

ICANN
Transcription
Standing Committee on Improvements Implementation meeting
Tuesday 25 February 2014 at 20:00 UTC

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<http://audio.icann.org/gnso/gnso-sci-20140225-en.mp3>

On page:

<http://gnso.icann.org/calendar/#feb>

(transcripts and recording are found on the calendar page)

Attendees:

Ronald Andruff – Commercial and Business Users Constituency – Primary – Chair
Angie Graves - Commercial and Business Users Constituency – Alternate
Greg Shatan – IPC - Alternate
Cintra Sooknanan: NPOC Primary – SCI Vice Chair
Amr Elsadr – NCUC Alternate
Jennifer Standiford - Registrar Stakeholder Group - Primary
Thomas Rickert - Nominating Committee Appointee - Alternate

Apologies:

Marie-Laure Lemineur – NPOC Alternative
Avri Doria – Non-Commercial Stakeholder Group- Primary

ICANN Staff:

Marika Konings
Julie Hedlund
Nathalie Peregrine
Terri Agnew

Coordinator: Welcome and thank you for standing by. At this time the call is being recorded. If you have any objections you may disconnect. You may proceed.

Terri Agnew: Thank you, (Robin). Good morning, good afternoon and good evening. And welcome and thank you for joining the SCI conference call the 25th of February, 2014.

On the call today we have Cintra Sooknanan, Angie Graves, Thomas Rickert, Amr Elsadr, Jennifer Standiford, Ron Andruff. From staff we have Julie Hedlund, Nathalie Peregrine, Terri Agnew and Marika Konings. We have no apologies.

I would like to remind all participants to please state your name before speaking for transcription purposes. Ron, over to you.

Ron Andruff: Thank you very much. Good afternoon, everyone. Before we get started, Amr, I know that David Cake has just joined now and I understand he's all taken care of in terms of the wiki and also on the list. And so I imagine he will be joining us at some point today or on the next call, Amr?

Amr Elsadr: Hi, Ron. This is Amr. I don't know if he'll be joining us today but he did - after he was appointed by the NCUC Executive Committee he did express a bit of concern regarding the time of our bimonthly calls seeing as he's - he would be joining us from Australia. I think there's a time zone issue with him. So I'll check back with him and get back to you. But - or perhaps he could probably speak for himself on the list now. But I don't believe he will be joining us today.

Ron Andruff: Okay very good. Thank you. Just checking on that. And then I've also been in touch with the Chair of the Registries Constituency. They've been notably

missing for the last half dozen calls, if not more. And so he has been alerted to getting his team to get on the calls as well.

Jennifer, I think you're representing the Registrars, is that correct?

Jennifer Standiford: That is correct.

Ron Andruff: Very good. Excellent. So other than that - other than the Registries I think we have everyone on the call from all the constituencies at this point. Can you correct me if I'm wrong, Julie?

Julie Hedlund: I'll have to do a check against the list...

Ron Andruff: If you would please. And perhaps you can put it into the Chat. I see Greg Shatan has joined so the IPCs are also represented now at this stage. Good, NCSG, thank you Amr, for making a note of that.

I'd like to just make note of this because there's a couple of constituencies that have been missing and I want to make sure that we reach back out to them and make sure that, in case there's been any changes internally, on their side that hasn't been reported to us that that's correct and so that's why I'm asking that question.

So thanks, everyone, for getting on the call today. We have the - first order of business is has anyone made any changes to their Statements of Interest since we've last met? Hearing none we will note in the record that all Statements of Interest are up to date from the members.

The next item on the agenda is the approval of the agenda itself. And does anyone have any issues with the agenda today please. Hearing no objection we'll continue with the approval - with the agenda as approved.

And we have Items 2, 3 and 4 that I really want to get through today. We spent a lot of time on the last call talking about our working group guidelines, consensus levels; in fact it took the majority of our last call which was a good thing. We aired a lot of thoughts and put a lot of ideas on the table.

Amr and Cintra, Greg, Thomas have been working on the consensus levels. And I want to thank you all for putting forward the draft that we saw about an hour ago. That was very helpful to get that out a little bit before so we could have a look at it and get a sense of it and I appreciate that.

So we're going to talk about that now but for about 15 minutes and then we're going to go onto the waivers exceptions and address that because we missed it in the last call and also the voting by email. So I want to try to hold these timelines if we can.

So if we can just kick this off then with Amr or Thomas, whoever, Cintra, would like to take the lead on this and walk us through what the sub team has developed for us so please go ahead whoever would like to take the lead on this one.

Amr Elsadr: Hi, Ron. This is Amr. Yeah, well the general feeling that we left last call with after discussing this at length was that we wanted to try to make as few changes as necessary to simply address the issue that we were asked to address by the GNSO Council.

