

**GNSO – ICANN Nairobi Meeting
GNSO Open Working session
OSC Council Operations WT (GCOT)
07 March 2010 at 09:00 local time**

Note: The following is the output of transcribing at the GCOT held in Nairobi on Sunday 07 March at 09:00 Local time. 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.

Julie Hedlund
Marika Konings
Margie Milam
Liz Gasster
David Olive

Debbie Hughes -NCSG
Mary Wong -NCSG
Avri Doria –NCSG chaired meeting
Stephane van Gelder - Registrar Stakeholder Group (SG)
Ron Andruff - CBUC
Jaime Wagner - ISP
Wolf-Ulrich Knoblen - ISP
Rafik Dammak -NCSG
Marilyn Cade CBUC
Chris Chaplow CBUC
Steve Delbianco CBUC
Berry Cob CBUC

Akinori Maemura Japan Network Information Center
Lucy Wang
Jose Mondragon Sanchez Mexico Network Information Center

Coordinator: The recordings have started ma'am.

Avri Doria: Thank you. So do we have anybody on the telephone at the moment?

Mike O'Connor: Hi Avri. This is Mike O'Connor in Reston, Ken Bour, (Anna Lisa) and I are here.

Avri Doria: Okay. Hi. Anyone else on the phone? I don't hear (Ray). I was hoping (Ray) would be on the phone. Okay, well in which case we'll start. Do we need - we

don't need - I mean it's a group that pretty much knows each other. Do we need to go around and say who we are or just - for the record. Okay. Marika would you like to start for the record?

Well, if we need to go around saying our name or do we just need to say our names when we speak? Okay. Then please let's go around the room doing a roll call.

Marika Konings: Marika Konings, ICANN staff.

Debra Hughes: Debra Hughes.

Mary Wong: Mary Wong.

David Olive: David Olive, ICANN staff.

Liz Gasster: Liz Gasster, ICANN staff.

Margie Milam: Margie Milam, ICANN staff.

Avri Doria: Okay. Avri Doria, NCSG.

Stephan van Gelder: Okay. Stephan van Gelder. Where am I from? The Registrar Constituency Stakeholder Group. That's it.

Ron Andruff: Ron Andruff, Business Constituency and work team member.

Jaime Wagner: Jaime Wagner, ISPCP Constituency.

Wolf-Ulrich Knoben: Wolf-Ulrich Knoben, ISP Constituency and a work team member.

Rafik Dammak: Rafik Dammak, NCSG.

Andrei Kolesnikov: Andrei Kolesnikov, non-com.

Steve DelBianco: Steve DelBianco, Business Constituency.

Julie Hedlund: Julie Hedlund, ICANN staff.

Avri Doria: Okay. Thank you. Okay. Just to quickly go over the agenda we've got before this meeting. So the first thing has to do with the OSC review of GNSO Operating Procedures Section 4 voting and I'll just say a little bit about that. Then there's the statement of interest, statement of disclosure of interest or statement of interest, disclosure of interest procedures. There's the GNSO operating procedures term limit issue and then there's any other business.

Is there anything that people already know of that needs to be stuck under any other business at this point that isn't on that list? No, so that agenda is fine with everyone? Great. Then let's go with it.

So the first thing is the OSC review of the GNSO Operating Procedures Section 4.0 on voting. That's the second that contains all the discussion on proxies, et cetera, that has been sent to the OSCO for review. As I understand it, it is on the OSC's discussion agenda for this afternoon. I don't know if there's anything more to be said about that. Does anybody else have anything to add to that at this point? Ken or anyone need to add something informational or what have you?

Yes Ron.

Ron Andruff: Thank you Chair. Just a note also that it's not just on voting but it's also on abstention. So that's what the key issue that we all spent the time working on. So it really - for anybody who hasn't read it, it should be given some consideration.

And I think the most important point was we were trying not to change the denominator with the very - with the smaller voting numbers that we had. Because of the - because of the stakeholder groups we ended up having smaller numbers of votes cast and that was the work we had to do.

So while it made it seem very long and tedious, it has a lot of work put into it. I just want to put that on the record. Thanks.

Avri Doria: No, actually it was actually quite a good set of discussions and a lot of good learning and information contributed by the staff on that one in terms of the various forms of abstentions and what it meant in those variances. So yes, definitely do read it. It is fine education material in the terms - in addition to being something that really needs to be understood and accepted by the Council if those are the rules that they're going to be living by.

Anything else on that one at this point? No. In which case we can move on to statement of interest, disclosure of interest issue. On - okay. On that one just a quick intro on where we're at. The issue - I mean the writing the section and I forget what section it is but it's yet another section of the operating procedures.

What is sent off to the - Section 5. Thank you. I'll learn my job sooner or later. Okay. There it is. Was sent off to the OSC. It was sent off later to be a regular part of the agenda. So it's on their agenda under any other business. There's also a few people, I don't know whether they've managed to come online yet or not, who basically mentioned that this was sent out a bit later for full consideration during this meeting.

