Transcription ICANN Buenos Aires Meeting
Discussion of Motions
Saturday 16 November 2013

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(Jonathan): Passing on the motions. So for the record this session is we've brought forward the session to discuss the motions before the council on Wednesday. And we have two motions before the council so let's commence with that.

Right so Zahid if you could just make that point again please as we open the session for on the motions if we could hear from you?

Then you are proposing to second the first motion which is on the charter for translation transliteration of contact information.

Zahid Jamil: That's right (Jonathan).

(Jonathan): Thanks. Right so let's open discussion on that first motion then. This is a motion that's been before the council previously and then withdrawn in order to permit the chartering group to make some tweaks and developments in the charter which they have graciously done in very good time specifically in order to accommodate this motion being remade for - before the council for this session on Wednesday.

Are there any concerns, comments, or questions relating to the motion at this stage? We have been around the houses on it to some extent so there may not be but please fire away if there are any comments, questions or input relating to this motion which is now made by (Yoav) who I understand will join us on Monday only I believe and seconded by Zahid. Jeff, go ahead.

Jeff Neuman: Yes just to I guess hopefully by Wednesday we can figure out who wants to volunteer to be a liaison so we can fill that into the motion.

I know that two people who have been talking about this motion the most Ching and (Yoav). I don't know if one of them wants to serve but we should probably fill that in before Wednesday.

(Jonathan): Thanks Jeff. I hope I'm correct in recalling I think we said was that with this one that we would wait until we had the council then no that's not true is it which one did we refer to thinking about the...

Mary Wong: The SCI liaison.

(Jonathan): Okay that was the SCI. Thanks Mary. Okay so there is no reason for someone not to step forward should they wish to as a consul liaison now or to think about it and be prepared to do so at the meeting on Wednesday. John please.

John Berard: This is John Berard. Who was it that this motion was deferred yes?

(Jonathan): John it wasn't deferred. In the end it was actually withdrawn. I proposed it originally to the previous meeting.

And given the concerns that were expressed with the - and then the mechanics that prevailed we - I agreed to withdraw it.

It went back to the drafting team for the charter. They have revised the charter. And it's being now resubmitted by (Yoav).

John Berard: Okay so the people the councilmembers that had the concern during our last meeting the changes have satiated their desire?

(Jonathan): I am - the primary concerns yes (Luis).

(Luis): Just very quickly the motion was actually postponed once two previous meetings ago. And then it was re-tabled last meeting. And at meeting was withdrawn so it had been postponed once just for the record.

(Jonathan): Yes thanks. And so to be clear on that the initial postponement or deferral was required in order to further discuss it. On further discussion it was recognized by the registrars that it was still not satisfactory.

The work of the drafting team was still not satisfactory. So in order to effect a further referral back to the drafting team it was withdrawn.

The drafting teams dealt with it. And I don't know if Volker if you're in a position to comment on behalf of the registrar since that was where the primary concerns were originating maybe you feel you'd like to comment?

Volker Greimann: Volker Greimann speaking for the registrars constituency. Yes after the motion was withdrawn (Yoav) and I heavily liaised with the drafting team and very quickly came to together and amended the charter in a way that we were satisfied that the charter was balanced and asked the right question to be analyzed by the Working Group.

So we are very satisfied with the changes that have been made. And all our previous concerns have been allayed.

(Jonathan): Thanks Volker. John?

John Berard: John Berard business constituency. Can we make this a voice vote then on Wednesday?

(Jonathan):   Yes in principle I don't see why not.

John Berard: Okay.

(Jonathan):   Yes a comment or a question please?

(Ahmer):   Hi. I'm (Ahmer) from NCSG. I made a comment on the last call of the drafting team and Volker is aware of.

                   One of the new questions that the charter is proposing to ask is weighing the benefits of translation transliteration of contact information versus the cost.

                   And I think it's a good question and it should be answered but I would like to point out that this might be something that is difficult to ask the Working Group to ascertain and might present a challenge.

