

**Standing Committee Drafting Team (SC-DT)
TRANSCRIPTION**

Wednesday, 9 March 2011 at 13:00 UTC

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Participants on the Call:

Wolf-Ulrich Knoben – ISPC
Avri Doria - Non Commercial Stakeholder Group
Philip Sheppard - CBUC
Mary Wong - NCUC

ICANN Staff:

Marika Konings
Julie Hedlund

Absent apologies:

Gisella Gruber-White

Woman: This call is now being recorded.

Marika Konings: Thank you very much. Good afternoon everyone. On today's Standing Committee Drafting Team call, on today's call we have Wolf Knoben, Avri Doria and from staff we have Marika Konings, myself, and Julie Hedlund, no apologies noted, apart from Gisella Gruber-White. Wolf it's all yours.

Wolf-Ulrich Knoben: Thank you Marika, I see Mary Wong on the adobe connect, maybe she will join us on the telephone call in short time. So far on the agenda we have the draft charter for the standing committee on improvement implementation and we have on the table a draft charter which we should talk about today and I would like to go slow to see this

charter and hopefully so my digestion would be iffy, could get (unintelligible) the major points and the major items that could briefly sum up and come to a conclusion for this draft charter and then looking forward to present it to the council as well.

So from the - just had one - let me see - one basic meeting. The second one was, okay, Jade Henry's was very level so that we could continue very far and so I send it out after this meeting a draft and an amended version of the charter and I would like to go through briefly and touch the major points -- and all points -- if you would like to maybe we should discuss here.

In - if that is okay to you, to the participants as well, or do you have other - any other ideas to continue, no, so I hear nothing, so then let's start with the, so far, draft, the text on the first page.

For me it is, when I went through again, I think we come on the first paragraph the general, the message is in the first two - in the first two paragraphs - not paragraphs - lists that mean that is the - it is written what this standing committee is about and will be responsible for. It will be responsible for the reviewing and assessing the effective (unintelligible) of recommendations provided by the OSC and the PPSE, so far existing as Jay Committees and approved by the GNSO council and then responsible for reviewing it in a manner on demand at first, for those recommendations already presenting problems - I have a problem with that wording - and then second one on the periodic trends scale for all accommodations in order to prevent problems.

And I would like to add to that if you look down in the text in the part after next paragraph, says a sentence and it's called, it's written,

following the implementation of further OSC/PPSC recommendations, the SCI will be responsible for reviewing and assessing effectiveness of these new improvements too, that belongs to first part as well because it's off there, you know, the one is that this committee should focus on the problems or issues already raised or already coming up and it is expected that the OSC and PPSC will come up with further implement - recommendations like say policy development process matters maybe, so and also these should be covered in the future.

So I would like just to put that down here, but first, then ask for any comments if that is understood and if that is in line with others though. Do we have any questions?

Julie Hedlund: Marika's hand went up before mine.

Woman: I'm going to ask to please go ahead.

Julie Hedlund: Oh, okay, I was just going comment - I think it's fine - I was just going to comment that on that sentence that you added about following the implementation, I don't think you need the word at the end to, a small sentence structure thingy, but that's all, I think it's fine, thanks.

Wolf-Ulrich Knoben: Pardon me, I didn't it's really - I couldn't hear you.

Julie Hedlund: At first I said I think I'd take the additions and the structure is fine. On the sentence that was added the next to last sentence, I'd take that comma to period is not necessary for the sentence to work, so it was just a silly pedantic comment, thank you.

Wolf-Ulrich Knoben: I lost where you are.

Julie Hedlund: I'm in the paragraph that you just read, in the sentence that you just read, following the implementation of further OSC/PPSC recommendations, the FCI will be responsible for reviewing and assessing the effectiveness of these new improvements.

Wolf-Ulrich Knoben: Okay, I understand, yes. Okay, Marika.

Marika Konings: Yes, this is Marika, one comment I wanted to share is that I recall from some of the discussions we've had on the working group work team on how review - reviews could be carried out going forward and I remember that group basically discussed instead of having reviews, that's what we've basically done with the PDP work team, which takes a lot of time and really goes through an extensive review of these new policies and procedures, and approach I think they were discussing at that time was that a review could consist as well of just asking, you know, a set-point every year, asking the community are there any issues you want us to look at, which might, I don't know, it might be something to suggest or I know there are further details in the charter, but it might be helpful to provide some further details as to what - how's the chair review should look to make sure, as well, that everyone has the same understanding of what is it the review would take and, of course, it has very different resource implications - because I'm just looking at the review we've taken on the PDP work team and I think we're already nearing the two-year mark on that one so - so it's from a very different scale if you would say well we're doing a review now everyone can just tell us issues and then we decide on how to move forward or how to address those.

Wolf-Ulrich Knoben: So if I understand correctly, you're referring to the second bullet point on the periodic time scale?

Marika Konings: Correct.

Wolf-Ulrich Knoben: So that means, okay, I understand so there are some, okay I can see your referring to the PDP, that might be - so it's specific or it might be - might have been discussed in the specific groups so that it's - that it might not be a reasonable to adjust to reopen again discussions which may have been - just from - on a priority time scale, but rather then - yes, what is the - what is the alternative - the alternative would be just on demand in that - is that your understanding Marika, does it mean, you know...

Marika Konings: No that wasn't...

Wolf-Ulrich Knoben: ...what you are saying, so discussing PDP is maybe a specific issue but there might be others, for example, the operational, of operation or so that it could be helpful to the council or to others as well if somebody on this team, for example, is going school again, so schools and if - so maybe after one year or so and in case if there is an issue, if nobody is of the opinion that they need to go to school then let's forget it, you know.

