

**GNSO – ICANN Nairobi Meeting
GNSO Open Working session
Operations Steering Committee (OSC)
07 March 2010 at 15:30 local time**

Note: The following is the output of transcribing at the NCPH held in Nairobi on Saturday 06 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: Thank you. Hello everyone. Thank you so much for those of you on the phone joining - cutting it up - joining this session of the Operation Steering Committee. And I wanted to take a - this is Julie Hedlund and I'd like to take a roll call of those on the phone as requested by Ron Andruff who is chairing the meeting today in Chuck Gomes' absence. Please those of you who are on the phone if you could announce yourself?

Chuck Gomes: Julie this is Chuck and I'm here with Ken Bour. Did you start the recording? Is it being recorded?

Julie Hedlund: Yes. It is being recorded.

Chuck Gomes: Okay thank you.

Philip Sheppard: It's Philip Sheppard on the phone.

Mason Cole: Mason Cole here on the phone.

Steve Metalitz: Steve Metalitz on the phone.

Julie Hedlund: Anybody else that we've missed? Thank you very much. And we do apologize for the late start. We have had some technical difficulties here and appreciate your patience. We'll take a roll call of those who are around the table here in the session room in Nairobi. I'll begin with myself, Julie Hedlund, ICANN staff.

(Greg Grosnick): I'm (Greg Grosnick) of Non-com.

(Chuck Lope): This is (Chuck Lope), Business Constituency and CCT.

Ayesha Hassan: Ayesha Hassan, Business Constituency.

Wolf-Ulrich Knoben: Wolf-Ulrich Knoben, OSC member.

(Jeremy Rodnute):(Jeremy Rodnute), ISP Constituency.

Avri Doria: Avri Doria, NC SG.

Ron Andruff: Ron Andruff, Business Constituency.

Liz Gasster: Liz Gasster, Policy Staff.

David Olive: David Olive, ICANN staff.

Debra Hughes: Debra Hughes, NC SG.

Marika Konings: Marika Konings, ICANN Staff.

Julie Hedlund: Thank you.

Ron Andruff: Very good. All right. So thank you everyone and welcome to the OSC meeting. We have a number of items that are on the agenda that we've seen. And I would just like to ask if everyone's had a look at the agenda and if there's any other elements that they feel are missing or we need to add.

With that silence, I will assume that our agenda's in order and under any other business I would like to add that we will look to see if we can discuss the SOI and DOI at the end of the meeting if we have time.

So moving on then, the first order of business, as we know, Chuck Gomes has become our new GNSO Chairman. And as such, Chuck has done enough - left enough work to do on his table as the Chairman. And so he is stepping down also to avoid any conflict of interest that might be perceived.

So we've within the OSC, Philip Sheppard was put forward as an alternate to carry out the work of the OSC through its conclusion. And the committee as I understand has all agreed to that and so I would just like to - if there's anyone that would be against that, we will just carry this by acclamation.

All right. I just - with no one responding to that, Philip will be the Chairman of the OSC and he will take over responsibility at the conclusion of this meeting. Thank you Philip.

Philip Sheppard: (Fluid), thank you very much everybody.

Chuck Gomes: And thanks from me too Philip. This is Chuck.

Ron Andruff: All right. We'll move into Item Number 4 on the agenda. It is working team. And Avri Doria as Vice-Chair of the GCOT, the GNSO Council Operations Work Team will take over and give us a status report. Avri?

Avri Doria: Okay thank you Ron. Okay. The GCOT is actually moving quite well along and getting its work done, at least hopefully. It's basically completed the work on the abstention procedure for recommendation into the Council Rules of Procedure. These have been submitted to this group, to the OSC, with a recommendation that they be forwarded on to the GNSO Council for a full review.

At today's meeting in Nairobi, the work team completed discussion on additional changes to the SOI DOI. They have been sent forward and then some comments came in after they had been sent forward. So those comments were processed and a few very minor changes were made to the document.

The work team at the meeting today also discussed language for new Sections 2.1 in the GNSO Operating Procedures addressing the bylaw language as Article 10, Section 3.2 which basically defines the meaning of a special circumstance in relation to GNSO Council member term limits.

For anyone that doesn't recall, basically there are GNSO Council term limits of two terms. However there's a special circumstance defined and new language has been proposed for that in terms of moving it from the bylaws to the GNSO Council Operating Procedures.

The language was reviewed at today's meeting and there needs to be more discussion on the language. So that's being made basically the top priority next work item for the GCOT.

