

**ICANN  
Transcription  
Standing Committee on Improvements Implementation meeting  
Tuesday 08 April 2014 at 19:00 UTC**

Note: The following is the output of transcribing from an audio recording of Standing Committee on Improvements Implementation meeting on the Tuesday 08 April 2014 at 19:00 UTC.

Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to Inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. The audio is also available at:

<http://audio.icann.org/gnso/gnso-sci-20140408-en.mp3>

**Attendees:**

Ronald Andruff – Commercial and Business Users Constituency – Primary – Chair  
Angie Graves - Commercial and Business Users Constituency – Alternate  
Greg Shatan – IPC - Alternate  
Cintra Sooknanan: NPOC Primary – SCI Vice Chair  
Amr Elsadr – NCUC Alternate  
Avri Doria – NCSG - Primary

**Apologies:**

Marie-Laure Lemineur – NPOC Alternative  
Anne Aikman Scalese – IPC - Primary  
Jennifer Standiford - Registrar Stakeholder Group - Primary  
Thomas Rickert - Nominating Committee Appointee - Alternate

**ICANN Staff:**

Marika Konings  
Julie Hedlund  
Mary Wong  
Nathalie Peregrine

Coordinator: And at this time the call is being recorded and you may begin.

Nathalie Peregrine: Thank you very much, (Sherri). Good morning, good afternoon, good evening everybody. This is the SCI call on the 8th of April, 2014. On the call

today we have Ron Andruff, Amr Elsadr, Avri Doria and Angie Graves. We have apologies from Marie-Laure Lemineur, Anne Aikman-Scalese and Jennifer Wolfe.

From staff we have Julie Hedlund, Mary Wong, Marika Konings and myself, Nathalie Peregrine. I'd like to remind you all to please state your names before speaking for transcription purposes.

Thank you very much and over to you, Ron.

Ron Andruff: Thank you very much. This is Ron Andruff. I'm a member of the BC and chair of the SCI. And I want to thank the members for getting on the call today. We're a little bit light in terms of attendance, as you all notice, for those who are on Adobe Connect. We may have others that aren't on Adobe Connect that will join at some point. But we will see how this progresses.

If we don't get a larger number of people joining the call we may want to postpone - there's a couple of issues here we're trying to wrap up. But we'll cross that bridge when we get there. So to start I'd like to - we've asked for the roll call.

I would like to know about any updates on the Statements of Interest from any members since we've last met. Hearing none we will move forward then to the next issue and that's the approval of the agenda. Today's agenda is noted here in the Adobe Connect. And it's going through the consensus level, waivers exceptions and would anyone like to add to that or modify?

Hearing no comments we will now approve the agenda and move then to Item Number 2 and that is the consensus level in the GNSO Working Group Guidelines. Amr has posted something just before we got on the call - or maybe a little bit later than that but I've seen it for the first time now and it's posted here in the Adobe Connect as I understand.

Greg had also sent an email around just prior to the call today and I'm not sure if anyone had a chance to read it or not. But it had some comments to what we're doing here.

I suggest that what we might do is start with you, Amr, if we could and ask if you might kind of share your thoughts with how we arrive at this place with this document today. Amr.

Amr Elsadr: Thanks, Ron. This is Amr. Well the document has been slightly amended - there's a slightly amended version of the documents that we discussed in the face to face in Singapore. And I tried to capture some of the comments that were made I think mainly by Greg, Anne and Mary back then.

I would like to note though, as per Greg's email to the list a short while before this call started I think he makes a pretty good point on the fact that we're trying to maybe solve more than one problem with definitions we have for the decision making levels in the GNSO Working Group Guidelines.

I think it's a very valid point. I think it's probably one of the reasons why we've had some trouble pinning down what it is we want to do. And I would not mind his suggestion at this point to go with the third option that we had discussed of maybe leaving the definitions as is right now and adding a footnote indicating that the consensus levels could be used for or against recommendations or supporting them or rejecting them by the working group members.

Apart from that these are the edits that I have made (unintelligible) I tried to capture the points raised in the face to face in Singapore. If you would like to discuss them I wouldn't mind. I think Marika had some comment I didn't particularly understand what she was specifically referring to if - or she's raised her hand if she'd like to make a point. I'm just interested to hear regardless of what we decide to do. Thanks.

Ron Andruff: Thank you, Amr. So Marika please indeed. And I would also note that Greg has just noted that he's on the Chat which is excellent so we can discuss this in a little more detail. So I turn the floor to Marika first please.

Marika Konings: Thanks, Ron. So this is Marika. And actually I think the way Greg summarized the discussion was actually what I was getting at. I think, you know, and notwithstanding that, you know, some of the changes and suggestions are probably good clarifications but probably at this stage they actually go beyond the original request from the Council based on the IGO/INGO Working Group's, you know, difficulty in, you know, the consensus against question.

So I fully support I think what Greg was suggesting that maybe at this stage, you know, we stick item - Option 3 of, you know, clarifying with a footnote. But nevertheless I think, you know, it's very helpful to probably keep this language on file and at the stage where we get to, you know, the periodic review of the GNSO - of the Operating Procedures I think this would fall into that category of saying, okay, we take a holistic look at the Operating Procedures as such and determine whether there are any items that require either clarifications, additions, changes.

But presumably that should be part of a more overall plan that the SCI will need to develop on how to embark on such an effort presumably that would entail as well a part of, you know, community input and conversation before actually starting with specific changes or suggestions.