But there shouldn't be, I understand, we should, your saying is we should not implement it as a must, you know, a must to go to school that on a periodic time scale.

Marika Konings: No, no, no, that wasn't what I was saying. I think it's good to do it on a periodic scale but the question is how you do it on a periodic scale. Do

you indeed, I think what you said as the last point, what I think was discussed in the working group work team was and Avri may recall differently but I think that work team was basically saying it might a good idea indeed to have periodic reviews, but those reviews shouldn't necessarily consist of, you know, per definition going through all the rules and procedures and all the new policies, but it might just be as well that at a certain point in time, on a yearly basis you say, okay committee now we're looking at - want to look at this - tell us where the issues are and indeed if no one says, if there are no issues, then you might not have to go through an extensive review, you know, reviewing different rules and procedures and then the policies but if you would only do that if people actually say okay well we've identified an issue here and we don't think this is working and I say should, and then it's when you go into the more in depth review process.

So I just wanted to share that I think that was one of the approaches that was discussed and I think there was some support for that in the working group work team to avoid that you would go, you know, on a yearly basis, for example, into an extensive review which on itself would probably take a year to complete as we've seen from some of the efforts that are currently ongoing.

Wolf-Ulrich Knoben: Avri?

Avri Doria: Yes, I would think that that would be - first of all, we are going to have the working group guidelines as a guideline for what and how the work would be done and I would think that that would be the kind of things that the group itself would be able to look at and come up with its message for doing its work and their trying to predetermine that and the charter might be difficult.

There could be times when going into exhaustive detail would be the right thing, I don't expect it, but it could happen. Or, for the most part, I think your right, people will look at it and say, you know, let's go through it and see if there's anything that needs further - though they'll probably sort of be hybrid, but I wouldn't - trying to do that in advance in this charter of, you know, so if anything I would put in, you know, just, and this would perhaps be in the working method, you know, in terms of making its reviews, it will make - the group will make a determination to what degree of, you know, detail it needs to go, or something like that, but I certainly think it would be too hard to put it in a charter upfront, thanks.

Wolf-Ulrich Knochen: Okay, thank you. I see (Philip) and (Maurice) may be also on the call, (Philip)?

(Philip): Thanks, sorry for joining late guys, yes I'd just like to just (unintelligible) what Avri just said, I mean for me something like a, in the third paragraph a working method maybe just based on need or something like that might - might capture the idea we're expecting here.

Wolf-Ulrich Knochen: Okay. Well I will think over so Avri we could cover that, that's, we do not have an, let me say an open door well to open discussion from the scratch again, rather than really to point and to focus on problems which may have arise - which could arise - from the so far recommended guidelines in the different recommendations. Okay, I will think about that and adjust something and we can form.

Anyway for me (unintelligible) the two bullet points, I think it came from me but also from others, so I have a little bit if I read the first bullet

point on demand for those recommendations already presenting problems, is that good enough, is this quite what you are looking for to presenting problems, just or if it - I'm just looking for the wording, so is that okay to you?

I hear no objections so okay then.

Mary Wong: Wolf this is Mary, can I say something Wolf?

Wolf-Ulrich Knoblen: Oh yes, please Mary, hi.

Mary Wong: Hi, yes, I'm sorry and I joined this group a little late so I hope I'm not treading on ground that's already been....

Wolf-Ulrich Knoblen: Nice to hear you.

Mary Wong: ...mowed. So, I guess if you're looking for wording, I was wondering whether there's a reason why we're saying it's on demand but it's on request?

I think the contents a good one, it just seems a little bit more positive if we said it's on request, it's on who's request, but I guess the same question could be asked on demand?

Wolf-Ulrich Knoblen: Okay.

Mary Wong: And I guess I'll try to....

(Philip): Mary, how do you distinguish as to terms?

Mary Wong: I guess demand just seems a little more strident, if you know what I mean, as in someone's more insistent, demanding something as opposed to requesting, putting in a request to the committee to begin a review, it might not be a big deal but it seems like...

(Philip): All right, maybe there's a difference between English usages then?

Mary Wong: Yes because I think if this charter's going to go out to the community it just seems that if we can adopt more neutral language it might actually be a better thing, although the concept is very similar, obviously.

Wolf-Ulrich Knoben: Okay if I may, I would like - you know that can't of that be - this pick of the two words, you know, we had this cutting last time discussion of proactive and reactive being this standing committee, so the first bullet point is a reactive, you know, representing one and the other one is the more proactive one, so that's what it expresses, so I personally, as I'm not a native English speaker, so I don't have any problem with regressed or demand.

So if you agree to regressed I would like to replace it with regressed.
Let's do that, okay?

Okay, good, anything else with regards to the first - the first chapter.

Mary Wong: I had a question Wolf and again you may have discussed this on the last call, so just looking at it as someone who may come new to this document, I suppose the threshold question would be how would the standing committee know when something is already presenting a problem and how would that be raised? Is that something we're going to discuss somewhere down in the charter as we get down into it?

Wolf-Ulrich Knoben: Well okay we could explain that what we would expect or so it is more or less in the past, you know, it became from the - from our experience with worth of procedure, for example, so we had some issues that have been raised with regard to proxy voting, you remember that, and the DOI/SOI discussion we had and then maybe ask this, so being this cuts you know where the issues, let me say, should come from -- should be raised -- but we could do that so if there is - if you are of the opinion or it should be explained more clearly here from which sources these issues are going to be raised or if the problems are going to be presented, please I'm open for any suggestions.

Mary Wong: And I think this ties into, in some ways, to what (Mauricio) was saying just now and it sort of there's going to be different groups, this is somewhat different also in the sense that the GNSO community at-large and even though we think the senate committee can be requested to start a review of implementation X, should that count though, should that come from a group that's working on the problem, or can that be raised by any constituency or stakeholder group?