And beyond that, when two of the reviewers, myself and one other, basically read it after it had been sent. We found more points that we wanted to talk about. So it was Eric Brunner-Williams who found some points. So basically it's in a state; I'm not really sure what state it's in now, but - or whether they'll even get to it on today's agenda.

So what it seems reasonable to do, unless anybody doesn't think it's reasonable to do it, is to actually just go through the list of issues that came up. I know mine were mostly cosmetic except for one issue. I think Eric had more substantive issues within his and is perhaps a better lead in for the discussion because I think my issue dovetails into one of his anyway. So Julie, would you like - can you walk us through Eric's issues?

Julie Hedlund: Yeah Avri. Why don't I bring up his email? That's...

((Crosstalk))

Avri Doria: Okay. Thank you.

Julie Hedlund: ...way to do it.

Ron Andruff: While we're doing that Chair - Ron Andruff. There was the question what is the SOI and what is the DOI and the distinction between the two? And we talked again a lot at length about this issue.

And just for the point of clarification, the statement of interest is a document that anyone who's working on a GNSO work team or something that's been commissioned by the GNSO, they will have a statement of interest that's posted for the record for the longer term.

So it basically explains what their relationship is from a commercial point of view or educational point of view, whatever, but it explains who they are and where they're coming from.

The declaration of interest is the statement when an issue comes up during a meeting and someone has let's say a financial interest or a vested interest in the outcome of that meeting, they would declare themselves with regard to that at that meeting.

So the DOI is more issue specific and the SOI is more about who you are in relation to the work team. I just wanted to make sure everyone is clear on that because it seems there's been a lot of questions.

Avri Doria: Thank you. In fact, I remember it was only two meetings ago when I had to get the explanation because I had lost track of the concept myself. So thank you. Okay. Okay. So there's the - how do we want to walk through this? Do we want to read it? Does somebody want to read it? I can barely see it. Getting old, my vision.

Okay. So basically he made certain points here. The first one was in terms of 5.2.2.1. Wants to make sure that ICANN's role is to be collection access and archival store of SOIs of the relevant parties. And this issue pertained to one that I think we both made illusion to which is various discussions included - we got rid of investigating truthfulness but there was still a notion of confirming accuracy.

And a lot of the discussion that we had in the group was who's responsibility is it to A, alert people on accuracy; B, to then investigate/confirm it. And I'm not sure that I'll put it in exactly the right words, but there was certainly a notion I think among many of the people in the group that we didn't want either ICANN or someone else being an investigative body and going around trying to determine.

And there was more notion - I think it's a notion that Eric Brunner-Williams is referring to which is of basically if other people in the group raise a flag to something and say this - I've got a question then the Chair has a responsibility for further investigation and the staff works with the Chair.

And I think that was a general notion that the group was comfortable with but I'm not sure that the words in the document ended up reflecting that. And perhaps there was still too much in there certainly from this email's point of

view of the - of ICANN staff being in some way responsible for confirming the information in these things.

Then there was a note on recording minutes of meetings with this requiring the minute taking process to check each RP's SOI for change prior to posting the minutes.

I don't know, somebody else should comment, I don't know why. Basically if they stated that there was a change and spoke about the change on the minutes, then certainly. If somebody - then that would be recorded as part of the minutes.

If somebody brought up a question, that question would be part of the minutes. But resolving the issue I don't know why. I don't know. Ron, you seem to...

((Crosstalk))

Ron Andruff: No I don't think that there was any resolution in terms of - it certainly wasn't staff go running out to check on documentation and coming back. But I think it comes back to the notion again that if someone in a meeting was uncomfortable with another person's declarations, that they didn't feel the whole truth had been stated, then they could bring it forward.

But it was more about the idea that - I think the critical factor is that we kind of looked at it from the embarrassment factor. If I have an SOI out there or I have a - make a declaration of interest and it's not fully truthful and that's revealed, then I'd say the embarrassment factor in front of the community and the lack of, you know, the loss of respect that I might suffer that we're - those are the tools that we're trying to wield here.

So the whole point here was just making sure that should someone not have filled in or done their DOI or SOI in a complete manner and it was brought to the attention that that would be recorded in the minutes.

Avri Doria: Right. But are you saying that it would be recorded even if it wasn't brought up publicly in the meeting or only if it was brought up publicly in the meeting?

Ron Andruff: Well publicly in the meeting and we also talked about the fact if a person was comfortable to bring it up in a public environment, they were welcome to do so but if they wanted just to approach the Chair privately, they are welcome to do so. But it would come up then in the following meeting and then be recorded in the minutes.

Avri Doria: So in other words, what we're saying is - what you're saying is that there should be a responsibility incumbent on the Chair to announce at the beginning of the next meeting that a question was brought up about X. This is what I have or haven't done about it yet.

Ron Andruff: Exactly.

Avri Doria: Okay. But they wouldn't have to say so and so brought up an issue about X.

Ron Andruff: And, you know, we didn't view it as...

Avri Doria: Okay.