                   And I would just like it to be on the record so that counselors know that this is something they should expect when the Working Group convenes to do its work.

(Jonathan):   Thanks (Ahmer). Volker did you want to respond?

Volker Greimann: Yes. We discussed this indeed. And we recognized that this as a very difficult discretion for the Working Group to put a fixed number on.

                   But I don't think in the benefits either will have a fixed number that can be put against it. It's just depending on where and how transliteration is going to be processed the translation or transliteration is going to be processed a certain amount of work will have to be required to do that.

That work can be measured not as a dollar figure but as an effort. And I think the benefits would also be demonstrated in work that is not required after it has been done.

So these figures can probably be approximately measured. So we're not asking for a dollar figure to be measured by the Working Group. It's just relative work amounts but relative benefits versus costs not dollar figures. And that's what we are looking for.

(Jonathan): It's a really interesting point because it strikes me that this is - this goes to the heart of some of the work we do. As a council we are able to commission policy related work.

The consequences of that are potentially a PDP which in and of itself will have a binding effect potentially should it go through the whole process on the contracted parties.

And one element of that should be the cost and you're right. It may not cause an impact on those businesses.

You're right that may not be able to be fully solved by the Working Group but it is interesting to have that reflection in there. So Ching I see you have a point.

Ching Chiao: Thank you (Jonathan). And I think the counselor here should also know that in the previous session that we've seen - we've we were just being informed that a new expert Working Group on this particular issues are has been set up. And the ICANN is expected to make an announcement next week.

And I think we have been kind is struggling in terms of trying to see whether there should be a clear lines of bottom up process and also or I mean compare with a staff led kind of a PDP.

I think this is what (Yoav) has been trying to point it out in our previous discussions about these issues whether the community itself has the ability to drive the PDP or essentially this would fall into kind of a staff led process in which you have mentioned this would strike us. I mean essentially because of the contracted party operations so I just want to point this out.

(Jonathan): Thanks Ching (Alan).

(Alan): Thank you. I'm the one on the ARTR 2 that led the didn't lead the did the primary work on the Whois review team review which had a number of recommendations on this particular issue.

And what was explained to us which to be honest I don't fully understand but I'll repeat is that the belief was that there are different aspects to the translation transliteration thing.

And the expert work group was formed in theory in parallel with the PDP because they really had to work in parallel to make sure that the whole thing could be done because there are staff led components to it, and there are bottom up requirements to it, and somehow they had to work together.

But neither group was really had the remit to do the other ones work so this is perhaps an interesting experiment.

And maybe this was a way of avoiding implementation problems in policy by almost having a parallel implementation group. It should prove to be interesting is all I can say.

A comment on regard to the cost I find it interesting that the costs that we're talking about may well be substantial but they're not surprising.

People have applied for registries knowing that they would have IDN registrations and knowing that there's signing onto a contract which requires them to have 7-bit ASCII Whois.

So we've never talked about how we get from here to there but it shouldn't be a great surprise that the requirement is going to be there.

(Jonathan):   Is there any other comments or questions in and around the motion and so that we feel prepared and adequately able to deal with this particularly as John suggested as a voice vote if that's the way it's likely to go?

Okay it sounds like we've done that. I'll just remind everyone here that there is a session that we've put in place uniquely at this meeting which is for an opportunity for counselors to come together after the stakeholder group and constituency day on Tuesday to revisit.

And it's possible with any motion even this one appears to be in position to go through without controversy. But you never know what comes up in stakeholder group and constituency discussions.

So we've specifically created a session on Tuesday to provide a feedback loop for that. And so to remind everyone that later on Tuesday is an opportunity to come together again briefly just to check that there's been substantial change in the interim.

And this is all a part of making sure we do our work thoroughly properly and are in a position to have our public meeting as effectively prepared as possible in an as effectively prepared state as possible.

Okay great. So let's close off motion one. We have a motion made. We have a motion seconded. We've discussed it. And we have a likely plan to go ahead with a voice vote on Wednesday.