In addition, the GCOT sees on its platter now basically two more issues that are pending. One of them is basically a generalized procedure for board seat elections. As people know this time the Board seat was done under a special measure because there wasn't anything about it in the GNSO Council Procedures. In the future obviously there needs to be something. So that's one thing that's pending.

There's also a proposed new Section 3.8 on absences to include allowing for a temporary alternate for a long term illness in terms of Council seating that needs to be discussed. We haven't started discussing that at all.

That I believe brings us to the end of what's on the - basically what needs to be done by this group. There may be other things. The other thing that's already started happening is making sure that everything that's mentioned by other groups, for example the working group team or PDP team that has an affect here is all, you know, basically connected and correlated.

And that is about it. I don't know if there are any questions.

Philip Sheppard: Avri, Philip here. So, just to be clear, there are essentially some five outstanding items are there for you. There's the one we're about to discuss which is abstentions. And we've got declaration of interests, Section 2.1, Board elections, temporary (orts).

Ken Bour: Philip if I can just interrupt you for a second.

Philip Sheppard: Yes.

Ken Bour: Unfortunately no one in the room can hear what you - we're waiting for technical people to turn up the volume. I beg your pardon.

Philip Sheppard: Oh okay.

Ken Bour: Can you give us a test Philip?

Philip Sheppard: Can you hear me now?

Julie Hedlund: Slightly better but more but...

((Crosstalk))

Man: He can't hear a thing...

Philip Sheppard: Okay well then...

Ken Bour: Is it possible you're speaking on the - on your speakerphone? If it's possible to take your handset I'm told it might be a little better.

Philip Sheppard: No. I'm on my handset.

Julie Hedlund: Well all right. I can almost hear.

Ken Bour: Well let's give it another try. We will...

Philip Sheppard: Okay.

Ken Bour: ...listen intently.

Philip Sheppard: As I understand it then Avri, there are five outstanding issues after which the GCOT work will be complete?

Man: Um-hmm.

Avri Doria: Yes. Actually I would say that there's four. One of them has actually already been passed on to the OSC but yes. There are four items. And unless anything new is presented in that time, yes it would be complete. Yes.

Philip Sheppard: Thank you.

Steve Metalitz: This is Steve. Can you hear me?

Man: Yes Steve. Go ahead.

Steve Metalitz: First, I didn't hear on that list absentee voting which I thought was one of the things that the GCOT was looking at.

Man: That...

Avri Doria: That has basically been subsumed within the material that's been presented on the abstention procedures. Is it not?

Ron Andruff: No. I think there is more work to be done on absentee voting because...

((Crosstalk))

Avri Doria: Oh okay. So that's one that's missing.

Ron Andruff: Yes.

Avri Doria: Okay.

Ron Andruff: In fact it is because there was a little bit of back and forth just prior to this meeting and so that is one of the other elements...

((Crosstalk))

Avri Doria: Okay. So that's the one I forgot.

Ron Andruff: Yes.

Avri Doria: Okay. Thank you Steve.

Steve Metalitz: Sure.

Ron Andruff: All right. Wolf-Ulrich.

Wolf-Ulrich Knob: Chuck coming back to the Philip's question with regards to the completeness of our work, just today we were talking about the prioritization of Council work. And this may (in sent) also the work of the group, the GCOT because this work or this prioritization (keem) has to be interviewed and so into the rules of the procedures.

Ron Andruff: I think on this note, it's important I think - well I think we all realize there's been a tremendous amount of work done and a tremendous amount of staff time that's been absorbed in all of these work teams.

And I think that the general feeling from everyone is that we're getting to the other side of the hill. We might be on the downhill side. The - all of the heavy work has been done. We'll find out at the end of this meeting with all of the various reports coming in.

But clearly I think the goal now is to try to move the program as quickly forward and try to complete these activities and get staff focused on other elements. So I'll come back to all of that later with the near term workload for OSC at the end of the meeting.

Any other questions or comments with regard to the status report or the tentative work schedule for the GCOT? All right. With that then, we'll move onto what is 4A, Item 3. It's the OSC action item for GNSO Operating Procedures, Section 4.5.

This section speaks specifically to the idea of abstentions. And there's been a lot of work that's been put forward on it. And one of the key issues I just want to bring forward before we get into these - into the changes themselves is that with the reorganized GNSO Council, it's a rela - we have a relatively small body, two houses with 7 and 13 voting members respectively.

So in order for abstentions not to count at the no vote, the length of this document has gotten quite wordy with a lot of examples and so forth in here. But it came as a result of some in - I - input from IPC which was very valuable whereby the IPC Councilor could be in a situation where they would be violating their code of ethics as a result of having to - a no vote or an abstention becoming a no vote.