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I don't know that we need to get very deep into the detail of the process of how it should be raised, but maybe it's worth thinking about, the methodology as in should the standing committee only take requests that come through the council or as long as its raised officially by a constituency that it would be obliged to look at it, those would be, I think, the two immediate alternatives, but there could be others.

Wolf-Ulrich Knoben: Okay, understood, please I see Avri and then (Philip).

Avri Doria: It's interesting while listening to this at first when it was demand I had thought yes, when the GNSO council says there's a problem and they look into it. As soon as we changed the word to request even though I understood the two words to be the same and listening to Mary it did make sense to me that the request could come from the GNSO council which, of course, would be a demand, or it could come from, you know, the working - any of the working groups themselves, so it actually makes a lot of sense that somebody that is living through these procedures and processes so it could be amended to say on request from either the council or a functioning working group, you know, etcetera, so I actually think that might be a good suggestion from, you know, the question that Mary opened up and the suggestion it puts in it that it could come from, you know, a group that was actually dealing with the problem and that the problem wouldn't have to go to the GNSO council level to first have them say, yes, this is worthy to look into before it would, but it's obviously a shorter path, thanks.

Wolf-Ulrich Knochen: Okay thank you Avri and (Philip) please.

(Philip): Yes and I again agree with demand statement, I think if used should be specific about who the request is going to be from. My only concern would be to ensure votes, we don't disagree from the start to do work based on frivolous or unsupported requests, so we need to have some sought of assurance of the body asking us has identified a problem and act as a consensus of the organization, otherwise you will expose yourself to people blaming the process because they didn't like a particular outcome which is not what we're about. So I just think some phrase and to capture that clearly it's either going to be from GNSO council or maybe from the chairman of the working group based on a consensus of the group or something like that.

Wolf-Ulrich Knochen: Okay, I'm - okay if you look further down in the chapter working method, so there is something already in this charter which is referring to what this phrase says, and just is - so I think it's sort of part of a noel force, so for items under on demand or request, if you, the SCI had to rely on detail input to affect it by the process, input obstacle - perfected by the process applies or - applies a changed concerned. So that is what it is referring to and now I understand so that's the type of the scope should be more - better defined - so it could be a working group, it could be the council, it could be whatever they call a group, or what else, did I understand that correctly Avri and...

(Philip) Yes seems to be a good place to put it, I agree.

Wolf-Ulrich Knochen: ...pardon?

(Philip): It's a credit to saying that's seems to be the right place to put what we just discussed.

Wolf-Ulrich Knochen: Yes. So if you accept so the question came from on the already present - from the more general first part of - you know when we asked for those recommendation already presenting properly the question who can raise these problems or where those problems come from, either it could be inserted in that sentence, I reference to that what is going to follow, so it depends or if it goes who that text and working messel after that, then maybe we could come to a conclusion, okay that's maybe enough or it should be completed by this or that and then we could conclude on that, you know.

I would suggest to let that go through the working message then we can cover this point again and then look for what we should conclude and all that. So if you look to the working message, so I inserted, okay, under the suggestion of Avri, the reference to the GNSO working guidelines so far available and for me the only question is, you know, if you look through the GNSO working guidelines, you know, okay, you can just let me say close the document right now through the draft challenge and say okay just look to that and there's some templates, anything else, or pick-up whatever you like to do. So the question for me is how much of that are we going - should we pick up from that because that's a really big document. Should we make just a general reference to that or should we really pick-up specific points, so that's my question.

Marika Konings: This is Marika and not specifically on that item and just to note that an updated version is now available and has been submitted to the GNSO council so, and its likely as well that the GNSO council will forward it and hold on it in San Francisco so we just need to make sure that the reference is updated at that stage to refer to the latest version.

Wolf-Ulrich Knochen: Yes, yes I will do that, so that you for that hint and I will do that. So, but coming back to this question so - I remember in my former work, you know, when we made reference to any standardization bureau, to any initial standards, you know, and behind of some standards was also big bunch of papers and so that's easy to do so making reference, but for the group itself and for the standing committee, it may be helpful though to have to pick-up the major issues, but, okay, let's discard that.

Avri?

Avri Doria: When the guidelines, thank you - the guidelines are written to be just that, guidelines for any group. Now the idea that was discussed in the guidelines groups was that if any group wants to either put any additional requirements on the working group or the committee they are creating, or wants to get specific about anything, then they could call that out.

I don't know that we need to at this point for this group. If we do I certainly haven't gone through and thought through where we need to be more specific. By and large though, it basically gives a set of guidelines for how to get the group started, how to get it going, and gives guidance to the group members itself, how to use those guidelines to figure out how they want to do their work. So I think that it is sufficient just to say, you know, they should be using these guidelines and live within them, unless, as I say, someone in this group has a specific issue that they want to bring out or they want to further constrain it or add another specific requirement. You know one example could be I'll bring it up because it's my favorite and I keep throwing it in everywhere, the guidelines are not specific on whether a GNSO councilor can be the chair or not, you know, we have decided for this design team -- a drafting team -- that it is a GNSO council within, that document doesn't answer that so that would be fine.

There may be other issues where, and I don't think we have any, I was just bringing up an example, I'm quite happy with you as the chair on this thing, but those are the kinds of issues where it doesn't get specific, it gives a way of thinking, a way of looking and recommendations, thanks, so I would say leave it but unless

somebody's got a specific issue they want to constrain for or define, thanks.

Wolf-Ulrich Knochen: Okay let's see what the others are thinking. (Philip) please?