And so doing basically made a few changes to the decision making resignations to sort of tweak the meaning so that the consensus level and the decision making designation did not necessarily associate with approving recommendations but also rejecting them. So that's basically what we've done here.

And the one decision making designation, which is divergence, is probably the only one we didn't touch at all. I would like to point out that this is a very -

this is an early draft and still subject to changes as we see fit. And we just thought it would be a good idea to share this with the rest of the committee. Would you like me to go through the text?

((Crosstalk))

Ron Andruff: Well, sure, why don't we do that? Let's go through the changes and then we can come back and discuss this in more detail. Thank you.

Amr Elsadr: Sure. Okay well the first one, full consensus, where no one in the working group speaks against the position adopted as per the working group report in its last readings. This position may be to endorse or reject the recommendations in the report. This is also sometimes referred to as unanimous consensus.

The second one, consensus, is a position where only a small minority disagrees but most agree. The position attaining consensus may be to either endorse or reject the recommendations in the working group report.

The third one is strong but significant opposition is when a position, while most of the group supports endorsing or rejecting a recommendation there are a significant number of those whose position is in conflict with that of the majority.

Divergence is the same as it was before also referred to as no consensus. A position where there isn't strong support for any particular position but many different points of view. Sometimes this is due to irreconcilable differences of opinion and sometimes it is due to the fact that no one has a particularly strong or convincing viewpoint. But the members of the group agree that it is worth listing the issue in the report nonetheless.

The last one, minority view, refers to a proposal where a small number of people support endorsing or rejecting a working group's recommendation.

This can happen in response to a consensus, strong support but significant opposition and no consensus or it can happen in cases where there is neither support nor opposition to a suggestion made by a small number of individuals.

Ron Andruff: Thank you.

Amr Elsadr: We did have a few comments that we discussed. One question I would like to pose, because Thomas brought this up actually, and that's the decision making designations do not necessarily refer to working group members but also to community members such as SOs or ACs or constituencies and stakeholders that provide feedback to PDP working groups.

I was not aware of this and didn't take it into consideration when coming up with some of the language here. And I'd appreciate any feedback on that at this point I guess.

Ron Andruff: Thank you very much, Amr. Marika, I see your hand is up. Please go ahead.

Marika Konings: Yeah this is Marika. Maybe first responding to Amr's question and if then you allow me to make some comments as well on the proposed edit. In relation to the language as it's written, you know, Thomas is right that the GNSO Working Group Guidelines have also been used by other groups or, you know, also for drafting teams or other kind of forms.

And I think that's, as well, why at the time of drafting the GNSO Working Group Guidelines the, you know, the committee that was responsible for that was very cognizant of not referring too much to the GNSO to Working Group Guidelines to really allow for, you know, those kind of sections also to be used in other contexts.

So I think that's a little bit the background as to why you may not see, indeed, you know, GNSO working group specified everywhere because that was I

think, left more, you know, more neutral so it would allow, as well, the use by other communities.

And I know for example I think that, you know, the ALAC has, for example, been making use of some of this as well in their efforts. And they were, as well, you know, one of the contributors to this effort in developing the Working Group Guidelines.

In relation to some of the suggested edits, I have, you know, a bit of comments or questions in some of the changes. Because to me some of these actually make the language more confusing than I think it currently is or what we're trying to address.

Because, for example, looking at full consensus currently, you know, the suggested edit reads, "This position may be to endorse or reject the recommendations in the report," which seems to suggest that there's a, you know, objective set of recommendations that working group members then vote up or down whereas, you know, the way things are basically working group develops recommendations and if they're full consensus they will all agree to those recommendations. It doesn't make any sense at that point they would actually reject the recommendations in the report.

I'm just wondering if the group - because as I understand the issue that the IGO/INGO issue working group encountered was that, you know, making recommendations in the negative.

So I'm wondering if this sub team also considered the option of actually just adding like a footnote or an explanatory note that would say, "Please note that recommendations may also be written in the negative," meaning, you know, a working group can recommend against this or that.

And, you know, maybe provide an example so it's really clear that as working group recommendations are developed and if they get a label, you know, full

consensus or consensus that those can also be written in a negative way as, you know, there was consensus against, you know, giving special protections to this group or against, you know, making specific policy recommendations to address this issue.

I was wondering, you know, just wanted to hear if that was considered because I think as it's currently written it reads as if, you know, working groups write recommendations that then people say I'm in favor or against which I don't think - or I at least didn't understand that being the issue that was encountered in the IGO/INGO Working Group but maybe I'm wrong.

Ron Andruff: Thanks, Marika. That was exactly where I wanted to go with this. So I see Cintra, Thomas and Greg have all joined the queue. And those were the rest of the members of that working team so please, Cintra, the floor is yours.

Cintra Sooknanan: Thank you, Ron. The issue of consensus against was raised within the sub team but Amr had mentioned, well, that if we look at consensus against would this be full consensus against? Or would it just be consensus against? There's a range of against that we'll have to look at.

