

**ICANN
Transcription
Standing Committee on Improvements Implementation meeting
Tuesday 11 February 2014 at 20:00 UTC**

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<http://audio.icann.org/gnso/gnso-sci-20140211-en.mp3>

On page:

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

(transcripts and recording are found on the calendar page)

Attendees:

Ronald Andruff – Commercial and Business Users Constituency – Primary – Chair
Angie Graves - Commercial and Business Users Constituency – Alternate
Anne Aikman Scalese - Intellectual Property Constituency - Primary
Marie-Laure Lemineur – NPOC Alternative
Wolf-Ulrich Knoeben - ISPCP
Greg Shatan – IPC - Alternate
Avri Doria – Non Commercial SG – Primary – Vice-Chair
Cintra Sooknanan: NPOC Primary – SCI Vice Chair
Amr Elsadr – NCUC Alternate

Apologies:

Thomas Rickert
Julie Hedlund
Mary Wong

ICANN Staff:

Marika Konings
Glen de Saint Géry

Coordinator: You may begin.

((Crosstalk))

Glen de Saint Géry: I'll do the roll call quickly again, Ron.

Ron Andruff: Please.

((Crosstalk))

Ron Andruff: Please, Glen, thank you.

Glen de Saint Géry: ...Anne Aikman-Scalese, Greg Shatan, Angie Graves, Ron Andruff, Cintra Sooknanan. And for staff we have Marika Konings and myself, Glen de Saint Géry. And on the Adobe Connect we have Marie-Laure Lemineur and Avri Doria.

Thank you very much. Now over to you, Ron.

Ron Andruff: Thank you very much, Glen. And welcome, everyone. We're a little more lightly attended today than normal but we have a full schedule of activities to go through and so we'll get after those and perhaps we'll have others join along the way.

First of all let's start with just a - the first order of business, as usual, is to ask if anyone has a change to their Statements of Interest since we've last gotten together on a call two weeks ago. Hearing none we will assume that all Statements of Interest are up to date and we'll move on then with the next item which would be the approval of the agenda.

Does anyone have any comments or questions about the agenda today? Again hearing none we will assume the agenda for today's meeting will be approved and we can start moving into it.

And the first order of business was the GNSO Working Group Guidelines consensus level. We had a sub team of Amr, Cintra and Greg as well as Thomas on this particular piece of business. And so I wonder if I might look to Cintra or Greg to take the lead on this one whichever the two of you would like to go just please put up your hand and we'll get started.

Cintra please, go ahead. Thank you very much.

Cintra Sooknanan: Thank you, Ron. Since the last call Mary was kind enough to forward to the list some of the background relating to this particular issue coming to the SCI. Based on that I have been working on some of - a preliminary document that Amr has drafted but I haven't really gotten much feedback in terms of the subgroup so I expect maybe to have something to report to you along those lines on the next call. I think it may be too soon for me to share that draft with the entire group.

Ron Andruff: That's fine, Cintra. The fact is that we really want to have - the idea of these sub groups is really to have people bring their thoughts to these things and until they're really ready for the cake to come out of the oven to give to the large group I agree with you, there's no rush to move on that.

I do see Greg's hand up so, Greg, I would pass it off to you please.

Greg Shatan: Hi, it's Greg Shatan for the recording. I did review Cintra's amendments to - Amr's amendments to the consensus levels and it raised a question in my mind which I thought might be best brought back to the committee which is, you know, how energetic or broad-ranging our editing should be. And, you know, on the one hand if we

edit narrowly it'll be kind of, you know, more of a single issue we'll have to deal with.

On the other hand when this was mandated to us by the GNSO Council they also asked for basically any other comments that we might have on working group procedures. And I (unintelligible) exact language on that...

Ron Andruff: Sorry, Greg, we're losing you. I'm not sure if it's a...

Greg Shatan: Yeah, I'm actually - I'm talking into my handset on the landline. Somebody is...

((Crosstalk))

Greg Shatan: ...top down on a - in a convertible. So the GNSO asked whether we would consolidate any recommendations for potential changes to the GNSO Working Group Guidelines into a single submission so in order to present a more holistic set of proposed changes. So it seems like the door is open for doing more if we want to. I don't know if we want to and how much more we want to do in the context of consensus level.