Ron Andruff: ...being so controversial as - and to bring it, you know, face to face kind of confrontation. But...

Avri Doria: Okay.

Ron Andruff: ...you know, it depends on the individual. But ultimately I think what you've just said is right. If something comes up and is brought forward, in the next meeting it then would be addressed.

Avri Doria: Okay. So in terms of this issue, it's not really an issue about the minutes because anything that's said in the minutes goes into - I mean anything that's said in the meeting goes into the minutes. This is perhaps something where we have to put somewhere else in the document that there's a Chair's responsibility to reveal issues that have been brought to her or him.

Ron Andruff: I would agree with that.

Avri Doria: And I don't think we have that in the document yet. I don't remember that specifically being there but I could be wrong.

Ron Andruff: You're correct because I'm just looking at the document I'm looking at. We have a 5.3.3 and then it moves over to - I'm sorry, we do have 5.3.4. So there is a document right now talking about timing and updates. We just have to add - include it in that area.

Avri Doria: Right. That the manager - that the - not the manager, the - okay. Okay. Any other issues on that point? And unfortunately I don't think Eric Brunner-Williams is on the call. But okay.

In 5.4.2, probably should have just brought this up on my screen so I wouldn't be squinting. A, there is a reminder which A, applies to the GNSO Council Chair or Chair of any other organization formed by the GNSO and is intrusive upon every meeting.

Taking these in order. The reminder is not listed - is not limited to organizations formed by the GNSO for the development of policy. Could you actually read this - I'm squinting. I'll bring up the email so the next one I can actually see it close enough to read.

Julie Hedlund: Thank you Avri. This is Julie. I'll be happy to read it. So taking these in order, the reminder is not limited to organizations formed by the GNSO for the development of policy. See the definition of relevant party, Section 5.1, but to anything.

Propose the GNSO forms a one meeting ad hoc organization to (price bulk beer) in - (to excel), you just have to notice and (minute) the SOIs on that. Next the notice and minutes are intrusive to every meeting. Therefore they will become about as useless as any other purely decorative pro forma act.

The scope is incorrectly not limited to policy development and the duty is so frequent as to become decoration. Quarterly notice may be sufficient and taken by the respective parties as a real notice, not just something to ignore while getting coffee or catching up on last night's email.

Avri Doria: Okay. Thank you. And now I've got it up so - but I left you with the hard one to read and a funny one. Okay. I do see the point. I don't know whether there's a change required to add that this is specific to policy issues as opposed to anything. I don't know.

I know that, you know, when I was chairing meetings and I was asking the question after a while, it did seem to be pro forma. So I certainly see something and I'd go months and months and months without anybody bringing up an issue.

So at a certain point, he is right. I don't know that that changes the need to bring it up. I'd like to ask other people to comment. Yes.

Wolf-Ulrich Knoben: Wolf-Ulrich Knoben speaking. So I also think Avri that is unnecessary. I think - I'm of the opinion all what we are doing has to do with policy issues. So it's only that way. So we don't talk about the (prizes, award) what else. So for me it's (formal right) and so I wouldn't like to have any change.

Avri Doria: So you guys didn't bring it up at breakfast for example.

Wolf-Ulrich Knoblen: No.

Avri Doria: Does anybody have a statement of interest, which they need to update?

Wolf Ulrich Knoblen: No.

Ron Andruff: Ron Andruff. I think the critical aspect here was looking forward to - this is a GNSO reform. This whole process. All of the work teams in terms of reforming the GNSO and we viewed this that this is not a reform that should happen again in two years or four years and five years.

This is a reform that should be a cornerstone element because, as we all know, many people within the ICANN community are conflicted. It's just - it's the nature - that's the nature of what we do. And so what we're trying to do is improve upon the transparency element.

And so while it may be pro forma, it should - it's an important part. Anyone - as everyone here filed their SOI, question number one, and if someone has not then, you know, then they're going to be subject to that ridicule I spoke about earlier.

Anyone have a declaration of interest on this topic? No, fine. Then but if there is someone, they can be revealed. Because to date we have this problem when people go up to the microphone or at open mikes to the GNSO or to the Board, one's not quite sure who they're speaking for because they're consulting.

They just did a deal last week with someone and now they're going to stand up and they're going to put forward a very strong persuasive argument but you're not quite sure for whom they're putting that persuasive argument. With

the SOI and DOI in place we're hoping they will not start getting a little more clarity within the ICANN community.

Avri Doria: Okay. I - and I remember. And if it's okay, I'll bring in what had been one of my comments on this because at a certain point this was the one that I had written. At a certain point especially on the DOI, especially on the question of every time one speaks at the microphone, I think someone - and I think in the writing it sort of says every time even if it's an intangible benefit that you get, it's not a financial conflict. It's not an intangible benefit.

And I think there had even been an example used about a professor or something finding advantage. And so first of all, I was confused by the reference in the sentence there that said for example if you're an academic or NGO and use your position to advance your ability to participate, this relationship should be disclosed.

