

**Standing Committee on GNSO Improvements Implementation (SCI)
TRANSCRIPTION**

Monday 18 June 2012 at 13:00 UTC

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<http://audio.icann.org/gnso/gnso-sci-20120618-en.mp3> on page
<http://gnso.icann.org/calendar/#jun>

Attendees

Ron Andruff - Commercial and Business Users Constituency - Primary
Wolf-Ulrich Knoben – ISPCP – Primary – Chair
Avri Doria – Non Commercial SG – Primary
James Bladel – Registrar SG – Alternate
Ray Fassett - Registry Stakeholder Group (RySG) - Primary
Angie Graves - Commercial and Business Users Constituency - Alternate
Carlos Aguirre – Nominating Committee Appointee

Apology:

Anne Aikman-Scalese – IPC Alternate
Mary Wong – NCUC – Primary
Alain Berranger – (NPOC) - Primary

Staff:

Marika Konings
Julie Hedlund
Nathalie Peregrine

Coordinator: Excuse me. You've run into the operator and I just need to inform all participants that today's conference call is being recorded. If you have any objections you may disconnect your line at this time. And you may begin.

Nathalie Peregrine: Thank you very much (Lori). Good morning, good afternoon, good evening. This is the SCI call on the 18th of June 2012. On the call today we

have Carlos Aguirre, Ray Fassett, Angie Graves, Wolf Knoben and James Bladel.

We have apologies from Anne Aikman-Scalese, Alain Berranger and Mary Wong. And from Staff we have Marika Konings, Julie Hedlund and myself, Nathalie Peregrine.

Ron Andruff has also just joined the call. I would like to remind all participants to please state your names before speaking for transcription purposes. Thank you very much and over to you.

Wolf-Ulrich Knoben: Thank you Nathalie and hello everyone. So we have a small agenda today. So on the basis of our last call and let me first just ask formally whether there is something with regards to the Statements of Interest to disclose.

I hear nothing so then let's - let me ask for whether you are okay with the suggested agenda or are there any comments on that? Thank you very much. So - and we have on the agenda three major topics - well to talk about.

This is the question about okay, how is the status and with regards to our different items on deferral of motions, on proxy voting procedure and the voting thresholds for delaying a PDP.

And then we have two consensus items to talk about which I have sent out over the weekend with regards to the Council's voting results table and the content agenda item.

And then we have the AoB, some different items talking about whether we would like to have this face-to-face meeting they're handling in Prague and what we are - what should we deal with.

And Marika reminded me as well through the list that it might be advisable also to talk about the potential update I have to provide for the Council meeting for the GNSO over the weekend in Prague.

So there's something to talk about and I would like to - immediately to enter the first part, deferral of motions. And I'll ask for that group so just to give a brief statement on that and where we are and - okay. Please, who could start with that please?

Ron Andruff: Good morning Wolf and all. This is Ron Andruff speaking.

Wolf-Ulrich Knoben: Oh Ron, you are also on here.

Ron Andruff: Yes, I - I'm sorry. I apologize. Yes, good afternoon to some of you, good evening to some of you and good morning to others. Yes, I got in a little bit late but apologies for that.

On the Deferral of Motions section I'm just trying now to bring up my - bring up the wiki page because there was a number of - a bit of information that has been collecting there.

I don't know if anyone's had a chance to have a look at the wiki in the last week or so to see what we're doing in terms of the working documents. But there's been some postings there so - that our subgroup if you will has been sort of gathering some documentation to this space.

Not a lot but there's been a number of comments that have been made mostly by the group. So I guess I would just open it up to any further discussions that have been - or further thoughts with the question as to whether or not we can kind of move this thing forward into the mainstream discussion, or if we can kind of close it out with what we have now. So it's really one of those two directions that we need to take.

Wolf-Ulrich Knoben: Okay thank you Ron. So you - as I understand, you know, an I've also seen so I don't know whether in the very last days there were additional comments on that, but I have read some days before the email list and I'm aware of that.

So your suggestion is well, either to well to talk about how we should proceed with that. So should we let me say not close this list but on the basis of this list that continue it for other comments? Well let me just ask Marika first and then going back to Ron. Marika please.

Marika Konings: Yes this is Marika. The - I think just to maybe - for people who haven't seen it because I posted I think one of the last comments late last week, because I saw some of the conversations and where people say, "Well, you know, the procedure as it currently is seems to work.

No other mind of being in need to make any changes." And what I posted actually is more of a reminder of why this question was brought to the SCI by the GNSO Council, which is that currently this is not a formal procedure.

