Standing Committee on GNSO Improvements Implementation (SCI) TRANSCRIPTION
Thursday 31 May 2012 at 19:00 UTC

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http://audio.icann.org/gnso/gnso-sci-20120531-en.mp3
on page
http://gnso.icann.org/calendar/#may

Attendees
Ron Andruff - Commercial and Business Users Constituency - Primary
Wolf-Ulrich Knoben – ISPCP – Primary – Chair
Anne Aikman-Scalese – IPC Alternate
Angie Graves - Commercial and Business Users Constituency – Alternate
Alain Berranger – NPOC Primary
Carlos Aguirre – Nominating Committee Appointee
Avri Doria – Non Commercial SG – Primary
Krista Papac – Registrar SG – Primary
Mary Wong – NCUC – Primary

Apology:
James Bladel – Registrar SG alternate
Margie Milam

Staff:
Marika Konings
Julie Hedlund
Glen de Saint Géry

Coordinator: I'd like to remind all participants this conference is being recorded. If

you have any objections you may disconnect at this time.

You may begin.

Glen de Saint Gery: Thank you very much, (Kelly).

Good morning. Good afternoon. Good evening everyone. This is the SCI call on the 31st of May. And on the call we have Avri Doria, Krista Papac, Wolf-Ulrich Knoben, Angie Graves, Carlos Aguirre, Ron Andruff, Mary Wong, Alain Berranger

And for staff we have Marika Konings, Julie Hedlund, and myself Glen de Saint Gery.

I don't think anybody else is on the Adobe Connect that has not joined the call. No, I don't think there is is there Marika?

((Crosstalk))

Marika Konings: (Unintelligible).

Anne Aikman-Scalese: Anne Aikman-Scalese has just joined.

Glen de Saint Gery: Oh, Anne Aikman-Scalese has just joined. Thank you Anne.

And we have no apologies except for Margie Milam. So it is over to you Wolf-Ulrich.

But before, may I just remind you please to say your name before speaking just for the transcription purposes.

Thank you very much. Thank you Wolf-Ulrich. Over to you.

Wolf-Ulrich Knoben. Yes. Thank you Glen. And - well, we have a pretty good round here and hope we have a fruitful discussion tonight in Germany.

And so let me just go to the next point. We have - agenda item is about Statement of Interest. If there - anything - has anybody something to disclose with regards to their Statement of Interest?

I hear nothing, so let's move over to the next point. May I ask if you satisfied and approve the agenda?

No comment on that. Thank you.

We have on the agenda since we established our sub-teams for the different items, so we have for each item our respective sub-team.

The one point with regards to asking for what has happened between the last meeting and right now, and to share some background information with the committee itself and then to discuss relevant points and see what could be the next steps for those groups.

And I see we have here under Adobe Connect the table for the first - from the first group, which is actually two people, Anne and myself. And this is regarding the Ad Council - the updating of the General Counsel voting results.

And, we had some small conversation on our list on - between Anne and myself, so - about that - what to do and where we stand (unintelligible). So I would like - if I may (unintelligible) - if I may, and I would like to hand over to you since you have started with that and just

recalculate what has been done and where we are at the time being, then we can put some (persons) on it.

Anne, are you here?

Anne Aikman-Scalese: Yes. Thank you Wolf-Ulrich. This is Anne Aikman-Scalese with IPC.

This small project had to do with reviewing the GNSO Council voting results table that had been prepared by staff to assist GNSO Council members and having a quick ready reference with respect to the requirements in connection with different votes - the number of votes needed to pass a resolution.

And the only thing our team was doing was - I'm actually not quite clear whether the request to review this came from staff or from the Council itself. And I know that's something Wolf-Ulrich also asked me.

So I Marika on the line?

Marika Konings: Yes, this is Marika. The request came indeed from staff. This is a document that was prepared as part of the operating procedures and part of updating those elements after the adoption of the new GNSO PDP. We started updating this and we actually thought it might be a good idea to, you know, submit this to the SCI just for your approval or review. So it does come from staff.

And just to clarify what's on the screen is an updated version that incorporates some of the discussions we had on the mailing list. So it's the - I think the one suggestion that staff made on one of the items,

and the suggestion that Wolf-Ulrich made to clarify one of the items to bring it in line with the by-laws.

So just want to make sure that people are aware that that's the version that's up on the screen.

Anne Aikman-Scalese: Okay. So in terms of - I don't know, the review from my side, I saw - I had just added some clarifications and it looks as though one of those I think on the second page where we're talking about approved PDP recommendation and imposing new obligations on certain contracting parties, does the red text underneath, is that deleted now Marika? I'm not sure I'm understanding the code here.

Marika Konings: No. This is Marika. That's the line which I was updating because I think that was the one suggestion that we made from a staff perspective as most of the items are, you know, trying to bring it into line with the exact in the bylaws. I think you had suggested where a two-thirds vote of the Council is equal to consensus.

Anne Aikman-Scalese: Oh.

Marika Konings: And we suggested to change that to where a two-thirds vote of the Council demonstrates the presence of a consensus, which (unintelligible)...

((Crosstalk))

Anne Aikman-Scalese: Oh, that's fine. Yes.

Marika Konings: ...wording in the bylaws. So that's just a - you know, I made that suggested change.

Anne Aikman-Scalese: Oh, I see. Okay.

So what I'm seeing over on the right about deleted just simply is a rewording in other words.

Marika Konings: Exactly.

Anne Aikman-Scalese: To be closer to the language.

And then I personally did not look at the last seven columns and still have not had time to do that. But I understood Wolf-Ulrich that you were going to look at those yourself last night?

Wolf-Ulrich Knoben: Yes. I intended to do, so it was very late last night. But I couldn't do that today, so not yet.

Anne Aikman-Scalese: Oh, okay.

So I think you and I both need to continue until next meeting...

Wolf-Ulrich Knoben: Yes.

Anne Aikman-Scalese: ...because I couldn't do that either. I'm sorry. For the last seven. But I agree with everything that's been done by staff, you know, above that. And I'm sure that they're - you know, I'm sure the right - but to actually do the task that we've been asked to do, then Wolf-Ulrich

and I will have to continue and, you know, properly review the last seven columns in between now and the next meeting.

So...

Wolf-Ulrich Knoben: Yes.