And so I had written in relation to that one I'm confused by the reference in this. What position is it referring to, position in ICANN at the university and in order to participate, what in ICANN? So for example, very often in a university if you want to get funding to go to something, you better write a paper or you better have a role.

So is it important for someone every time they speak to say I'm participating in ICANN. I took the role of Vice Chair of (whose its) group because I wanted my university to pay for me to be able to come. Is that something should be mentioned?

And then I went on to say I understand the concern about somebody using their position ICANN to advance their career in the (UNI) or the NGO but I'm not sure what a statement like. The only reason I (contend) ICANN meetings is because I was appointed as an NCA. Or the only reason I got leave to come to Nairobi is because I'm participating in the XYZ working group.

Or the reason the XY SG applied its funds from the Council allotment for me to come to the meeting is because I'm a contributor to this group adds much to the openness and transparency and does become I think referring to what Eric Brunner is referring to here. Sort of a fluff that keeps being added to things.

And then the last one I had added would a retired person who participates purely out of interest have to add I find I'm an ICANN policy junkie and the intangible benefit I get is because I think I'm doing something useful with my life.

I mean if we start talking about what is the intangible benefit, everyone has an intangible benefit. So I - then that's the question I sort of send back to you.

Ron Andruff: You know, Ron Andruff. This is the tricky part obviously when we're trying to create policy around these kinds of issues. And I think it comes back to common sense as always. And that's simply to say that if we have put something in place that another individual can point to and say hey, just a second. I think you're off base and I'm basing my argument on this point of policy.

At least it gives now a person a possibility to step forward and tell the Chair I'm uncomfortable with what Wolf-Ulrich has declared because I know for a fact talking to his business partner last night that he said thus and such. So my point is it gives a point of order where someone can - you say on this point I want to bring this discussion forward because today we don't have that.

So it's really about common sense. And I don't think people have to express as the detail you went into because it's clear. It becomes impossible. So I'm hoping that every person who chairs will bring this question up and that people will be candid about it because they can be called out on the basis of these principles.

Avri Doria: I don't know if anyone else wants to add. One thing I'd like to add though is I'm wondering whether what we've got in the document at the moment requires too much and whether it actually has that common sense metric that you want to apply to it and Eric. Ken I don't know if you want to add anything since you're the crafter of the words. Oh, Julie.

Julie Hedlund: Actually Avri I probably participated a little bit more in...

Avri Doria: Okay.

Julie Hedlund: ...that. So why don't I bring up the relevant section that that would be...

Avri Doria: Okay. Certainly.

Julie Hedlund: So this is Julie. I think the section we're discussing is 5.4.2, duty to remind participants and speakers. Would it be useful if I read through this, do you think?

Avri Doria: It's better than me trying.

Julie Hedlund: Okay. The GNSO Council Chair or Vice Chair, Working Group Chair, Work Team Chair, Committee Chair or Chair of any other organization formed by the GNSO shall remind all participants to provide disclosures of interest and updates to disclosures of interest at the beginning of each meeting during which the relevant parties will discuss or act upon the specific matters to which the disclosure pertains and such disclosures shall be recorded in the minutes of that meeting.

Participants should be polled individually by the Chair to ensure that all updates to respective disclosers' interest have been received and those responses shall be recorded in all minutes. At that time, anyone who has a question about the interpretation or meaning of a relevant party's disclosure

of interest may petition the Chair to request clarification from the relevant party.

Concerns related to the accuracy and/or completeness of a declaration of interest are addressed in Paragraph 5.5. I think that B also pertains here if you would like me to read that.

Avri Doria: Please.

Julie Hedlund: B at the section of any ICANN public meeting - at the beginning of any ICANN public meeting, forum or discussion being coordinated and/or moderated by the GNSO, the person acting as Chair or Coordinator of the public meeting, forum or discussion shall encourage all speakers to provide disclosures of interest prior to beginning their remarks.

Avri Doria: And I guess my comment had actually been more related to 3.3.5, which had referred to the content of such statements.

Julie Hedlund: I'd be happy - this is Julie. I'll be happy to refer to that.

Avri Doria: Three five I believe unless I wrote down the numbers wrong. Five three, okay. Yeah I guess it's three there, not 5.3.3. It's 5.3.3 but no but it was only one of the - I think it was 5.3.3.5. Not dot five. But right .5, right. I think that's what I meant.

Julie Hedlund: So that reads please identify any other relevant arrangements, interest or benefits as requested in the following three questions.

Avri Doria: Right. And then the point specifically was six.

Julie Hedlund: And six reads if you receive any tangible or intangible benefits from participation in ICANN and GNSO policy development, processes or outcomes - and outcomes.

For example, if you are an academic or NGO and use your position to advance your ability to participate, this relationship should be disclosed in a statement of interest just as should employment by a contracted party or a business relationship with a non-contracted party that has an interest in policy outcomes. Please answer yes or no. If the answer is yes, please describe the tangible or intangible benefits.

Avri Doria: So perhaps I was reading more into it than is actually there. But...

