's why I'm trying to find - to see if there's a, you know, better balance that can be found between when you need a public comment forum, when you need a formal report, how it meets with, you know, the current mechanisms that are already exist which indeed, you know, having a super majority vote requirement for these things, so those are just issues I wanted to put on the table.

(Jeff): Thank you Marika, Mary you have the last word on this one.

Mary Wong: Thank you and I'll try to make it quick, thanks Marika that's very helpful and it clears up some things in my mind.

And I would just explain I guess that that was one of the thoughts I had now that we're at this point in the process. You know, that if the Council has the decided what it wants to do, having a public comment forum serves a very different purpose from having a public comment forum when the Council decided to go against the working group recommendation for example. So maybe we need to take into account both and make that recommendation.

I also make these comments not really from the work group perspective even though I think that that could be an issue, but really because I think it's not entirely clear in the ICANN community at large when there can be public comment forums and when there can't be. So if we go down this path that there's going to be additional things that come up as the GNSO what goes on that off and on there will to be either a request or recommendation for public comment forum.

At some point maybe this is not a SGI, but at some point the GNSO through the Council will have to think about what sorts of things require public comments and what sorts of things don't - and that's it.

(Jeff):

Thank you Mary, so if the committee is in agreement with this what I'd like to do is ask Marika to take the final version from J. Scott which I think that as a committee we all agree upon and ask Marika to give us what I'll call a Version Two which incorporates her recommendation that we allow a constituency - any one of the members of GNSO Council to ask for that written report because our - with report and also that we vote public comment.

Because clearly one of the problems that we have within ICANN I'm sure all of us are experiencing it is the fact it's growing so rapidly and there are so many issues to comment on so no one has the bandwidth to actually be able to serve the organization as much as we all would like to. And so adding yet more public comment on things that are really not necessary I can certainly appreciate where she's coming from.

So if everyone agrees with that I've asked Marika to come up with a second draft and then we will at our next meeting in two weeks hopefully we can discuss it on the list of reports for the next 14 days and then we can make our selection to send back to the GNSO Council at that time. Thank you, J. Scott in agreement - anyone against this idea?

Very good, so if we could take that as an action item and we'll now move on to the next item on the agenda and that's the chair, vice chair elections and terms and this is a charter change and - that actually will - is a very good segue into the next issue on the - or next item on our agenda which we'll come to in a moment, the working group charter creating a drafting team on charter revisions.

So J. Scott has changed some language to accommodate our election process, does anyone have anything you'd like to speak to with regard to those changes that he's given us - Avri go ahead please.

Avri Doria: Thank you, Avri NCSG, that's actually really good adding the who you hear talking for, yes I sent an email just before - just the end and looking at the two solutions, the two steps it's obvious that it's not stated, the question is what if in Point Two when there's many candidates no one gets the majority someone has a plurality we - we're missing the loop statement that sort of says how to go back to Step One.

You know, I mean unless we think we're saying that plurality's good enough and whoever gets most wins, and that may be the case, I don't know I wasn't assuming that. So I hated to ask and it was just in reading it that I thought of that, but indeed I think we need that extra (sentence), thank you.

(Jeff): Thank you Avri, no that's exactly why we keep bringing these things back around to bring the benefit of everyone's thoughts and ideas as they arrive, so thank you for bringing that to the table. J. Scott do you see any problem with making a change in that regard and just - let me put it another way, does anyone have a problem with the idea of plurality just to make it simple or should we in fact say that the talk to will come back to a second round of elections - which would the committee prefer, J. Scott please.

J. Scott Evans: I'm not sure I understand what - I understand what Avri's saying but I'm not sure your vote's saying the same thing, so I want to make sure I'm clear. Are we saying that we would say in Point Two that the two top vote getters would assume those positions? Are we saying the two top vote - the people who obtained the two top votes would then go back and have another election?

(Jeff): I see Avri's got her hand up, my understanding just to clarify what I was trying to say was that it was speaking only to the vice chair elections and as I understood it from Avri if there were three candidates that applied for

example for vice chair and there's, you know, there is not majority - pure majority - well actually for three candidates, I guess there would be one.

But in any case if there was a low majority because there's a multiple number of candidates that the top two vote getters would come back for further election, but Avri please go ahead with what were you thinking?

Avri Doria: This is Avri from NCSG again, no actually that would apply for either chair or vice chair. For example in our first election in the SGI we indeed did have three candidates, no one got a majority, the top two then went through a second round of voting and such.

So it could happen to either chair or vice chair, it's doubtful that you would have that many candidates ever but we did once for the first chair, so that's why I was saying the loop. The other thing I had said was I'm assuming that we don't want to give it to the plurality - that we don't want to say the person with the most in Step Two gets it but that we did want to cycle through. And I was just saying the way the rule is written now, there is no loop here statement, you know.