(Philip): Thanks, my main concern is that, I mean, as an operational group looking at rules we are a different beast to a working group, we're just typically designed to look at policy and although clearly there may be some similarities in terms of structure, we don't want to be trapped by a preset that's essentially designed for something else, just in the way we move forward. If I think about my experience on the LSC, we've not really had any need to look at other rules, we've just worked as a group and addressed issues that came to us and resolved them and ending up making recommendations that in fact we were, I think in all cases, unanimous on.

I just - putting up a hand really - the warning of not trapping ourselves into a - an overly complex structure which may be left inefficient and not meet the objectives that we're seeking whereas some structure may be helpful, I would simply suggest that we keep the existing wording, it was recommended, as a preprint that the SCI etcetera.

Wolf-Ulrich Knochen: So you would say we should insert it is recommended as appropriate that the SCI follow the GNSO working group guidelines, yes.

(Philip): And the SCI would be the determinant of a person's...

Wolf-Ulrich Knochen: Yes, I understand there, yes.

Yes, Avri please.

Avri Doria: Yes I can add, I think that that's well within keeping of the guidelines, that they are guidelines, it's only if the chartering organization, in this case the council, wants to absolutely require something that that needs to happen, otherwise the guidelines are quite specific that other than the fact that you have to have a chair, you know, and you have to try and get, you know, at least a rough consensus, etcetera, it leaves the rest of it up to the group to say take these guidelines, use them as you think fit.

Wolf-Ulrich Knoben: Okay, okay, okay, okay. Good. Okay is there any other, Marika please, yes?

Marika Konings: Yes, this is Marika, one item that might need to be called out then, and I guess that follows right under the discussion, because I do see a specific, a different provision has been suggested for the decision making process cause the working group guidelines also contain several sections on decision making process and how to label the different level of agreement, so if the working group - if the draft team decides that there should be a different kind of decision making process for the standing committee, it might be helpful to call that out when the reference is made to the working group guidelines. You know, I'm just saying something like everything would apply apart from the decision making methodology which is explained in section xyz in this charter, just to make sure that people understand what the decision making process is.

Wolf-Ulrich Knoben: Okay, thank you. Okay let's see how we can continue. So I would like just leave it as it is with inserting as appropriate at the time being

and then let's look to the next part of where it is outlined, to what extent the SCI needs input from us and in order to be able though to work, to start working.

So in that respect I revert to what (Philip) also did in the OSC with when the first problems came up, so just coming up is four or five questions to the group, we have an issue was raised, and asking for the information which I put here into four or five bullet points here, so, I think that is - that's the place where this reference could be done with regards to where the issues for the problems could be raised or comes through and I understood my contribution is (unintelligible) of what Avri was saying, okay if somebody comes up, if any group, maybe a stake collar group or a working group, they could come up with some issues with regarding the recommendations and the way it then to refer to the council in order to get, let me say, approval by the council that this issue is really, let me say, is really also in scope of the council and is accepted by the council as an issue and then its forwarded - it's going to be forwarded to this standing committee.

So, two things, one is the content of the information to be provided to the standing committee and the other thing is support the details to fix - so whether this is applicable and better this is agreed by all of us, so if somebody has any comment to that, or first to the content of the information which should be provided is that complete, comprehensive enough, anything to add, do you think?

No further comments, might be okay but if you have any idea, any additional one which should be included in that list please, refer to the mailing list, or send it to me directly, and the other thing is the way, how to deal with that, with issues.

So there's a group coming up there's an issue then it should refer to the council, bringing up the council is then proving that kind of discussion and after the discussion forwarding or not forwarding it to this standing committee. Is that the way accepted or is there any different opinion about that? I hear none, so far, so I will, I'm going to insert that after this list of items for information and we'll send out the note after this meeting as well.

Woman: ((Philip)'s) got his hand up and then I'm going to...

Wolf-Ulrich Knoben: Oh, sorry, I didn't see him, who is...

Woman: I noticed (Philip) had his hand up...

Wolf-Ulrich Knoben: (Philip) please.

(Philip): Yes thanks. I think we've already passed on the last bit of working method there, if one member of the group concerned should, if not already, represented and nominated as a temporary member...

Wolf-Ulrich Knoben: Membership in a membership chapter?

(Philip): ...yes. It's actually above them, it's...

Wolf-Ulrich Knoben: Okay policy, the chapter before, yes?

(Philip): Yes above the working method so you're actually right, it's a membership thing, I just, that might have been an early discussion on the meeting I missed, I'm just nervous about the concept of appointing

to the standing committee, if you like, an advocate for some issue they really, really want changed. I'm all for learning about the issue, but I think sometimes when these things depending on what the issue is, it's sometimes better to understand it, and look at it in a slightly more...

((Crosstalk))

(Philip): ...rather than with a...

((Crosstalk))

(Philip): ...you might be the thorn in the group also with an opinion with an outcome. Just slightly concerned about that.

Wolf-Ulrich Knoben: Okay.

(Philip): With a standing provision. I mean it may make sense, it's almost like seeking an expert opinion or something but you wouldn't necessarily have the expert as a formal member of your investigating committee.

Wolf-Ulrich Knoben: I see, Avri please, yes.

Avri Doria: Two points, one and one to go to (Philip), I agree, I think one of the things we are not differentiating here is members and observers in the group and of course this is relevant when it comes time to decision making so while I do believe that it's appropriate to allow a representative of the group with the issue to be an observer to the group, I agree that it is not appropriate that they become a member of the group

Wolf Ulrich-Knoben: Okay.

Avri Doria: ...and such. The - and I think that, you know, one of the things we'll look at in the next step is the Membership and the Standing Committee just differentiating between which are members that are figured into, you know, the sort of ICANN consensus processes versus, you know, observers who speak and voice opinion but aren't part of the decision-making body.