It's something as well that probably will need to be discussed or see how that intersects with the GNSO review that is expected to kick off in the next couple of months which is also expected to look at some of those aspects. So I'm expecting as well that the Council as a whole will need to have a discussion at that stage on how these different (unintelligible) will interlink looking at the broader picture of, you know, operating procedures and the functioning of the Council and the GNSO as a whole.

But as said I think at this stage at least what I was trying to convey is I think exactly what Greg outlined in his email that yes definitely some of these changes, you know, may be helpful. It may be worth considering but probably not in relation to the specific question that was put forward by the Council in response to the IGO/INGO request.

And I think as he suggests and I think Amr, as you put forward as well, maybe that specific question is indeed, you know, sufficiently addressed by adding a footnote or a clarification that, you know, consensus against is also an option as part of the working group recommendation.

Ron Andruff: Thank you, Marika. I would like to come back to you in a moment to talk about the relationship between this broader consensus review, the GNSO Council review and so forth so I'm just going to park that for a moment. I'm going to come to Greg first and then Amr, I'll come to you next. Greg still with us? Are you on the phone, Greg?

Greg Shatan: I am on the phone. I got through the call center. Based on my email you know how I feel. I think, you know, we should solve the one small issue we have to solve. We got, you know, overly ambitious and I think that made it hard to review and also hard to - instead of having one thing to discuss which is just that, you know, where necessary, you know, based on the mechanics of, you know, how a working group plays out, you know, we should be able to have a consensus against rather than some, you know, try to find a way to express it that doesn't work.

You know, it isn't part of the rules. That's kind of one particular issue. I think a footnote, you know, is the way to go with that. All this other stuff, you know, is redrafting. And whether we revisit just the language or whether we revisit the concepts. And, again, if there is a larger consensus review all the more reason not to touch this now because it's just going to get touched again.

So I think this is, you know, we should solve only the problem we have to solve in front of us and then, you know, at least we have a head start on the next draft. Thanks.

Ron Andruff: Thank you, Greg. Absolutely. Amr, you've taken your hand down or would you like to say something?

Amr Elsadr: Thanks, Ron. This is Amr. Yeah, I took my hand down because I think Greg and Marika's input - well pretty brilliant. And I couldn't agree more and so all the reasons they mentioned, the upcoming GNSO review and just the - I think we've made more of a mess than we have solved the problem at this point and I think a more light-handed approach to this current predicament right now is probably the best way to go and wait for the upcoming GNSO review and see there's probably going to be a much broader look at how things work and perhaps redrafting.

And we might have made some progress at least with the discussions we have - we've had on this topic in preparation for all of that. But I completely agree with both Marika and Greg.

Ron Andruff: Thank you, Amr. I only have one disagreement with a comment that we made a mess of it. I think you guys have done an excellent job. And this, again, highlights the work of the SCI that we really kind of take things apart and, you know, look at it from all angles and see how it fits back together again.

And that's the actual beauty of this particular committee that we have no time constraints on us to make sure we really wrestle with this and work through it. So I would commend you, Greg, Cintra and others for having done this good work and brought us to this point.

I also spoke with Greg a little bit before we left Singapore and when he mentioned the footnote I got very excited because I feel that that is probably

the right way for us to go on this. And the footnote would basically explain that it could be the affirmative or the negative in terms of consensus.

And that kind of addresses the issue that was being discussed and that was brought forward to us. It's a shame Thomas (unintelligible) committee that brought this forward. But I think that he too would feel confident with this without putting words in his mouth.

So I guess the next question I have - unless there's some other thoughts. I see, Amr, you have your hand up. Is there any other members of the committee also that would like to discuss this further? Because I (unintelligible) process question of staff. So let's start with Amr please.

Amr Elsadr: Thanks, Ron. This is Amr. I just wanted to also note that I do believe a footnote is probably the best way for us to go right now. But I also do believe that it is a temporary fix because the language already existing in the Working Group Guidelines is very clear in that the consensus levels are more directed towards supporting the recommendations and (unintelligible) would basically clarify that you could use these consensus levels differently but it would also contradict the existing language.

So although I do think - I do agree that is probably the best way to move forward right now it is a temporary fix and this should be noted in our response to the GNSO Council and - pending further work on this topic.  
Thanks.

Ron Andruff: Thank you, Amr. I see Cintra agrees with you. She's a plus one on that one. So the - and that's a good segue actually for where I was going with my comment to staff to ask them we're now assuming that - and we'll put this out for a last review of the full committee to weigh in via email to say yes they agree or no they disagree with our - the general way that we are considering going forward now.

But the question then would be let's assume we send it back to Council and we say that here's how we think this should be dealt with as a footnote. But it is a temporary fix because there's the broader question of really redefining old language or revisiting this old language to see if we can sharpen it up in terms of the various consensus levels.

So this consensus review and the broader review of GNSO Council was how would you as staff see that we take - what's the next step for us as staff would see? Marika, please.

Marika Konings: Yeah, so this is Marika. So, you know, as part of its charter the SCI also has the responsibility for the periodic review of the GNSO Operating Procedures which includes GNSO Working Group Guidelines as well as the PDP manual. I think at the time the SCI got started as, you know, both the GNSO guidelines as well as the PDP manual as well as the Operating Procedures were actually relatively new.

I think at that time the committee actually parked that question and said, well we actually need first a lot more time and experience with those for us to be able to review these. And I think especially looking at the PDP manual, for example, as that is of course, you know, a PDP typically runs over a two-year period so you need some time and experience to be able to benchmark and actually gain experience and be able to assess whether things have improved or whether there's still issues that are not working as intended.