Anne Aikman-Scalese: ...and I do think the table is very helpful, you know.

Wolf-Ulrich Knoben: Yes.

Well, may I add - so I saw Marika your edits. What I have commented on, so - in the - the - almost to the very last line. So to delete in the former list the Council level - so for the Council level (unintelligible) and et cetera by the non-voting NCA

Now also I myself when I read that this time, I forgot what was happening. I didn't understand the Council level actually in this regard because all NCA in this regard because all NCA's are Council NCA's. So - but now I understood it, so who is not assigned to one house. So, that's the case.

And this is as I - to my understanding, this is - it must be then on voting NCA. So this is my understanding of that. And that formulation, would that - would make it more clear, so that's what works for my proposal (unintelligible) here.

Anne Aikman-Scalese: It's Anne again, and I'm not sure I understand. If you could please explain, Wolf-Ulrich, about the Council - the non-voting and starting (unintelligible).

Wolf-Ulrich Knoben: Okay.

Anne Aikman-Scalese: I don't really understand.

Wolf-Ulrich Knoben: No problem.

So the rules of operation say clearly with regard to this (unintelligible) the Council that we have the most part of the house - the contracted party house and the (uncollected) party house.

Anne Aikman-Scalese: Right.

Wolf-Ulrich Knoben: And we have the different stakeholder groups assigned to those houses. And then we have three NCA's. Nominating Committee Appointees. And two of them are -- according to the rules -- are assigned each one to one house.

So - and those also shall have the right to (unintelligible). And there's a third NCA in our case -- now it's Carlos at the time being -- who is - to some extent was called a houseless NCA, but it's not a houseless - it's not - it's just an non-voting one. And there was the one who was called the Council NCA. But in terms of voting, I would say it's an un-voting NCA.

Is that understandable?

Anne Aikman-Scalese: Yes, thank you.

Wolf-Ulrich Knoben: Okay.

So this is where we are. I understand Marika is coming back to the staff request. It's not - you know, we should not think about - or who should not think about any further maybe adaptation or so - if - when we look through the whole list - or what is your intention? Is it just all - you just check the list and you came up with two or three comments as - two alterations, and that's what you would like to be sure that from our point of view that would be in line with what we are thinking?

Marika Konings: This is Marika. Exactly. That's why I had hand raised as well, because I think Anne was referring to the last seven on the table. Those are actually items that were already there in a previous one and didn't undergo any changes as a result of the - you know, the revised GNSO PDP as they all related to, you know, an action of the Chair, an action of the Board seat.

So no changes were made there, although you know I think that the clarification there of, you know, making a non-voting instead of Council level to bring it into line with the GNSO or with the ICANN bylaws is, you know, definitely a helpful suggestion and I think it makes sense.

I think at this stage I'm not 100% sure whether this is a document, and maybe I'm looking there at Julie because I think she's - you know, may be responsible for updating the GNSO operating procedures whether - you know, following your okay with this, we can just go ahead and you know insert it and you know, produce an updated version of the operating procedures with this as an annex. Or, whether this requires another approval or you know possibly a (unintelligible) agenda item for the Council to consider.

I'm not 100% sure whether GNSO Council approval is required or whether you know SCI approval is sufficient here. So maybe Julie can comment on that.

Wolf-Ulrich Knoben: Okay.

Julie Hedlund: Yes, this is Julie. I'm not sure actually, and I think we have to find that out. I mean because even as it's an annex, it is indeed part of the operating procedures. Typically changes to the operating procedures have been made only with a GNSO Council vote.

So let me check on that and see what the procedure is for that.

Wolf-Ulrich Knoben: So Ron has a comment. Please go ahead.

Anne Aikman-Scalese: Go ahead. I'm sorry.

Ron Andruff: Yes, this is Ron Andruff. Thank you very much for this report. I'm actually kind of - a bit of a point of order for my own clarification, and hopefully this might help for others as well. This topic is updated the GNSO Council voting results table, and there's been some work being done on this. But I'm not familiar with exactly what is expected from the SCI with regard to what in my understanding is a historic table.

Am I - where am I missing the point here? Could someone kind of flesh that out a little bit for me? Thank you.

Marika Konings: Yes, this is Marika. I can clarify. Basically following the adoption of the new revised GNSO PDP there were a couple of voting thresholds that were either changed or added. So from a staff we - you know, we went

ahead and updated this table, but then thought well maybe you know we should have this just checked just, you know, to make sure that we're not being accused of just going ahead and making changes to the operating procedures just by ourselves.

But the only thing that really has happened here is just updating it to bring it in line with the revised GNSO PDP and make sure that those voting thresholds are aligned and new ones that were created have been added to this table.

So it's not a - you know, the question to the SCI is not to review the threshold and, you know, determine whether they're appropriate thresholds for creating an issues report, for example, you know are the right ones. But it's really just to make sure that the table is correct.

And as Anne has done, you know, make some helpful clarifications and make it easier for others to understand the table as well.

Ron Andruff: Oh, that's very good. Thank you very much. That's what I - was my thinking, but I wanted to make sure that I was on the right page. Thank you.

Wolf-Ulrich Knoben: Okay.

Let's go to Anne and then Avri.

Anne Aikman-Scalese: Yes. Thank you. This is Anne with IPC. I just want to confirm what Marika had just said. The reason I had volunteered to do it is that I had been watching the PDP process and was, you know, somewhat

familiar with the changes that had been made in the bylaws and the voting thresholds.

And the only comment I wanted to add is that I'm not certain that SCI - I don't think SCI had to be consulted on this table. But given that we have been consulted -- and I think it was a very good idea to consult us -- I think we do have to complete our review and be satisfied, especially if staff intends to say that this has been reviewed and changes have been made in consultation with SCI.

So it would be premature to approve it today for the reason that Wolf and I have not finished our part of that review. If we had not been asked to do it, I don't really know what the procedure would have entailed. But since we have been asked and have contributed, I think we should complete that work.

Wolf-Ulrich Knoben: Okay.

Avri please.

Avri Doria: Yes. I want to thank people for clarifying the scope, and I just wanted to agree with what Anne just said in terms of since the group's been asked to look at it, and since they've been discussing the sort of terminology to make sure that what's there is actually understandable and corresponding, you know, I do think it reasonable to wait until the group comes and says, "Yes." You know, "We've got what we think we're fine with" and therefore - and since this is a consensus, you know, body for us to say, "Yes. That looks cool," and send it on.