This is an informal procedure that is being, you know, respected by the Council Chair. I think the way it works basically any Council member can ask for a deferral normally only for one meeting.

They have a couple of exceptions to that, but based on a recent meeting where, you know, people felt that it should be also possible to overrule a request for a deferral in time sensitive cases, the question was actually asked, you know, should this procedure be made formal?

So I think in part of its response to the GNSO Council, that the SCI should probably also consider this specific question not only, you know, is the procedure as it currently is used does it work, but also respond to this question on whether this should be formalized or whether it's okay having it as an informal procedure and probably basically leaving it up to, you know,

the GNSO Council Chair or Council leadership, you know, to implement it at its discretion.

Wolf-Ulrich Knoen: Yes, thanks Marika. And Carlos please.

Carlos Aguirre: Thank you Wolf. To - in seat with my motion the call and the wiki, I agree with Angie Graves when he said, "The deferral of motions at the request of any Councilor for one meeting of the Council is a reasonable safeguard against moving forward on something that has not gotten adequate discussion in one constituency of another."

I agree with that. On the other side I think it's needed formalize a rule on this issue. I'll not consider to leave a - this situation as a informal practice. I consider it's needed to formalize a rule because we need to establish some practice.

But you see it? A rule must be thorough issued and practical and short to avoid further discussions if we put some considerations to do previous to consider deferral of motions.

If we put some considerations or some classes to leave the deferral of motion, could be more complicated than a short rule. I don't know if I am clear but would be my position is give the possibility to everybody to establish a deferral of motions one time for X days - no more than that but without another considerations, because it could be more difficult to establish this rule. Thank you.

Wolf-Ulrich Knoen: Yes, thank you very much Carlos. And I see others raising their hands to comment. First Ron please and then Ray.

Ron Andruff: Thank you Chair. I agree with the general tender of what Carlos has said and also what's being discussed on this list. There are really two ways we can go with this thing.

Either the SCI forms a rule that says one deferral of motion and then it must appear as a priority item on the next calendar of the - next meeting of the GNSO so that there is a deferral but it is not going to be deferred indefinitely, but rather it's going to be taken up at the very next meeting.

Or we might just say, "This thing has gone, you know, relatively smoothly without too many issues that we were able to discern." So maybe we'll take a light-handed approach and just allow it to continue in this unstructured format and see if it continues along the lines that we've seen for the last year.

If you recall and I think it's noted here in fact I think at the very top of the discussion items, Avri noted that the total number of deferrals in terms of stats there were not that many.

And so perhaps we might want to allow this to continue, because if you recall the second thing that we're going to discuss on this agenda that you have today Chair has to do with the voting thresholds I think for delaying a PDP.

And the idea is that there was some ties between the two. So the point I'm trying to draw on before I get off on a sidetrack is simply to say that we can go with a very light hand, let it continue as it is right now and monitor it for another year, or we can actually try to impose a rule where it's one deferral of motion has to be taken up at the very next meeting.

I think those are the two paths that most people are looking at here, and for my part I would say we should take a light hand and just let it continue without imposing yet more policy. Thank you.

Wolf-Ulrich Knoben: Okay before we talk about the either/ors I would like to ask Ray on this. Maybe you contribute to that Ray please.

Ray Fassett: Thank you Wolf. Good morning, good afternoon, good evening everybody. My question - I have a couple of questions on this. So one is we've been asked to look at the issue, should there be a rule or should not - there not be a rule, so that's one question.

But then what is that rule is a different question. So at a high level is our role here to simply first answer the question, should there be a rule or not, and then if the answer to that is yes is it our role and duty to then, you know, draft what that rule is or determine what that rule is?

That's a question. And then the second one is how does the ICANN Board handle deferrals? Is there a process, a procedure? Is it informal? Is there - so those are my two questions to help us.

Wolf-Ulrich Knoen: Okay thank you Ray. Let me try now to contribute to those questions. From the last one I don't know. I'm not sure whether if Marika once already talked about that, but with regard to the Board how the Board is dealing with that.

But the other thing I would see it that way. Yes, we should - the Committee should come up with - let's see, let me say a - an answer to that question should there be a rule or not?

This is the one thing so that's why we are talking about. And in addition, you know, this is - with regards to all of the topics that we are dealing with, I would say if the Committee - if the - let me say the item is not - it doesn't seem that complex that the Committee could feel it is appropriate to come up with an own suggestion regarding the content of this rule, then we should come up with that.

So - but if you feel, you know, that it's - it may be complicated and we have to call for other persons for - and as a group with this other background on dealing with the matter, then we really should do this.