So while I, you know, don't have a view yet exactly on how I would want to approach this or the IPC would want to approach this, you know, the question is, you know, kind of as a matter of approach should we take a narrow approach or a more open approach to the, you know, in the sense everything is - anything in the consensus levels is reasonably fair game, not changing the concepts but the drafting.

You know, I think Cintra kind of called out a number of ways in which the drafting was kind of internally inconsistent in terms of how it referred to persons versus groups versus, you know, it's just some stuff that almost - I wouldn't say it copy editing but it's kind of editing for sense and whether we want to engage in that or really just try to solve the problem that's directly at hand. Thank you.

Ron Andruff: Thank you, Greg. I see Anne's raised her hand. But before she speaks I would just like make a comment. And the comment is that I was very pleased to see that this particular sub group, Amr, Cintra, Greg and Thomas, were all individuals who were not with the SCI for a period of time because those of us like Wolf-Ulrich, Angie Graves, Avri Doria, others who have been here longer, will reflect back on the debate we had around the concept of consensus, full consensus versus consensus itself as a second level.

And we looked at these elements with regard to the charter of the SCI. And it was a very robust discussion about how we should proceed, whether we should be looking to have full consensus on things or we could go to what was (unintelligible) spoken of this general consensus or maybe it was another term.

But the long and the short of it was that there was a lot of very spirited discussion and it was very helpful for us to understand how to best go forward for the SCI and ultimately we had our charter cleaned up and we operate under full consensus.

The reason I bring that history up is simply to say that not to reopen this again, as I see Avri's noting in the chat - not to reopen it but just to say at that time one of the comments that was the fact that we have

five levels of discussion - sorry, of consensus within ICANN. But ICANN itself rarely works with any other level or tries to achieve any other level than full consensus.

So when we're looking at this I would be loathe, from a personal point of view, to want to add yet another layer of consensus. And I would be more leaning towards looking to clean up language as opposed to adding another level of consensus.

Now in that direction I would just say that the spirit of the SCI from its inception has been to have a light handed approach where we did not try to be a body that would be rewriting things regularly but rather more to look at things and see if there was indeed and if sometime the need was a question mark whether we should or should not maybe to leave it for a year and then pick it up and review it a year later to see if in fact it did still need to be changed or if in fact it was something that was now working more efficiently within the ICANN universe.

So there's a long history within the SCI and this discussion and at the end of the day I think the idea of rewriting from a - again speaking from a personal point of view is not something that I'm in a hurry to add more language rather the cleanup language would be something that I would certainly lean towards.

I see Anne's hand is up and I'd like to give the floor to Anne. And I'm - Avri has made a number of comments in the Chat. I'm wondering, Avri, if you're capable of being able to speak on this channel or if you're only in a listening mode and you can only use the Chat. Please let me know. But, Anne, I'll turn the floor over to you.

Anne Aikman-Scalese: Yes thank you very much, Ron. This is Anne with IPC. And I want to echo Greg's comment about - that we do need to look into whether there are any other suggestions regarding working group processes. I think that's item Number 5 that was mentioned on the document that's being displayed.

But I also had a specific request for the sub group in that the background materials that were circulated actually I think suggested four bullet points that the SCI might consider as it's trying to address this issue or solve this problem and there were four options given which I'm hoping that the sub group will, in their work, evaluate those four options and try to, you know, come back to us as to why they're recommending the particular ones that they're recommending so that that can be clarified for our constituencies.

Unfortunately in our IPC call this morning there was no true discussion on this because the agenda was so full and so we have invited more participation from IPC on the list itself. But I don't have a good way of - and I just posted in the Chat the four bullet points that are now all kind of run together that were mentioned in the background information that came to SCI and that I'm hoping that, you know, that the sub group can go through and evaluate each of these when it makes its recommendation to the full group. Thank you.

Ron Andruff: Thank you, Anne. That's very helpful. And actually you brought up a very important point. Thanks to Mary Wong for doing as we had asked and that was to gather a - gather together the background on this and she submitted that early on - truly after our last meeting and been very helpful. I really enjoyed reviewing that to get a much better understanding what we're talking about.

One comment I would make is the question is consensus. Consensus is - and I throw this up as - not looking for an answer but consensus means that there's agreement, in my view, and the question is agreement for or agreement against isn't necessarily the issue at hand it's really consensus. But, again, that's one person's opinion.

Greg, your hand is still up. Would you like to speak again or can I pass the talking stick to Avri?

Greg Shatan: That's an old hand. I'll take it down.