Ron Andruuff: Well I would say Chair that the key element here is that's the statement of interest.

Avri Doria: Right. Not the DOI.

Ron Andruuff: Exactly. So statement of interest means the living document that's out there. And so therefore in that case it's, you know, coming along to the - coming back to the comments you made earlier, they might well fit into that.

Avri Doria: (Can't wait to right that.) We love writing SOIs. They can be so creative. Okay. So in terms of Eric Brunner-Williams' comments, was there anything that we felt we needed to recommend changing in the 542 and I didn't get the impression that anyone felt there was anything that needed to be changed there. And he didn't recommend any specific change as far as I can tell.

He basically just says the scope is not incorrectly - is not - the scope is incorrectly not limited to policy development. And do we need to make - yes. (You get shocked.)

Marilyn Cade: Oh. There's no cord to this microphone. Shocking. Marilyn Cade. Are we - one way perhaps to do this without an extensive debate about the right language would be to do something to say within the scope of the GNSO Policy Council's work. I mean really the GNSO Policy Council is not

responsible for comments on this structure of ICANN. You're not responsible for taking on an overall review of the root scaling study.

The Council may have relevance focused on the issues related to gTLD but of course the root scaling study would be much more pervasive. So it's a issue here is just to say that the work needs to be within the scope of the GNSO Policy Council's work. That is it's focused on gTLD issues.

It's probably and easier way to say that than just to, you know, just to kind of put a bounding to it just as we would do when we look at the mission statement of ICANN.

Avri Doria: A question I would ask on that is oftentimes as I remember the Council either on its own decided to comment on some other issue or indeed was asked. There was a general - we would like to viewpoint of all the SOs and ACs on the following thingy that's going on in ICANN. Please all respond.

So this then is not specifically within the policy scope of gTLDs, you think I'd know that by now or my mouth would be used to saying it. But thank you for the excuse. But it is indeed something that they've been asked. It is indeed something where someone could have an interest.

For example, if the Council were to be talking about, you know, had been asked about Board members and people getting paid. And they have been asked to, you know, all SOs and ACs were invited to post opinions. The SO had decided to post an opinion.

And there were people there who had their names in as candidates for a Board position. Is it relevant that they are - it has nothing to do with gTLD policy? There is a - there is an interest that could be seen as conflicting and shouldn't they have to mention it?

Marilyn Cade: Sure.

Avri Doria: Please.

Marilyn Cade: Marilyn Cade again. Well first of all, this is the GNSO Policy Council.

Avri Doria: Yeah, but they get asked all kinds of questions.

Marilyn Cade: I understand. But when the SO is asked a question, the SO is the combined interest of its constituencies and other organizations. So if the party that asks the question such as the Board chooses to come to the Policy Council and ask a question about the SO's opinion, that actually has to go back to the constituencies (but) in order to take input.

Avri Doria: I don't know how - yes, but I don't know exactly how relevant that would be because we're still talking about the point at which they're talking about it. We're not getting into the issue can they make a determination without talking to the SO. What rights do they have and that?

We're talking about them talking about it. And not who makes decisions and who writes things. It's who's talking about it when. And that's all we're dealing with is the Council or even a GNSO member in the open forum or something is talking on this issue. It's not a GNSO issue. It's not even a GNSO Council issue. It's just something they've been asked to postulate an opinion on and they are talking about it. Should they be governed by the DOI interest at that point is the question I'm trying frame.

Marilyn Cade: Are they speaking as a Policy Council?

Avri Doria: We're talking about anybody within the GNSO or the Policy Council members in fact speaking during the meeting.

Marilyn Cade: So one of the things I've observed (unintelligible). I would say yes, when you go to the microphone and speak you need to say who you are and what your interest is.

Avri Doria: Okay. Thank you and that's the root of the question I was trying to get. And that's one where he was saying no I think and yeah. Thank you.

Ron Andruff: Ron Andruff. That was exactly the point Marilyn is that, you know, while it may not be a GNSO meeting per se but people to go to the mike making sure they declare their name and their affiliation in a clear manner. That's what brings transparency to ICANN. That's what we wrestled with.

Avri Doria: Okay.

Marilyn Cade: Avri, I just want to say one other thing. You know, just because I am a member of the (BC) Constituency and the Chair of the (BC) Constituency, often when I go to the microphone I may be speaking as an individual. So what we are saying I think that, you know, just because you are in a GNSO constituency, that doesn't mean that your comments (okay).

Avri Doria: Right. No. And in fact yeah, you're one of the shining examples of telling us what hat you're wearing at that particular moment in time. You know, but basically I think the issue here was basically trying to remind people that you always had to identify your hats and such. So okay. So I guess there's no one here arguing with Eric that there's a change we need to make to this particular section on this. Is that a correct assumption? Okay.

Going down to the next one. And I guess I can read now if you would like. In 542B things get worse. We could end up with a significant loss of meaningful face-to-face time long and generally uninteresting pseudo SOIs. I recommend we encourage the adoption of reference to employer and online file SOI. I'm Eric Brunner-Williams presenting for and my statement of interest is on file, blah, blah, about some topic, blah.