My point of view was that consensus against would refer to full consensus against. So it will fall just under full consensus but as an interpretation of rejecting - full consensus to reject the recommendation. But this is a point that we did want to raise with the group to find out how the committee feels about it.

Ron Andruff: Thank you, Cintra. Thomas, the floor is yours.

Thomas Rickert: Thanks so much, Ron. And sorry I couldn't participate on the last call. And I didn't even have the time to go through the transcript so please do bear with me should what I have to say is repeating what has already been said by others.

We made reference a couple of times to the IGO/INGO PDP Working Group which I happened to chair as you well know. And I would like to point out that at the time we had many recommendations that were developed by the working group and that were ultimately put out for a consensus call. And certainly if you ask somebody, "Do you support this?" They can say, "Yes," or they can say, "No."

You can easily avoid the issue that we have in front of us by simply saying, "Are you against this?" And then the community could still answer yes or no. So that might do the trick at first glance.

However, my difficulty, and I discussed with the group multiple times, was that if we asked, let's say, 9 out of 10 questions to the community, "Do you support this?" Which can all be answered in the affirmative if people like it and then only have one recommendation where the consensus call is, "Don't you support this?"

Then I felt that would be a discrimination of that particular recommendation because it suggests that the outcome should be different. So I'm not sure whether this very brief explanation is actually sufficient to understand the predicament that I was in which I - which made me not change the language at the time. But I thought that I should add this little bit of history to this discussion.

And another level of complexity at the time was that we had put out the questions for consensus call with all questions asked or formulated in the affirmative or in the positive. Do you like this? Do you like that? And only a couple of days after the consensus call was out this issue came up where people asked me to rephrase the question which I was not inclined to do because that would add to the discriminating effect that might have had on that one recommendation.

So I guess that, to put it in a nutshell, there is a little bit more to that than might appear at first glance. I guess it is worthwhile to have the option in the Working Group Guidelines for a working group to say explicitly no to something.

Whether the work that the sub team has now chosen and put into the document that is now in front of you in the Adobe I'm not sure. But I think that it's the uncertainty of the working group that led us to sharing this document with you. So I think that once we have agreed on the basic principle that such a tool is needed then I think we can find the appropriate wording. Thank you.

Ron Andruff: Thanks, Thomas. Greg, you have the talking stick.

Greg Shatan: Thank you, Ron. Greg Shatan. I guess to answer some of the questions that are both coming up here and in the Chat, you know, first off the consensus issue that arose in the working group was not an issue where there was full consensus against but rather I would call it consensus against because there were some who supported the recommendation, not enough to make it, you know, strong support but significant opposition or whatever the opposite of that is but, you know, it's comfortable that the level of kind of gravity was that of consensus but it was consensus against the recommendation.

So we - in terms of dealing with this for the future we would have to have - we have to either have three more levels of consensus against, one to match each of the levels of consensus in favor, or we have to tweak each of the definitions of consensus against.

And the way the consensus levels read before we edited them was that it says that, for instance, "Full consensus is where no one in the group speaks against the recommendation in its last reading."

So therefore what Marika suggests in the Chat saying, you know, it could say "The WG reached consensus on not providing special protection." Well that

wasn't the recommendation; the recommendation was to provide special protections.

So as long as the word "recommendation" is in the definition of full consensus and implied in the definition of consensus we couldn't - it was, you know, the sense of the group that we couldn't, you know, use the term full consensus or consensus to describe the level that we had come to, that these were kind of all expressed positive levels of support, you know, majority, clear majority or whatever or unanimous support for a recommendation.

And the language that's there was not - did not allow us to choose any of those levels to demonstrate a majority position for, you know, rather I should say against a recommendation, which is why we needed to tweak these.

And then, you know, it's odd in terms of the drafting consensus of the three levels - consensus is the only one that is kind of written as a stub and not a full sentence so it doesn't even say the word "recommendation" there. But if you look at the ones above and below it's clear that the levels of consensus are defined as consensus in supporting a recommendation at least until we change them.

So really that has to be implied in the definition of consensus or else you just have a very odd, odd result as kind of, you know, a little drafting shorthand or mishap not to have had the definition of consensus be a full sentence with a subject and an object and all that kind of stuff but rather have it, you know, be full of implied words that aren't actually there but in any case we have to treat them as if they're there.

And I think in this case to say that this is a special case is to a certain extent true but it's not a unique case. I think any time that a group is going to deal with a large number of recommendations you can't - and you create a set of recommendations that people are debating and over time if you put the call out for them some of the, you know, recommendations may end up not only

failing to attract much support but actually attracting a degree or a high degree of objection.