And of course, you know, through the course of, you know, both the PDP and as well the GNSO Working Group Guidelines some immediate issues have already been identified and have been addressed by the SCI, you know, for example what we're looking at now and as well as some of the other things we've already been working on.

But still it is on the SCI's plate as well to think about how a periodic review would need to be carried out. You know, one of the questions - and it's also a



question I think that came up in Singapore is that how is this now going to interweave with the GNSO review that is about to kick off?

As you'll understand it's going to be a kind of like organizational review that is going to look at, you know, how are we operating? I think part of will be a 360 review with interviews and surveys and assessments. There will also - I think also be an independent reviewer that will start up the process.

So one thing - and again I'm just, you know, speaking here personally trying to see how all these pieces come together, you know, one option the Council may have is based on everything that comes back from that review is say, look, SCI is you have the responsibility for this periodic review. We'll just provide you with all the input that specifically relates to operating procedures, to the Working Group Guidelines and PDP for you to take as input to your process in doing that periodic review.

Obviously that will take as well some thinking from the SCI itself on how you want to manage such a process, how you want to go about it, what's the timeframe for it, what kind of tools do you need to actually start - I mean, it is a big undertaking. If, you know, I think many of you were involved in the actual development of the operating procedures or, you know, parts thereof such as the Working Group Guidelines and the PDP manual.

And I think, you know, I don't think I'm mistaken if I say that it, you know, took 2 to 2.5 years to actually build that and talk through all the aspects of that. So I don't think we need to underestimate either the effort that make take.

So I think it's - requires a little bit of thinking probably both from the SCI but also from the Council to see how, you know, all those pieces will fit together to make sure that there's no duplication of efforts and, you know, making sure that we can make efficient use I think from any input or feedback that may come out of the GNSO review that can feed into this process.

But as said I think, you know, from the GNSO review perspective and some of you may have been there when Ray Plzak from (unintelligible) presented to the Council or to the GNSO on Saturday afternoon towards the end of the meeting so I'm not sure how many people actually were able to listen to that.

But I'm understanding or assuming that further communications will, you know, follow relatively soon as I think the idea is that the process will click off in the next couple of weeks so to speak. So hopefully that will give the SCI as well some more insight as to how that will pan out and how that may link together.

But again to prevent you from maybe to really start thinking about how such a periodic review may be carried out and, you know, hopefully as well some thinking may go into on how that can be sustained on an ongoing cycle. As said, the previous ones took quite some time to, you know, to carry out so thinking of how that may be done in a more efficient effective manner and still making sure of course that issues are addressed and considered with appropriate community input and feedback I think is a, you know, will be a helpful exercise.

I'm seeing...

Ron Andruff: Thank you, Marika.

Marika Konings: ...Avri typing that she's confused how the SCI is affected by the review. I think not affected but I think the main thing is that some of the output from the review may (unintelligible) specifically relate to operating procedures as well as, you know, PDP manual and Working Group Guidelines as maybe elements that work or do not work.

So at least from what I've seen so far and heard so far I'm seeing more that may come out of the review may be input that will be useful to account as you embark on the periodic review.

Ron Andruff: Thank you, Marika. So that's very helpful kind of us to give us that background and give us an answer of what's ahead of us. For the immediate way forward - and I'm going to come to - Avri noted a number of things in the Chat so I want to come to and address some of those points, Avri.

But just to finish this train of thought that we're working on with Marika, the timing and the next steps in the process then I'm assuming that we as the SCI, given that we would approve the idea of putting this footnote into the consensus levels which basically states they can be in the affirmative or the negative because that seemed to be the most - the core of the issue that the IGO/NGO Working Group was struggling with.

If we can insert that just to bring some - some clarity to that process as it is right now and then we can come back and look at the - all of these other elements that Greg pointed out were things that arose as we looked at the first question we found more questions. Then that would give us the ability to address that (unintelligible).

But from the process point of view would this then mean that we now would send this to the Council, let's assume Council approves the footnote. Then it has to go out for a public comment and come back in and then get added to the Working Group Guidelines? Is that correct Marika?

Marika Konings: Apologies, Ron, I was responding to Avri. Could you repeat your question?

Ron Andruff: I was saying that - just to understand the process that we're going through right now I think that what, you know, we're going to address Avri's questions and so forth in a second but to clarify and make sure we're all on the same page.

But assuming that we agree that a footnote of clarification is the way forward and would solve the immediate question that was put to us would that then

have to go out - we would send it to the Council, Council, let's assume they agree, then that goes out to public comment then comes back in and then gets added to the Working Group Guidelines?

Or is this something that they can take on as a short term fix while a lot of this stuff is getting done and do all of that public comment elements and so forth at some future time?

Marika Konings: Yeah, this is Marika. I believe there is a requirement for public comment for any change to the GNSO Operating Procedure so again I think as there are several other items we're looking at, you know, such as the waivers and voting by email you may want to consider, indeed, as a, you know, a really sharing of the clarification that this is the final (unintelligible) and share that with the Council as that may already provide guidance to existing working groups.

But you may want to hold off by actually doing the public comment forum until some of the other items possibly come together as well, you know, to have public comment overload. But of course it depends partly as well on how far along the other items are or how quickly those can be finalized and put out for public comment.