So I would leave it - that in this sense and so this is how I see it but I'm open for further comments. Ron please. Are you still having your hands up Ron?

Ron Andruff: Yes, I actually had another afterthought Chair, and that has to do with the fact that we discussed, as many of the members of the SCI will remember, over the last couple of calls we talked about the concept of socializing a motion in advance.

To put a little perspective on this the issue had come up that - and certainly in the case of the BC where a motion all of a sudden appeared and then there was an eight day period for our Xcom and our Councilors to scramble to try to get an understanding of what was that motion about and for what and why, and then we would try to discuss that and - on a BC call and come up with our view on it.

And often there wasn't enough information or there wasn't enough time available to gather enough information to inform the constituency. So this idea of socializing the motions in advance and we discussed that in this - also in the list here where we talk about this idea of just putting it out.

There's a list that would be created that would say that these are motions that one constituency or another is working on, not ready for being posted but just to give people a head's up.

And so I think that that element is also important to make sure we keep that in mind when we're discussing the idea of deferral of motions. Why are motions being deferred?

In the case of the BC and my experience, and Angie can weigh in on this, it seems to me that it was because we had not enough information about the topic more than any potential direct pushback on the topic.

So it was just about not having enough information and to think the idea of socializing motions will give people a chance to get more information. A Motions Pending file for example might be something we could consider.
Thank you.

Wolf-Ulrich Knoben: Yes, thank you Ron. And Ray, you have the right please.

Ray Fassett: Hi. Yes I'm back again. I do see in the notes section on the Adobe that part of the assignment would be a recommendation if we decide the answer is yes, that there should be a formal rule.

So now my two questions are so if we were to recommend a formal rule does that recommendation - is that recommendation to be a change to the GNSO Council rules of procedure?

Is that the framework of what this recommendation could fall into? That's a question. And two, I think we should ask Staff if they haven't answered already because I think I was not on the last call, so if this question has been answered I apologize but I'll ask it again.

What - how does the Board handle deferrals? Is there a formal rule? I think we should know that information. And if we do already I apologize for not knowing it myself. Thanks.

Wolf-Ulrich Knoben: Okay. No, it doesn't matter Ray. Marika, do you have an answer please?

Marika Konings: Yes this is Marika. It's actually a non-answer because I'm actually not aware of a formal procedure that the Board has for this, but I can look into that and see if they have anything formal or informal that they use for deferral.

And we did discuss in the past what they do in a consent agenda, but I don't think we've checked actually on what they do with regards to a deferral of motions.

And to the first question I would indeed assume if the SCI would propose or would be to propose a formal process, that this will become part of the GNSO operating procedures while all the other, you know, rules and processes are incorporated.

Wolf-Ulrich Knoben: Yes. So that's related to the operating rules you mean. That's my understanding too.

Marika Konings: Yes correct. I think Ray was asking where if the SCI would come up with a formal procedure where that would go, and my understanding would be that it would go into indeed the GNSO operating procedures.

Wolf-Ulrich Knoben: Yes okay. Ray you still have your hand up.

Ray Fassett: Great. Yes that's great information. Thank you Marika. The - so just to be clear when we do make this recommendation I think we would be - if we - that's assuming that we believe that a rule is needed, then if we come up with a recommendation we would be presenting it to the GNSO Council as a amendment to the current GNSO Council rules of procedure. That would be my understanding.

Wolf-Ulrich Knoben: Yes.

Ray Fassett: And then as part of fact finding on how the Board handles deferrals, it may be useful for us to also have the data. So we have folks, whether it's Avri or others, gathering data on deferrals now at the Council level.

Even if we come back with the answer that the Board does not have a formal policy itself, we probably then would also want to know over X period of time how many times it has been asked for a deferral.

We don't need to know more specifics than that but just the quantity since we seem to be tracking that now at the Council level just for an apples to apples comparison.

So for example if we're seeing now a lot of deferrals at the Council level in relation to the ICANN Board, then I think that's information that could be relevant to the discussion. So...

Wolf-Ulrich Knoen: Yes, thank you Ray. So you may recall - so we had or we started the discussion already having on the basis of some information we got from Staff with regards to the Council deferrals over the period since the Council - the new Council has been established, I mean, the new Council on the basis of the new Council structure.

And that means from 2009 on or 2008 on that we had to able some data with regard to the number of deferrals, the - how many times it was one time or two time deferred and the - which constituency was asking for deferrals.