The next motion is something which we discussed previously with a thorough and comprehensive briefing from Thomas on the work of the Working Group for IGO, INGO protections.

And so I think we can pick up the discussion on the motion which has been made to the council by Jeff Neuman.

Let me just make a point at this stage at this motion hasn't yet been seconded. Is there someone available to second this motion? Don't all shout at once.

Wolf-Ulrich Knoben: Wolf-Ulrich.

Man: Second.

(Jonathan):   So you are seconding the motion?

Wolf-Ulrich Knoben: Yes.

(Jonathan):   Thank you very much. So the motion is duly seconded by Wolf-Ulrich Knoben. And Jeff I think your hand is up for another point.

Jeff Neuman: Yes we're talking about before oh thank you Wolf. So we were talking about another point about how to vote on this with the different thresholds.

            And during the break I was doing a little bit more thinking about this. And my recommendation to discuss would be to include in one vote or to have sorry in the first vote to include numbers one, two, three. And then you jump six, seven, and eight in the first vote. And then have a separate vote on number four and a separate one on number five.

So to go over that just to some rationale the six that I mentioned to group together one, two, three, six, seven and eight are pretty much it just needs a majority.

There is no consensus policy. Actually I'm taking back what I'm thinking of number six has a different threshold but I'm assuming we'll get a majority.

One, two, and three all right let me take a step back. One, two, three, seven and eight only require a majority.

Number six actually requires less than a majority because it's a request for an issue report but I figure if we can the majority we'll have met the threshold. So you may or may not want to separate out numbers six because it's an issue report.

Number four is one that I think should be separate because that requires for a consensus policy the majority of both houses and all that or sorry whatever the threshold is.

And then number five is actually dealing with recommendations that had strong support but substantial opposition.

So I think that one might need to be handled separately not because of a threshold issue but because it's maybe a discussion issue.

So I hope that makes sense. And it's your call as to whether you want to also separate six out into a separate one or just keep it with the one, two, three, seven and eight.

(Jonathan):   Thanks Jeff. So just to - before we go to (unintelligible) the proposal here to separate out the motions in a structured way really on two criteria.

One is based on the voting thresholds required. And I guess two is the impact. And there's probably a third criteria which is this issue of whether or not it has, you know, the consensus level so based on three separate criteria there's a proposal to separate these out.

And in the first instance that's one, two, three, six, seven and eight and whether or not we leaved six in there and then separately four which is consensus policy and five which has the issue with the level of consensus in the Working Group.

So can we have comments and responses specifically to, you know, the structure of the way in which we the mechanics if you like of how we deal with emotions or the subcomponents of the motion? Mikey do you want to speak to that or is there Wolf-Ulrich?

Mikey O'Connor: This is Mikey. I'd be interested in the reactions of the council to the point that Chuck made during the earlier part of this where and certainly your reaction as well Thomas to the idea that the council is cherry picking pieces of the report and the recommendation and essentially becoming a participant in the policymaking process rather than simply overseeing it so that's one thing.

And then I have another question about this motion about seven which is the request of the SCI to take a look at the levels of consensus.

This is - this seems wildly different. It seems like that's one that ought to be removed from this motion altogether. I didn't understand why that one's in this motion at all. Thanks.

Man: Thanks (unintelligible).

(Jonathan): Okay. So let's try and keep this on - within the different tracks then. The one is is how we separate it out and structure our dealing with the motion.

And then the second is some response or reaction to what the council's role is in voting on these motions.

And Chuck I don't know if you want to clarify in that context or make any further comments on what you said before. And then Jeff is there a third component we need to discuss?

Jeff Neuman: No I mean I just wanted to respond to Mikey's point about why I came up with the order because it's not cherry picking. I wanted to clarify that just because...

(Jonathan): All right so you clarify that in response. But I've also got some other hands. I've got Marika, (Alan) did you have I've got Marika and (Alan) also and Wolf-Ulrich I had you as well.

So let me go with just your response then Jeff and then I think I've got Wolf-Ulrich, Marika, and (Alan).