So what I thought we might do is perhaps go into the executive summary and kind of walk through those elements so that everyone understands how we lead into the document. And then we can look at the document itself if in fact we feel we need to.

So with that, Julie or Marika do we have the executive summary? Can we bring that up onto the Adobe Connect?

Julie Hedlund: This is Julie, Ron. Yes. Marika's going to bring it up momentarily.

Ron Andruff: And then just another word to our technical staff here. I've seen that there appears to be a lot of echo on the phone line. I'm not sure if we can make any changes on that or if people might have to dial back in but there's a lot of echo on the phone line, so - from their side. So Steve we will look into that request to get a clear line.

Steve Metalitz: Thank you.

Ron Andruff: All right. Thank you very much Marika. So, what I'd like to do is ask - first of all has the committee had a chance to see this executive summary? I know it came relatively late and it was - found its way to the wrong mailboxes I think, but I'm wondering if we need to go through it paragraph by paragraph or if there's specific things that we can address.

So my first question is, has the committee read this or would they like us to go through this paragraph by paragraph?

Steve Metalitz: This is Steve. I've had a chance to read through it and I have a couple of questions.

Ron Andruff: Thank you Steve. I also have Chuck Gomes in the queue. So go ahead Steve.

Steve Metalitz: On Page 1, under fixed denominator, there's the statement that the eligible number of voters in each house is a constant and does not vary for any reasons when tabulating voting results. And it raised the question in my mind, what if

there's a vacancy in - on the Council? Would that affect the denominator? It appears from this that it would not but I don't think that's what was intended.

Ron Andruff: I would defer to Ken Bour to respond to that because Ken was looking into those granular details. Ken?

Ken Bour: This is Ken. That's a great question. And, you know, I'm reminded that in Seoul, we did have a Councilor who did not vote and we did change the denominator on that occasion. I don't know whether that's precedence setting or not.

There are - there is this other section on absences which was referred to earlier by Avri and Ron that is going to provide a temporary alternate capability for long term absence.

Now, the - and the - that section is - I've already drafted some of it. And there will be provisions so that if somebody isn't at a session, the temporary alternate can kick in in order that the vote can be done. I don't want to get too far into that right this moment, but the whole concept behind the past work on this abstentions work was to never change the denominator.

So I guess it's - we have to keep looking at it to make sure there are no cases where we would ever have to do that and then plug all those holes. And so if there are any gaps, then we need to identify them and then find a way to plug them.

Ron Andruff: Thank you Ken. Chuck?

Chuck Gomes: Thanks Ron. And I think that - I believe Steve still had another item but we - I assume we'll get back to that. The - I definitely discourage us in this call today

from going item, you know, section by section of this. I'm sure there's not time for that.

So if there are - I think the best approach is what we're doing now is answering questions and if there needs to be some follow up work that we take this up in a - take this document up or these procedural changes up in a subsequent meeting. But I'm sure that we will not have enough time to go through this item by item.

Ron Andruff: Very good. I would then suggest we might move onto the next page and under the section Challenge Obligational Abstentions because this really I think comes down to the core of the issue. And it looks like we might be getting the other screen up as well here. Very good. So Marika would it be to Challenge Obligational Abstentions. Thank you.

So these are the - these two paragraphs kind of detail as I see it the key to the issue insomuch as we're trying to sort out how to con - abstentions would not be counted as a no vote and the rationale behind it.

When one understands this challenge and sees the various options that have been presented as a result of it, I think at that point it's a much easier read the document itself the - that we presented.

So, I wonder if anybody has any questions about this challenge and - that we can flush out with Ken Bour's expertise having drafted it?

Philip Sheppard: Philip here. I think my main question is are the members of the IPC who raised the challenge satisfied with the solution?

Steve Metalitz: Well this is Steve. I did have a very brief window Kristina Rosette on this. And she raised several questions which I'd be glad to get to if this is the appropriate time to raise some of them.

Ron Andruff: Please, please go ahead Steve.

Steve Metalitz: I think the main problem or the main question was the practical implementation of this and what - let me put it this way. If you look at the last paragraph of this paper, it says the exercise of any remedy for an abstention is the prerogative of the stakeholder group or constituency that elected the Councilor.

Now, I can tell you our stakeholder group and our constituency doesn't have any procedures in place to do any of the things that are stated in this document except perhaps we could direct our Council representative on a particular vote.

But if this were adopted, it couldn't really come into force for a while until those procedures were adopted at the stakeholder group or constituency level. I don't know if this is true of other constituencies, whether - but I doubt that they would have any procedure in place for appointing a proxy or a temporary alternate.