(Jeff): Understood, thank you Avri - Wolf-Ulrich.

Wolf-Ulrich Knoben: Yes thank you and I agree to Avri in that (except), you know, that there was none there and when (unintelligible) did read a bit also similar to what we are doing this year with selection of Council chair.

But, you know, this really - it's very detailed -described in the speech, meaning in case we have more than two candidates and we are going through a procedure to reducing the schedule of public (answer) down to two and then at the end I think we don't have two candidates and none of the above (innovation) and that's what we are doing there. Is that what you mean in respect to - so I understand that we did that in the past, thank you.

(Jeff): Wolf-Ulrich that's great, that's very helpful, why don't we ask Marika to bring that language forward in this document because I think that's a good idea and we certainly - if GNSO Council are following that practice there's no reason why we should not. Anyone have any disagreement with that?

Avri Doria: It's Avri's hand up.

(Jeff): Please Avri go ahead.

Avri Doria: Okay yes, at the moment I think that used to be the way it was in the GNSO, I think in the moment each house puts up a candidate and we go from there, so I think there's been a different process. But - so I don't think that we want to directly compare ourselves to the GNSO process because I don't believe that they're doing rounds at the moment, thank you.

(Jeff): So Avri if I might just come back to you on that, do you see any reason why we wouldn't want to follow that model? Does that not fulfill...

Avri Doria: Oh no, no, no...

(Jeff): ...their wish?

Avri Doria: No I believe that that's the model...

(Jeff): Yes.

Avri Doria: ...I was just saying that we don't want to say we're pulling down the GNSO model.

(Jeff): Okay very good, yes. So Wolf did you have a comment there?

Wolf-Ulrich Knoblen: No, no I agree thanks.

(Jeff): Very good, all right than Marika if you wouldn't mind just finding that language - I see your hand up, please go ahead.

Marika Konings: Yes this is Marika, I just see that J. Scott has suggested specific language in the chat, I don't know if that reflects what Wolf was trying to say - you may want to have a look at that because if that's exactly what he would like to see in there its - this comment suggested it.

(Jeff): Very good that's J. Scott's operating certainly works for me, I see Avri's in agreement - anyone disagree? Very good, thank you Mary also for confirming that so then J. Scott if you would be so kind just to add that in and then we will look at it again next - on our next call and hopefully we can sign off on that one as well.

Moving on we've got eight minutes left before the - Marika is your hand back up again?

Marika Konings: No, sorry.

(Jeff): Okay no problem, so I was saying we have about eight minutes left to go on the call. We started five minutes after the hour so if everyone can indulge just a few more minutes we'll move on then to the charter revision drafting team.

This discussion came up after I went on to our charter and I was kind of reading through it to see, you know, just what we're doing and how we're approaching it and so forth. And I realized that it was quite outdated from what we had - from where - when it was drafted to where we are today and I felt it would be important that we go back and try to clean that up and submit it back to the Council and have their - them approve it. I brought out the idea also that we might consider the difference between full - what's call full and unanimous consensus and less or near consensus.

There are five different levels of consensus within ICANN structure and the question in my mind was whether or not it made sense for us to be at the highest level of consensus inasmuch as our job as a group is to try and find ways to insure that implementation or improvement implementation (post-media) are effective and my sense was that we will always (sacrifice) in a situation where we'll have one or two other assessing from the group and probably for very good reasons.

And the thought that was going through my mind was that if you're in a less or near consensus environment then in fact any dissenters have the ability to bring forward their argument for the (cense) and post that with the actual recommendation. And as all of the activity that we undertake here within the SGI go back to - or are sent back to Council with a recommendation I felt it would be important that we might allow for those statements of dissent to actually be part of that public record so that the Council then could review it as well and make a determination as to what they wanted to do.

My concern is if we stay with the, you know, full consensus model we are going to find ourselves (finding) from time-to-time because this is the nature of human beings, we very rarely would all members of the group all agree with each other. So that was the logic behind it and I wanted just to bring that forward just as a background to it and I'll just move from there to the actual activity.

What I'm hoping we can do is create a charter revision drafting team that - on this call that - I mean subgroup that can then work together to clean up all those kind of things that are irrelevant and tighten up that document so that we've got a charter that survive more than a couple of years going forward. So those are the two aspects, one was the background and the other is I'd like to have an action item on this call where we gather together a subgroup. So with that I'll take Q and I see Avri has her hand up, so Avri please go forward.

Avri Doria: Thank, Avri NCSG, I guess I've got three things to say, I truly agree that scrubbing the charter to make sure that it's consistent with current realities is a good idea. I think having a subcommittee that takes a first whack at it as long as we're going to do the full group process on it is also a good idea - I volunteer to be on it.