The other thing that I wanted to bring up and - is in the paragraph above that starts with for items under demand review first of all. Obviously we're going to call it, you know, under requested review.

And maybe you said that and I just missed it because I was thinking about something else. We're saying it has to go through the council.

Now when we were talking earlier we were not saying that everything had to go through the council to get there. We were sort of making a - at least I thought another possible route that if some formally constituted group of the GNSO or, you know, and maybe we don't want to get that wide so that we don't go to constituencies and stakeholder groups, we just want to go to work in groups.

And so it would be any chartered, any group chartered by the council makes a formal request. And then it didn't necessarily need to go through, you know, the several month council deliberation. It could come directly to the committee that deals.

Because for the council to deliberate not that I'm against things going to the council as manager -- and certainly they have to before anything

is changed -- for the council to deliberate their main issue would be understanding the problem.

And understanding the problem is probably the first part of the work that you're going to want the Standing Committee to do.

And so to say that every issue has to go to the council before it could come to the Standing Committee as opposed to a, you know, a chartered Working Group of the council sending it directly is something that perhaps we want to think about. Thanks.

Wolf Ulrich-Knoben: Thank you Avri. So yes, so the - I understand so - or if I understand correctly so that is to say that on the one hand the council has approved the recommendations by the OSC, given by the OSC and the PPSC.

So at the end the council is responsible for the what is recommended. So the council shall also be responsible for any amendments, any modifications, changes (also) in these rules in these recommendations which have been approved by himself.

So the only question is what I understand is if a problem arises with those rules should the council be involved from the outset that it means or if - should there be any institution ruling the, let me say the group or guiding this group which raises the issue in which form and which kind they have to provide the issue, that it is understood really.

So is that the - so that is what I understood from the discussion. But okay (Philip) at first.

(Philip): No Avri makes a good point. What - I mean what you want to avoid is having a debate on council that should be happening away from counsel because counsel should be concentrating on policy. I mean that's why we're setting up this group in the first place.

And knowing the way council works I do see the possibility of something coming out of a Working Group.

And there's a dimension to that that leads to debate, et cetera. And whether or not they wish to refer that becomes an issue that council talks about which is the one way around.

It should be this group coming up with a solution to a problem and then council approving it having seen the work done.

So for me, Avri's (agree) from the wording I would have thought defining request body - bodies with ability to request as the other counsel or group chartered by council does it for me.

Wolf Ulrich-Knoben: Okay. Avri please?

Avri Doria: Yes I was going to clarify something after you spoke but (Philip) already took care of it. Thanks.

Wolf Ulrich-Knoben: Okay, thank you very much. So (Philip) or Avri, do we have any specific suggestion for that how to cover that in wording? So...

(Philip): Yes at the moment you've got on the third line (controversial) on that issue available this group through the council.

If you delete that through the council and then you probably for clarity would insert a separate sentence saying the requesting body would either be council or a body chartered by council.

Wolf Ulrich-Knoben: Oh wait, the first one I understood so that just to delete the through the council, this paraphrase.

(Philip): Yes.

Wolf Ulrich-Knoben: Okay.

(Philip): And then you need a second sentence either before or after that current paragraph.

Wolf Ulrich-Knoben: Yes?

(Philip): To say the requesting body would either be council or a body chartered by council.

Wolf Ulrich-Knoben: So the requesting body is the one who is writing the issue let me say?

(Philip): Yes.

Wolf Ulrich-Knoben: Yes.

(Philip): The one we're referring to as on request in the opening.

Avri Doria: Yes that's what he said...

Wolf Ulrich-Knoben: But just to fully understand that so I understood from - on the former discussion that a requesting body or a requesting group, could be any group, could be any Working Group or stakeholder group or what else who is faced with a problem with regard to that recommendation. So how does this fit together so that...

(Philip): Yes okay one - well for me I thought Avri had narrowed that and I was agreeing with her because if it's council then the stakeholder groups are already there.

So they need to get together to say this is a sufficient problem affecting stakeholder groups and we council makes the request.

Or for something happening outside of council in typically a Working Group then it seems appropriate that the Working Group is the body making the request to say, you know, this rule didn't work for us because.

Wolf Ulrich-Knoben: Okay. I think who is first? (Mary)?

Avri Doria: I think (Mary) and I are both indicated agreement with what (Philip) just said.

Wolf Ulrich-Knoben: I see. Okay.

(Mary): That's right.

Wolf Ulrich-Knoben: Yes okay. Okay good. So I would do - say you can check it again after I send out the next draft and so then we can find the right text in this yes? Okay?

Avri Doria: Did write what (Philip) was saying in that chat.

Wolf Ulrich-Knoben: Okay chair - (Philip) was saying something in the chat so I didn't see that.

Avri Doria: No, no, no I wrote down what (Philip), the sentence...

Wolf Ulrich-Knoben: Oh yes, you did it.

((Crosstalk))

Avri Doria: So I forgot to capitalize the.

(Philip): Excellent. Thank you Avri for taking dictation.

Wolf Ulrich-Knoben: Okay thank you. That's it.

Okay so we are in - okay yes, we have changed the temporary member in to a observer yes?

(Philip): Yes.

Wolf Ulrich-Knoben: And then we come to the next paragraph, the membership itself, the Standing Committee so that it's just written in.

So at first that is that there should be primaries and alternative members possible and one representative from each constituency or stakeholder group and from the noncoms one non-com appointee also and others.

These are the members, so the members. So we - and then we have others, other participants as well. That means that's what I took from the - I think it was from the draft OSC or PPSC charter as well where we were talking about representatives from each constituency information and liaisons from each designated group as appropriate.