So one question is if this were adopted, what would happen in the interim period before the stakeholder groups or constituencies had their procedures (unintelligible)?

Ron Andruff: Thank you for that Steve. That's really a valuable comment. And I think that what that points out is that in this wholesale change that we've gone through as an organization, there are still gaps that need to be filled in. So what that tells me as the Chair of this meeting is that we need to - the GCOT needs to

send this out to the Chair people or the President, however they are in the various constituencies and get some feedback from them first.

I see Avri's hand and Marilyn Cade's hand in the room. And Chuck I see your hand is up still. Are you in the queue? Thank you. Okay Avri?

Avri Doria: Yes thank you. One possibility would be - and not necessarily sending it back to GCOT to come up with a transitional procedure but just basically to come up with an effective date that would basically be after community review and all those things. If the Council passed on this an effective date that would give because you're right, NC SG doesn't have procedures in it - in its process for this either at the moment.

So it would take one month, two months, three months whatever. So if there was an effective date on when this would be the case might be one way to do it.

Ron Andruff: Thank you. I'm going to take all the comments, then we'll come back and address that. Marilyn?

Marilyn Cade: Thank you Ron. Marilyn Cade. I'm going to speak in this instance as the Chair of the BC about a request that I would just pass on. In sitting through the working group reports this morning and being a member of the PDP working group myself, one thing that's really coming across to me is that a number of impacts which may represent changes in charters or in documents within constituencies and of course the final charters of SG are being talked about.

This is one, and I'm not making a comment at all about the outcome of this. I'm - my comment is a larger comment that has to do with at some point after community review, final acceptance, approval of these changes, all of the

constituencies and the SGs are going to have to scrub their operating procedures or their charters.

And I'm hoping that that's being thought about and factored into (unintelligible) because we can't go back for one change at a time on a charter, at least in the BC we can't.

Ron Andruff: Any other comments or questions before we start to address the idea that Avri brought forward and what Marilyn's expanded on? Any other comments?

Steve Metalitz: This is Steve. I had a couple of other comments on the paper but not directly on this point.

Ron Andruff: Yes. We'll hold that then - those comments in abeyance. And let's come back to what Avri suggested. I'm wondering is - if - maybe let's just address this - an effective date. Steve mentioned that it would take some time within the ISP constituency. And within your stakeholder group, how much time do you feel that would take in terms of would you need a face to face meeting, could you be doing this between meetings? In other words, would it be possible to see this done by Brussels for example?

Avri Doria: Asking me - this is Avri and NC SG. I would assume that we could get it done by Brussels, certainly by the end of Brussels would be a reasonable amount of time, time to basically work on it on the list and such and then time face to face to sort of clear up any issues.

Ron Andruff: Steve?

Steve Metalitz: Yes. This is Steve.

((Crosstalk))

Man: vehicle post too far out.

Steve Metalitz: I'm sorry. With this echo it's kind - I didn't hear what you said.

Ron Andruff: I beg your pardon. I was saying do you think Brussels, the June meeting would be a reasonable timeframe for the ISPs to make any charter changes? I take into account what Marilyn said that changes one by one are very painful.

So we should really try to, you know, look at this. And that's why I'm thinking maybe the June meeting might be the way to do it where we could - all of the constituencies could look at their charters and so forth in relation to these kinds of things and try to adopt something new by June so that we can kind of close this out.

Steve Metalitz: I don't think June is realistic. But we do have an overall review of our charter that's underway now. And I don't know if it's going to be done by June or not. And - but this could certainly be folded into it and certainly by the next meeting, whatever comes after Brussels, I think it could be done.

Ron Andruff: Chuck as you were the - have been a Chair of this - of the Operating Steering Committee, you want to add some thoughts to that?

Chuck Gomes: Sure. The - one of the things we need to keep in mind, like Marilyn pointed out, is that there are, you know, you don't want to do this piecemeal. And there's still some changes coming in the procedures. So when we start talking about Brussels, we need to remember that we're probably a little ways off from having the additional changes in the operating procedures.

And so whether or not you can achieve it by Brussels is probably dependent on how quickly the GCOT can finish its work. And the GCOT is dependent on other activities as someone else has already pointed out that are going on.

So I think Steve's probably right that it may be difficult to get it all done by Brussels. I think we all want to be, you know, as timely as possible on this, but let's not be too quick to assume we can do it by Brussels until we know when the GCOT is going to be able to finish its work.

And because they're dependent on other teams' work, they can't even answer that totally independently.

Ron Andruff: Very good. So then for just a to try to put some perspective on this, then why don't we suggest that I guess the meeting after Brussels is effectively our AGM. So why don't we look to try to have all of this wrapped up, I mean even the GCOT's work, everything, you know, it's like put a time priority on this thing and try to particularly with these charter issues look to have that done by the AGM.