Ron Andruff: Thank you very much. Avri, please.

Avri Doria: Thank you. Avri speaking. Yeah, yesterday those hands were being called vestigial hands on another group I was on. I thought that was a good name for them.

I think part of the problem that - I see two issues here and I think the group is going in the right direction. First of all I think it's a misnomer to say these are the various levels of consensus. These are the various levels of decision making.

Two of them have the word "consensus" in them; only one is defined as GNSO consensus. I think we also have a misnomer when we say that's ICANN consensus. No, that's GNSO consensus definition.

I'm very much in favor of keeping the number of levels that we've got now consistent. But I think explanatory text and looking into and giving various guidelines, further guidelines, you know, the differences

between passive and active consensus when you're talking about full consensus the ways that that consensus can be expressed; is it expressed positively? Is it expressed negatively?

So I think that there's great value in the conversation. I think there's great value in adding explanation. But unless the explanations of these categories get bogged down to the point of, you know, we found a breakdown here that doesn't really fit into these four categories and therefore we want to suggest adding another category I think we should avoid doing that.

At least that should be sort of initially to be avoided; if it can't be avoided then we can come back and talk about it. But certainly clarifying these based upon experience. We have seen (times) when, you know, it wasn't clear either to the chair or to the people in the group what exactly was meant.

And most of those cases it seemed fairly clear after a discussion that, yeah, it was making sense but the people weren't making sense with each other's understanding of the words. So going into greater depth is - strikes me as something that's actually necessary. And so I'm really glad they're doing it. Thanks.

Ron Andruff: Thank you, Avri. Appreciate those comments and appreciate the clarification of the levels. It's quite true what you said in terms of the - there really are only two levels of consensus and the others are more divergent.

Amr, please, take the floor.

Amr Elsadr: Thanks, Ron. This is Amr. I have a question actually. I'm sorry, I kind of - I was a little late for joining this call so excuse me tardiness. But my question is because I'm getting a sense that right now there are two opinions; one that is - that where some believe that we should perhaps focus our activity within this sub group on addressing the issues that were faced in the IGO and INGO PDP working group of - and that being more the meaning of consensus where in the Working Group Guidelines right now it's sort of - it's associated with affirmative agreements of recommendations made by working group.

And I see this as a limitation now. I didn't see it before but after reading - going through some of the background on this working group that Mary provided and which is posted up here I can see how that could be an issue. And I guess it was an issue on this specific working group.

The other opinion is that the actual definition of "consensus" should also be addressed by this working group. If I'm not mistaken that seems to be what I'm hearing right now. And I do agree that it's definitely a worthwhile endeavor to take but is this what we have been asked to do by the GNSO Council? Is this the actual question we have received? And if it is then I might have misunderstood the purpose of this entire exercise.

But my impression was that we were really meant to tackle this very specific, very narrow issue of perhaps - of working group consensus against recommendations made in the final report. So if someone could shed some light on that right now I would be grateful before we keep going down a path we might not necessarily be meant to.

Thanks.

Ron Andruff: Thank you, Amr. Cintra, if you'll bear with me I saw Marika raised her hand. But this question popped up so, Marika, can you shed some light on this for us? Please.

Marika Konings: Yeah, this is Marika. As I understand it, and I have to admit, you know, I haven't been very closely involved in the IGO/INGO conversations on this. But I think the question specifically relates to the point on, you know, consensus against. Does that fit within the current definition of consensus? Does it require any clarification or does that require a new definition so that working groups are clear that they could also have, you know, a consensus against a definition?

However, I also want to point out that it is within the remit of the SCI to have - and I don't remember exactly how it's written in the charter - but basically have periodic review of the GNSO Operating Procedures, which of course includes the Working Group Guidelines.

So eventually I think the SCI probably will need to think about how to tackle that issue and presumably as part of those conversations or outreach that's done in relation to that kind of initiative you would indeed having a more holistic review and approach on how to, you know, address or any issues that are raised in relation to, you know, broader questions.

But as said, I think I understand this request at least begin specific to that but should the SCI decide that, you know, this may be an opportune moment to discuss as well how to do the broader review of the overall Working Group Guidelines that may be something to consider as well.

Ron Andruff: Thank you, Marika. Amr, does that answer your question or do you have some further things you'd like to add? Please?