So let's discuss that that is applicable or not. I see Avri.

Avri Doria: Yes. I would recommend changing the word others to observers in the Standing Committee. And then I would observe - I would take GNSO secretary and one policy staff representative and include them under staff support somehow since they normally don't - and of course Marika can correct me on this.

But they don't normally consider themselves either members or observers of a group but support for a group.

And since you already have a heading called Staff Support so I would change others to observers. And then I would move GNSO secretariat and one policy staff representative to under the Staff Support thought bullet.

Wolf Ulrich-Knoben: Okay I see Marika and (Philip) agreeing to that. So I will do so hopefully so and in the correct way so and send it out again so that we have then left in a membership the representatives from each constituency plus one noncom.

In the observers we have one representative from each constituency information liaison, two designated groups and then another temporary

member but a - there was one member or one observer representing the group yes?

That is just I made it here formally with what was written in the chapter above so one member of the group concerned should be an observer here.

It's not in addition but it's just in the formal list here inserted. Avri please?

Avri Doria: Yes another comment. Once the process for forming new constituencies has been established, I think we can probably drop that paragraph while the board is trying to perhaps set up a better and new process for forming constituencies.

There already is a staff created, you know, I forget what they call it, intent to form method of establishing of a constituency.

So being that that - that there is already a process and yes, hopefully there'll be a new and better process we could probably just remove that parenthetical.

And the other thing would be not one temporary member obviously but one temporary observer representing the...

Wolf Ulrich-Knoben: Yes. Yes -that's what I.

Avri Doria: We may have already gotten that one and I was just too busy reading things to have gotten it. Sorry.

Wolf Ulrich-Knoben: Yes. So that means you would leave one representative from each constituency information just delete the attendance in the...

Avri Doria: Yes I would. I see Marika has her hand up so maybe it is.

Wolf Ulrich-Knoben: Okay in the brackets. Okay. Good.

Next paragraph is staff support. So I put GNSO secretariat and one ICANN staff representative under this paragraph. So anything - Marika has his hand up.

Marika Konings: Yes well this is Marika. It's actually still relating to the previous section. I just had a question or a clarifying question on what you mean with each designated group.

Do you mean other SOs and ACs or could that be, you know, any kind of group that the Standing Committee designates?

Wolf Ulrich-Knoben: Good question Marika. So I took it from the OSC charter. But I don't know what we discussed that time, you know, two or three years ago about that.

I think it could be other SOs. But if it - so that for me it's, you know it is a question yes? Is it - should we open or is - isn't it, you know, by itself, you know, if you look to the Working Group guidelines, so the Working Group guidelines are very open to anybody let me say, representing any group.

So if you make reference to the Working Group so that means membership to a group under these Working Group guidelines is very open I would say. Avri?

Avri Doria: Yes I would think that it probably - it's a good question. I think it's probably appropriate to change it to something like as determined by the members, you know, as appropriate as determined by the members of the SCI.

So I think for example the members of the SCI would be well advised to invite an observer from ALAC because ALAC has participated in all.

But whether they would decide to invite someone from the ccNSO or the SSAC are any of those groups would be something that, you know, they would have to think about and determine whether it was appropriate.

You know, so I think it's probably good to say, you know, other ICANN groups.

Wolf Ulrich-Knoben: Yes but as determined by the - so by the SCI or by the members of the SCI?

Avri Doria: Right. Basically I went - I just put some text there. It probably could be changed. From other ICANN groups as determined by the SCI as appropriate.

Wolf Ulrich-Knoben: Yes.

Avri Doria: And that's - it's a little awkward. So someone could make it less awkward. But I was talking and typing at the same time.

Wolf Ulrich-Knoben: Well may be - it maybe enough as determined by the SCI.

Avri Doria: Yes I think so.

Wolf Ulrich-Knoben: Okay. Okay yes, (Philip) also agreeing to that. Good.

Then we have the staff support again. And as a sentence at its kickoff meeting the SCI should nominate a chair and a vice-chair person.

So Marika do we have anything well to suggest please?

Marika Konings: Yes this is Marika. Indeed erase the last sentence. It might be confusing if that's listed under the staff support because...

Wolf Ulrich-Knoben: Yes, yes, yes.

Marika Konings: ...it seems to belong to that. Another suggestion for that would be that, you know, the draft team might want to specify that, you know, chair and vice chair whether they should come from the members or whether an observer could also perform one of those functions. That might be something to consider as part of that discussion.

Wolf Ulrich-Knoben: Yes sure. Okay this sentence is I think suggest well to put it under the working method. And then the question is really then with regards to the nomination of a chair and the vice chairperson where they should come from or where they should come - not come from.

So we had this discussion opened already whether the chair and the vice chair could be council members or could represent any group or what is it about.

So the - I heard different opinions on that. So one it's your hobby Avri do that, so well to bring it up that the chair should not be a member of the council. There may be arguments as well. I open that discussion. (Philip) please?

(Philip): Yes I think we've almost solved it in the description of membership in the Standing Committee just saying one representative from each constituency SG and one noncom appointee. To my mind the chairs and vice chairs should be drawn from that group.

And that's the group to nominate who they want. And if they wish to burden the council there or somebody else with a (do all) the then so be it.

But I think basically chair should be taken from the membership of the group and people should be up to them who they nominate to a group. I have my opinion on that but I think at the end of the day should leave it to the groups themselves.

So, you know, I think simply chair and vice chair should be drawn from the membership.

Wolf Ulrich-Knoben: From the group. Yes, okay. Thank you (Philip). And (Mary)?

(Mary): I agree with (Philip) on that point. And I had a somewhat separate point that maybe the chair should not be from the - to the extent that the

chair happens to be somebody from the group that's raising the problem do we want to say that the chair should not be that person?