And that would then sort of satisfy an effective date kind of idea that Avri's put forward which I think is a very good idea. I see Marilyn's hand up and anyone else in the queue? Chuck I see your hand up or is that from...

Chuck Gomes: I want to stay in the queue please.

Ron Andruff: Very good. So Marilyn and then Chuck.

Marilyn Cade: Good. I have two questions. And I probably ought to know the answer to this but I don't. In - at some point, given we have multiple working groups putting forward putting forward multiple proposed changes, do we have an existing

plan for how all those changes are going to be put into a single document so that the checklist for constituencies and stakeholder groups to work through in implementing the changes? That's one question.

I'm not - it may not exist now but it's something we're going to need otherwise we would have each constituency data mining but a report and they might miss something. So that's just one thought.

But secondly, what is the Board review or approval if any? Since these changes are part of restructuring, is there any Board review that is required? And if so, do we have a pub - do we have any kind of a public comment process that we are going to have to build in as well Ron?

Ron Andruff: Speaking to the first issue, what I would probably refer to perhaps is the integration list. Ken Bour has already started work on that to my knowledge. And Ken I'm going to defer to you on this. But I - to my knowledge, we had talked about it within the GCOT because it's rationalization of documents.

And where different work teams have been working on things where there's been a slight overlap, other - on one team may have a placeholder for the other team to finish and fill in that placeholder.

So that has been discussed at length within the GCOT but I'm not sure where we stand with the other thing. So maybe Ken could you kind of shed some light on that?

Ken Bour: Yes. This is Ken. Thanks Ron. We have started to think about that. We've talked about it on the policy staff for some time now. And there's a lot of cooperation among those of us who are working on various teams that are

producing or will produce material that ends up in the GNSO Operating Procedures.

In particular, you know, I think we can make sure that each procedure that comes out is synchronized others and cross-referenced, and this is a relatively straight forward test. Now I'm not sure I'm getting exactly at Marilyn's point because she might be talking more about a checklist of, you know, what do I have to do.

And, you know, Chuck whispered to me a second ago, is it doable for staff to go through the charters and highlight where there are elements that might be inconsistent with procedures that are coming out or that we know are in the process of being planned to come out? And I think the answer to that is yes.

Ron Andruff: Very good. So then I'm noting that this is a work item for staff to do that particular work you described. And I see Philip is in the queue?

((Crosstalk))

Philip Sheppard: Thank you Ron. Yes. I wanted to speak first in support of your suggestion in terms of timeline. And second just to point out of course that within the non-contract party's house, there is additional complexity because of the underlying constituencies per stakeholder group and therefore any interrelationship between the constituency charters and the SCG charter.

So this is not an easy fix but speaks again to the point that we're all agreeing upon that we want to have one set of changes clearly made as a package.

Ron Andruff: Agreed. So I see Avri and anyone else in the queue please.

Avri Doria: Well the one thing I wanted to add about the discussion of the checklist or all these pieces, if you'll notice, each one of these pieces is a numbered section of a single document. So at the end of the day, the GNSO Council procedures are indeed one single document with all of its pieces having been reviewed for, you know, consistency and all of that.

So I think that ultimately yes a checklist is useful but that document is the checklist and doesn't need to be data mined.

On the question that Marilyn had about the view, I actually don't remember and somebody's going to have to go back, whether this was something that needed to be approved by the Board or just reviewed by the Board. Bylaw changes have to be approved by them. I think our procedures are something that was sent to them for review. And - but that needs to be confirmed by someone. I don't have the document in front of me that says which one of those it is.

But I believe that our work principles were a reviewed item, not one that needed to be approved.

Chuck Gomes: Avri that is correct. This is Chuck.

Ron Andruff: Very good. Excellent Chuck. I was about to defer to you on that one. So...

((Crosstalk))

Chuck Gomes: Yes. And the - we ex - the reason I know that well is because in the procedures that we - the temporary procedures that we approved or the partial procedures that we approved, we did not need Board approval. It was just for Board information.

And by the way Ron, I had my hand still up because I wanted to share something with regard to timeline. The Brussels target might be a good target for us to at least suggest for all three of the work teams to try and wrap up their work.

That then would allow the time between June and December for the stakeholder groups and constituencies to work on their charters and hopefully with enough lead time before the annual meeting in December for the Council to actually hopefully approve recommend - specific recommendations for Board approval as needed.

Ron Andruff: I think that's an excellent suggestion. So let's mark that as the way forward on this one. Steve you had some other matters you wanted to bring to the table?