Ron Andruff: Thank you. That was what I wanted to get clarification. I appreciate it. So I have Greg, I have Amr and I'll catch up Avri's comments. And, Avri, you're certainly welcome to take the mic. But, Greg, please go ahead.

Greg Shatan: Hi, Greg Shatan for the record. The - to answer your direct question, Ron, yes I think, you know, adding a footnote that says that, you know, where necessary each of these levels, full consensus, consensus and strong support but significant opposition, can take place - can be used to signify a level of consensus against a particular recommendation, you know, would be sufficient to answer the issue that was raised by the IGO group which, you

know, debated these things for many hours including, you know, the issues that Avri is raising in the Chat.

And I think just to respond to that at least in part if I could, the, you know, we felt there was definitely a difference between a lack of support and a consensus against which was that the consensus against was that there was an actual consensus forming that we did not want as the group for this recommendation to carry forward not just that it failed to gain support but that it actually gained a concerted and consensus level of opposition.

And there was a feeling that it was necessary to express that in part because we knew, I mean, getting down to practicality, we knew that the GAC had - was coming out in support of that and we didn't just want this to be kind of a recommendation that got dropped because of lack of support from the final report; we wanted it to be expressed that we actually had a consensus that such a protection should not take place and that we had an affirmative consensus that, you know, that that should be blocked from happening essentially. Thanks.

Ron Andruff: Thanks, Greg. Much appreciated. Amr, please.

Amr Elsadr: Thanks, Ron. This is Amr. Yeah, I think Greg is absolutely correct. The current language does not support a consensus against in any of the decision making levels nor does it support a minority view in support of the recommendations as opposed to a minority view against them.

And so even adding an additional decision making level or designation that is no support for the recommendation would not suffice to address the problems that we've been discussing.

But I actually raised my hand because I have a question for Marika or anyone on staff. I probably should have been following this a lot closer regarding the GNSO review. But I recall during our meeting with Ray in Singapore on - that

the direct - the sort of general direction this review - this upcoming review would be going would be a study or an analysis of the GNSO's performance from a more quantitative perspective rather than a qualitative one.

I was wondering how we might think or - how do you predict an approach to a problem like this might be handled? I'm just curious because we should probably be aware of this before we send our recommendations to the Council. Thanks.

Ron Andruff: Marika, please go ahead.

Marika Konings: Yeah, this is Marika. I don't have any specific response to Amr's question. And, you know, I'm not familiar with the review or I'm at least not responsible for how it is being conducted so I think it would be, you know, definitely an interesting question to ask.

But just wanted to clarify as well of course, you know, if or when the SCI decides to (unintelligible) that periodic review the feedback from the GNSO review is not necessarily the only element of input it can or will receive.

I think in general how reviews have been carried out they always typically start off with a broad community discussion and questions for input or where people feel that changes may be needed or things have been missed, you know, followed by, you know, a further review by the SCI itself going through indeed some of the issues that have been identified as part of our conversations on some of these items, you know, including, you know, the language for the consensus levels.

And I think as was already suggested I think we should definitely, you know, these changes on file so when the SCI gets to that we can actually pull those out and say look, actually some work has been done on this and some suggestions were made.

So I think regardless of, you know, what frame or what direction the GNSO review takes I think at this stage at least I see it more as it will probably be one of the inputs or parts of input that the SCI may want to look at as it embarks on its periodic review of the Operating Procedures but definitely not the only one or exclusive one it will need to look at.

Ron Andruff: Very good. Thank you. Greg.

Greg Shatan: Hi, this is Greg Shatan again. I just - in response to one thing that Amr said that none of the levels would support consensus against, I think oddly actually the level of consensus the way it is expressed in the words, which is merely a position where only a small minority disagrees but most agree, period, could be used as supporting consensus against although it's clear reading the ones above and below it that it's, you know, supposed to be in favor of something.

And that's, you know, the point I made about leaving words out inconsistently in a way that creates ambiguity in the drafting. This is the specific place I was thinking of. But technically you could say, "Well, you can't have full consensus against and you can't have strong support but significant opposition against but you could have somehow consensus against," which would be foolish but technically, you know, based on the language correct.

Just another example of why we need to clean this thing up in the long run but in the short run, you know, need to leave this, you know, issue of active consensus against at either any of these three levels, you know, available to the group. And I think in the footnote we can kind of make it clear that it's not - shouldn't be considered as kind of a first resort; shouldn't be kind of baked into things in the beginning.

I would like it to be avoided frankly. If we'd thought it would have happened at the beginning of the working group or at the beginning of the consensus call we might have done things differently in some fashion. But, you know, for a

variety of different reasons that was impossible, maybe even in retrospect impossible. So that's what I've got to say. Thanks.

Ron Andruff: Thanks, Greg. So may I ask then for the - Greg, you, Amr, and Cintra to propose language to the list that the footnote would look like? And if we could send that around in the next days and start to work on that so that we can kind of get this piece of business finalized I think that might be the way to go forward and that will also then help Avri to see the specifics of what you're trying to say and see how that fits into her thinking because she's noted a number of comments in the Chat about this.

And I - we've been talking about this for some time so maybe we can look at some language (unintelligible). So with that I'm going to then move (unintelligible) next piece of work. And this was - this was actually (unintelligible), Greg, you were also on this team, thank you very much, the waivers exceptions to the GNSO Operating Procedures.

Marie-Laure is not with us today, Greg, so I wonder if you might take us through where we're at on that sub working team?

Greg Shatan: I'm trying to remember where we're at on that working team to be honest.