And the other issue was a matter of time. We all know that working groups take a lot of time. This was an expedited working group; we were on the call two hours every week. But still we were running hard up against deadlines especially because of the GAC's movement on IGO/INGO matters and timing of meetings.

And to rewrite the recommendations in the negative or any of them in the negative as Thomas said to rewrite only a couple in the negative would have kind of been a sore thumb sort of issue. And to rewrite them all in the negative would have been to create a whole bunch of kind of negative straw men, if you will, that are only there to create an opposite to the positive recommendations. And that would have - it would have been completely unwieldy at that point.

And at that point, you know, by rewriting things and doing another consensus call we would have met, you know, all of the deadlines and, you know, we'd be kind of - it would just be too late that that point. We would have been in - we would be kind of more or less off in useless land. So we really needed to express ourselves in a timely fashion so that we could, you know, keep up with external events.

So I don't think this is the last time there's going to be a working group that has to deal with kind of a large matrix of recommendations and that doesn't want to have to create two versions of each recommendation so that people can vote for the - for or for the opposite of the first one.

So rather I think it's necessary to have the definitions make it clear that if a consensus forms against a recommendation that's been circulated in the group that that can be expressed as consensus or full consensus or strong support but significant opposition and for that the language just needs to be

tweaked so that we're not always talking about supporting a recommendation when we're looking at the levels of consensus. Thank you.

Ron Andruff: Thanks, Greg. Marika, please.

Marika Konings: Yeah, this is Marika. I think all the comments that Greg has been making actually, at least (unintelligible) more and more that, you know, the IGO/INGO PDP Working Group probably was an exception in the way it worked. And, you know, it was on very specific circumstances with very tight deadlines.

Because I think if you look at other working groups and I was just trying to pull up the report of the IRTP Part D Working Group, I know that in several of their recommendations they basically recommend, "We recommend that no changes are made," in response to their charter questions.

And I think the normal way, as well, as you read the Working Group Guidelines the whole idea about, you know, developing positions it's that it's an iterative process that it's a working group that goes through, you know, looks at the charter questions, works through those and on the basis of that develops, you know, positions or recommendations.

And it's not - I haven't see any other I think then in the IGO/INGO where it's really a vote up or down on a whole list of recommendations. You know, maybe, you know, it's the first of many but at least, you know, I think all the PDPs (unintelligible) so far we may have had polls.

But even if the outcome would be that, you know, everyone, for example, you know, voted against a certain draft recommendation a chair will typically go back and say, okay, so does it mean that we're actually, you know, agreeing that we specifically don't want to do this or we just don't like the recommendation the way it's written and really dig into that.

And, you know, as well as this is an iterative process it would allow then, you know, modifications to the recommendation and turning in such a forum that, you know, it would meet, you know, the definitions even if it would be a recommendation against doing something or against making changes, again, you know, I think the IGO/INGO they were very specific circumstances where that maybe wasn't possible or, you know, for, you know, political reasons or, you know, time issues where that wasn't an option for the group to consider and hence, this question.

So it's still for me the question is, you know, does the situation that happen there does that, you know, justify or warrant making changes to the existing designations that, you know, were developed through a lengthy process that have been in use, you know, by many PDP working groups without any significant issues.

Or are there any easier ways to clarify that indeed, you know, this is an iterative process and whereby, you know, consensus recommendation can also be in the form of, you know, agreeing not to do something or agreeing not to give special protection or agreeing, you know, not to address the issue because no issue has been found.

So I'm wondering if that is something that, you know, can address that situation recognizing that, you know, IGO/INGO the situation did occur but it may have been a specific instance where it wasn't a possibility or an option to actually continue working through the recommendations and phrase them in such a way that, you know, you could say there is consensus to not recommend this or consensus to not provide special protections for these categories.

And I'm not really sure - I don't think you need to recommendations but again that's a personal opinion, all in the same way where you all have it in the positive or negative because I think it depends more on, you know, how the support is balanced and how it comes out of the conversation.

So the main points I'd just like to urge the sub team to take that into account and really think through is that, you know, was that an exception? And if not, you know, how is that best addressed without confusing or building in elements in the designations that may make it actually harder for PDP working groups to, you know, accomplish their task.

Because I said, I think the way it's currently written really makes it sound as if, you know, all recommendations go out and it's really a vote up or vote down and then we'll tally up and decide whether, you know, what level is achieved.

While I think the whole purpose of the GNSO Working Group Guidelines is, you know, building consensus through an iterative process where hopefully in most of the times you'll actually hit, you know, consensus or full consensus levels because that's what we're setting out to do to come to a position where, you know, everyone can at least live with what is on the table.

Ron Andruff: Thank you, Marika. I'm going to draw this part of the conversation to a close. As I said, I'd like to make sure we give time to those other two topics. But what I'm hearing just in summarizing of this, and certainly this is something we all need to give more thought to but I'm hearing there are really a couple of paths.