Steve Metalitz: Yes. It - two - well one question and one observation. First, it's not clear to me from this document why the team rejected the idea of some type of permanent alternate or standby that could be brought in if and when a Councilor had an obligational abstention.

I could certainly foresee that constituencies might want to choose such a person and that person could remain apprised of what was going on in the Council and so on and be ready to step in. But since that was not recommended, I would be interested to know why not?

It seems it might be more feasible than having to scurry around when a particular obligational abstention arises and find a temporary alternate and so forth.

Ron Andruff: Thank you Steve. So that's referring to the various ways of resolving the abstention in terms of the different ways of getting that vote taken. And I would ask Ken Bour if he might respond to that.

Ken Bour: This is Ken speaking. I am not sure I fully understood Steve what you were referring to. As I heard it, it sounded like we're saying that the temporary alternate measure had been rejected by the team, but in fact it is the third remedy and it is available. What did I miss?

Steve Metalitz: Yes. Let me restate it. I understand the temporary alternate. The question is why not have a permanent alternate, someone who would be able to step in for any obligational abstention that arose that disabled a particular Councilor from voting? Was that considered at all?

Ken Bour: This is Ken. No. That particular variation on the theme I don't think was discussed or thought about. But I don't - not sure that it's inconsistent with the procedure. You know, you could always name the same temporary alternate.

What makes it the temporariness is the period of time that a temporary alternate can serve. And that was actually a legal suggestion to us that there are - there are no cases where there are permanent stand ins, permanent proxies or anything of that type. They're incident specific but I don't think there's any - there's nothing that precludes a constituency or stakeholder group from naming the same temporary alternate every time there is a need of them.

Steve Metalitz: Okay. Thank you. That's helpful. My other question had to do with your analysis in the appendix of the instances of abstentions. And I agree with you that in many of these cases, these aren't true abstentions in the sense of the obligational abstention. They are no with explanations.

And as I understand it from some of the Councilors, this - the reason this was done, and this was specifically chosen is that someone who abstains has a right to immediately explain the reason for the abstention and have that in the record. Someone who votes no does not have that right. Is that correct? And if so, in order to reduce the number of unnecessary or perhaps unnecessary abstentions, should we consider having a procedure whereby people who vote no have the ability to explain on the record their reasons?

Chuck Gomes: Ron can I respond to that?

Ron Andruff: Please Chuck go ahead.

Chuck Gomes: Thank you. Steve, I don't think - with regard to abstentions, we have a practice of the abstainer stating their reasons. We don't have that same practice for no votes but I don't think there's anything to prevent a Councilor at any time from - and some have over history - expressed the reason why they voted no.

So, I mean, are you asking for more than that? I mean whether it's a rive - I think any Councilor has a right to defend their vote anytime they want to. We don't have that - we don't ask everybody who votes no to explain. I mean does that cover your concern there or are you think we should have more than that?

Steve Metalitz: Well I could tell you that the Councilors don't perceive that they have that right on a no vote when a roll call is taken. If that's not correct then maybe that needs to be clarified on the Council.

Chuck Gomes: No I think, yes, and you may be right. There needs to be some clarification there. And hopefully this - this - even these procedural changes will add some clarity there. But I think one of the things that typically happens is that in the

discussion that precedes the vote, people have the opportunity during that time to pick their position.

And I think more often than not that happens in the actual discussion that goes on ahead of time either on the list or in the meeting itself. But I agree with you. We should be clear about that.

Steve Metalitz: Yes. As I understand it, the abstainer has the right to have the explanation in the minutes, the no voter does not. But maybe that could be provided for under the procedures.

Chuck Gomes: In fact, I don't know - I've never thought of it as a right to have it in the minutes. We always put it in the minutes any time there's an abstention, and we always ask that for that reason. But yes, I think your point's understood.

Steve Metalitz: Thanks.

Ron Andruff: There's a - I see Marilyn's hand and then I'm going to wrap this up because we have other things we need to go - get onto and we've been - spent a good deal of time on this. So Marilyn, your comments?

Marilyn Cade: My comment - I'm just going to offer a historical perspective having been in the Council at the time we established this particular set of procedures. Philip was there as well.

I believe we mirrored the behavior of the Board in our voting at that time where if a Board member abstains, they can give a written statement. But we did not, at least on the time I was on the Council, the only time you could provide a statement of explanation that went into the record about the - your vote was if you abstained.

So I'm not suggesting you can't modify it by procedures, but, you know, I think there may be some history here that just has carried over. And maybe...