((Crosstalk))

Ron Andruff: We have the document up on the screen now if you're on Adobe Connect. That might...

((Crosstalk))

Greg Shatan: That will jog my memory.

Ron Andruff: Hopefully.



Greg Shatan: Yeah.

Julie Hedlund: This is Julie Hedlund. I also see - I don't think there was a redline document but I'm just checking quickly to see if we have something in the Adobe Connect on that.

Greg Shatan: Yeah, I thought we had a document that we were working from.

Julie Hedlund: Then let me see if I can quickly find that. Thank you.

Ron Andruff: Thank you, Julie.

Marika Konings: Yeah, and this is Marika. I believe I worked with Greg on some language in relation to this. And I believe that was circulated before - just before Singapore so it may have gotten lost in the emails.

Julie Hedlund: This is Julie. Yeah, you're right, Marika. I think the difference is is that we used a different Adobe Connect room in Singapore so I think the document was loaded there and then wasn't loaded here so I'll bring it up momentarily. Hold on.

Ron Andruff: Thank you very much. If that's going to take a few minutes, Julie, we can certainly move to the next issue. We have Avri with us on the call although Anne is not here and Thomas has also sent his regrets. Perhaps we could go to Avri and talk about the voting by email if you need a little more time just let us know.

Julie Hedlund: Yeah, thank you Ron. This is Julie. I've loaded that document and I'll go in search of the other one. Sorry for the delay.

Ron Andruff: Thank you very much. Excellent. So now we have what our working document. So now I'll turn the microphone back to you, Greg.

Greg Shatan: I don't want the - oh - okay one second. No, aren't we on email voting?

Ron Andruff: Yes, we are on email voting.

Greg Shatan: I think that's the one current action (unintelligible) so I will stand down.

Ron Andruff: I beg your pardon. It says - I beg your pardon, I'm looking at two different things. The email voting document is now up on the screen. And Avri has reported there's nothing to report in (unintelligible). So this means that the subcommittee has not been able to do the work, Avri, at this point? Or is there a call scheduled so we can get something in the record.

Marika, I see your hand up as well. Avri is typing. Do you have something to add, Marika?

Marika Konings: Yeah, this is Marika. I recall from the update that was provided in Singapore that I think Thomas had suggested that it may be necessary or desirable for the Council to actually broaden the scope of this question. I think that was the suggestion and I don't believe there was any immediate objection from the Council to that.

But I think to that end it may be helpful if, you know, the sub team and, you know, through the SCI actually frames that request for the broadening of the scope so I think the Council have, you know, a better review of what is actually being asked or what you actually would like to consider so that they can take that into account during their next meeting - or the next meeting is Thursday so that might be too soon but the meeting in May so that they're clear on what is being requested and, you know, can indicate that they agree with that or don't agree with that.

But I don't know if Avri has any further information because I think it was actually Thomas who brought it up during the conversation. And I believe it related to the fact that, you know, the sub team or the SCI's specifically - has

been specifically asked to look at the issue of email voting but I believe - and in response to some of the suggestions that were made through I think strategy panel there may be some other mechanisms through which voting may be conducted as an alternative to, you know, an actual vote during a call.

And as said, I don't know if I exactly got that wrong so as such I think it would be very helpful if that request indeed exists and is supported by the SCI whether it's actually put in writing and put back to the GNSO Council for consideration.

Ron Andruff: Okay Marika thank you. So we have a number of members that are on Council, Avri being one of them. How would you like to handle this? I think Avri, Cintra, Amr, you're all on Council if I'm not mistaken. How do you think we should - how would you suggest we go forward? Should we park this then (unintelligible) direction from Council?

Amr, please go ahead.

Amr Elsadr: Thanks, Ron. This is Amr. I think it would be a good idea for the committee members perhaps over the course of the next week between - or between now and the next call to narrow down some suggestions on how we would like the scope to be broadened.

I think I certainly have some thoughts especially in light of some recent events regarding the Board elections, for example. And I think when we send this back to Council asking for a broadening of the scope we should be specific in what we think might be the - I don't recall all of the reasons Thomas had mentioned at the meeting in Singapore but I have a few thoughts myself.

But I just think that's a good way to go just - not just simply ask Council to broaden the scope of this topic but maybe make some solid suggestions on

why we think we need a broader scope and what items we should also address. Thanks.

Ron Andruff: Excellent.

Amr Elsadr: Ron, are you there?

((Crosstalk))

Ron Andruff: Amr? Can you hear me?

Amr Elsadr: Sorry, I couldn't hear you just...

((Crosstalk))

Ron Andruff: ...that I think your suggestion, Amr, to have the sub team come together on this and (unintelligible) discuss this with Council or amongst yourselves how you would like to go with it that would be very helpful way to go forward. And that way we can know on our next call if in fact we need more work to be done on this.

I think we're moving well down the road on this one. But, again, it's a broader discussion than we can pick it up at the appropriate time. So I'll leave it to the committee - the subcommittee to come back to us with where to go on this particular topic.

All right and, Cintra, thank you very much for clarifying you're not on Council. I got it all clear.

So this will move us then to the last item on our agenda today and that would have been the waiver exception (unintelligible) the GNSO Operating Procedures. Greg has kindly sent something to the list and Julie looks like

she is grabbing it and putting it up onto our screen now. The wonder of the Internet.

And thanks to Cintra I see your note there. And I agree that we - also with Avri saying let's not open a can of worms. No question about it but let's figure out how we can sort that email voting out and move on that one.