The first path is that we edit the document as going in the direction that the sub team has started and actually create something that would be encompassing full consensus for and full consensus against but taking into account, as Greg and Amr have pointed out, that there are a number of issues there in terms of a lot of redundancy.

The second thing I'm hearing is - or that's coming to my mind is that we have the possibility of putting in either something in the lead sentence or an asterisk that would be a footnote to this thing and it would say that - it would

have the following - the first sentence says, "The chair will be responsible or designate each position as having one of the following designations in the affirmative or in the negative," as an example.

So basically just changing first just some words in the opening and - or putting a footnote in saying, of course, this is - these levels of consensus can be used for affirmative or negative responses.

And then the third way of going is not to do anything. One of the thoughts, as we've been discussing, is talking about the - this IGO/INGO that this came up. The only other time I'm aware of any other working group having a broad number of options was the Metrics. I'm also vice chair of the IAG CCT and that is the Metrics Working Group.

We're building some - doing some leg work for the ultimate body that will be responsible for - the working group that will be responsible for looking at and measuring the metrics. We're doing leg work in advance of that.

And they had a situation in their working group where they had literally 100 different options that they were trying to work with. So I'm only aware of two in the 15 years of ICANN so the question is do we really need to make a change here or just be mindful of what these things mean?

So those are the three paths; we might take one of them as to sort of this out. And I'd like to leave that with the committee to think about in the next couple of weeks.

So I'd like to move on now to the waivers exceptions. And here we had Greg Marie-Laure. Marie-Laure is not on the call. She sent her apologies. So, Greg, I wonder if I might turn to you to bring the team up to speed - the committee up to speed on where we stand with regard to that.

Greg Shatan: This is Greg Shatan. So I guess in this case we were looking at how to deal with waiving - or having an exception to, in this case, really the primary focus was the rule that a motion must be submitted 10 days prior to a meeting of the GNSO Council.

And that we should have, you know, a method of doing so but only under certain limited circumstances. And what we as the sub team had arrived at largely was to look at making it more narrow rather than broader. Really, again, kind of consistent with the way we handled the previous problem on consensus or at least we thought we were, you know, being narrow.

Have this waiver be only applied to the 10-day rule and not to other rules of the GNSO at least at this instance; we could revisit it if it appears that other rules are also - you know, require a form of waiver or suspension of the rules under specific circumstances.

But at least in this case, you know, the 10-day rule itself had been created, I believe, not all that long ago to deal with an issue or a perceived issue of last minute or relatively last minute motions being brought to the GNSO Council. And so time was created to have a sufficient time for motions to be considered.

But in some cases the time may not be necessary, especially during a live meeting, for instance, where there's, you know, rapid access to constituencies and the like. So the idea was to have something available.

And I think that the parameters - in addition to the parameter of being limited the other parameters that were being discussed was whether it should be specific and temporary, in other words, it should be specific to the motion and only, you know, relate to that motion at a particular meeting and not have any sort of after life effect and that seemed to make sense to me at least.

And then, you know, the question of unanimity as well and I think the feeling there as well was that it should be unanimous that if, you know, any one representative voted against waiving the rule that the rule shouldn't be waived because that would mean that there was at least, you know, concern within a constituency group that they needed further consideration.

Just to clarify that this is something that came up more in the discussion of my - at the IPC level but the unanimity would include a proxy vote so that if somebody was absent but that they had, you know, a proper proxy for their vote and that proxy voted in favor that would be considered to be unanimous so that, you know, only the rule that either an abstention or an outright no vote or the failure to vote by somebody who was actually, you know, engaged or maybe the failure to appoint a proxy and to have an unexcused absence, essentially, would be an issue that would create non unanimity.

And then the last issue that was kind of in question was whether there should be any prior notice of the waiver request. You know, that would perhaps still create an issue where if there was a motion that essentially everyone wanted to vote yes to, at a meeting, and felt that they had the appropriate support of their constituencies and stakeholder groups, they wouldn't be able to do so unless some, you know, prior notice say of 24 hours had been introduced.

And so I would think that a notice requirement shouldn't be involved as long as you have a - the unanimity issue resolved in favor of unanimity that the, you know, if everyone's ready to vote that the ability to waive the 10-day rule should be given to the GNSO Council in this limited instance. Thank you.

Ron Andruff: Thank you very much, Greg. Anyone from the committee have any thoughts they'd like to bring to the table at this time? Amr, please go ahead and then Marika will follow.

Amr Elsadr: Thanks, Ron. Thanks, Greg. I actually have two questions. First of all I think it all sounds great. I think it all sounds pretty good. And I think it will give the

Council the flexibility it needs to deal with topics that might come up and they would want to deal with and avoid the 10-day rule. Assuming that there is unanimity, as you say, I think that's a really great clause to have in there.