Amr Elsadr: This is Amr. Yeah, that does answer my question. Thank you very much, Marika. A follow up question might be should we attach that - the sort of ad hoc topic at this point because it is an opportune moment to this exercise or perhaps begin a separate and parallel one? I'm just wondering what folks think on this. Thanks.

Ron Andruff: Amr has posed the question. I'm going to just hold that in the (bands) and let Cintra speak to the topic at hand and then I'm going to come back to that, Amr, it's a very good question. Cintra, please.

Cintra Sooknanan: Thank you, Ron. Actually my question kind of follows through from the questions that Avri, Amr and Marika are having. I know the issue at hand is consensus against but I'm wondering as well how the SCI maybe feels about defining consensus levels as well as what is strong support in cases - strong support with significant opposition.

Just taking a legal point of view on it, you know, when you have to pass a special resolution the (unintelligible)...

((Crosstalk))

Ron Andruff: Cintra? Cintra, I beg your pardon. Sorry to interrupt you. I'm seeing in the Chat people can't quite hear you. Could you speak a little bit louder or closer to the mic?

Cintra Sooknanan: Okay.

Ron Andruff: I beg your pardon. Thank you.

Cintra Sooknanan: Can you hear me better now?

Ron Andruff: Yes, that's another level. Thank you.

Cintra Sooknanan: Okay sure. What I'm saying is in terms of a legal standpoint in order for a motion to pass, say, by a special resolution you need certain levels to be - to be met, say 75% for or against.

I'm wondering if in considering this consensus level if it - the SCI wishes to look at consensus level as a whole and not just consensus against if that should also be part of a recommendation that we would consider setting specific numbers where working group should operate in terms of defining those different criteria.

Ron Andruff: Thank you, Cintra, for bringing that to the floor. I wonder - I'm going to ask Avri to speak immediately but I would then follow that with perhaps a show of hands. And the reason I mention this in advance so you can think about it I'd like to see a show of hands - we'll do with a checkmarks whether we agree to look at either just the very tight mandate that's been handed to us, consensus against, or do we want to look at the broader issues of consensus?

So, Avri, you've taken your hand down. I don't know if you wanted not to speak...

((Crosstalk))

Avri Doria: That was (unintelligible).

Ron Andruff: Thank you very much. So I see Anne's hand is up and then Avri's hand. And I'll come to the vote in a second, Amr. So let's - let Anne and Avri have a voice first. Please, Avri - or, I'm sorry, Anne, go ahead.

Anne Aikman-Scalese: Yes, thank you, Ron. It's Anne Aikman-Scalese with IPC. I believe the show of hands should be in relation to whether we want to undertake not just the issue of consensus against but the issue of revision of consensus levels.

Because in accordance with the language that I posted in the Chat there were four alternatives presented. And so I would define the issue in terms of the show of hands the consensus issue, not the consensus against issue or - and then I think the - personally - my personal opinion about the larger scope project that Marika outlined is actually within our mandate to begin with I think would delay the consensus issue.

And there's a question here as to whether we want to, you know, delay that that long. I mean, it might be helpful to the group to try to get its arms around this consensus issue and get that recommendation resolved and then respond to GNSO Council that we are still working on, you know, Item Number 5 with respect to additional recommendations. Thank you.

Ron Andruff: Thank you, Anne. I saw Marika's hand up. I'm going to come back to you, Avri, I'm sorry for holding you up. Go ahead, Marika.

Marika Konings: Yes, this is Marika. I'm not sure if I understood Anne correctly but I just want to clarify or, you know, confirm that what I think the options are

that were outlined by Mary in the background document focus on that narrow question really focusing on, you know, are, you know, the current definitions, do they cover consensus against or would something additional need to be added or clarified to make sure that working groups understand that, you know, they can use it or, you know, are we comfortable with what is there that it's sufficient?

So I'm not sure if she was - I think Anne is putting a tick mark so that was her interpretation as well so I just wanted to clarify that. Thank you.

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

Avri Doria: Yeah, thanks. This is Avri speaking. I don't think it makes sense to just talk about consensus against without looking at it within the context of all four of the decision procedure questions. I think that taking that part of just looking at the decision procedure as a slightly wider than narrow but now as broad as the whole Working Group Guidelines.

So - but so I guess I'm saying that it has to be a little wider than the narrowest possible and that you can't just look at Level 2 of consensus and say okay does consensus against make any sense because you have consensus against in full consensus

And then if you start looking at the next levels down in terms of, you know, strong support but, you know, but some opposition you also have, which is essentially logically the same, strong against with some, you know, opinion in favor.