Jeff Neuman: Yes Mikey so just so to alleviate concern it has nothing to do with cherry picking which recommendations I like or don't like or anything like that.

It's that certain recommendations require different thresholds to pass the council. So if you want to pass numbers one, two, three sorry one, two, three, six, seven and eight that requires a majority. So I'm grouping all of those together.

Number four actually requires because it's a consensus policy recommendation it requires a 2/3 of both houses or I'm sorry I'm misstating what the threshold is.

And then number five is actually one that didn't have a consensus recommendation from the Working Group. So I thought that might want to be handled separately.

So it's really there's logic. It's just for more structure. And it's easier for Glen to keep track so that when she reports it in the minutes. That's really the only basis that I've separated them out.

(Jonathan):   So if we could I'd like to confine ourselves to that and just make sure they we're dealing with the mechanics of how we handle the motion because it seems to me we've got a very pragmatic proposal in place based on primarily voting thresholds and just separating out the constituent parts of the motion in order to deal with it with what is a very complex motion.

So if we could just respond to the issue of mechanics that would be helpful. And so let me form a - make sure I've got the queue. At the moment I had Wolf-Ulrich for a while.

I think I saw your hand Kristina. I've got lots of people coming in now. So but if we could stick to that particular topic for the moment John so at the moment my queue is Wolf-Ulrich, Marika, (Alan), Kristina, John because I see another hand up there I feel like an auctioneer here. All right Wolf-Ulrich.

Wolf-Ulrich Knoben: Yes thank you Wolf-Ulrich speaking. Just as a second of this motion I would like to understand I have a question with regards to that motion when is it part of number five which you outlined as having strong objection.

So I would like just to refer to the question of (unintelligible) thresholds. So this part what kind of threshold does it need, you know, kind of recommendation which are grouped under number five Jeff? What is the level of threshold we need from that? That's my question.

So you turn the other one the first (unintelligible) majority. The second one was majority of both houses. And then the third one you - it was number five what kind of threshold is needed for that?

Jeff Neuman: So number five I interpreted to only apply to new TLDs going forward. So that's why that would be the - that wouldn't necessarily need a consensus policy.

So in theory that would -- (Alan) is shaking his head -- but it says adding things to - I guess that's actually interesting it would be kind of both because there would be some it depends where the TLD is in the process because it's one - if the new TLD has signed their agreement already I guess they - that would need to be -- (Alan) is shaking your head -- but looked this basically says to add things to them TMCH right and then to participate in sunrises.

So if it's in this round it all depends on where the registry is. A registry has signed agreement and you want to add it (unintelligible).

(Jonathan): Okay so...

((Crosstalk))

Wolf-Ulrich Knoben: I have a specific suggestion to that.

(Jonathan): So there's two - the way Jeff you've suggested separating out these different components of the motion was based on voting thresholds.

Jeff Neuman: Up until November 5...

(Jonathan): Up and tell...

Jeff Neuman: ...is that number five just it says to me it has strong support for substantial opposition. And I think that's something that needs to be discussed more within the groups. And probably will generate a whole separate conversation.

(Jonathan): But the other thing that's starting to strike me as now there's some potentially some interpretation over the level - over what and we're going to need some

help with then if what the voting threshold required to pass five is. If it has - so that's what I'm hearing.

Let me work through the queue. And let's see if some of these answers come out because I'm conscious we'll get caught in a dialogue. So Wolf-Ulrich you've asked your question. Marika I think I've got you next.

Marika Konings: This is Marika. So I think that two points basically. To think some of the recommendations that Jeff listed as majority recommendations talk about future rounds which I think our policy recommendations so I'm not sure if you want to apply that that simple majority would do the trick.

But in a more general level I wonder if, you know, we should actually be turning things around and saying lets the council vote on all these recommendations, see what voting threshold they need, and then...

(Jonathan): What do you mean by all of these recommendations? Do you mean each one separately or collectively?

Marika Konings: That's up to the council. You can vote on them separately if there is a sense that indeed there is different support for the different recommendations.