What I don't want to hear is how many weird ways people have some marginal interest in an outcome or how creative they are at finding self-interest. And I'm not going to read the next section. I think I'll just skip it. It's there for anyone that wants to read it.

So any changes out of this? I think we covered all of that in our previous discussion and sort of said yes; there is also a common sense boundary. If everything you say is similar to what's in your SOI, it's enough to say I work for so and so and if you want to, an SOI is on file.

And unless you're adding some new information that isn't in that SOI - and I don't - does anyone think we need to add anything to what's written to make this the case? God forbid. Okay. I think it's worse than the problem - so I think we've already gone through that.

In 551, there is ICANN staff reviewing the SOIs for completeness. I have no idea how ICANN staff is as or more qualified than anyone else on earth. But this goes also to the (locust) of control and information.

Does the GNSO Council spend some agenda time, say 15 minutes, once a year to circulate and pre-review the SOIs so that the Councilor interests are known to the Council members, rinse and repeat for each subordinate GNSO constituent organization for which SOIs are necessary? Or is this an ICANN staff responsibility to carry it out confidentially?

I don't know that we've gone as far as there being a yearly review but I certainly don't think it's the latter. Yes Ron.

Ron Andruff: Unfortunately I think that Eric wasn't there for the discussion on that but this was not - this whole idea of staff review is simply to say that there should be - if we have a (stab) there be an online form and the staff review is to make sure that all the blanks have been filled in. Begins and ends there.

It's not about whether or not - and that always comes back to what you mentioned about truthfulness. No one can measure whether it's truthful but we can certainly if all the blanks are filled in. So that's really - I think he's going a little too far on that one.

Avri Doria: Okay. Thank you. I think that it was covered. I think, you know, we all heard the (unintelligible) the peer review (AK) self-policing and that's what's there. So I think that takes us through his comments. I think in mine I had basically one more point I wanted to make and I'm not sure that that one was covered.

And it referred to 551 again. With if ICANN staff has reason to believe that relevant parties documentation is not complete, ICANN staff shall notify relevant party and request the omitted or missing information be provided. If there are extenuating circumstances, explain why. I think that was mine. Actually my comment is 561. And which talked about the power of the Chair to suspend or remove.

And basically I wanted to add the notion in that that I don't think is in this and so I put it in that any time a power to suspend or remove is exercised anywhere, that should kick off immediate appeal or immediate review by the next layer up.

So that if I as a Chair in a working group suspends somebody from participation, then for any reason, be it SOI or what I consider bad behavior, that the GNSO Council should get a report on that and should review it and if necessary censor me for what I've done or backup what I've done. And I don't know that we have that concept in there. But I do think that there should be some notion and that's what I was trying to say there.

Anyone want to comment on that idea? Yes Ron.

Ron Andruff: I concur with your comment because the idea again is to make sure that we've got an element in there of embarrassment and make people very uncomfortable. So if in fact they know this is going to go past the Chair and this little closed room discussion, and it's actually going to be more widely exposed, I think that would add to that.

Avri Doria: Julie and/or Ken, is there some wordsmithing that could be done to just add that notion?

Julie Hedlund: Avri, this is Julie. Certainly I think we could do that. I think that that sits under 5.6.2 perhaps under suspension that if it's determined that a relevant party has not complied with these procedures, the GNSO Council Chair in consultation with the Vice Chair may suspend the relevant party's participation in GNSO affairs until the failure to comply has been remedied. Perhaps the next sentence could state upon recommendation for suspension, a report shall be provided to the GNSO Council to review the suspension. I'm open to...

((Crosstalk))

Julie Hedlund: ...suggestions for wordsmithing.

Avri Doria: Okay. In fact if I ready the next sentence, it probably only takes a slight tweak because the next sentence almost has it now that I read it. If it was just the ICANN General Council and GNSO Council shall be notified and it goes in, I think you may actually just have it just by putting that and in there and making it explicit. Because it says it'll be recorded in the GNSO Council minutes which I guess implies that somebody spoke the words.

But yeah- I should have seen that and should have just made a minor comment instead of a major one. Okay. I think that's it for comments. Are there any other comments that were pending on the text? Not. And I think

there was just one small change that is not a material change that would change the conversation in the OSC today. Is that a correct assumption?

Ron Andruff: I'm chairing that meeting. This is Ron. I would - that's how I would take it. Now I understand that the - this document again, as you mentioned earlier, came so late that some of the members might not have read it.

But what I would suggest we might do is if Julie could make these changes that we've suggested this morning and we can re-circulate that to the group. Then at least when it comes up for discussion, we can say that where we sent it to you at 95% before, we feel it's at 99 now. We'd like OSC comment back if possible.

But I would not that that comes under any other business.

Avri Doria: Right. Yeah.

Ron Andruff: It's at the very end of the meeting. So if we have time, we'll get to it. If we don't, at least they'll have the more refined version.