Good so now we're onto waivers exceptions and this is notice of meetings that we're looking at. Motion to be submitted - okay. So I'm not sure - this was the document you had submitted, Greg, but I turn the floor to you, waivers and exceptions. Thank you.

Greg Shatan: Okay. I think, actually, the prior language - the language I resent...

((Crosstalk))

Ron Andruff: Right, I see Julie saying that she's going to grab yours, Greg, and get it up there so...

Greg Shatan: Yeah. You know, it's...

((Crosstalk))

Greg Shatan: It's somewhat different. I could also post it - the changed part in the Chat just to give us something to go on here.

Ron Andruff: That would be fine. Let's start there and then we'll see if we can get the...

Marika Konings: This is Marika. The one I posted was actually the one that you sent to the list on the 22nd of March that was just prior to the call...

Greg Shatan: I'm opening the document; it's not the same. It was an email that said I look forward to meeting with you in a few hours and that we prepared some language.

Marika Konings: Right, that's the attachment I just opened on the screen. Is there a different one?

Greg Shatan: Yeah, the one I thought was the final had three bullet points and started...

((Crosstalk))

Ron Andruff: There it is.

((Crosstalk))

Ron Andruff: ...Julie has perhaps found it. Greg, is that the one with the three bullets?

Greg Shatan: Yeah, yes this is it.

Ron Andruff: Okay excellent. Thank you for everyone's hard work in ferreting that out. Greg, I'll leave it to you now to take us through it.

Greg Shatan: So I'll just walk through, you know, the language that is in italics is the new language that was - that is in here. I think it's fairly straightforward but obviously the points need to be agreed on. You know, that if a motion is submitted after the submission deadline the GNSO Council can consider that motion or shall consider the motion - must consider the motion if the following three requirements are met.

One, it still needs to be submitted 24 hours in advance of the GNSO Council meeting. Now this is one, you know, we need to consider because a motion from the floor or, you know, at the table in a GNSO Council meeting would still be out of order; that would be unwaivable because it's not within the rule.

And if anybody thinks back to Durban it was actually a motion from the floor, not a motion that was less than 10 but more than one day in advance that was - that caused the particular issue that occurred in Durban.

The second point is that the motion has to be accompanied by a request to reconsider the motion despite the submission. So it can't just be sent in late, there has to actually be a request for consideration. It doesn't have to be anything fancy but just needs to be clear that this is a late motion and there's a request that it be considered nonetheless otherwise it would be considered a timely motion for the next meeting afterwards.

And then third that a vote on the request for reconsideration will be called as the first order of business for the agenda item that deals with the motion. So you vote on the request for consideration and it must be unanimous and by unanimous I think the parenthetical explains all councilors or their proxies must vote. So it has to be 100%, a plenum, to use that term, not merely a quorum that votes in favor.

The idea being that if there is an absent councilor, you know, the fact that they, you know, are not there to weigh in and not to weigh in that their particular constituency needs more time to think about this we don't want to take that out of their hands since this is an exceptional motion; we want to make sure it's fully supported.

And if it gets - if this is all met then the motion will be considered and at the next GNSO meeting. And then, you know, this just points out that this is - if it fails this is not considered a submitted motion so that it doesn't get caught in the resubmission of a motion problem without ever actually having been in front of the Council.

Ron Andruff:       Excellent. That's excellent.

Greg Shatan: So I think that's pretty much the points that are here. And I think one point that we discussed I believe the last time was whether, you know, how this interlocks, if at all, with the concept of the consent agenda versus the regular agenda. I think - my thinking of this is this could be for either agenda unless there's a reason it can't be for the consent agenda because of limits on how the consent agenda gets put together which I haven't looked at so.

Ron Andruff: Very good. Very good, Greg. Thank you very much for that. Amr, I see your hand up. I just have one thought that - or one question I just - a point of clarification.

With regard to the first bullet and the 24 hours in advance of the GNSO Council meeting if you think about the - as I understand the genesis of this was that the chair wanted to put something onto the agenda that everyone more or less agreed with but didn't have the vehicle or the tools to do it and this is why we're discussing this element that this would give him the ability to bring something onto the table that they could all vote on and deal with on the spot so to speak.

So if we were at a Council meeting - if we were in - let's say we're in London and there's the working session on the weekend and then we have the actual GNSO Council session in the early part of the week and then there's a wrap up at the very end so this would allow, in theory, if something came up in the working sessions to actually be put on the agenda for the wrap up and that they could vote on this, am I correct in my understanding there, Greg?

Greg Shatan: Yes, that's the way I would view it.

Ron Andruff: Yeah.

Greg Shatan: I think there is some - not to get overly procedural - there is some support for the argument that the meeting at the - at any ICANN meeting is actually one long meeting.



But I think that - my sense is yes, you know, this should be either interpreted or written if need be so that something could be discussed on Saturday and put up on the Tuesday agenda or it's discussed on Tuesday and end up on the Thursday agenda and still, you know, be well within kind of the timeframe that this allows for.

Ron Andruff: Very good. Avri, I see your note. I'm going to bring it to the table in a moment. But I'll let Marika respond first please. Marika.

Marika Konings: Yeah, so this is Marika. I'm not entirely sure whether I agree with Greg's assessment that I think you can see the Council meeting as running from, you know, Saturday to Thursday. I think we consider the formal Council meeting is the one that takes place on Wednesday where - and as well that's normally what we take as the counting for, you know, the day requirement for submitting documents and motions.