So I think if the sub-team isn't ready for it, we shouldn't be ready for it. Thanks.

Wolf-Ulrich Knoben: Yes. Okay, thank you Avri.

In this context I have a question to Marika as well, because looking to our next part of this (unintelligible) regarding the voting thresholds for delaying a PDP - so you are this - we - this consensus may lead - and my understanding could be that this may lead also to some - may have some influence on that table isn't it?

Marika Konings: Yes. This is Marika. Possibly. But I think once that gets adopted, that will have a longer way to go because presumably depending on where it ends up, that would probably need formal GNSO Council approval. And we need to check it - I don't know even if it would require Board approval as it would be a modification of the PDP.

So - but yes. If at the end of the day the SCI, and you know going through the whole process, a new voting threshold would be approved relating to delaying a PDP. That should also then - this table should get updated again and you know, be in - that that information inserted here.

Wolf-Ulrich Knoben: Thanks Marika for your clarification. What I would like - how I see as a process, let me say, on (unintelligible) this table. If Julie is going to check what could happen with - regarding the question how any amendment shall be approved either through the SCI or even through the Council I don't know.

So, we should find I think an easy way going. So not that we just, as you say, finish for our part at that time the work and going to the Council wherever and asking for approval. And then as someone stated, they come back and say, "Oh, hey. We have some new ideas because we just talked about voting thresholds, and there's a new amendment and we have to go through the discussion again."

So the question is how we can really facilitate and make it easy now to have this table in the future. So Julie, that would be helpful if you could find out where are the - let me say, our bindings, you know, and how could (it) go?

Julie Hedlund: Thank you Wolf-Ulrich. I will look into that, and this is Julie. I don't actually think it's written down anywhere, and it may even be that I - it could be a question I could just raise with Stefan and maybe it's just a simple put it on the consent agenda and have a quick vote, you know, and whatever. But I'll look at it.

Wolf-Ulrich Knoben: And anyway, I could also put that to the Council table. I think I will prepare a small report to the Council in Prague, and share that in advance with you and put that question (unintelligible) this indication also to this report so that the Council will be aware of that.

Anne Aikman-Scalese: This is Anne. I think that's a good idea Wolf.

Wolf-Ulrich Knoben: Okay.

So far any more questions to that point?

Not yet? So - then let's go to the next point, which is actually the voting thresholds - the results table for delaying a PDP.

So on - is that the point - you have been trying, Ron, to start with but you couldn't?

Ron Andruff: Ron Andruff here. No problem Wolf-Ulrich. I'm happy to carry the ball a little bit. I apologize to everyone for not...

Wolf-Ulrich Knoben: It is okay.

Ron Andruff: ...being able to be a little bit more active on the list, but I am grateful that several of the members of this group, which includes myself, Ron Andruff, Angie Graves, Wolf-Ulrich, Krista, Avri, and Carlos have contributed on the Wiki because that's very helpful.

What I had hoped to do is actually engage more with the group with general ideas and thinking that's come out from the BC as well as other quarters that have come our way. But if I could perhaps verbally share some of it right now, then I will do so, and at least it's on the record and we can pick it up from there.

Woman: Sure. Sure.

Wolf-Ulrich Knoben: Okay, one - just a pre-question. So which points are you talking about? So I was talking about the voting thresholds for delaying a PDP.

Ron Andruff: Well, I beg your pardon. I guess maybe I'm on the wrong page.

Wolf-Ulrich Knoben: No. (Unintelligible)...

Ron Andruff: I was actually talking about - I beg your pardon. I was actually talking about the deferral of motions.

Wolf-Ulrich Knoben: Yes. Yes.

Ron Andruff: No, voting thresholds. I'm sorry, voting thresholds for delaying a PDP. That's where I was coming from. And that's actually belongs not to me, rather I'm deferral of motions. So I'm stepping back and handing it back to you, Wolf.

Wolf-Ulrich Knoben: Yes. Yes. We can come back later to you, yes? We can?

Ron Andruff: Exactly.

Woman: Absolutely.

Wolf-Ulrich Knoben: Okay. So regarding voting thresholds for delaying a PDP. Do we have somebody about to - who would like to talk about that?

(Unintelligible) - Marika did you see anything? Any...

Marika Konings: This is Marika. I think this is actually the group that Ron (unintelligible) was saying that he was going to be the lead. Because the only thing that is there now is the note that staff wrote on - you know, our views on, you know, how it should look and what the issues are.

But, I don't think there has been any further discussion on the Wiki or on the main (unintelligible) - on this issue as far as I am aware.

Wolf-Ulrich Knoben: Yes. This is what I understood, so it was my feeling that I didn't know exactly that (Juan) couldn't do that because of his (accident). And we should think about, you know, whether for the next time somebody else could take the lead or be the facilitator of that work.

So the question is who is on the group? It's (Juan). It's...

Ron Andruff: In that group it's myself, Wolf; Ron, Angie Graves, Krista, and Avri, and I think I could speak for myself and Angie. I know Angie was also - been a little bit under the - under water with her other activities, and Krista I think has also been quite busy. So if we could just perhaps - I would recommend we might just delay this for the next call if that serves - if you're in accord with that Chair, because then all of us can now start to get our spades into the ground a little bit on this one next week.

Wolf-Ulrich Knoben: Okay. So well what is - is there any comment to that? So do we have - let me say, time - from the time point of who - any - let me say pressure on that regarding (unintelligible)? If we look to other points. You know is that a priority or could we (unintelligible)? So I do have the feeling of I could live with that Carlos. Okay, and thank you very much.

If you can do that after awhile again and take more time - take - devote more time to that, then it's okay to me.

So just asking for comment, but I don't see any comment from that, so I vote - well, Avri is commenting. Yes?

Avri Doria: Yes. Just a quick comment on it, and I think it's good that we're taking time on it. Because looking at what this implies and looking at this being something that has to run through the GNSO and then to the Board for approval I'm fairly certain, means it's a long-term process that has to be (unintelligible) carefully.

And as we start to look at a period when it's almost time for GNSO to go under review again, you know, have to consider it in light of does one make a bylaw change easily in a time when it's almost time to review the new process that's been put in.