The last point is since you included a substantive issue in putting this on the table is to say that I'm very against changing the nature of the consensus in this group, the fact that it is that in this group was a specific point that it should be hard to change the processes on the (slide), that it should take, you know, the agreement of everybody before one does it so that no one can basically push through a change that made a substantive agenda item.

And so - and indeed, you know, status quo the way this committee is formed is that status quo has an advantage unless it needs to be changed because there's a problem. And if something can't reach conclusion and it has to set and linger and continue to be discussed, that's a good thing for a group like this. So, you know, I'm totally in favor of scrubbing but I - we have a very long discussion to have on removing the full consensus rule of this group in my opinion, thank you.

(Jeff): I see Wolf-Ulrich is open and I would invite others as well to please bring yourselves to the table, Wolf.

Wolf-Ulrich Knoben: Yes Wolf-Ulrich ISP speaking thanks well I also (innovative) to it and I would apply for membership of this subcommittee and to do so to help to make it consistent, the charter.

With regards to that point of basic consensus planning, I'm not sure whether we should go this way with a - from having one reason which is, you know, we are what we say chartered at the end or approved charter as it gets approved by the Council, this is one thing. So on Council because we are - what we are doing here (CIA)'s probably are going to recommend - send

recommendations to the Council and Council at the end, those recommendations are dealt with not on a consensus basis but on a voting basis.

So the question for me isn't why should we as the SGI act in a way before that, you know, before that it comes to a voting that we are also going forward for voting - it's a question to me. So we should discuss it from several aspects but it comes up to me. So this is my (just) question I have and then at the end I would like to go ahead, thanks.

(Jeff): Thank you Wolf, can I just ask a question for clarification? I understood that you agree that we should be having a charter revision drafting team?

Wolf-Ulrich Knoben: Yes.

(Jeff): But you don't agree with the consideration of consensus change but you're open to discuss them both - I didn't quite catch that.

Wolf-Ulrich Knoben: I'm open to a discussion for that but I have some concerns.

(Jeff): Okay that's what I wanted to understand.

Wolf-Ulrich Knoben: Yes.

(Jeff): Thank you very much, now I see Anne followed by Mary - Anne please.

Anne Aikman-Scalese: Yes thank you (Jeff), this is Anne with IPC and my question is I have a historical one related to the SGI charter in that I'm guessing but do not know for sure that the full consensus provision in the charter was initially determined by the GNSO Council, is that correct or incorrect?

((Crosstalk))

Wolf-Ulrich Knoben: Wolf-Ulrich speaking, so the charter was started by the SGIs themselves as a whole and then but it has to be sent for approval to the Council, so that's the way how we did it. So there was not a discussion on Council about the question on consensus or not but it was discussed here that SGI and it was put forward.

Anne Aikman-Scalese: Okay thank you Wolf.

(Jeff): Do you (need anything further) then Anne (that you had)?

Anne Aikman-Scalese: I would be interested to know a little bit more historically and don't recall why it was set as full consensus at the time.

(Jeff): That's a good question, I don't know if anyone has the answer I think that's just standard practice.

Woman: There should be archives of all the discussions both in the Council and this, it will probably just take a little bit of work and time to - for somebody to dredge them up. But if we're going to have this conversation, I'm sure someone will dredge them up.

((Crosstalk))

Marika Konings: This is Marika, I think maybe to ask for them to be dredged them up.

Man: Yes, (unintelligible)...

Marika Konings: I can maybe clarify - yes this is Mary, I can maybe clarify - if I recall well I think the reason why there's full consensus because for the PPAC and OAC there was also a requirement to have full consensus on any recommendation that came out of those groups and if I recall I think it had to do with the sensitivity of the issues they were looking at, so that's near the revisions to the PDP and revisions of the Council structure to open operating procedures.

So I think at the time those two groups were required to operate under full consensus as to assure that there was unanimous consensus for any of those recommendations coming out of those groups. And I think that was just taken over to the SGI and I agree with Wolf, I don't recall any further discussions on that at the Council level or whether that should be that way or shouldn't be that way, that is maybe something to check. So I think that's a little bit the background if my memory serves me right.

(Jeff): Marika thank you for that and in fact because this is such an important topic for everyone it would be very helpful if staff could find that a bit both and practicable, okay. Mary I see your hand is up, you've been patient - please go ahead.

Mary Wong: Thanks John this is Mary Wong from NCSG and actually just chiming in with the last point I think that a lot of the SGI - the pre-SGI information discussion happened when I was out in California as well, so my recollection assuming that Wolf and Marika. I don't think there's a whole lot of discussion specific to the SGI on the full consensus issue.