Wolf Ulrich-Knoben: Do I understand - so just a question to that (Mary). Raising a problem? There could be different problems coming from different groups so at the end.

(Mary): Right.

Wolf Ulrich-Knoben: So just theoretically all potential groups could come up with problems. So how to find a chair who is not representing any of those groups. That's a question. Well did I understand that correctly so...

(Mary): Well I think I'm more trying to the business of half formed thought. And (Philip) you - I'm trying to avoid a conflict of interest situation. And maybe I'm imagining too much and there is none. But the thought occurred to me so I thought I should raise it.

Wolf Ulrich-Knoben: Sure.

(Mary): If there's a potential conflict of interest. And if so then I think whoever it is probably should not be chair in that instance right?

Wolf Ulrich-Knoben: I see. Okay, thank you. Avri please?

Avri Doria: Yes I think this is probably the first time I'm actually disagreeing with anyone on this phone call which is remarkable in an hour and three.

I actually think that -- and I'm actually even disagreeing with myself which is really absurd. I - in terms of such a small committee I - and the

fact that I believe that chairs have to be in essentially a neutral position, I think that this may be a case where it wouldn't be unreasonable to consider having an observer, possibly a member of the council, you know, instead of having the liaison in this group or whatever. But then we're really deviating from the guidelines, but to have a council member as a neutral chair on this.

So I'm not being firmly of that view. I am just sort of - but I'll go along with the agreement of the other two members in the group.

It's just when you originally posed the question and I was thinking of neutrality of chair and small group which means with only one representative from each of the stakeholder group and constituency, and or constituency then you're in a situation where one of them gives up some of its degree of being able to argue a point of view by having taken the neutral position.

Wolf Ulrich-Knoben: Okay. Yes thank you for these contributions. (Philip) do you have something in addition please?

(Philip): Yes I'm sort of - yes half of. I - of course we want to avoid conflict of interest. And that's the objective here.

Wolf Ulrich-Knoben: Yes.

(Philip): I think, you know, choice of chair in it, you'd hope to choose a chair who is aware of conflicts of interests and is able themselves to avoid it.

I think also it's inappropriate that you would have a group who might be submitting an issue to the Standing Committee in the knowledge that

their - that if the chair comes from their group they may be, you know, getting rid of the chair for that time.

So there's a, you know, there's another element of conflict that might be introduced by being too clever about this.

The way we've dealt with this on the OSC though is the same way that we're currently planning on dealing with it in terms of membership and we - in which we have primary and alternate members.

And since I took over from Chuck as OSC chair I have asked the business constituency's alternate member on the OSC, and that's Ron Andruff to participate fully and when necessary be the advocate for the BC position.

And that allowed me to remain a completely neutral chair. And we've got that structure already and, you know, and it worked for us. I see no reason why it shouldn't work again.

Wolf Ulrich-Knoben: Okay. I could make reference to that point as well here in the document with regard to the conflict of interest well to avoid those situations. And that should be kept into consideration by the SCI when electing a chair.

So I will do that and then okay, you will see the next draft as well.

So now just...

Avri Doria: Ah...

Wolf Ulrich-Knoben: Yes sorry?

Avri Doria: Sorry, just looking above, I had missed and I apologize. I had missed because it's in later writing and in parentheses the primary and alternate...

Wolf Ulrich-Knoben: Yes.

Avri Doria: And so had just latched on to the one representative from each constituency. We may want to somehow make sure that one representative from each constituency, you know, and then somehow make - bring out more that there was an alternate member.

If I'm going to miss it perhaps others will too. And I shouldn't have missed it. But yes, it totally makes sense what (Philip) says once you consider they're alternate members and I haven't seen that we were doing that.

Wolf Ulrich-Knoben: So is there anything to amend here in the draft? Avri?

Avri Doria: I think perhaps the parenthetical primary and alternate members, you know, needs to be brought down into a sentence that says there will, you know, there's - and I don't know, are they observers?

I guess they're observers. They're not the ones that vote unless they're activated. And so we have to indicate some way that there are alternate members, you know, that can take the place of the primary.

I think we need more than just a fat parenthetical. I can't think of at the moment of how we need to structure it.

Wolf Ulrich-Knoben: Yes. So...

Avri Doria: But I think it should be more than parenthetical under membership in the Standing Committee to say primary and alternate especially if we're going to rely on that as a mechanism. So that's...

Wolf Ulrich-Knoben: Okay so my idea was okay just it is in case. Does -well with my thinking in case the primary it is not available can - an alternative could stand in here. So that was what I was thinking.

So I think...

Avri Doria: In the OSC we basically had standing alternates. I mean it's a role. And the alternates have been members of the Working Group mailing list and have participated in meetings with observer status.

It's just when it came to consensus there was one voice per stakeholder group...

Wolf Ulrich-Knoben: Yes. Yes.

Avri Doria: ...or a constituency, sorry.

Wolf Ulrich-Knoben: Okay.

Avri Doria: I think we just need to say that so it's clear.

Wolf Ulrich-Knoben: Okay good, just an alternative. Okay.

Avri Doria: And I withdraw my other suggestion based on my own missing that point.

Wolf Ulrich-Knoben: Okay, I'll do that. So looking to the hours so we're just ten minutes overtime so we have - I had planned one hour but we had intense discussion about this different point.

Just a quick question, do we have ten minutes more or is this through the meeting we could go through the rest of this text?

Avri Doria: I'm fine.

Wolf Ulrich-Knoben: Yes, thank you. So decision-making, next point so just put into that full consensus of the members' process unless otherwise determined.