So those are questions I think make it - make sense taking our time with this one. Thank you.

Wolf-Ulrich Knoben: Yes.

Okay, Marika now please.

Marika Konings: Yes, this is Marika. The only thing I wanted to know there, because the reason I think why this, you know, got onto the agenda is that we actually realized that this is one - you know, we may need a potential loophole that exists in the revised PDP, you know, following what happened with the takeaways PDP. Where a PDP was initiated but then immediately after the vote it was actually decided to delay that, you know, for a certain amount of time. So I think that's why the reason it got added.

I see what Avri's saying on the GNSO review, but I think that process is probably going to take, you know, quite a time because I think first will be an external review, and it doesn't - you know, it might not

necessarily include a PDP because, you know, potential outcome might be as well that they say, "Well, the PDP has been revised and, you know, we need some time to see the overall process working."

So I think yes; definitely at some point the whole PDP will get reviewed as well, but I think this is an item that we identified as a potential loophole. So I don't think it's an urgency, but at the same time you know I wouldn't want to lose it out of sight either as, you know, deferring it to you know when maybe the overall review might take place.

Wolf-Ulrich Knoben: Yes. Okay.

We have two further comments. Ron and Avri. Please.

Ron Andruff: Thanks. I support Marika's comment. We just need to keep this on the front burner and fully expect that we will be able to use that over the course of this next two weeks or so. Between now and our next call we should be able to come back with something more concrete.

I think the general view from those that I've spoken with about this topic is that once a PDP has been initiated that in order to delay it then there has to be a higher threshold of voting. In other words, we really need to have a larger group of people to turn to to be able to stop a PDP that's in action. And I (unintelligible) vote in that regard.

So that's a general viewpoint that I've picked up along the way, and I don't think that too many people would argue with that. What I - Avri's comment is well taken, that that was (unintelligible) - what does that

threshold look like and how do we do something that makes sense? And, does it overcomplicate the matter?

So that's just a general comment and - but I do believe that Marika's right. We should keep this on the front burner. Not push it back too far. And so I'm suggesting we try and (unintelligible) - put this at the top of the agenda for the next meeting and start there, if everyone's agreeing with that one.

Wolf-Ulrich Knoben: Okay. Thanks Ron.

And let's hear Avri and then (unintelligible)...

Avri Doria: I'm going to beg to differ with both Marika and Ron. I think what the (unintelligible) is - we saw that the mechanisms within the PDP to allow the GNSO to amend the timing on the PDP and other things has made it possible to actually do a delay. And so while I think it's important to be able to delay it sometimes, I think we have seen that delay can be done.

Also in terms of Ron's point of view, I just want to point out that I disagree with that point of view. I wouldn't say that it took a higher threshold to do a timing change or a delay change. I think doing it at the same threshold or even other thresholds is fine, but I certainly wanted to - you know, in this particular consensus-based group, sort of say no. There is not a full notion or a full agreement on an idea that we need a higher threshold to delay something.

I think sometimes things need to be delayed and they are, so there isn't agreement on that. Thanks.

Wolf-Ulrich Knoben: Okay.

So - okay, I understand there's no agreement and that means we need time to discuss and to put our positions to the table and discuss opposing (cons) and all these things.

So the question is for me then, so I understand really, that we should have it on the table. Let me say in the first place, on our next agenda. And the only question is - so as I saw - still, Ron is let me say officially, or unofficially, in the (unintelligible) (answer to the) question is how could we deal with that (up to that)? Is there something which could be done in between until the next meeting?

(Unintelligible) are you sharing something on the list or at least - Ron please.

Ron Andruff: Certainly. Angie Graves will work with me on that. Angie can - and I will put our heads together in the next day or so and kind of put some thoughts - get that - try to get that list going on the Wiki as happened with the deferral of motions. So, we'll get something posted early next and then at least get that ball rolling.

Wolf-Ulrich Knoben: Okay, thank you very much. And Krista?

Krista Papac: Yes. I just wanted to comment that Ron and Angie, I'm happy to jump in and help out with that as well. I'm back, engaged, and apologize as I did earlier for being a little bit disconnected over the last week or so.

So just - I'm happy to help work with you guys on that.

Wolf-Ulrich Knoben: Okay, thank you very much.

Angie Graves: Who's speaking? Who's speaking? Who spoke?

Krista Papac: Oh, sorry. This is Krista.

Angie Graves: Oh, thanks Krista. This is Angie. Thank you.

Wolf-Ulrich Knoben: Okay, thank you very much Krista.

And now let's leave that point and go to the next one is the deferral of motions which I think you're also engaged, Ron, aren't you?

Ron Andruff: Right. I started - this is the one I started on earlier when the - so hopefully I didn't confuse everyone.

What I was saying then was on deferral of motions, the Wiki has had a number of comments and thoughts put towards it, and I started to say that unfortunately I haven't been able to add mine in writing because of my deficiency in typing these days.

But, there is some discussion about what would constitute a deferral and what kind of reason - or what kind of - how many of those could be made to make sure that this does not become a habit?

I think the general good news of the story, and as I think Avri posted and we certainly got the information from Glen, is that there's been relatively - business use of deferrals and I - in my dialog and discussion within the BC and speaking with colleagues, it turns out that

the largest reason that we would have in the BC for deferrals by-in-large is because of timing.

The - and what I mean by that is simply that there is always a situation as it stands right now where motions are filed on the last day they can be. And then the next eight days are usually spent with other constituencies trying to assess - in the other constituencies trying to assess what these things are and where they came from, and how do we deal with them? And, that's just such a tight timeframe for a constituency to try to gather some consensus thinking around them.

And so often a motion is delayed. And in the case of the BC, we've often delayed - in the - or the number of times we've done it, it has been only because of lack of information or not enough time to respond.

So staff had mentioned, and I - in one of the calls we had, and I think it's a very good idea to perhaps kind of lead the direction of this discussion -- in my opinion in any case -- is that this idea of socializing the motions in advance. So if people had a sense of what's coming down the pike when that motion appeared, it wouldn't be this shock of, "What is this?" "How do we deal with this?" "What does it mean to ICANN?" "What does it mean to the constituency," and so forth.