So this - those data are already available. The question I understood from Ron was - so let's talk about the question whether we should have a rule right now or we should have - impose another period of time to follow up with that - with those data or to - just to monitor how the Council is doing in the - for the next year or a certain period of time.

And coming after that time back and resuming and talking about what should we do. I would ask for a let me say for comments on these two let me say two directions.

If that is - so who - or who has some comment to the one or the other? I understood from Carlos so he's being in favor for a rule but for - but a very let me say manageable rule.

And so what do other think? So should - we have - at the time being we have data available. We have talked a lot about that so we have these two options more or less at this point coming up with a new rule directly, or well waiting - wait and see and monitor.

So do we have any comments on that? So, well everybody could make his or her own comment, personal comment on that so whether he's in favor to that direction or the other so - but just to get a feeling and then talk about what could be done. Carlos I see you. Thank you.

Carlos Aguirre: Thank you Wolf. A short comment. I'm reading in the notes that something - somebody mentioned the possibility to include NCA able to defer motions and I agree with that.

It is - but I think it's mandatory to include NCA as able to defer motions.
Thank you.

Wolf-Ulrich Knoben: Okay. Sure. Was that - my question is was that excluded until now? Ron yes.

Ron Andruff: I think Avri is trying to get in but I won't speak for her but it looks like she's having some trouble with her mute connections. In any case I'll let her speak for herself but I - responding to what Carlos said and Avri's recommendation, there was a number of ideas that she said that, you know, there were three reasons one motion could be deferred, but that she also said the excuse that we have not had time during the week to consider this well and form a complete motion is a valid reason.

But that is the reason that was - we were bumping up against in the BC. I can't speak for other constituencies but I know it's just when - that motions are filed on the very last day before the Council meetings, then it gives the other constituencies a very little amount of time to understand those motions.

So that comes back to the idea of socializing them. If that were the - socializing were incorporated then I wouldn't have a problem with trying to bring policy to this.

But again we said right from the very first meeting when we met with the SCI that we should try to have a light approach, and that's why I'm erring more towards that side. Thank you.

Avri Doria: Can I have my hand up. This is Avri.

Wolf-Ulrich Knoben: Okay. Yes Avri, sure. Great. Please Avri.

Avri Doria: Okay thanks. Sorry. I've been - I keep dropping off and also sorry I haven't figured out how to raise my hand on Adobe Connect on Android. I think there's a couple of things.

One is I thought it really was a fairly simple question we had before us of G Council has a practice. Do we want to recommend a formalization of this practice or not?

And if we do want to recommend a formalization of the practice, then what - how do we want to formalize it? Now I don't think that, you know, Ron's been talking about the formalization, I mean, the socialization of motions.

Since motions are required to be in place eight days before, it was my assumption that that should really give everyone enough time to talk about it on the list and to talk about it among themselves.

I was told that was not the case, although I really thought it should be. But the other thing was I have difficulty with the notion of just deferring once, because personally I think the reason to defer is because the information isn't complete or the motion has changed radically either with amendments or something else or perhaps there's, you know, some process that's ongoing

such as a community comment period or something like that that are reasons that we could set out in something that we formalized.

But by and large I would think that as long as there was one of, you know, a few proper reasons which pretty much had to do with the Council members not being fully informed as to the what and why they're voting for, then deferral makes sense.

Otherwise it doesn't and personally I never thought that, "Gee, we haven't had time to do it," even when I was Chair. Though I accepted it with good grace I never thought the, "Gee, you know, we've known about this for a week or two.

The report's been out for a week or two but we just haven't had time yet," was ever really a good excuse. Thanks.

Wolf-Ulrich Knohen: Thanks Avri. So we are still in the phase I understand of how to - you talk about should we come up with a formal rule. And in addition I have - I also - I understood you Avri that you're saying also in case if you are not coming up with a formal rule, so there is this problem we have with the - just deferring this once - one time.

Avri Doria: No, I'm actually not arguing for one time. I'm arguing for - the only good reason to defer is because the information is incomplete, and you defer until the information is complete.

Wolf-Ulrich Knohen: Okay, thank you. So okay, let's talk about - Ron please. Ron? Are you on mute Ron or...?

Ron Andruff: No I'm off mute. I beg your pardon. Thank you. Thank you Chair. I wanted to say I could live with Avri's suggestion that we may, you know, that something might be deferred to - if information is complete we need to have the information before the motion can be carried. Agreed.

But the thought would be that only one - each constituency would only have one deferral. So let's assume for example that the BC gets this information and within the eight days we don't feel we have enough information on the motion, so we ask for a deferral.