And so if you're going to take the negation rule and apply it to the various levels I think you have to do that across all of the levels. And that really does mean clarifying all of the decision procedures to accept both a positive statement and a negative statement and then making sure that you're saying something that makes sense.

I certainly don't recommend that we therefore do the whole Working Group Guideline review at the same time. Now we may get to the point at the end of this and say, okay, we've understood the negation clause and we know how to fix it. And we think there's more work that needs to be done as part of what Marika has been mentioning, the wider review.

And in that case we decide do we want to send this up to be, you know, reviewed by the GNSO community now or do we want to wait? And that becomes another decision we can make later. Thanks.

Ron Andruff: Thank you, Avri. Amr.

Amr Elsadr: Hi, Ron. This is Amr. Actually what I was going to say was pretty much covered by both Anne and Avri so I just - I took my hand down right before Avri stopped speaking.

But, yeah, I do think, to an extent I think it would be a good idea to perhaps run these exercises in parallel but not (join) then. Anne mentioned that we don't want to delay delivering on this one - regarding the context of what happened with the IGO and INGO PDP Working Group.

I'm also guessing that on a wider scale when we start discussing the consensus levels and perhaps some clarifications and what Avri said earlier about positive and negative forms of consensus I'm guessing more folks would probably want to - or volunteer to work on a sub group addressing these issues than the ones currently on this one.

But, yeah, I just - I think it would be a good idea to go ahead and finish what we're doing here on this. And the definition of full consensus and strong support but significant opposition there is a clear association between approval of working group recommendations with these definitions.

So the definitions as-is they do not allow for the working group to have full consensus against recommendations in the report. So I just think it would be a good idea to separate the two. Thanks.

Ron Andruff: Thank you, Amr. Marika, please go ahead.

Marika Konings: Yeah, this is Marika. I think Avri's point made a lot of sense and I hope I captured it correctly in the notes on the right hand side because I understood her saying that indeed, you know, we cannot really review this specific question without looking at the other definitions and that (unintelligible) to update those other definitions in line with whatever we come up with.

But I also agree with Amr's point - and I think it 's the point for the SCI to take into account is should you indeed decide to go broader and say, okay, well in addition to looking at this question of consensus against and how that may affect also the other definitions in this

section should you go broader and look at, you know, is it currently correctly defined? Should we make additional changes?

I think at that point you may want to notify the Council or at least alert them that, you know, you are going broader which, you know, is within your remit as said. But it may be an issue where, you know, more input maybe required as a starting point or getting feedback on before delving into that as a more overall review of the GNSO Working Group Guidelines. So just wanted to provide that as a bit of feedback.

Ron Andruff: Thank you, Marika. So I'd just like to take a straw poll of the committee. And the straw poll would be like this: If you're in agreement that we start to focus simply on the consensus against - I'm just using that as a title - working title - consensus against - and just work on that first please check a checkmark.

If in fact you feel we should be doing both at the same time to give our subgroup a little bit of direction give me an X. So consensus against only doing that at one time; consensus against and review of consensus levels simultaneously would be an X. So if you can check your boxes. And those who are not on the Adobe Connect please let me know. X again means consensus against and revision of consensus levels and the checkmark is only to start with consensus against.

Anne Aikman-Scalese: Now, Ron...

((Crosstalk))

Ron Andruff: Amr, I'm seeing your hand not your checkmark or...

((Crosstalk))

Amr Elsadr: I have a question because I'm not sure I understand the - what we're voting for right now.

Ron Andruff: Okay please go ahead, Amr.

Amr Elsadr: So are we voting on adding a consensus level of consensus against versus...

Ron Andruff: Okay.

Amr Elsadr: ...reviewing...

((Crosstalk))

Ron Andruff: My apologies.

Amr Elsadr: ...this issue.

Ron Andruff: No what I was asking was just trying to give a sense of direction to the subcommittee that's working now to move forward over the next two weeks. I was trying to get that sense. And so what I was asking was if we - the group - the committee feels that we should be focused only on this task at hand, what I called "consensus against" or should we be looking at the two things at simultaneously so I'm just trying to get direction from the group.

I see a lot of hands - probably more questions than answers.

((Crosstalk))

Ron Andruff: Let's start with Amr please.