And so this idea of maybe creating a - what one might call a motion tending file. You know, that we would put on the agenda for every Council meeting. Kind of a list of motions or areas being considered that might be popping up at the next meeting or next call of the Council.

So it could be a preliminary motion agenda or something along those lines, but it would certainly put things in the right direction so that all affected parties could have time to give thought and consideration to the various elements of those things. And so that when the PDP - or when the motion actually arrives at that point we would have a very clear understanding as to where it came from and where it's going.

I think on the whole, the idea is that just to try to find a way for say a community to be able to respond in a better way.

I also think that Avri's comment about trying to find some criteria around which motions can be delayed makes some sense and that's something that certainly needs larger discussion within the group. And, I think that Carlos made a very interesting point also in the Wiki when he said that there are times when things are delayed because people just haven't had time to consider them.

ICANN being a volunteer organization, we really don't have the luxury of being able to spend all of our days on it as much as we all do. Still nonetheless, we have to do our day jobs.

So I think there's some good discussion around this so far, and I think people are starting to come to understand better what the topic is about. And so I'm encouraged about where we've gotten so far. And with that, I guess I would be happy to bring it back to you, Chair, to open this up to further conversation and to answer any questions that might come about.

Wolf-Ulrich Knoben: Thank you very much Ron.

And I also was following the discussion on the list and all the various comments, so I - while I think with those comments and all this input, some mix - something could be born from those comments. I think so.

Angie please.

Angie Graves: Yes. This is Angie Graves, and Ron is being very kind because I had intended to get something up on the Wiki before now. It's still pending and I'm grateful to Krista for her offer to help. And this will be kicked off and moved forward.

Ron, I've captured a lot of what you just said in writing, so I intend to include those thoughts, with your permission. I'll send it to you for a review before I post it so that that can be included as well.

Wolf-Ulrich Knoben: Yes.

Angie Graves: That's all I wanted to say. It's been a slow kick-off. I'll take responsibility for that, and really are interested in everybody's thoughts and comments. And I'll be a lot more involved going forward and getting this discussion moving. Thank you.

Wolf-Ulrich Knoben: Thanks Angie.

So may I refer to you to - what you were saying last time? And I'm asking you do you have enough background information on the topic. That means the question where this topic comes from? Why it came up? And so that you may include something - just two or three sentences about those background to develop what you are putting together.

Angie Graves: This is easy. Will do.

Wolf-Ulrich Knoben: Do you have that information?

Angie Graves: I don't think I have all of it, but I am aware of the - a couple of instances where deferrals were requested, and I've just done a search in my mail to see if I can find more.

If anybody wants to offer background or context, it's welcomed.

Wolf-Ulrich Knoben: Now - well if I may - and so if somebody could correct me if I'm not clear enough. So the issue or specific issue was on timing. That means - that was the critical issue. That means would it be possible to defer - to come up with a request for deferral of motion - no. Sorry.

Oh, I am sorry. I'm totally wrong. This is (unintelligible) and procedural. I'm sorry.

There was - the (unintelligible) motion was because of - okay. It happened that once a - there was a request for a second time to defer. And then the next time it was - all of it came from another party - another group as well the same kind of question. And then it seemed to be, let me say, the question of trusting each other, you know. Why - where the request comes from or what was the real reason of the request?

Is it reasonable? Is it acceptable or not? So this is what's behind. So (unintelligible) to my knowledge.

Ron Andruff: Yes Wolf, this is Ron. I think that's - you said it about right. It's really - you know, is it reasonable that a deferral should happen?

And so I think the question is for us, and Avri's taken a stab at it, how to define what's reasonable so it's not to the - so the parameters are not so tight that we're trying to squeeze a round peg into a square hole. But rather, there's enough room to move to make this function properly at the GNSO level.

So I think that if we could, you know, just continue to work on the list, or you know we can continue to discuss it right now. But in general, I think that there's a feeling that deferrals are a good thing to have if people are not - some news has come up - other information that was not available all the sudden came to the floor and needs to be digested on the constituency level. These things are valid and important.

But I think what we also said is that if there's going to be deferral of motions, it should come back at the top of the next agenda so that therefore, you know, there's been a deferral, it's been pushed off, but it doesn't get buried in the bottom of the stack. Rather, that actually rises to the - you know, a higher position in the next meeting.

Now should it get delayed again for some reason, then it would be - actually (very top) to the (third) meeting. So you couldn't delay this forever. You know, if it was a stalling tactic by one group or another, it would be only for a limited period of time. And, I don't think that that would be necessarily something that would be as one - as other element - other ways of doing it.

So it seems you're in the right - we're in the right track. We just need to kind of figure out - tighten up how that might work and what are those criteria.

I see my friend Avri is waiting (unintelligible), so I yield the floor to you Avri.

Avri Doria: I'm right behind you.

Yes. Actually, I wanted to sort of step back and sort of say just because we're dealing with an issue doesn't mean we have to do anything other than understand it and, you know, go on from there.

In other words, we could look at this and say, "Gee. From history it doesn't look like it's been abused. It doesn't look like it's been done too much." You know, maybe it's something where we say, "You know, from the looks of it, it's going along fine."

I think we need to be very careful about starting to build other lists of rules and other sets of - and if this happens, then this happens. And then if this happens, this happens. We'll end up with more incredibly confusing charts like we have on the voting threshold.

And I think that's one thing we have to be very careful not to recommend.

Now we may say, "You know, the discussions we've had show that we think that this is a really nice set of guidelines, you know you may or may not take into account." But the notion that with every question we

need to fix the Council operating procedures or make a bylaw change is something I think we need to be very, very careful about. Thank you.

Wolf-Ulrich Knoben: Okay. Just before I refer to Ron now, just to (show) statistics - so you know, it depends on how you read a statistic you know. And if I read your statistic that way it's obviously okay. The numbers - the absolute numbers are not that, you know, of deferring a motion.

But if I - I was checking you know since the survey, again was do we know was - containing I think about 18 motions since that time. So 18 motions. So from 18 motions they deferred - it's 25 or 27. So it's one-third. Yes, it's one-third of that which we deferred.

So the question - and one could raise the question is that efficient or is that - or why is that (unintelligible)? It's - just to put that into this discussion, so it is just a question how you read statistics.

So Ron please.