Ron Andruff: Very good. Thank you Marilyn. So I think to wrap this up, what I'm hearing is that the GCOT needs to go back and review this issue and bring it back to the OSC with the hope that they - we've more or less covered all the elements and the OSC then can make its determination and modifications as necessary and then send it onto the Board, or to I'm sorry, to the GNSO. Anyone have any other ideas on that or are we in agreement with that? I have Avri.

Avri Doria: I have one question. I don't see these as necessarily modifying the section on abstentions. This sounded to me like a new issue for the GCOT to look at recording the reasons for votes in addition to just abstentions.

At the moment the way things are written in an abstention, you are required to state a reason. It's not that you're allowed to, you're required to. And so that - and so I hear an issue that sort of says should we be looking at allowing it for anything still requiring it for obligational I don't know. So that - I don't know that that's the same as this particular document. It sounds like there's yet another issue I don't know.

Ron Andruff: Philip you have the last word.

Philip Sheppard: Thanks. I just wanted to say, I think, you know, echoing the same discussion, let's be clear. The reason that we wanted abstentions to state the reason for abstaining was really a part of a disincentive to abstain so that we knew why they were not voting either yes or no.

So we're looking at this slightly backwards if it's considered to be a positive thing as a right to abstain and therefore a right to get a statement in the record.

Ron Andruff: Very good. Thank you very much. I think that's - this has been a very fruitful conversation. I think we've identified a couple of the cornerstone elements that need to be flushed out. And we'll look to staff support to get back with all of those elements in due course. One moment please.

So it's been brought to my attention, because of the late start, we are way behind schedule. There's the joint GAC/GNSO meeting happening in the (Lanana) room on the lower ground floor begins in about ten minutes. So anyone who wants to move off to that is welcome to go.

What I would like to do if we could just quickly move to (Olga)'s report because I think that's quite short on the constituency stakeholder work - constituency stakeholder group work team. So (Olga) can I ask you please to make your report.

(Olga): Sure. We have divided our work in two main tasks. And we are now working in the first task which was already divided into five, sorry four subtasks. The first one is about developing participation rules for constituencies and stakeholder groups.

The second one is making recommendations for operating principles for constituencies. The third one is about taking and maintaining database for constituencies and stakeholder groups. And the fourth is about develop a toolkit of ICANN staff support and services for constituencies and stakeholder group.

We have draft versions of all the four documents. Number 4 has already been presented to the OSC and to the GNSO so that's already done. Subtask 1 is already reviewed by the whole working team and now we're working in finding the final wording for subtask 2, 3 and that would be the first part of our work.

Then we have the second part which is about outreach. And we are doing quite good for (unintelligible). In the last month we had a group with very diverse opinions to that brought a lot of debate and exchange of ideas. But we are hoping to develop our work as soon as possible.

Ron Andruff: Thank you (Olga). Any comments or questions with regard to (Olga)'s report? All right. With that then I will take that in the record that we've had a report and that we will continue to work with the CST work group.

Mason are you available to give the communications and coordination work team report?

Mason Cole: Sure Ron. And it won't take very long. I have a very brief report. So allow me just to say that in early December after the OSC reviewed first draft of our report, I got a letter from the OSC in early December which gave the CCT a number of suggestions to consider.

One of your specific recommendations was to split the original report into two components, one dealing specifically with technology improvements and the other as sort of a bucket for all other communications and coordinations recommendations for the GNSO.

And I'd like to thank the OSC for their recommendations. They were very helpful to CCT. The OSC was complimentary of the technologies section

which we all appreciated, thought those could be quickly amended and sent as separate documents.

So to do that, the staff, who by the way on this call I must compliment. They were just - Ken and everyone else on the staff were just tremendously helpful to us. But to comply with that recommendation, the staff took original reports, separated it into two portions that were then titled Report 1 Technology and Report 2 Communications and Coordinations.

So then in December and January, we took those two months' staff. We organized the material, addressed the various suggestions made by the OCC or the OSC and added to new content based on the work of the sub-team that included some other folks on the team, Chris Chaplow and Steve Holsten.

We completed Report 1 which has been reviewed and submitted to the OSC for their review before it's sent to the GNSO Council. Report 2 has been completed as well. I forwarded that to Chuck for his forwarding to the VOSC at his discretion.

Chuck got back to me and let me know that - I did this by the way just a few days ago. Chuck got back to me and wisely suggested that now's not a good time to do that given the volume of the material that's being reviewed by the OSC and the GNSO.

So the OSC can expect that after the Nairobi meetings have concluded I believe Chuck if I have that right.