There was a lot of discussion about the need for the SGI and to the point that actually I wanted to make original was this, going back to Wolf's earlier point about, you know, process and what happened with the Council and difference between what happened when the Council votes and when we make recommendations. And I think Marika pointed that we're very different from the Council what representing our respective constituencies, you know, background, contact, movement and so forth.

I think we're here to for lack of a better word, oversee these proceedings and activities within the GNSO at and when we requested for our charter. So I think for that reason alone that it is important to have full consensus and to the extent that there are issues for issues we're asking for (directly on the) full

consensus (unintelligible) obviously in the manner and the process to almost as a group.

You know, there's differences that we can record as minority opinion, (the emergence resource) and so forth. And I think it's important given the nature of work and why we're here that all of that gets shown and ultimately a recommendation or the lack of a recommendation will go back to the Council. So Avri I would support the full consensus requirement.

(Jeff): Thank you Mary I see Anne and Thomas and we're little bit over time if everyone can kind of agree, we'll take a few minutes more, Anne.

Anne Aikman-Scalese: Yes thank you, it's Anne of IPC I again have a question and the question is as Mary alluded to it just now, in a situation where everyone agrees that we have an impasse and we can do no further work but that we do not have full consensus, is there a mechanism for simply reporting to GNSO Council the majority and minority opinions as long as everyone agrees, you know, that it's time to report because we can get no further?

Ron Andruff: That, you know, that in fact is exactly - that's the rationale I was going with that I understand and I look to staff and perhaps others to share their thoughts, but I understood that it has to be full consensus and that there is no reports.

In less consensus anyone who is in descent of that discussion has a right to put forth a full report and that's what I'm trying to get on the table, I'm trying to get that full reporting on the table. So with that, Thomas please go ahead.

Thomas Rickert: Thank you Ron this is Thomas from NCA, to me it would sound much more natural if no full consensus was required in this group but ultimately at the Council level full consensus would be required so that the Council is fully informed about the diverging views of the SGI. In the absent of that being

present, my question to Avri, Mary and the others supporting the full consensus model is what your rationale is, were you asking some reasons?

But to me it sounds like you would maybe just "like to increase chance of vote going through if there is full consensus?" Or is it maybe psychological hurdle that cannot easily be overseen by the Council? So, you know, I'm afraid I don't really understand the reasoning why full consensus is needed if it can be easily turned over by the Council, thanks.

Ron Andruff: Thank you very much Thomas, I see Wolf's hand up and then you'll have the last word on this Wolf so please go ahead.

Wolf-Ulrich Knoben: Thank you well it fits to what Thomas was saying maybe I personally was - and I'm clear enough in that, you know, I'm looking for let's say an open air to discuss this, I have some concerns about right now to leave that model of full consensus.

But I would say (and others) - I would like to have model which leads us to voting here on the SGI, but if you find something that's (different) it could be as you call for us consensus (rather than) other positions could be outlined and others put forward - send forward to the Council, so I could find a way to do so. But what I was saying was I see the Council is run who can have - who can go for voting and the question for me which should be discussed is why should we as the SGI go for a way which leads us to voting? That's the only thing, but if you can find a model otherwise we should discuss it, thanks.

Ron Andruff: Thank you everyone, so now we're well over our time and I'm not going to keep everyone on the phone longer. I think this has been a very fruitful discussion and perhaps it's a little premature for us to start putting together the working group on that, maybe there's more that needs to be discussed and I'm going to ask that we move this up on our next agenda so that we can give it more time and then at that point we'll form a working group if everyone agrees with that.

So with that then fortunately we had - well we did quite well on our list, the action on the working group survey, I want to apologize to the committee for my comments last week - or on our last call I should say when I said, well we've all read it and we've gone through it so if anybody has any thought let's just send it on. And then when I started to read through the comments which were very thoughtful comments, I realized that I was way off base.

So first of all my apologies for that, I do want to see a fuller and broader discussion on the working group survey so I'm going to ask that we bring the - these two elements forward - one about the charter revisions asking team will be right at the top of the agenda then that will be followed by action on the working group survey on our next call.

And I note - thank you Mary and Anne, you know, concern that you have your call scheduled for Monday for subgroup on - working on the motion - the recent (issue of) motions, so thank you for that that means we'll have some discussion on it on the call as well next week - or two weeks I should say. So is there any other business that anyone would like to bring to the table at this time?

Having heard none I will thank everyone very much, this is - I'm getting very excited about the amount of work that we cover and the really thoughtful conversations. I noted that J. Scott also sent that in the chat, we are working in a very harmonious way and nothing could make me happier, so on behalf of myself and Vice Chair, Avri Doria, I'll bring this call to a close and we can now stop the recording and look forward to our call in two weeks.

Woman: Thank you Ron.

Ron Andruff: Thank you everyone, thank you - bye-bye now.

Woman: Bye.

END