Ron Andruff: Thank you, Wolf. I agree with Avri's comment. I think that's very, very important for us at the SCI to really monitor our activities. I think it was very wise that we don't have - just because something's come to us, we don't necessarily have to modify it. And I'm very much in support of what - of that concept as it, you know, ties - starts to get full blossom in my mind.

The idea of sort of saying, as you just noted, there was over 80 motions during that period, and there were very few times when I - when there was a deferral. And I know from the BC's point-of-view, I would venture to guess 95% of our requests for deferral were a lack of

information or it came so quickly we didn't - we needed more time to get our heads around it. So if I would venture to guess, that might've happened within the other SG's as well.

So in that regard, it may be that the lighter touch is a better way to go. But, I do fully want to promote the idea of a preliminary motion agenda that as different SG's are preparing a motion to go forward that they could get it on to that agenda earlier than later because information is our friend. And the more we have of it, the more we can then make these decisions within the constituency and avoid having to have any deferrals at all.

So perhaps maybe we want to kick this - you know, with a slight modification of putting forth this concept of socializing motions in advance? We could kick this one back and - or kick the can up the road as they say, but with that caveat that we get a socializing element in there and then watch it for a year.

And then come back and have another look and see how many motions came up and how many deferrals there were. And if that number actually went down, then I think we've found the right path. If in fact that number has gone up, then we may have missed the road. But, that would be a very good kind of measurable test of what the value of the SCI is in terms of addressing these kinds of things.

Wolf-Ulrich Knoben: Okay.

Let's go to Marika. Please Marika?

Marika Konings: This is Marika. I think I just wanted to point that the reason why this issue actually came to the SCI I think was an occasion where a deferral was asked at a moment in time where I think, you know, some thought it was critical to take a decision, and some people that said, "Well, but the deferral of a motion is actually no longer written down. It's an informal practice that you know, the Council Chair has already respected, but it actually is nowhere written in black and white you know how that works and then when it should be applied. So, do we need to you know always follow it?"

And you know, should that be a way that the Council will take a vote and overrule a deferral, for example, or a request for a deferral? So I think the question that (unintelligible) like has been used in the past. But I think part of the question from the Council (unintelligible) like, "You know, we have this informal practice. But to be able to you know respect how we apply it, should it be written up?"

So I think the SCI probably should think as well when it comes back to the Council if you indeed feel that, you know, it's fine as an informal practice; to maybe, you know, state your reasons why you think it can continue as is and there's no need to, you know, write it down anywhere. Or whether you, you know, believe that the practice as is is okay, but probably it should be written down somewhere so indeed there are no loopholes or people questioning how or when it can apply.

So just something to take as well, you know, when you start thinking about this further.

Wolf-Ulrich Knoben: Yes.

More than that actually, the (unintelligible) across IOC motion.

Marika Konings: Exactly. Exactly.

Wolf-Ulrich Knoben: Okay. That was a really specific case you know because it came top down. So there was this critical thing, yes, and - okay, I understand.

Okay. Guys, good discussion.

So I would say this would follow your advice really, and say - okay, let's do it on one of the first places of our next agenda as well, and try to put some ideas together - well, and then continue.

Okay, we have still ten minutes left for - now for the proxy voting procedure and (unintelligible) agenda. So proxy voting procedure.

I was happy that Avri was taking initiative here.

Avri Doria: Okay.

I won't take - this is Avri. I won't take up much time. The conversation has been ongoing in both the Wiki a little and on the list. One thing I haven't done since agreeing to sort of put together the background or - and that is to sort of bring those two together, pull out the background.

I think the conversation's going along several different paths, including you know is it just the (unintelligible) that needs to be fixed? Are the possible changes needed? Perhaps not.

So I think that's about where I'd like to leave it on this one and continue the discussion. And over the next two weeks, I'll sort of work to pull it together.

And perhaps one thing that'll come out of the question to staff, you know, can the manner of doing it be streamlined and made less secretariat-intensive, and questions like that, and not be recommending any sort of policy change. But I - you know, I don't think we're there yet.

And on the Wiki now is basically half of the conversation. The other conversation has happened in the list.

Wolf-Ulrich Knoben: Yes. Yes.

Avri Doria: And those can - need to be combined and then pull out the - you know, the background or which - has pretty much been contributed but no coalesced.

Wolf-Ulrich Knoben: Yes. Okay. Thanks Avri.

Ron please?

Ron Andruff: I think Avri brings a lot to the party in this discussion, having been the Chair of the GNSO and having had the direct first-hand experience into, you know, the - you know, into the - how - when these things can get really sticky. And you know, we just need to be standing in a place where there's - we're not on solid ground at the GNSO and how do we deal with that? And I appreciate the - what she's doing and the thinking.

But I'm coming back to the comment that was made earlier that we don't have to necessarily deal with everything or change things just because they pop in front of us. And one of the areas of discussion that we've had, or one of the parts of this discussion we've had in previous calls as I recall is that the idea of proxy voting really has to be handled very carefully and managed in an appropriate way.

I was grateful to see Mary's comments on the email list about how things are handled in her SG because I wasn't familiar with that as well. I was a little more thinking, Wolf-Ulrich, along the lines of what you were. And I think Mary for having fleshed that out for me.

And I recall going back to the work team that worked on this, and having had been part of that work team. And I remember, you know, when we debated on this at some length that we at one point came to the conclusion that, you know, there's no thing on the planet that can provide an answer for everything that might arise. So I don't know how we're going to get to that point either.

And so it's come to a point in time when, you know, I'm sorry you know the proxy wasn't handed off properly. You know, this constituency or this SG, whichever loses their vote on this one. They lose that vote because whatever happened, you know, didn't meet with the parameters, and so that vote was a lost vote, which would then hopefully kind of be a - you know, a - frustrating for many.

But it would be a kick in the butt to that group saying, "Hey, we've could've handled this better. You know, we've got to find mechanisms

within our constituency, within our SG that will function more efficiently should this ever happen again."

So, I think we need to learn from some of the experiences. And rather than trying to parking (evidence) in every corner just in case it actually might happen. I think we need to, you know, have the (evidence) as (unintelligible). And when something does happen, then we can get there in a - you know, a reasonable amount of time and try to resolve it.