Avri Doria: Okay. Julie, and in answering also there were a couple other cosmetic things I don't know whether you have any questions on whether they're fine or not (in your list).

Julie Hedlund: I'll read them. I don't know. Avri, this is Julie. I did catch this last change. The other cosmetic changes were ones that you had listed in your - I'll be happy to make those. They're in your message I believe that you sent.

Avri Doria: Thank you. And if not - and if any of them are unacceptable, that don't seem cosmetic to you, but seem more substantive, please raise them

Julie Hedlund: I will Avri. Thank you...

((Crosstalk))

Avri Doria: Okay. Because what I think is cosmetic isn't always just cosmetic. When I think cosmetic, I think cosmetic surgery. Okay. Then the next - anything else on the SOI DOI? Oh, there was one other thing to mention which is a couple people have noticed that the working coming out of the working group work team recommendations had some I would essentially call stubs in that document referring to SOI DOI.

But I think as a member of that group and I think even looking at those documents and based upon comments that Liz came up with, what we have in that document is sort of stubs of SOI and DOI as it was at the time that we did it with a deference to this roots work. So yes.

Marika Konings: This is Marika. So indeed it's absolutely correct and I would like - just like to encourage you once you have finalized that section to send it over to the working group work team so they can include the final version of that in their document because they're now indeed is a placeholder. We have an earlier version incorporated there with a placeholder saying once this group finishes its work that information will be updated to reflect the final outcome of your decision discussion on those two items.

Avri Doria: Yes Ron.

Ron Andruff: Then as - so as Chair of the OSC this afternoon, if we get through to - if we get through it, then - and even if we have some minor modifications, then we'll send it on. Perhaps what I - let me say it another way. Until we have an absolutely clean document, we won't forward it but we'll try to get to it as quickly as we can so we can fill those gaps.

Avri Doria: Okay.

Marika Konings: That would indeed be ideal just to give a little background to the working group. The working group guidelines are currently open for public comment. Something - somewhere end of March. But following that, the group will review the document again based on the public comments received.

And also if you at that time have submitted final versions of that, those can then be incorporated in the final document that will then be forwarded to the PPNC for further review and consideration. So that would be good timing.

Avri Doria: And here I think I make almost a DOI statement. As a member of that group, what I'll actually be recommending is that we write a short paragraph that gives the spirit and refers people to the procedures for specific language discussion. Because I think including all of this not by reference but by actual cut and past would probably be a lot for that document.

Marika Konings: Just to clarify, what is in there now is just a template for the statement of interest and the DOI. So indeed, you know...

((Crosstalk))

Avri Doria: I will recommend again (cutting) this all in.

Marika Konings: Yes. No, sorry. I should have clarified that. And indeed we can then provide a link once the document is finalized for those that want further information, we should go and look here.

Avri Doria: Okay. Thank you. Okay. Anything else on SOI DOI? Okay. The last thing we had on this before any other business, which was currently empty was a - the - a document was just sent around discussing term limits. And especially discussing the exception to the term limits rule. Now whether it was Julie or Ken to give us a quick talk through on this.

Julie Hedlund: Ken, if you're on the line, would you mind speaking to this?

Ken Bour: Not at all. This is Ken. Is the document available on the...

Avri Doria: Yes it is.

Ken Bour: I don't see it. We don't see it here.

Marika Konings: I still need to pull it up on Adobe Connect...

((Crosstalk))

Avri Doria: Okay. It's up on our other screen. I see. We only have 10 minutes. So it might be worth starting to talk about it while the exercise is going on on pulling it up.

Ken Bour: Can you hear me okay?

Avri Doria: Yes.

Ken Bour: Okay. So what I did in the document is I included the bylaws language that specifically refers to the fact that the GNSO Operating Procedures will cover the case of a special circumstance. And that comes up as a result of maybe a geographic or other kind of constraint where a stakeholder group can't find the right people. And so there's a - you want to make a change to the term limit. And so we have to put something in the GNSO Operating Procedures to cover that.

What I did next is, in the document, is I simply showed what was in Section 3.2 today and then I provided a new Section 2.1 in which I basically made some suggestions to how this might be done. I'm going to have to refresh my memory here. It's been a while since I've looked at this.

So probably the most important issue here is 2.1.1. You guys don't have this up yet, right?

Marika Konings: It's not up in the Adobe. It's certainly up in the room and of course you did send it out on the list. So anyone can also pull it up themselves. But...

Avri Doria: Right.

Marika Konings: ...we certainly have it in the room. So it would only be other people on the call or listening - okay, now it's up in Adobe.

Ken Bour: Right. Okay. Super. So 2.1.1A, a constituency or stakeholder group as appropriate is unable to meet a geographic diversity requirement specified in the charter. And B, after a reasonable search including but not limited to publicizing position among ICANN's other supporting organizations and advisory committees, no other qualified candidate is available to serve.