But I do have two questions. One regarding the notice that Greg mentioned toward the end. If this notice is not available is what is being suggested that a motion could actually be brought to the Council during the Council meeting where the Council would be hearing about it for the first time or as opposed to a notice of like 24 hours where, you know, 24 hours before the Council meeting takes place a message goes out, can we have this last minute motion that we would like a waiver on the 10-day rule to accept.

And my second question is on whether the sub team - I don't think this has taken into consideration the resubmission of a motion that we had worked on previously where the 10-day rule was expressly present as one of the conditions for resubmitting a motion that has been submitted in the past and how this topic would affect the other. So those are my two questions. Thanks.

Greg Shatan: If I could answer them?

Ron Andruff: Please go ahead.

Greg Shatan: This is Greg Shatan again. I would say in the first instance, Amr, yes if there is no notice provision of any kind of a motion could be brought up for the first time in a meeting of the GNSO Council.

And if every member felt that they were comfortable voting on the motion, whether they voted in favor or against, but that they had the, you know, the instructions of their constituents, that it could be brought up and voted on, brought up with the waiver, vote on the waiver, vote on the motion and all done at once. If there was a notice period, say, of 24 hours or whatever it may be then that would allow for kind of late arriving motions but not for kind of live motions.

And, you know, some in my constituency were in favor of having a 24-hour rule so that the 10-day rule wasn't - didn't kind of harsh effects when things were seven or eight or two or even one day in advance but that the idea of kind of live motions or ambush motions or out of the blue motions, you know, don't necessarily need to be pejorative about them, you know, would not be the case. That there would at least still be some notice but essentially a shortened notice.

And I'm, you know, as I said some in my constituency were in favor of a short notice period, say 24 hours; and others were in favor of allowing for basically live motion practice in the meeting.

And I'm of - I could be convinced either way and I think it's not up to me. And indeed it's up to the entire SCI to decide, you know, which seems to make more sense. If we still want to have somewhat of a gate keeping function to the agenda or if we would just want to allow for kind of instantaneous motion practice at the GNSO Council meetings if everyone agrees.

And as to the second question, I would say that, you know, since I was also part of the resubmission of a motion sub team that we did give this some consideration and that in the case of a resubmission of a motion that the 10-day rule could be waived just as it could be waived as with any other motion and that this wouldn't be somewhat of a special case where there was an unwaivable 10-day rule only for resubmitted motions.

Again, you know, given the unanimity rule if any constituency or even any councilor from a constituency, you know, felt uncomfortable moving forward with a waiver process that they could do so but that they're - I don't think there's a need to create kind of another kind of hurdle for resubmissions as long as again, you know, everyone is on board with seeing it go forward.

You know, just a single vote is enough or even an abstention would be enough to kill unanimity and thus kill the waiver and thus kill the motion for that meeting in question. Thank you.

Ron Andruff: Thanks, Greg. Amr, I saw your hand going up, I think you want to respond so I'll give you the floor but if we can keep it short? And then Marika and then we'll wrap up this section so, Amr, please.

Amr Elsadr: Yes, thanks Ron. Yeah, it is a follow up question actually. And one of the reasons the resubmission of a motion kind of just stuck out to me on this is because when you're resubmitting a motion for the first time, so it's the second time this motion comes to Council as opposed to the third time, the decision to accept to resubmit a motion, assuming that whether the 10-day rule is agreed to or waiving the 10-day rule is accepted or not.

But there was also a clause on that after a reason why the motions were being submitted that's provided that would be at the discretion of the GNSO Council Chair to agree to this.

So I'm just thinking we also need to somehow take that into consideration because on the one hand you have the Council chair who wants to agree to the resubmitting of the motion and then on the other hand you have to have a unanimous rule - a unanimous agreement amongst the councilors to waiver the 10-day period which was stated as one of the clauses for resubmitting a motion.

So that's just why I was asking. And I guess should the language need to be - does the language need to be changed to address this on both fronts or you think just having it for the waiving rule would that be sufficient for both cases? Thanks.

Greg Shatan: Yes, my answer would be that we look back at kind of the phrasing of both rules just to make it sure that there is any lack of clarity. You know, my

position is that the waiver should apply to the resubmission because anyone in the group could, again, vote against the waiver and that would include the GNSO Council chair if he doesn't think that he's adequate time to consider the reason because it's been introduced in less than 10 days or even live.

And he merely has to say so and that will kill any kind of unanimity that would be there. So and the larger point, I think, is that parliamentary rules are intended to create smooth processes within any kind of a parliamentary body such as the Council, not to create procedural hurdles that can be used to kind of slow down or make difficult the work of the group.

You know, so I think that in this case the waiver rule would allow that kind of smoothness where everything was taking place and similarly, you know, if they're in the resubmission situation if there was unanimous consent to waiving and the GNSO Council chair felt that the reason submitted was reasonable, so to speak, things could go forward.