That defers it to the next meeting, puts it on the priority list for the next meeting and when it comes around again if in fact there's not enough information, let's say the IPC constituency then steps up and says, "We would like a deferral because we don't believe there's enough information."

But the BC in this case could not defer it again so, I mean, only one deferral per constituency. The point here is that we don't want people to use this as a tool and that's why I'm a little reluctant to even want to formalize it, because once you formalize it there will be some within our community who will then utilize this as a tool to push things off, push things off, push things off, anything that they don't want to address and just keep kicking the can down the road.

So that's where my reluctance is in terms of formalizing it, but ultimately I could understand how again information is our friend and if we don't have enough information then in fact we should defer it.

But it should not - the same constituency should not be allowed to defer twice. Perhaps that's the middle road.

Wolf-Ulrich Knoen: Okay. Ray please.

Ray Fassett: Thank you Chair. I think Avri makes a interesting suggestion there about, you know, information being complete. My thinking is shouldn't that be the - at the discretion of the Chair to be able to make that determination that it's - that the information is complete and therefore the Chair will not accept any deferrals?

I don't think that even needs to be a policy or an amendment to the procedures. The recommendation could be as simple as the Chair decides whether the information is complete or not.

If the Chair decides the information is complete then deferrals would not be accepted.

Is that possible?

Man: Sorry. Hello? Ray?

Ron Andruff Ray, this - Yes, this is Ron. Ray, I would just say that certainly all that which you said is certainly possible. But again, it's putting a lot of authority in the hands of the chair when you just determine - he or she just determines that in fact there is enough information when in fact there is not. We are trying to keep that as an egalitarian organization as possible. So that's the only concern that that raises for me.

Man: Okay. There's a way we can put this thing on this point and I would like to ask (unintelligible) about what the group hears, so - because it seems to me also be shifted a little bit the question of how we see under or which circumstances we see is developed to that question, okay. What does he mean complete or not complete? Because we could to - as you know, on council we have this divergence on the different - in different groups. And one group sees it as complete. The other doesn't see it as complete. So how should - how could we handle that. And that's the...

Avri Doria: This is Avri. Hand up.

Man: Yes and James was first and then Avri. Yes?

Avri Doria: Okay.

Man: James, please.

James: Thank you. So just to weigh in briefly on this, because I know we are sort of getting off track and devoting a lot of time to this topic. I'm having - maybe I'm missing some new legal or something. But I'm having a profound sense of déjà. I think Avri is probably here with me as well in the discussion from the PPSC efforts. About an 18 month effort has ended about this time last year. And all of these updates were discussed relative to the motion -- how many times, whether or not it should be formal or informal. And I think that group, at the time and certainly, in my personal opinion, was that we leave it informal. As soon as we formalize it I think then it opens up the question of that it must be used as a process. And that it could be possibly abused as a process to infinitely delay or postpone controversial topics.

I don't think it's inappropriate to trust this sort of a matter to the judgment of the chair. I think this just won't matter proceeding and that is certainly within the agreement of what the chair is supposed to do to keep the meetings organized and flowing smoothly. So I don't think it's inappropriate to think that this should be an informal process with the chair having some degree of latitude in determining whether or not it's appropriate. So - I'm out. Just go back to (unintelligible) now. Thank you.

Man: Thank you James. And Avri, please.

Avri Doria: Okay, thanks. Yes. I think that James' position was the one I took on the last call. But then we were reminded by Marika that the council seemed to be asking for formalization. So we punted on it in the PPSC for formalization because it was hard. And at least that's my impression as to why we couldn't come to agreement on it, just like we're not coming to agreement on it.

So - but if indeed the council is requesting for more guidance. A, we can come up with a rule. B, we could just come up with recommended guidance. And that might be a halfway measure.

A couple of other things I want to say. First of all if it is delayed because of cause - for cause, in that a document is not ready. Or a community review is not finished or something. Those reasons can be recorded and so it's not that there's constantly something new, constantly something missing.

Once you be very specific about, you know, we are deferring this motion because A, B, C and D need to be completed before we can vote. Then you look at it the following week. Have A, B, C been completed? Yes? Okay, no more deferrals. No? Okay then. Perhaps we do need to defer for another, you know, for another meeting and how do we complete the things that need to be completed.

So, I mean, if we are either giving guidance or writing a process, we can certainly be specific about the causes and the remedies. And what you have to do to meet the conditions. It takes a little bit more writing and a little care but it can be done.

If we go to a rule that says -- one per, I would be fairly insistent on it needing to be one per stakeholder group. Not one per constituency because while we are all divided into stakeholder groups, only one stakeholder group maintains separateness of representative into constituencies. So to say they got to defer it three times while everybody else only got to delay it once would be problematic.