Amr Elsadr: Yeah, Ron. I'm starting to feel a little lost here. Because the way I see it is in addressing the situation in this exercise we might need to review more than one consensus level or decision making level here not just the changing full consensus or adding a consensus level (unintelligible) we might need to actually go ahead and maybe just tweak - slightly tweak some of the other decision making levels as well.

So, again, I'm asking is that what we're doing? Or is the question we're being asked to vote on right now whether we're going to be working specifically on this topic as a result of the outcome of the IGO/INGO PDP Working Group versus should we be voting for reviewing consensus levels in general on a wider - in a wider context? Thanks.

Ron Andruff: That was it, the latter; that's where I was going. But I see let's - we have Anne and then Marika so, Anne, please go ahead.

Anne Aikman-Scalese: Yes, thank you. It's Anne with IPC. And Avri suggested in the Chat that when you take your straw poll, Ron, that you describe it as either a review of just decision making levels, including the issue of consensus against or broader all working group procedures and making them work more smoothly because several of us I think got confused by characterizing in the straw poll the inquiry as an inquiry only about consensus against.

So Avri's is saying have the sub group work on decision making levels, including the issue of consensus against or else have the sub group work on a much broader scope with respect to Working Group Guideline improvements in general.

And my only question about the straw poll is that - shall we - are we all voting on that or is that a voting thing with voting members only? Is it...

Ron Andruff: Thank you, Anne. Thank you, Anne. No this is just a straw poll to get a sense from the committee how we want to move forward on this. That - and in turn to give that direction to the sub group in terms of the work that they are doing.

Marika, please go ahead.

Marika Konings: Yeah, this is Marika. I think the way Anne described it actually goes broader. What I believe Avri and Amr were suggesting - and I think I was relating to and, you know, I'm sure Avri will correct me if I got that wrong.

And as said I tried to capture that into the notes on the right hand side because my understanding was that Avri was basically saying the main focus of the discussion is, you know, the consensus against question but in order to be able to consider that fully we'll also need to look at the other decision making designations in order to place that in context.

And as a, you know, possible outcome of that conversation may be that, you know, should we decide that an additional definition is needed or the consensus definition needs to be changed this may also

trickle down to some of the other decisions or other definitions if you want to have, for example, similar negation clause to make sure that you can also have, you know, well in the other ones it may not work.

But still I think at least that's what I understood Avri's point being where I think Anne's point is actually going broader and basically saying let's review all the consensus levels that currently exist which I think goes broader than the actual narrow question of focusing on consensus.

Again, noting that it needs to be placed in the context of the other decision making designations that currently exist and possible additions or clarifications to those as well in the context of any decision that the SCI takes on the consensus against conversation.

Ron Andruff: Thank you, Marika. So if I were to pose the question, checkmark for the narrower approach that Marika just described; X for the broader approach. If that's understood by everyone, that would be very helpful. So all I'm trying to do is get, again, direction.

So a checkmark means you want to go for the narrower approach, just focused on what - the task at hand or the X says we need to look at the broader approach.

Anne Aikman-Scalese: Anne, I'm sorry. This is Anne.

((Crosstalk))

Anne Aikman-Scalese: I'm really still not understanding at all what the two options are.

Ron Andruff: Okay, I'm sorry, Anne. I'm sorry, I don't know why I'm not being clear about it. What I'm trying to say is this. We received a request and at the request was about looking at whether or not there was a thing called "consensus against." Pretty narrow, do we need to add that in?

The discussion I've heard today is that there's a broader discussion within which that smaller discussion fit because Greg started the comments early on, if I'm not mistaken was Greg and he said that, you know, maybe we need to review all of those things because the language isn't very tight.

And it's probably true. That language has been around for a very long time and it probably happens in reviews. So I guess what I'm trying to say is do we want to focus narrowly on the one thing (unintelligible) and that was whether or not we should be adding or not adding this idea of consensus against; the whole little consensus against thing, that small part.

Or do we want to open this up to a much broader conversation where the - that dialogue about consensus against and consensus for falls into the review of all of the consensus elements. That's what I'm asking. I'm just trying to sort out do we want to go all in or do we want to just stay in a very tight focus to give the subgroup some definition and focus for the next few weeks while we start to work through this?
Anne, please go ahead.