(Philip): And full consensus as defined in the Working Group guidelines is that right?

Wolf Ulrich-Knoben: Yes it is.

Avri Doria: Yes.

(Philip): Yes okay.

Wolf Ulrich-Knoben: So we can leave it at is okay. Thank you.

Then to the goals and milestones, my question was here should we as Chartering Committee put something in too or leave it just to the Standing Committee to determine what kind of goals and milestones they have if any?

So I don't see really a timetable other than let me say the - maybe the reviews, the periodic reviews also. What is your opinion on that Avri please?

Avri Doria: Okay yes. I think we should keep it fairly open. I think it's probably good to say, you know, at each, you know, ICANN meeting that the group will make a report on full status. I don't think it needs to be reported at every GNSO council meeting. But maybe it does.

So I think there should be a periodic reporting to the - a formal periodic reporting to the council probably on a, you know, quarterly basis or what have you, you know, or per, you know real meeting.

And I think there should probably be a bullet there that says, you know, early in its tenure and its work the SCI should look at what it's - what is on its plate and submit a, you know, timeline for its work and then to the GNSO council for review and leave it at that and not try to, you know, because some stuff is already, you know, perhaps ready for review. Some stuff is coming in a year et cetera.

And to try and do that at this point I think made that one of the first work items for the, you know, submitting a timeline for its reviews could be a milestone.

Wolf Ulrich-Knoben: Okay. Okay thank you. (Mary) please?

(Mary): Yes thanks Wolf. And I agree with Avri on both her points. On the first one about the periodic reporting I guess maybe we can put something in saying the SCI shall report to the council no less frequently than at

every face to face ICANN meeting. That would be my suggestion at least as a start.

I also have a separate question as to whether this would be an appropriate document. I guess it's probably in the Working Group that - Working Group guidelines so maybe we don't need it in terms of things like transcripts and transparency and recordings -- that kind of thing.

I think - I can't remember which document -- and I assume it's the Working Group guidelines -- but I wanted to raise that because I wasn't sure of the answer.

Wolf Ulrich-Knoben: So you are pulled the tools provided by ICANN in that case or not?
So I didn't catch that really correctly there. I mean you know the question was...

(Mary): Yes.

Wolf Ulrich-Knoben: ...you were referring to the tools which are provided by ICANN with regards to a transcript and these things?

(Mary): Yes. And that I would do for to (Philip) and Avri because they've been dealing with these things kind of in-depth.

I think the principle is what I support. And I just don't know if there needs to be a reference, there needs to be an explanation or that SCI may need some flexibility to decide when they want to deviate.

Wolf Ulrich-Knoben: I see Marika is also in the chat. She's just saying reference to the transcripts recording and transparency are also included in the Working Group guidelines.

(Mary): Okay thanks Marika.

Wolf Ulrich-Knoben: Does this help yes? Okay (Philip) please?

(Philip): Yes, just going back to the original point, I think I support what both (Mary) and Avri was saying. I mean maybe the whole paragraph should just be changed to reporting and we put in there that be the wording that (Mary) had suggested for reporting.

Wolf Ulrich-Knoben: Okay.

(Philip): Because that I think will include everything we want to get in. We have no idea what may be referred to the group. It could be a short issue. It could be a long issue. And it will be the reporting stage that you would put timelines on that.

And certainly our experience in the OSC was even if we had different Working Groups ready to do the work sometimes they're asking questions of others. And therefore the critical part actually became not the group itself but third parties.

Wolf Ulrich-Knoben: Okay good. I will take care about that. And okay and put the points we discussed under this item, reporting.

Okay do we have other points we should add to that charter and any ideas about that Marika?

Marika Konings: Yes this is Marika. I'm sorry for going back to another part in that charter that I didn't really see before.

But under Working Method in the second sentence it says that a SCI should do the work by itself, not just identify the issues and manage them.

I'm wondering there as well if we want to leave a bit more flexibility there and then say something more like the - ideally the SCI should carry out the work itself but it may if deemed appropriate, you know, designate subteams or other teams to assist or something like that to make sure as well that there is room for flexibility.

And in those cases where you have for example a very big project if there would be a decision for example, to review the PDP you might want to assign that to another team to carry out and just report back on the outcome of that instead of trying to, you know, deal with that by the Standing Committee especially if there are also other issues that need to be dealt with.

So just wondering if that should be a bit more flexible there.

Wolf Ulrich-Knoben: Okay seems to be a good idea. Thank you.

Okay so now we are through more or less. So I have - I will try well to update this draft charter before I leave to San Francisco actually. And then we can exchange on the mailing list or also we can meet or we can - we don't have enough (people) meeting in San Francisco. And I - and you will see the schedule is very tight there.

But if you have a chance well just to chat with each other or to see if there are real still problems I would bring it up to the list or in floor discussions so that we can really continue with that.

So I'd think we do not have really big problems with that draft charter. And so for San Francisco it's too short well to bring it in, bring it up.

But for the meeting after San Francisco I will take care that we could have a motion on that and then provide the information, alternate information to the council as well.

If there are any opinion on the times, clear timing from your side?

Not, seems to be not controversial, so okay just repeating. So I will redraft it and send it out immediately so and we will exchange our views on the email list.

And then our target should be the council meeting after San Francisco meeting well to bring it up to the council.

Okay so saying this so I thank you very much for this helpful discussion and hope to see you all in San Francisco. And okay operator we can...

Avri Doria: Have good travels everyone.

Wolf Ulrich-Knoben: Yes.

(Mary): Yes. Thank you Wolf. Thank you everyone.

Man: Thank you everybody.

Wolf Ulrich-Knoben: Thank you. Bye-bye.

(Mary): You too. Bye.

Woman: Bye.

END