Again, because it goes we have the formal notification that the meeting takes place, circulation of an agenda. So I think at least from the Council perspective and how I've experienced it to date is that that really relates specifically to the Wednesday meeting. And I don't think there has been any instances where the Thursday meeting would be turned into a formal Council meeting. Because again that requires specific timeframe for notification if that should be a formal meeting.

One point I wanted to make as well, or maybe it's more of a clarification because in the first sentence that if these requirements are not met the motion shall be considered at the next GNSO Council meeting provided that the motion has been submitted prior to the submission deadline for such next GNSO Council meeting.

I'm not really sure whether that is necessary. I wonder if that should be more rewritten and say, you know, if the requirements are not met the motion will

be considered at the next GNSO Council meeting as, you know, as these meetings - you know, provided of course that it's submitted within time but it's obvious that as Council meetings typically take place one month apart from each other it will have met that deadline of 10 days.

And even I think in the case of a special meeting I think the requirement is - and we need to look at the operating procedures, I think that requires at least - I think at least two weeks in the case of policy discussions and maybe one week in the case of non-policy related issues.

So maybe there may be a case or a possible scenario where if a motion is resubmitted 24 hours in advance and, you know, the Council decides to have a special meeting ,which is seven days later, where you may not need the 10 day meeting date and so maybe it needs to be rewritten in such a way.

But as it currently reads it almost sounds as if the motion would need to be remade in order to be considered while I think basically if it has been made even if it's after the deadline and it has been made and it will just be considered at the next meeting then - at which it will have met the requirements of a timely submission of a motion. So I'm wondering if that just requires some clarification.

Greg Shatan: Right. If I could respond? I think, Marika, you read this correctly and I think I also agree with you that this is overly formalistic to require that it be resubmitted or submitted again for the first time for the second meeting, that it should - if they fail to get - if a motion is put up and they fail to get the waiver it should just be automatically on the next meeting's agenda so.

Ron Andruff: Actually, Greg - and, Amr, please be patient with me. Greg, question then from Avri, does this fail if there's an absence?

Greg Shatan: That's the way I wrote it. If the - an absence can be dealt with - there are ways of dealing with how an absent person can get a proxy but if somebody

just, you know, flames out, doesn't show up, doesn't get a proxy, then this fails.

Now that's, again, not necessarily grave and in stone. One could say that if both councilors from a given constituency, you know, that has two, are missing it could fail but the one councilor would be - if one councilor votes in favor that's enough. You know, then there are other constituencies or stakeholder groups that, you know, have six councilors that are undifferentiated.

So, again, you know, if we want to smooth things further we could have, you know, a rule that allows as long as that there is representation from each discrete group that's recognized as such at the table that that would be sufficient.

But I felt that, you know, given that this was kind of an override and should be kind of a full consensus sort of thing that, you know, everyone should be present and accounted for either by themselves or by a proxy of some sort.

Ron Andruff: So that certainly makes sense, Greg, no question about that. And there's logic to that. Again, this is an exceptional circumstance. Let me ask Amr to take the microphone please.

Amr Elsadr: Thanks, Ron. I have a comment and a question. The comment is the same one I made in Singapore regarding the resubmission of a motion that we had previously worked on.

And that language we made it explicitly clear that one of the conditions for resubmitting a motion is this 10-day rule so I had recommended in Singapore and I'm just bringing this up now as a reminder that perhaps it might be worthwhile to add a fourth bullet saying that this also applies to resubmission of a motion that has previously been submitted if we would like this waiver to also apply to that condition. I think that might be a good idea.

The second - my question is regarding the third bullet that a vote on the request for a consideration shall be called at the first order of business for the agenda item. I was wondering if there was a reason why this was added as a first order of business in the agenda.

I'm not thinking about absences, I'm thinking about councilors who might be late to the meeting. If we have a counselor who is late and not present at the very beginning of a call does that mean...

((Crosstalk))

Greg Shatan: It's the agenda item that deals with the motion.

Amr Elsadr: Oh okay.

((Crosstalk))

Greg Shatan: ...on the agenda it says basically you have to have the request voted on before you get to the motion; not that it's voted at the beginning of the meeting, only at the beginning of the...

((Crosstalk))

Amr Elsadr: All right. I misunderstood then, my mistake. Thanks, Greg.

Ron Andruff: Thanks everyone. Actually how do people feel about the recommendation that Amr's just put on the table whether this should be connected - to the last piece of work we've done, the resubmission element, or not, any thoughts or comments on that?

Greg Shatan: This is Greg. If I could?

Ron Andruff: Please go ahead, Greg.

Greg Shatan: I think it would make sense - I think it makes sense for a resubmitted motion to also be - have the waiver process available to it.

((Crosstalk))

Greg Shatan: And I'm not sure that additional drafting needs to be done but, you know, if it needs to be clarified it's always better to be clarified than leave it ambiguous.

Ron Andruff: Agreed. Agreed. And that certainly falls into our work here. So and Amr seems to be agreeing with that. And Cintra has now raised a question about the first bullet, the first of the GNSO Council also includes proxies and does that need to be explicit or not? Greg, do you want to take that one on?

Greg Shatan: I'm not sure - the first bullet says, "The motion is submitted to the GNSO Council at least 24 hours in advance of the GNSO Council meeting." I'm not sure where proxies come into that one way or the other.