Anne Aikman-Scalese: Yes thanks, Ron. I had thought that the straw poll was not between the two items that you just mentioned but rather was between considering only the consensus against versus the Item Number 5 in the background materials which talked in terms of a broader review of

all working group procedures. So I thought that's what we were having a straw poll on. Now that probably means my first time vote went wrong.

With respect to clarifying the issue that you just clarified I think that the way Avri describes it and the way that Marika has described it in the actions to be taken over on the right hand side of the Adobe Connect screen is correct. I just didn't know that that is what - and I didn't intend it to be any broader than that so just as a comment about what Marika was thinking I was saying.

But if this note about other designations will need to be considered to provide context to the issue is the broader approach that you're presenting the straw poll on then I would vote for the broader approach as Avri has described it that other designations will need to be considered.

But is that option two broader? The one that's described by Marika's notes, "Other designations will need to be considered as you consider consensus against."

Ron Andruff: I think we're following that path that others should be broader. We should review the broader picture not just the narrow one, Anne, that's my understanding. But let's go to Amr and then Avri and we'll see where we go. Amr.

Amr Elsadr: Thanks, Ron. This is Amr. I just want to say that - just it feels to me that neither of the choices are sort of the way I would like to go on this if I understand them correctly. And I would like to just say what I feel this sub team should be doing at this point and that is, yes, review all

the decision making levels. I'm trying to call them that now instead of consensus levels.

But review all the decision making levels for the purpose of addressing this narrow focus - the context presented to us because of the dilemma that this working group faced. So, yes, we could - we could go over the whole decision making issue on a broader context as part of the SCI's review of the Working Group Guidelines on another team.

But we should not limit the work of this sub team to strictly consensus against because if we take this situation into consideration we might discover that there are other scenarios where a working group could find, for example, strong opposition with a minimum - with a minority group in a working group that - the minority approving and the - with strong opposition instead of strong support.

So we do need to go over several of the definitions presented in the Working Group Guidelines for decision making and/or consensus for this specific purpose. But we should limit ourselves to this specific purpose; the dilemma faced by this working group and the broader discussion can take place on another sub team. Thanks.

Ron Andruff: Thank you, Amr. Wolf-Ulrich.

Wolf-Ulrich Knoben: Thanks, Ron. It's Wolf-Ulrich speaking. I was hearing a little bit of what was going on here so I'm a little bit confused and I'm not sure whether we are all in line together, you know, with this. And we have an existing definition - Working Group Guidelines that of definitions with regards to consensus levels. And they used that in the past as well.

There was all the working group used that. And I did not hear from many of the working groups, rather than just this case, that have been problems with that at the time being up to now. So then there is one working group, the INGO Working Group, which had a problem which is a serious problem, I understand that but which is a specific problem.

And we have the mandate, well, to investigate in that problem. So I wonder whether we - in this respect - should then really dig into all levels of consensus what the Working Group Guidelines are talking about rather than think about, well, to make this problem separately in the context, I understand, it has to be in the context of the Working Group Guidelines.

But not as really digging up the whole thing and then really have - may have a big discussion about all the existing levels. So I really - this is my opinion so I do not understand that in this way because I do not have - do not hear - did not hear in the past from other working groups or many working groups any big problems with the consensus levels.

So let's try, well, to - this is my understanding - my opinion - and that was why I was voting for a - to look at this problem separately and not in the larger environment. Thank you.

Ron Andruff: Thank you very much, Wolf. Marika, please go ahead.

Marika Konings: Yeah, this is Marika. I think Wolf makes a very good point because I think one of the roles of the sub team looking at this will probably be as well to review the specific situation in which this occurred.

And my understanding as well that part of the challenge was that, you know, the working group had already made it, you know, basically wrote up its recommendation as part of an initial report and didn't feel comfortable changing that and the other way around because, you know, from my personal perspective a very easy way of course dealing with like a negative recommendation is saying, you know, the Working Group Guidelines reached consensus that no, nah, nah, nah or this should not be done.

But I think as I understood it in this specific context it was not possible to do that as it would create, you know, major upheaval on the working group itself so they struggled with couldn't we just call it consensus against and that didn't exist.

So I think, you know, to Wolf's point I think the sub team should take specific - and look at the specific scenario before actually going to a broader let's say review all the levels and, you know, but at least understand, indeed, why it didn't work in this specific case and why have similar complaints or issues not been raised in the context of other working groups that have also worked with the same decision making designations.