But you can vote on each of these and see depending on what voting support they've received discuss as part of the implementation how these can actually be implemented.

If you indeed achieve consensus policy level, you know, some of these may be consensus policies. And some may need to be.

So in some cases it may be that if they don't achieve a certain level they actually won't be able to be implemented because they haven't voting threshold.

So we're turning the question around because indeed I think there are so many components to it that it may not be possible.

And we'll talk entirely as well with our colleagues on the legal side to upfront say this needs this in order to be implemented or alternative ways are some things are we able to commence on things as consensus policy or some things as implementation where you only need or a simple majority vote so...

(Jonathan):   Okay so I think we worked on the queue. My concern with that would be I would feel slightly uncomfortable taking votes without knowing what I mean ideally I would think one would like to know what - we normally we know what threshold we have to achieve.

So just simply be voting in the dark as it were and then to find out whether we had met certain thresholds that would bother me.

Marika Konings: Well basically they, you know, if they meet a simple majority they pass. But you then need to see indeed can they be implemented and what way can they be implemented because I think some of them are a bit of a mix.

I mean of course the issue report it's obvious which voting threshold needs to be met. But I think unfortunately of the other ones it may be more complex or there may be different ways of implementing them depending on the level of the voting threshold as achieved.

(Jonathan):   Okay point taken. I've got (Alan), Kristina, John and then now Thomas.

(Alan):   The current interpretation and we believe at least by registries and I think registrars is that if we only a consensus policy uppercase C, uppercase P and pass it to the board even if the board ratifies it it's not necessarily a legal consensus policy because it didn't get super majority.

On the other hand any PDP recommendation that goes to the board if we are trying to, you know, essentially compel the board that is requiring a supermajority to overturn it still requires a super majority.

How the board treats it even if the board approves it it's approved. There's no supermajority requirement for non-consensus policy PDP recommendations.

But it - how they treat it they can treat it differently depending on whether we do give it a supermajority.

The only one where a super majority doesn't count as the recommendation go to the SCI. And that's just an internal issue which doesn't go to the board.

You know, so but I'll point out that in recent PDPs if Working Group explicitly felt that it was important to treat all of the recommendations or none of them they included a recommendation to the GNSO to say that.

This one...

(Jonathan):   And for the record (Alan) that's missing here that there is no...

(Alan):   This one did not say that. So we as a council have more latitude than we might if the Working Group had said keep them as a whole.

(Jonathan):   Okay let's move to the queue and hear the comments and see if we can where we can bring some movement on this. Kristina.

Kristina Rosette: Kristina Rosette IPC. I just have two suggestions. The first is notwithstanding the fact that I don't necessarily disagree with Jeff's categorization of voting thresholds although I do think 5A well five I think is vulnerable.

It seems to me that the most useful thing to do at this point is to just request a view from General Counsel's office from the legal department so that you

know so there's no question later what threshold was. How do you keep track of who voted how and so on and so forth.

Once that is done I would actually suggest that the motion then be amended so that all of the clauses that are subject to the same threshold are grouped together because I think going one, two, three, six or whatever it is that you've just been saying is - it's confusing here now.

And two years from now when somebody is trying to look at this and figure out what happened it's going to be extraordinarily confusing so just two practical suggestions.

(Jonathan): Thanks Kristina. Those are both very helpful. The one and I think we should do that I think we should make that request.

The one slight concern I have then is with the five. But let's move through and hear from John and Thomas.

John Berard: John Berard from the Business Constituency. So my thoughts here are political and visual. While I would certainly appreciate number five being pulled out as an individual motion because it would allow the business constituency to have yet another bite at this particular apple.

I also appreciate from a political point of view that if we were to vote this unanimously it would still fall short of what some beyond the GNSO have as a level of expectation with regard to these protections.

And so politically even if we voted a supermajority on each one of these aspects we would in a sense be kicking the can or pushing the decision up to the board.