Thank you.

Man: Okay, Avri, thank you very much. So, I would, for the moment, to share. So we have some points here I've noted here. So this is about the question of completeness of information. The question of deferring - okay under which circumstances once or more times? The last question - probably here about the question about a deferral stakeholder group or constituency.

Looking to our schedule right now, I would suggest that I put or that the group - I personally know that the group are dealing with that. I may put together these points, if possible. And I would like if that would, you know, for the meeting in Prague, as you know I have to report on the status of our SCI discussion. I would put that together and then just talk about that report on that - on the status of where we are at the time being.

If the question, whether how to deal with it and if it should go forward with a formal process or not, seems to be still open to me. So - and I can - I could report on that. And I also - I couldn't see that from the counselary questions so that there is, let me say, pressure on us to come up with this bit of formal process. If he come up with, let me say, without - with a report on the discussion we had. And we put it on the table and say -- okay it could be that way or either this way. And we have different arguments for that, that may also help let me say the council to with a - okay, how to - how we could continue.

So for the moment I would just put that together for a small report. I must also put it on - I will put it on the list and then vow to comment on before I go to the council in Prague and report on that. And we could also just discuss it in our SCI meeting which is also on the schedule in Prague as well. If that is viable at the time being and then we could proceed. But I see Ron. Ron here would like to have a comment. Please.

Ron Andruff

Thank you chair. I was just wondering if we could just do a straw poll right now and get the sense from this group which way we are leaning. The point being is that I feel like, you know, this has been on the table for a while. We have been discussing it for a while. I don't know if we are making any forward progress on it. And maybe it would be good just to get a bench mark as to kind of how people are leaning.

The vote being -- should we propose some kind of policy to fit the bill. Or should we stop and observe - just allow it to go forward and observe it for

another year. At least so we can get a sense from the group on which way we are leaning and then try to narrow this thing down a little bit. If you agree, then disagree maybe that would help.

Man: Yes, thanks Ron. Just one question -- what do we expect from in case you would like to want to do it for another year or certain time. What do we expect from them? So if we come back with the same, let me say, situation as we are at the time being. So what could be the outcome?

So, do we expect more guidance? Do we, do we expect more better statistics which gives us more background to find answers to the questions that we have at the time being or are we just raising this question?

Ron?

Ron Andruff Thank you chair. I think that what will happen in this case is we will now have statistics for what happened last year. We'll have statistics for what happens in the course of this 12 months period. And we will either see that these deferrals have either gone up or gone down.

If they have gone down then I think that we took the right approach. We just allowed it to run on its on - run its own course.

And I think also this - again I hate to beat a dead horse - but the idea of socializing motions. Letting - getting the chair to just put out there that anybody is thinking about something please forget to list a little sooner if you can while you are still in the process of completing the motion so people can at least start to gather some background information on that.

So, I think that those, from my view, that's what would happen. We would have more data in terms of how many deferrals happened and was there an increase or a decrease.

If it was an increase it means we need to step in and formalize something. If it was a decrease then we chose the right path by walking slowly and keeping our hands off of it.

That's my view. Thank you.

Man: Thank you. And (unintelligible) please.

Man: Yes, really quick. At surface level Ron I think that what you are saying has some logic to it. But, I think to that you need to look at, you know, why the deferrals happen. Just up or down in terms of pure numbers doesn't necessarily tell the story. Each one probably has its own case - each is case by case, different reasons. We don't know what those are.

So I think you have to look a little deeper than just where they go up or down. However I do agree with you that more time to look at the data is reasonable. I also feel that Avri makes a good point that completeness of information is a critical threshold decision in my view. And then I just kind of land that the chair should have that discretion.

That would be the recommendation. But, that's where I'm at. I will not be in Prague but you know where I'm at. Thank you.

Man: Okay. Thank you. Well, let me come back to my question and I want - I am also - I would be in favor to have, let me say, a more clear view on that. But I see also that we are now in a position we have only five or six members of us being here - being available. And talking about that. So, if I have - I would have question if you go to I a pole here and asking people okay what's and so coming out to the - and I should go to the congress here.

Okay we have three people in favor of this and three others in favor of that. That may not help. So why shouldn't I just talk on council level about, you know, what we have discussed. Outline the major points about that saying

okay we have two directions to go. Also asking the council so from that point of view would it be a strong request to come with a formal procedure. Come back with a formal procedure. Or just cut that. What we discussed here on a council level.