I think the idea is not to create hurdles but rather to avoid situations where things aren't proceeding smoothly. So I think in these cases the rules do work together to create smooth functioning and also work each of them apart to create smooth functioning.

I think that, you know, not to go back to the resubmission issue but I think at some point multiple resubmissions, you know, do tend to impede the work of any parliamentary body so at some point people just, you know, have to put their hand in their pocket on motions rather than submit them every time in a sort of gadfly manner.

But, you know, submitting it - resubmitting it for one reason or another once or twice, you know, should be acceptable as was, you know, stated in the rule. So, you know, going back to the question here of the waiver I think that, you know, it should be - it's a general rule that applies to all - to the 10-day motion submission rule in all instances. Thank you.

Ron Andruff: Thank you very much, Greg. Marika, last word please.

Marika Konings: Oh last word, the pressure is on. So this is Marika. So one comment I had, you know, looking at recent instances where, you know, a waiver was contemplated or, you know, in the past even given, I think, and namely related to, you know, motions or documents that really were submitted, you know, just a day after, you know, or an hour after the deadline mainly due to, you know, emails not going through or, you know, being in a different time zone and not being able to, you know, submit it on time.

So I'm wondering if, you know, it would be possible or you would want to consider building in a step whereby, you know, at that moment when a motion is received late the Chair at that point already puts on the mailing list and saying, look, this was received late. I just want to get a sense of whether there are any objections to considering this on the agenda. Because I'm, you know, because as I understand the process as you propose it, there would actually be a vote prior to considering it at the actual meeting itself which may leave, you know, insecurity or a kind of time lag where actually groups could start looking at the recommendations and discussing them where some may actually made the assumption oh, you know, it will probably be, you know, someone will object so we don't need to spend time on it.

So I'm just wondering if it would be helpful to actually build in a stage whereby the Chair at that moment, when a motion is received late, you know, puts out a message to the Council list saying look, this has been submitted late.

You know, the person who has submitted it late is asking for, you know, a waiver to be applied. Can people already indicate if they have any objections to this? Because in that case, you know, we can already straight away say it doesn't need to go on the agenda and it will go to the next meeting.

If there are no objections received, you know, please start, you know, considering this issue noting that of course we'll start off consideration of this issue with a vote to make sure that no one is objecting to considering this motion or report or, you know, whatever it is and then, you know, proceed as follows.

I'm just making - trying to see if there would be a need or it would be helpful to actually, you know, flag, you know, as soon as, you know, a motion or, you know, the waiver request is received whether it can already be a first check so groups get an indication of whether it's likely that, you know, there will be an objection so, you know, people will have more time to consider it and there's no need to, you know, spend a lot of time actually preparing for the meeting and instead focus on other issues.

Or the other way around where people say, well actually it looks like, you know, people have no objection so let's make sure that at least from a Council perspective we're ready to consider it if we indeed agree that, you know, waiver should be granted for X, Y or Zed reasons. It is really helpful if it's considered at that specific meeting.

Ron Andruff: Thank you, Marika.

Greg Shatan: If I could respond briefly? This is Greg Shatan. If I could just respond briefly? I think that that kind of action would be kind of good management on the part of the GNSO Council Chair. I don't think it needs to be written in the rule, though.

I think it could be written in a footnote. I don't think there's anything in the rule as drafted that would prevent the Chair from taking, you know, in essence the sense of the Council and seeing if it would be worthwhile or not to pursue the waiver and to look at the motion versus, you know, not having - having seen some members not willing to vote for the waiver and therefore, k realizing that

it needs to be put over to the next meeting or to a special meeting in order to be considered.

So I think the answer is, yes, that kind of thing should happen but, no, I don't think it needs to be in the rule for it to happen. It's just kind of good chairmanship to have it happen. Thank you.

Ron Andruff: Thanks, Greg. So I'm going to bring this section to a close and I'm going to ask if Greg, you and Marika might collaborate to put together a paragraph that right now what we're looking at are some suggestions from the sub team that's kind of broad and with a lot of different ideas.

And I'm going to ask if you two might put together something that's much tighter that we can all look at. Because I think the comments that we're hearing make a lot of sense. It's the unanimous-only aspect of this makes it a very safe situation insomuch as it can't be done unless everyone agrees. And I think that is supportive of the ICANN model in its complete form.

The prior notice I'm not so sure about. I'm also not so sure about proxy because if in fact it was called that the Chair determined at the last meeting of the - let's say of an ICANN meeting in the wrap up or we'd like to just deal with this because we're all here, we can make a vote. I don't know if proxies can be moved quickly enough to do that. So that's where I have question marks.

But I think that we're on the right path. It feels right with this waiver exception work that you've done. And so if you two could kindly put together a paragraph that kind of summarizes what we've discussed and how it might work that the committee then could look at as a whole on our next call that would be very helpful.