At this point in time, as I understand it, we get - we haven't had any (unintelligible) scenario other than the one that brought this to our table. And so maybe we just want to have a look at it and make sure that there's nothing that's been hopefully overlooked.

And then, revisit this again in about a year from now to see if there's been other circumstances that a proxy vote couldn't have been handed off for some reason. I just think that because there's been one instance of this problem, that doesn't necessarily mean we need to resolve it. If there are 27 instances, then that's something we need to address. Thank you.

Wolf-Ulrich Knoben: Yes. Okay. Thanks.

And Carlos would like to comment as well.

Carlos please?

Carlos Aguirre: Thank you Wolf. Can you hear me?

Wolf-Ulrich Knoben: Yes.

Carlos Aguirre: Thank you Wolf.

I am with Avri in this point, but I think it's needed to focus on the NCI proxy vote, especially when the operating processes are violated.

This morning I made a comment that I think it's important to wait because I think it's needed to - a clarification in our operating process what happens when our (unintelligible) are violated, especially by the leaders.

I think it's an important thing because many today, the (unintelligible) and the transparency because of that I think it is a very interesting point and we need to take in account.

Wolf-Ulrich Knoben: Yes. Thanks very much Carlos. I think I did not read your comment. I just saw that here on the list. But, I would also like to ask all the members of the - of our group to take all these comments into consideration when continuing the discussion on that.

And I understand Avri (unintelligible) go on - if you go on - further on that and we are encouraged, all of us, to comment on the list (further on).

Okay, thank you very much for that point.

We're still almost at the end of our time, but we have an open point which we could not talk over the last time. There was - and where we started with this (constant) agenda. And I'm not sure whether we have

a group or somebody really taking care about that still, because - well maybe you've - you can explain that Marika on that, please.

Marika Konings: Yes, this is Marika. This is actually the item I think on one of the first meetings we discussed in quite great detail with the whole group. And based on that, changes were made to the proposed language, which I've pulled up on the screen, and I think was also circulated on the list.

And I think basically the question is, you know, does this need further work? Are people happy with the language as it currently stands? And is this something that can be, you know, moved up to the GNSO Council as a recommendation for, you know, modifying the GNSO operating procedures?

Wolf-Ulrich Knoben: Yes.

So the request would be for all of us to read that again. And if needed, if required, write a comment on that. Either yes, no, or any comment (unintelligible) you would like to see on that, yes?

I would see that in that case.

But anyway it's you Ron and end then. Please Ron?

Ron Andruff: Thank you Chair.

Yes, that's exactly - if you recall, Marika and I had - I'd asked Marika to do some homework to inform myself about how this - what were the issues, and there was a consent agenda. One was put forward - an alternative one was put forward by J. Scott Evans, and Marika

basically blended those two together and then we had a lot of dialog about that. So the - we've kind of got to this point.

And so for my part, I think for several of us, we checked this one already off the box. This consent agenda really is the best of breed in terms of the language we need that fulfills the purposes.

So as far as I'm concerned, this consent agenda language is - could be added to the Chapter 3.0 as noted in the operating procedures and we can go forward. I don't think there's much more discussion that needs to be had since we had a very fruitful and a very large group on that call, as I recall. Thank you.

Wolf-Ulrich Knoben: Okay.

Anne please?

Anne Aikman-Scalese: Yes, unfortunately - this is Anne with IPC. I would have to disagree about going ahead right now because J. Scott Evans, who is the more knowledgeable person on this topic, is not on the call and I don't think has seen this document. And, I just had asked for time to review it with J. Scott on behalf of IPC before any sort of action is taken with respect to the consent agenda.

Wolf-Ulrich Knoben: Yes. Thank you Anne.

Well, I would like just to propose at least that if Marika could send a specific email with regards to that (unintelligible). Just attaching this document to that - an email to all the SCI members again asking for - or saying just that the suggestion for ruling of that and asking for

comments so that we come back to that in our next meeting. And that in-between also J. Scott may have time now to comment on that.

And, okay. Thank you.

And Ron please?

Ron Andruff: That - I agree with you Chair, but I think just if Marika could just make a note that this was discussed in great detail some weeks ago and that for the most part it's received approval from everyone. We just want to confirm that.

The reason I suggest that is because as we all know, these things within ICANN, they can take months. And this particular document was discussed well over a month ago. People will forget it, and then when it comes back we'll start wordsmithing small points that we might have already discussed and debated and agreed upon in the past.

So maybe if Marika could attach the relevant section of the scribe's notes to this, that might also be helpful.

But, find a way just to get this one checked off the list without opening up again to a whole new discussion, because otherwise we're just going round and round and I think all of our time is valuable. Thank you.

Wolf-Ulrich Knoben: Okay. So Marika, at least well please - so phrase that saying, "Okay. This is the result of an extended discussion already and that's a proposal and share comment," not - and I think everybody

understands, you know, what - how to comment, Ron, not on the bits and bytes, but on the essence on that.

Okay. So I think we - just check here again. I think we are almost at the end of our agenda. We have some AOB's, and I have also - I put in my last email all of the question of the terms for the Chair and the vice-Chair, but this is not an item that we should discuss right now.

I just would like to put it on the agenda and maybe we could think about, and then also talk once about that because I was missing any - let me say, any limitation of term in our charter, and that was - we never - it was starting a discussion with how we - how would you rather do this? So, I would like to put it on the table here and in one of our next sessions I'll - if we could talk about that.

Let's talk about the next meeting. Is that okay really to come back in two weeks from now? This is before Prague again.

Okay. There is no objection. So I would say let's do it the same time on Thursday two weeks from now.

And the other question is...

Avri Doria: I'll probably end up missing it.

Wolf-Ulrich Knoben: ...I have heard from Prague that prepare preparations are done for Prague from the GNSO. And I wonder whether there would be space - if you are asking for some space and some time slot for the SCI?

But anyways, I would like to ask you is there a request to the list that we - if we need to meet in person as SCI in Prague?

Mary, please?

Mary Wong: Thanks Wolf.

I'm just wondering whether - I mean, is one or the other - isn't it if we meet by phone in two weeks, I would assume there's no need to meet in Prague.

On the other hand, if we meet in Prague, whether some folks are face-to-face and some folks are on the phone, we won't need to meet again in two weeks.

So I guess my question to you and the group would be which would be preferable or which would likely have more folks attend?