So, it would be my suggestion to go that way rather than right now here asking for polling and both questions.

So, who would like any comments still? (Unintelligible)?

(Unintelligible)? Do you still have your hands up?

No, I think that - Avri has her hand up.

Avri Doria: Yes, thank you. I think if we are going to either do a poll or as Ron says on the chat and the question out to the members. We have to know exactly what question we are asking.

Are we asking do we punt on this for another year? Are we asking do we punt but we collect information? Are we asking do we give them guidance but not set a rule? Are we asking do we set rules? Are we asking if we set rules, what rules do we set?

But I think at the moment we sort of got a mish-mash and so I'm very against a poll at the moment. And so I think I'm agreeing with you there. And I'm even against sending out a question to the whole team until we understand what it is. And as it's a hard question, we put it off once before because it was a hard question. It has now presented problems because it's a hard question. And so I think this group has to either take its responsibility and answer the hard questions or at least we have to know what the hard questions are.

And just sort of saying - well we talked about it a couple times and nope we couldn't resolve it yet and therefore back to you folks. It just doesn't strike me as a satisfying answer. So I'm not in favor of that. Thanks.

Man: Okay. Ron, please.

Ron Andruff Thank you. Avri, I have to beg to differ with you on the statement you made. You said that this is a hard question that is now creating problems. It's not creating problems. What happened is - Marika made it very clear - that there was an informal process taking place. There was a discussion as to whether this should be formalized. It was brought to us for our - to have her look at. That's it. There was no question. No problems were created there. There was no problems.

Avri Doria: Actually I think there was a problem. I disagree. There was a problem. Otherwise it wouldn't have come up as an issue.

Ron Andruff May I ask for a recap response of that, chair?

Man: Yes please. Marika?

Marika Konings: This is Marika. I think the issue that gave rise to this question was the recent meeting in Costa Rica where there was a vote on; I believe it was the Red Cross and IUC recommendations. There was, I think, a request for a deferral from the NCSG. And I think some people argued that it shouldn't be able to be deferred because the board needed to act on it at its meeting that same week.

So I think then some people raised the question -- well should there be a possibility to overrule requests for a deferral. But then the point was made as well there are no formal rules at the moment so it's really at the discretion of the chair at the moment. And I think he made the determination at that time. you know, whenever there is a request for a deferral we will respect that.

So even if in this case if some thought that, you know, there shouldn't - it shouldn't have been possible to defer, I think he did allow a deferral but also then said - well maybe it's good if we can ask the CI to look at this and see indeed if, you know, if there is a need to actually formalize this process. So we don't have a similar situation in the future. Or consider that this was really an exceptional case and just, you know, continue with the practice as is.

That's what I understood it being the trigger point for this question being asked to the SCI. But again, you know, you might want to ask for further clarification from the council during your discussions in Prague.

Man: Yes, Marika. I agree that was the trigger point. This was - those arguments you report or the questions you have been brought up from the council at that time so okay yes should we lose it. Not only specifically with that question but with regard okay to investigate the whole has been a complex or issue of about deferral of motions and come up with an answer to that.

So, it is a question and it is controversially discussed. And it's just the question how we deal with that. On the other hand, maybe I have not made it clear (unintelligible) with regard. What I would like to - hello?

What I would like to add to the council at not just coming out of that we have to have discussions and questions and that is how we see it. Just point it out and then the major question for us, one of the major questions is very clear. The one is shall we come up with a formal rule on that. Or shall we - and this is the basic question. Not discussing the question how we should - how that should look like. Just debate the question. Shall we go this way? Or shall we leave it as it is and go for another year? Or - and after a certain period of time and just monitor the process. And just not dealing with the issue until we have for another year.

And this is the basic question at the time being. I would like how I saw that discussion at the time being. Understand that behind those questions there are very many different and detailed questions as you raised already. And some - okay, it's just a question -- how shall we deal with that. And our group shall, if possible, come up with a consensus on those questions. If there is no consensus on those questions or if there are different views on that. Okay then that is how it is.

Avri, would you like to comment on that? I saw just - your typed comments on here.

Avri Doria: Yes. Pardon me, I'm typing with one hand because I have to hold the phone with the other. So yes, first of all I think it's a three part question - I've tried to bring that in several times is that perhaps we don't want to formalize a rule but perhaps we want to give guidance that puts things.

But I personally think since it became an issue and since it became a reprimanding type of issue that, oh that stakeholder group - we are going to send that issue to the SCI to make sure you never do anything like that again. I want to make sure that we resolve it. And that we don't just sort of say - oh you know until the NCSG does something we don't like again, it's okay.