Greg Shatan: Absolutely.

Ron Andruff: Thank you very much.

Greg Shatan: Happy to do that. This is Greg.

Ron Andruff: We're coming up shortly towards the close of the hour but I would like to ask if Thomas could just explain a little bit about the voting by email, where we stand on that and then we'll take just a couple minutes at the top of the hour to discuss the meeting in Singapore. But, Thomas, if you're still on the call I would be grateful if you could just lead us through where we stand on the voting by email.

Thomas Rickert: Well I guess the status is more or less unaltered since we last touched upon this two calls back. As you will recall Avri and I had put together some thoughts and submitted them to the list and we wanted to discuss the ideas we had which were not always the same ideas but we had diverging views on certain questions with the group.

We had to end that conversation before we could go through every aspect with the group. And as I could see in the meantime from the transcript of last week's call this subject has been moved to - for lack of time.

So I think we're pretty much at the same stage as we were like four weeks' back. And I think that it might not be sufficient time during this call to open the full discussion on the ideas.

I'm more than willing to get back to Avri and see whether we can sort of anticipate some of the comments that we would receive and provide the group with an updated draft because we got like two or three ideas from the group at the time but we didn't further work on it, I'm afraid.

Ron Andruff: All right that's fine. No that's what I was hoping just to bring it onto the table, refresh people's minds about what it was about. But in fact if you're going to go back and do a little more work on this and bring it to the table for our next

meeting then we will elevate that in the action - or in the agenda and we can go on with that. Very good. So thank you for that, Thomas.

Five minutes before we're finished. Perhaps I can - I was just looking at the calendar briefly while this last discussion was going on. There is - we've been meeting every two weeks and if we were to meet again the next call would be effectively the 11th of March. But the very next week we're in Singapore face to face.

So I'm going to - unless anyone has any reason to disagree with this I'm going to suggest that our next meeting will take place in Singapore rather than the week before and a face to face meeting. And I wonder if I could have Julie just come on and explain a little bit about the timing and the date for our meeting in Singapore.

And I don't know if we have a room yet but anything you have on that, Julie, would be helpful. Could you please give us some information? Thank you.

Julie Hedlund: Yes, Ron. This is Julie. We are confirmed to go from 7:00 - let me see, I just looked at this - it is 7:30 to 8:45. I - the room right now is (Sofia) but that is not confirmed in the final schedule. So once we have the final schedule we'll be able to confirm the room but it is Saturday, 22nd March 7:30 to 8:45 in the morning.

Ron Andruff: And we will have dial-in for that for those who are not in attendance?

Julie Hedlund: Yes, as usual.

Ron Andruff: Very good. And I think the last time we met in the GNSO Council room, if I'm not mistaken, will that be the same this time or we don't know that yet?

Julie Hedlund: The (Sofia) room is currently the GNSO Council room. As I say, I don't know that that will be the final room but I think that's the expectation.

Ron Andruff: Very good. No that's just to give people a head's up if they arrive and they're looking to try to figure out where we are, we're not seeing it on the agenda because sometimes the SCI meetings are not noted on the full agenda. But if you could just keep an eye for that would be helpful.

Great, Amr, I see your hand is up. Please go ahead.

Amr Elsadr: Thanks, Ron. This is Amr. I just wanted to note that we do have a significant number of councilors on the SCI right now. And Saturday morning will be a day, I think, when some of us might be somewhat jet lagged still and have a long weekend ahead of us. So I just thought I'd bring that up and I don't know if there's anything...

((Crosstalk))

Ron Andruff: I think that's a fair comment, Amr. And this is the punishment for the volunteers when we do. You know, unfortunately, as we all know, these ICANN meetings they take so much energy out of all of us we need to recover when we're finished. But unfortunately this is the time that we have.

We looked around to see if we could find better times but the calendar is just so full. And these face to face meetings are very helpful for everyone. And I think that's the reason to do it. So those who are coming a little later or those that are a little sleepy we forgive everyone for that.

But at the end of the day we've got an hour and 15 minutes of time face to face and I think that'll be very helpful to round out a couple of these items we're working on now. And that would be a great sense of satisfaction for everyone. So we'll keep a good long look at that.

So with that then, ladies and gentlemen, if there's any other information regarding Singapore? Hearing none then any other business that anyone

would like to bring to the committee at this time? All right thank you all very much for excellent contributions today and for good work, really appreciate the sub team efforts in particular for all of the work that they're doing.

And look forward to seeing you all face to face and hearing the rest of you on the dial-in in about two and a half weeks from now. So thank you very much. Please send any information to the list that you're thinking about in terms of ideas and things we can contribute to the topics that we're discussing now. So with that we can close the recording and thanks, everyone, for joining. Bye for now.

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