I think I heard Avri say she might not be able to make the meeting in two weeks, and I can say that I probably will not as well.

Marika Konings: Oh, and this is Marika. If I can point out as well, it actually conflicts with the Policy Update Webinar.

Mary Wong: Yes.

Marika Konings: And so from a staff perspective, you know, we wouldn't be able to support. And I guess maybe some people on this call might be wanting to join that call as well.

Wolf-Ulrich Knoben: You mean on the 14th of June?

Marika Konings: Yes.

Mary Wong: Yes.

Wolf-Ulrich Knoben: At the same time there's a Webinar?

Mary Wong: Yes.

Wolf-Ulrich Knoben: Okay.

So I'm open now to other times. You know, but the question is so how it fits to work with the timing. Let me say the day time, is that okay? That time for me would be okay, so it could be do that a day before or later or so?

Oh, I see the day before is the Europe Football Cup, Netherlands to Germany at that time.

Marika Konings: Oh, no way we can do it then Wolf. That's...

Woman: No. No. No. No.

Wolf-Ulrich Knoben: Okay. Well what's - Anne, do you have a suggestion please?

Anne Aikman-Scalese: Yes. It sounds as though I'm not the only one who would have to miss the Thursday meeting, and I could - I think that what Mary has said made sense in terms of the meetings being so close to Prague, unless we think there's action we want to take before Prague.

And if there is action we want to take before Prague that we think that we can complete - for example, a review of the voting results table and present that to the GNSO, then I would vote for the day after on the Friday, the...

Mary Wong: 15th?

Anne Aikman-Scalese: The 15th.

Or if we feel that there's not any action that we want to take before Prague, then I think we can consider participating remotely in the meeting in Prague.

Wolf-Ulrich Knoben: Yes. Well - but I have to refer to Glen because Glen, you have the best view on the Prague agenda. So is there any chance we are to get a slot in Prague? I know it's a very tight timing isn't it?

Glen de Saint Gery: Wolf-Ulrich, this would be something that we would have to discuss with Jeff, because the agenda is frozen from now. We cannot add any meetings onto any agenda. The only one that is still open would be the Saturday and the Sunday agenda, because that's the GNSO working sessions. But for the rest, we can't add any meetings.

Wolf-Ulrich Knoben: No, I mean you know - if you look to the weekend for example.

Glen de Saint Gery: For the weekend, yes.

Wolf-Ulrich Knoben: The last time we did it very early. I know that. That was maybe (unintelligible)...

Glen de Saint Gery: We could ask for the 8:00 to 9:00 slot on Sunday, but we have a bit of a problem too is that I would have to try and negotiate that we start that meeting at 8:00 on Sunday, because I've already been told that our meeting times are frozen, even on the weekend.

Wolf-Ulrich Knoben: Yes.

Glen de Saint Gery: And the meeting time that was asked for was 9:00. So I won't say it's impossible, but I would try and have to negotiate to start it at 8:00.

Wolf-Ulrich Knoben: Um...

Glen de Saint Gery: And the worst case scenario is that we could start at 8:00, but then we would not have any recording or any audio or whatever.

Wolf-Ulrich Knoben: Okay. I understand.

Anne, please?

Anne Aikman-Scalese: Yes, thank you Wolf-Ulrich. This is Anne. And my question is whether the group thinks that we could come to a consensus regarding both consent agenda item and the voting results table? t least those two issues before...

Wolf-Ulrich Knoben: Prague?

Anne Aikman-Scalese: ...before Prague? And if so, we should try to hold the meeting in a way that would accomplish that if the group thinks that we - that we're properly positioned to do so.

Wolf-Ulrich Knoben: Yes. Okay. Many hands raised.

Avri, go on. Avri, please?

Avri Doria: Just a quick point. I think that those things could be completed and I think they could be completed by consensus calls by the Chair on the list without needing another meeting. We need the meeting to talk about things where we got lots of differences.

But if these are close, let's do a consensus call on the list and call it done. Thanks.

Wolf-Ulrich Knoben: Yes.

Okay, that's a good suggestion, yes.

And Ron, please?

Ron Andruff: Well I support that. There's no question that we can get those two aspects done right away.

Wolf-Ulrich Knoben: Yes.

Ron Andruff: And I think that we can probably also, you know, get very close on the list with deferral of motions. You know, I think voting thresholds may have a longer debate, but deferral of motions I feel that that's something we've - you know, it's been discussed and we have more information coming. And I'm sure over the next couple of weeks we can get that done too.

It would be very good if we can report back to GNSO that we've checked off. I think of the number of things that we had, here's a number that we have gone through in detail, and bring them back and get them off our table, and then that'll help us to be very - zone in on the final things that we have left. Thank you.

Wolf-Ulrich Knoben: Yes. Okay. It's good to hear that.

So I would say - so if I recall that correctly, so that might be problematic to get a slot in Prague for us. And I have - on the one hand, I hate early mornings - meeting - really early morning meeting on the one hand. On the other hand, it is you know normally you are under pressure because you know there are some people behind flocking in, so - and looking for coffee and all these things. So it's really not a good time to do that.

So my suggestion would be that I would like to keep a kind of place holder for the next call after two weeks. Let me say that in this way. And let's just check for that.

So we saw that within - on the 14th of June is not possible. Is Friday a good time for you? 15th, same time? Is there any - would there be any problem with that?

Anne is agreeing to that. There's no opposition to that. Could we keep that, or - Ron, please?

Ron Andruff: Oh, I'm sorry. I was actually trying to click yes, I agree. But if others are having difficulty, I was going to suggest that we just send to have the - Marika send around a doodle poll and we pick a day that's going to

make consensus quicker thereafter. Or even a day or two before from my part.

Wolf-Ulrich Knoben: Okay. So then let's do that. Marika will - handing a doodle starting with the 16th is it? Or a 15th - Friday on that? And some days later so that we can check so what fits best.

Marika Konings: Okay.

Wolf-Ulrich Knoben: Okay.

Good, so okay. That's it. Thank you very much for your patience, and - well, see you on the list or next time, yes? Thank you very much.

Woman: Thank you Wolf-Ulrich.

Wolf-Ulrich Knoben: Thanks everyone. Good bye.

Woman: (Unintelligible) with everyone...

END