So sorry, I want to make sure that this gets resolved. It was important enough to send here because people were angry enough at us behaving in what we thought was a proper manner because there was a community review that was still pending completion. Other people didn't care. We cared, we thought it was improper. So, you know, let's get the rule down so that there is none of this finger pointing and accusation that went on last time that we were going to destroy the poor population of some country because we wanted to do things properly.

So, I believe that we have to have at least to have guidance if we want to give it another year to sit and mellow. And see what happens - I could probably

live with that, but not without their being guidance. I think a set of rules would be better. And I don't think we should have a poll with only a few of us on the call. And I think a full email list poll is fine as long as we have a full and complete question that we are asking.

Thank you.

Man: Thank you very much.

Okay. So Marika, you put something on the chat - on the charter. Let's see what we got. Okay, with regarding to circumstances I understand that.

Marika Konings: Yes, a response to - this is Marika - a response to a question that Avri posted in the chat.

Man: Yes, okay.

Avri Doria: And I believe we would need consensus about changing it to non consensus.

Man: Sure.

Avri Doria: And we probably have to start that before we argued the issue.

Man: Yes.

Okay. So, anyway, I would - we are almost over with our hour right now. So I will put that together in some sentences (unintelligible) put it to the list which I see - how I see of what I can report to the council next weekend. And so then we have may have on the list some (unintelligible). I would like to ask to amend and to comment on that and what I put on the list.

And, okay - then let's do it this way first. And as we are right now, from the time at the end of our session of one hour, I would like to ask them to keep

the other two points at the time - at the moment. And ask if we have an official meeting scheduled in Prague. And may I just ask you who will be not in Prague when (unintelligible) will be not in Prague. The others will be in Prague?

Avri Doria: Sunday morning?

Man: Pardon me?

Avri Doria: The meeting is Sunday morning?

Man: America is Sunday morning central, isn't it? 8:00?

Marika Konings: 8 to 9 local time.

Man: Yes.

Avri Doria: On Sunday. Okay, I'll be there.

Man: Okay.

Ron Andruff: And this is Ron. This is Ron (unintelligible). I will not be there for that meeting. Sorry.

Man: Okay, if we have a chance to have you on the telephone call or line?

Ron Andruff: Usually on Saturday night.

Man: Okay. It's early morning or late night isn't it?

Ron Andruff: Yes.

Man: We could try to do so if you like. Anyway, so, okay. I would welcome your comments on the list and to participate as you can Ron.

Ron Andruff Thank you.

Man: So we shall have this meeting on Sunday morning. And we shall put the other points, the other items to the - yes to our discussion in Prague. I would just add so under the two consensus items I was sending out - I did not hear anything of any comment on that until now. If there are oversights please tell me or let me know. So otherwise I would if it's possible so I would like to ask again during the week. And if there is no objection to that I would like to go to the counsel and tell them okay this is say a consensus item we have to congest here.

Avri Doria: I would give it one 24-hour call and then call it consensus at this point.

Man: Pardon me?

Avri Doria: I would give it - I would recommend you giving it one last 24-hour call and then if you get nothing, call it consensus and go with it on those two.

Man: Okay. (Marika)?

Marika Konings: This is Marika. One thing the SCI may want to consider or discuss is what would GNSO counsel is that I don't think we currently have a formal process on how to recommend changes to the operating procedure at least you know whether there should be a public comment forum on them.

And what we are checking internally as well with our legal department if there is anything that is formalized or any formal requirements. But I think as we have the practice at any kind of changes do usually get put out for any public comment before these are adopted.

We might want to check or discuss with the GNSO counsel on what will be the appropriate procedure. (Unintelligible) probably has consensus on these two items but should especially on the consent that is the language that should also be put out by public by the SCI or is it something that the GNSO council expects to do themselves. And if there are comments it will refer them back to the SCI.

So it might be good to have a discussion on kind of a procedure and also seeing that there might be other items that are going to be recommended from the SCI in the future that is really clear. And from the outset what is required from the aspect of a public comment in making sure that you know these proposals have been cited by the community.

Man: Okay. Thank you. I could raise those points at the council meeting. But also if there is no immediate answer over the question that we would come back to the SCI with that and talk about the procedure in future as well. But I will raise this point or comment on these points at the council meeting as well. The questions to help us.

Okay. So, okay, with that said I would like to come to a close on that meeting. Thank you very much and hope for safe travels and to you down in Prague.

Thank you very much.

Man: Thank you everyone.

Group: Thanks

END