Ron Andruff: That's very helpful. Thank you, Wolf-Ulrich and Marika. Thanks, everyone, for these comments - this conversation. I've let it go long, as you see, because it's really important the we work through the general thinking of this. But let me ask the committee now - the subcommittee - Amr, and Avri, Greg and - well Thomas who's not with us but are you comfortable now with the information you've heard on this call? Or do you have still questions about how you might proceed?

I was trying to do the straw poll to give you assistance in that but obviously I wasn't finding the appropriate words. But are you comfortable, Amr and Cintra, Greg, with the direction forward that's been given to you today with this?

Amr Elsadr: This is Amr. I'm comfortable. Thanks, Ron.

Ron Andruff: Thank you very much.

Greg Shatan: This is Greg. I am as well.

Ron Andruff: And so then we will leave then, you, the sub team, including Thomas, to continue to work on this. We'll pick it up at our next meeting. I'm glad we did have this longer conversation about it because a lot of ideas came out of it and this is always helpful.

I'd like to move on now to past items Number 3, waivers and exceptions and past Item Number 4, voting by email as we're late in the hour and move to preparation for Singapore. And I'm assuming that someone from staff is going to give us a little instruction on that in terms of timing and rooms or whatever we would get? Is it possible, Marika or Glen, to get us some information on that?

Marika Konings: This is Marika. And I'll have to confirm with Glen. I know she sent me the information. But I think a time has been requested for the SCI on - not mistaken - Saturday morning. And let me just double check that. Glen, can you help me out here?

Ron Andruff: I think it's - this is Ron. I think it is Saturday morning. And I think it's 7:30 as it was last time because the - we meet in the meeting room

where the GNSO Council sits. And it seemed to me, if I'm not mistaken, that it was 7:30 - or 7:00-8:30 or 7:30 to 9:00...

Marika Konings: Seven thirty to eight forty five. Seven thirty to eight forty five. That's correct in the GNSO room...

((Crosstalk))

Ron Andruff: Very good. And the reason I'm asking to have this meeting I know that we're all extremely busy with committee work and all kinds of things going on during the one week that we see each other every three months or four months.

But I think that we have a number of new people on the committee and the work that we get to do face to face is always helpful to help build more understanding and recognition of each other as members of this committee. So that's why I'd ask to have that meeting. And I do hope that all of you, or as many of you as possible, can join in person and those that cannot can join on the bridge.

But the work that we will be doing there is continuation of the work we do here. And, again, it's helpful to see each other face to face so that's why I've asked for that meeting. And, again, on that one we'll send the information to the list vis-à-vis exact timing of that meeting and the location as it comes closer.

We have one more meeting, if I'm not mistaken, before that. Maybe I am mistaken. I'm not looking at the calendar but we're two weeks - every two weeks we're meeting right now and so I think we do have another meeting coming up prior to that or if not that might well be our

next meeting. I'll let staff worry about the issue and they'll come back to us.

So, yes, Amr, I note your comment is an open meeting. Indeed it is an open meeting for all to come and join. So with that I come to the next point would be any other business. And any other comments that people would like to bring to the committee at this point?

Thank you, Marika. I see in the list that the - our next meeting is actually on the 25th of February so we have one more telephonic meeting before the face to face. And we'll look to see if we can move forward on some of these items we've been discussing and particularly on this consensus levels. I think it's been a very fruitful conversation today.

Marika, please go ahead.

Marika Konings: Yeah, this is Marika. To Amr's point or question - and I'll need to confirm with Glen because as we indeed typically schedule the SCI meeting as part of the overall GNSO weekend session it doesn't appear separately on the meeting schedule as such.

But we can see if we can find a way to actually, you know, pull it out to make sure that people can see that and at a minimum of course send notification to the SCI to alert everyone that a meeting is taking place at that time.

Ron Andruff: Thank you, Marika. All right any other thoughts or comments before we draw this meeting to a close? The floor is open. Hearing none I will thank all of you again for your contributions today and for the good

work moving this thing forward. Look forward to catching up with you on the list as well as on our next meeting in February. And thank you again for taking the time today. Bye everyone.

Anne Aikman-Scalese: Thanks, Ron. Bye-bye.

((Crosstalk))

Marika Konings: Thanks. Bye.

Ron Andruff: We can - Marika, we can now - or, Glen, we can close the recording. Thank you very much. And bye everyone. Thank you.

END