Ron Andruff: Okay so Cintra is putting something into the list. And Avri's noting that a quorum should be good enough instead of having everyone present for that. That's a big debate. That's a big debate because again this is an exception to an operating procedure. And for that reason my view would be - my personal view if I take my chairman's hat off would say quorum would not be sufficient because of the nature of what we're talking about this as an exception.

So, Cintra, we're wondering about your comment about explicit. I'm not sure if you can take that back - yes you are, your hand is up; please go ahead.

Cintra Sooknanan: Thanks, Ron. Greg, I'm just wondering if, I mean, Amr has expressed as well as Avri that proxies are not necessarily known 24 hours in advance of a Council meeting. But in the event that a proxy is known my thinking is that

since they would have to vote on the motion submitted that they would also be aware or have to be aware of this motion.

Ron Andruff: Greg?

Greg Shatan: If I - yeah, I think - I guess what you're getting at is that it would be important to know - in terms of setting proxies to make sure that if a late motion was being put up and if a full plenum is required to support it that it's more important in that case for a proxy to be put in place because, you know, the absence of a councilor normally does not stop the Council from proceeding on any of its business.

Whereas if a councilor was absent and didn't get a proxy for themselves a late motion would fail just by the absence of the councilor or his or her proxy. Am I getting the point correct?

Cintra Sooknanan: Yes, that's correct, Greg. So I'm just considering that maybe there needs to be maybe for the thought or, you know, some kind of twinning of the two timelines so that proxies - even though it's posted on a public space that proxies are made aware of the fact that, you know, a motion is trying to be - on the table for submission.

Greg Shatan: Well, I mean, the proxy is - if the proxy - the proxy should be following the Council list if they're actually acting as the proxy for the councilor in question. I thought maybe you're just saying that councilors need to be more alert to getting a proxy if a late motion is coming in because if they don't get a proxy it won't - it will fail. But what is the timing for proxies? I'm sorry, I don't know the proxy rule that well.

Ron Andruff: That actually has been listed, Greg, in the Chat as we've been going through. And it has to be...

Greg Shatan: Okay.

Ron Andruff: ...prior to the meeting. But I think that these - that kind of goes hand in hand with this is that if we're going to have a waiver exception it just seems to me that the first order of business is to let the - to actually declare the proxy and let the proxy know, as Marika has pointed out, that there's going to be - there's going to be a - proxy, be aware that you may be needing to step in because I, you know, individually have to leave the meeting early or something, with regard to a waiver or exception.

And I think if that's put up right up front and their proxies are made aware or actually selected whether they're meeting or not that actually pointed out you're the proxy for this meeting and you need to be standing instead of myself, if and when or as and when a waiver exception is called.

So that's, I think, a very helpful thing. I don't think that's going to hurt any other elements we're working on. And I see Avri notes here, "Proxies should always be aware otherwise why are they proxying?" And that's exactly right.

So I think we're moving in the right direction on this but I also see we're two minutes past our time. So I see Greg's hand and Cintra's hand up. I'm not sure if that's previous or if you'd like to speak? So, Greg, if you'd like to speak you have the floor.

Greg Shatan: Yes, I mean, I think we - putting aside the proxy issue for the moment, which I - having considered I don't think actually needs any additional drafting here. And I would change the end and I'll recirculate something so that it's clear that a motion that is put up but doesn't get the request for special consideration approved is on the next agenda without a - without requiring it to be resubmitted to that agenda.

I think there's still - I want to make sure that, you know, people on this committee are comfortable with the 24-hour rule because again that - the problem in Durban was a motion from the - from a counselor at the Saturday -

well actually I guess it was at the Saturday meeting so it would have been okay for Tuesday. So it would actually have solved the Durban problem.

I feel comfortable with the 24-hour rule. I think it's - but if people think that motions should be able to be made on Tuesday or either on Wednesday say out of something that came up on Constituency Day but less than 24 hours before the Council meeting, you know, we should say so. You know, other than that I think that - that is I think the only kind of controversial or variable that's here. Thanks.

Ron Andruff: Thank you, Greg. I think the other one is one that you and Amr agreed on earlier that was the clarification on a resubmitted motion so we would add that...

Greg Shatan: Yes.

Ron Andruff: ...fourth bullet so if you could put that into the next draft that would be helpful. And I think the - that - you said it right, I think we need to give more deliberation to the 24-hours in advance. Avri's had a lot of comments in the Chat and I'm sure that once a draft comes around she'll be able to add some thought to that.

And I think her latest comment where she says, "I'm still hesitant to add yet another procedure that has special Council requirements, the rules are already gothic." Agreed. Let's see what we can do in this next draft that kind of tightens that up.

Greg Shatan: I would say at a minimum every constituency that identifies itself as a separate voting group at the table would have to be represented because you shouldn't have a situation where say the ISPs are both absent and we take on a special motion that the ISPs have to pay \$1 million to the GNSO slush fund. And it goes through.



Ron Andruff: No, exactly. No, I think your point is well taken. Good. So I was just ask then - so I'll bring this topic to a close and I would ask I see Avri's applauding that comment and thank you very much for that. I bring this subject to a close and I would ask if there's any other business that someone would like to bring to the table at this point.

Hearing none I will then like to thank everyone for joining the call today and thank staff for your excellent efforts on our behalf. And with that we can bring the recording to a close and bring the end to this meeting. And I guess we will see through staff our next meeting time - we don't have time to talk about it right now but we'll see that online on the list.

All right so thanks everyone. And wish you a pleasant day. Bye for now.

Greg Shatan: Thanks, Ron. Bye.

Amr Elsadr: Thanks. Bye.

END