If both conditions above are present, then the group can petition the Council to allow its designated representative to serve a third consecutive term. Approval would require 50% affirmative vote in each house and does not require the abstention of the affect Council member.

And then I guess I created another paragraph 2.1.2, which would allow or a set of circumstances to occur other than what I just read. And since we can't figure out what all those possibilities are, we've got a provision here that they can document the details and provide them to the GNSO Secretariat and then the Council can decide using a - the same voting pattern as to whether or not the Council - might serve a third term.

Avri Doria: Okay. Thank you. I'd like to open up discussion on it briefly. There's Ron and I know that not as Vice Chair of this group but as NCSG, I would probably like to add a comment too after Ron.

Ron Andruff: Ron Andruff. Ken, I don't recall with all the discussions we've been having recently with the various work teams and OSC and so forth if in fact this was

something that the work team spent any time on. This is a relatively new document that just - it just popped up in this last week. And I'm just wondering was this kind of the next priority on our list? Where did this come from? Just a little background on that would be helpful?

Ken Bour: This is Ken. Sure Ron. When the bylaws were put together for the restructured Council, we actually put in some language there around term limits that said there can be special (unintelligible) - go ahead. Just keep talking. Okay. I'm hearing back talk.

There was some language in there that essentially said we - this special circumstance had to be defined. And we - and the way the bylaws were written, we said they were going to get defined in the GNSO Operating Procedures.

Now you guys had a lot of things going on. We didn't get to this - I didn't get to this until just maybe two or three weeks ago when I started writing this. Then I sent it off to other colleagues on the ICANN policy staff. Got some feedback. And what you see is the current draft.

And so it seemed to us that it would be a task on the GCOT's list because it deals with GNSO Operating Procedures. Does that help?

Ron Andruff: Yes. Thank you. And I think that we appreciate that and I think I am in agreement that it is something we need to work on in the GCOT. And I don't have any violent opposition to what's written right now at this stage of the game. I'm not quite sure where we go if we need more discussion within the group. Your thoughts?

Avri Doria: Yeah. Okay. I'll defer to you all. I'll give mine in a second. I can go last.

Wolf-Ulrich Knoben: Wolf speaking. I agree. So I didn't have a chance (unintelligible). So and I don't see a need, you know, right now to act on this. So I fully agree to that which Ron was saying.

Avri Doria: I think - this is me speaking for a CSG perspective. I think there's already a certain amount of discomfort with the first condition, the geographical, recognizing that that may happen that it is the status quo. I don't believe that the NCSG - in fact I know that the NCSG hasn't made any decision to try and change that at the moment and remove that. But I know that there's a certain discomfort with it.

I believe that extending that to other unknown reasons is something that we would like to see discussed fully and amply before we'd be comfortable supporting that. That sort of the term limit - I think the strong support in NCSG for term limits as much as possible. The geographic may be one exception. But I sort of open door for other exception that may seem good at the moment is I think something that we might be uncomfortable with.

Ken Bour: Just a point of clarification. It's about kind of leaving a loophole that people might go through. Is that where the area of comfort, discomfort is?

Avri Doria: Yes.

Ken Bour: Okay.

Avri Doria: In other words, at the moment, you know, it is status quo to say that the geographical one is in the current bylaws and that has been accepted. And so the NCSG has not made a decision to try and get that (unintelligible). But those - the general belief that groups should endeavor to be diverse in - that that should never need to be the case.

And then to go to the second one and sort of say and for other reasons that may come up, we think that, you know, because you like so and so, you want

to have so and so stay another two years, et cetera, becomes something that would be of concern. We have not voted. We've discussed it a little bit around the edges but that 2.1.2 will probably get strong comments on (unintelligible).

Ron Andruff: I think that's very helpful for the work team to understand that and I would recommend then Chair we put this as a first priority work item for the next GCOT meeting.

Avri Doria: Okay. Anyone else want to comment on this at the moment? I definitely see other NCSG people in the room who could say I was wrong. Yes Mary.

Mary Wong: Mary Wong, NCSG Council. Avri, on the contrary, I think you put the concerns of the NCSG very well with respect to this issue. So Ron I appreciate the prioritization of this item speaking for my stakeholder group.

Avri Doria: Anyone else wish to comment on this? Okay. We're at 9:58. We'll move on to any other business. Julie, did you have some other any other business?

Julie Hedlund: Unless others have other items, I just wanted to clarify the timing for the next meeting.

Avri Doria: Yeah. No I have one thing I'll say at that. So we still need to doodle, right. We have a doodle. So when is our next meeting?

Julie Hedlund: Our next meeting would naturally occur on a biweekly basis. It would be the Wednesday week after next.

Avri Doria: Okay. Okay. Any question or issue on that? No. In which case in closing, I want to extend a thanks to the staff whose been doing all this work and making sure we have words and dealing with changing the words when we have reasons for asking them to change the words. And I thank them for their effort.

I thank all of you. And it was fun chairing again. Bye. (Recording please).

Operator, the meeting...

Woman: Okie dokie.

Coordinator: Yes ma'am.

END