And that's where things stand right now. The CCT's work is pretty much completed unless the OSC comes back with additional recommendations or

thoughts about our work. I don't know if Chuck if you or Ken want to add anything to that report I'd be pleased to hear it.

Chuck Gomes: Hi this is Chuck. No. You've captured it well Mason. And the Report 2 will be forwarded to the OSC right after this week of meetings. I didn't want to just confuse things by throwing one more document in front of everybody during this very busy week.

So that will be coming. I would hope that we can take action on Report 1 before we close this meeting.

Mason Cole: Very good Chuck. Ron I think that's pretty much it for me.

Ron Andruff: Thank you Mason. Congratulations to you on the CCT excellent work on that Report 1. I also commend that work and thank you for it. I have (Olga) in the queue and in terms of discussion. Any other people who would like to get in the queue? All right then. (Olga) please get started.

(Olga): Thank you Ron. And the sake of not losing time, just forgot to thank Julie Hedlund that has been so important to the work of our working team, just wanted to point it.

Ron Andruff: Thank you (Olga). I think on behalf of all of us on the work teams, I think we can reflect back our great appreciation to staff. For myself I've been around ICANN for the better part of ten years now. And I recall it was a long (processing) first years, years one, two and three. There was a growing battle between staff and the community because they were so overloaded and I think there was a tremendous feeling that we didn't appreciate the work. And now that the pendulum has swung the other way because everyone's gushing about

the staff work and I just would like to comment that we're very grateful to staff, to all of the wonderful things they do in helping us shape ICANN.

Well with that then, if there's no more discussion on this, I would propose that we recommend that Report 1 be sent to Council. Anyone against that motion? Very good. So then Report 1 will go to Council. And then as I understood you Chuck again we didn't - it's very difficult to hear here but I understand that the Report 2 will be sent to the OSC post Nairobi. Is that correct?

Chuck Gomes: Correct.

Ron Andruff: Excellent. Very good. So, with that then, we'll check off the CCT work team report and move to item five on the agenda. The near term OSC workload in short is going to be much heavier than it has been in the past months. And I think that what we've heard today is we've got some very good timelines as recommended by Chuck to move the work to as much completion as we can, recognizing that there will be some open issues, perhaps for the GCOT to finalize and with the idea that we can bring these work teams to a completion of their work by Brussels and then allow for charter work and that sort of thing to be done before the annual general meeting.

If there's any other thoughts on that Chuck or Philip as to the outgoing and incoming Chairs, I welcome it.

((Crosstalk))

Chuck Gomes: Thanks.

Philip Sheppard: Oh thanks. Chuck go ahead.

Chuck Gomes: Okay. Thank you Ron. And thank you for standing in and chairing the meeting today. I appreciate that very much. I also want to thank the - all the members of the work teams. I agree with all the compliments on the work of staff, but also I want to compliment everyone of the work team members and the Chairs and Co-Chairs etcetera because as we're starting to see the results of our work, it's very impressive.

There's some just outstanding work and it's been a collaborative effort, taking lots of time by lots of people. So my compliments and my thanks.

Ron Andruff: Philip?

Philip Sheppard: Chuck, Ron, thank you. Ron again also my thanks for chairing this session. And I think what I will try and do as Chairman post Nairobi is a place to get the workload and see what that necessitates in terms of any additional meetings by telephone, conference or VOSC if necessary before Brussels.

And up to now, we've basically met at each physical meeting. That may well be all we need to do. But I'll review that with staff looking at what is outstanding.

Ron Andruff: Thank you Philip. Thank you also Chuck. So then in conclusion we had the any other business element and we had statements of interest and declarations of interest listed there, but as the time is upon us to close the meeting, I will defer that to the next OSC meeting.

But I would encourage all OSC members to please give that a look. I think that having worked on the work team, the GCOT work team, with regard to the statement of interest and declaration of interest, we feel that the work has

been done on our side. So we welcome the OSC input as quickly as possible so we can hopefully check that box.

So with that, oh Julie has a comment.

Julie Hedlund: Yes Ron. I should note that there were some minor changes made to the SOI DOI document in the GNSO Council Operations work team meeting today. Those are reflected as red lines in the version that is now posted on the OSC wiki.

And when I complete the brief notes from this meeting, I will also send that document around to the group.

Ron Andruff: Thank you Julie. I would note that those were not such material changes and more cosmetic and cleaning up the document. So as I say, if we can move that forward that would be great.

Steve I see you've posted - has it been circulated yet and Julie just responded. So with that, unless there's any other business to be discussed, I will declare this meeting over and we can stop the recording. Thank you all.

Steve Metalitz: Thank you.

Philip Sheppard: Thank you very much. Bye-bye.

END