And so politically do we help ourselves or hurt ourselves by taking this piecemeal and not voting to the highest level possible much in keeping with (Alan)'s point.

And if we were to deliver these recommendations on the basis of a supermajority vote would that give our recommendations the - a greater weight once the decision becomes more arena of politics than of policy?

And then in terms of the visual I use that instead of the overused optics it would be great if we could should we decide to separate the elements to push through as quickly as possible and with the full support the elements of the motion that we agree with so as to create at least the positive impression of support that could then be used further down the line.

So I don't argue with any of the substance of the motion but I do feel compelled to bring up the politics and the optics of it.

(Jonathan):   Yes. And I think that's a very helpful perspective. And I think at times we have perhaps been guilty in the past of sticking very much to the principles and the pragmatic steps.

And to have the perspective the visual as you say or what some of us might call the optics of how it seems or appears in the broader context is a useful test to apply to how we act. So let me move on then thanks John to Thomas and I think Mary you had your hand up?

Thomas Rickert: A couple of remarks. First of all the draft motion as it stands has the blessing of the Working Group. So the Working Group has actually been working on this document quite extensively.

So if council wishes to reflect the wishes and the attitude of the Working Group it better not (unintelligible) the motion that's one.

Secondly I...

(Jonathan): Thomas can I just stop you there a moment and just say well why wasn't that in the recommendations to the point that was made previously to why did the Working Group not recommend then just to be clear if that is possible that the motion was not in any way.

Thomas Rickert: To be quite honest we have not discussed including an additional clause or recommendation not to or prevent the council from, you know, slicing it.

But I guess that, you know, the motion is made to the council and we wanted to ensure that that's one thing I do know that this is being processed, discussed and voted on.

So by packaging it in a way that would take away flexibility from the council we would limit the chances of it going through.

So I guess that might be an answer to it although I this is not an authorized answer from the Working Group I should say.

The second point that I wanted to make is that I sympathize with Kristina's suggestion to see clarification with General Counsel. I think that's a wise thing to do to take this weight away from the council.

At the same time looking at the recommendations I do think that there might be a requirement to take out number four for the reasons discussed.

For number five so far I've only heard that there might be the desire to discuss this separately and discuss this further.

But unless such request is made to discuss it further I would strongly recommend we don't take it out of the package.

And at the same time should none of the counselors get the impression that there is really a need to take out number four because we might end up having a supermajority on the whole package I also recommend that we don't take out number four because that would be in the spirit of Working Groups deliberations.

And I would fully like to echo John's motion that I guess that the less slicing and dicing we do the stronger this comes across to the upper levels.

(Jonathan):   Okay so I've got a queue which has Mary, Chuck, Jeff, and Mikey in it and then (Alan). And then we - I should like to suggest we pause and try to synthesize where we are at that point so let's go with yourself Mary next.

Mary Wong: Thanks (Jonathan). So a couple of points most of which follow on from what Thomas just said. First of all the GNSO operating procedures do discourage the council from essentially taking apart, or redrafting, or, you know, essentially doing things like that with Working Group recommendations.

That's not to say there's no flexibility as Thomas said but the Working Group did want to present as full a picture as possible of its recommendations.

Secondly with respect to General Counsel the policy staff has been in regular contact with legal. And they are aware of the way the recommendations were drafted.

And so while we're not going to say there's a definitive answer because we don't know how the council we didn't know until now that the council wanted to vote on each separately or in packages as Jeff suggested.

So whatever the outcome of this discussion we will certainly take that back to our colleagues and come back to you before Wednesday with the answer to whatever questions emerge.

Thirdly is the more substantive point. I wanted to go back to Resolve Clause 5 because it seems to be some emerging discussion around it.

And if folks here are not part of the Working Group there may be a couple of things that might bear either repetition or clarification.

I think first of all the language that's on the screen here is alternative wording. So if I can use the term primary or secondary maybe I shouldn't but really the first pass of the first draft of a Resolve Clause 5 is actually slightly above what's showing on your screen.

It basically says there are recommendations that did not receive consensus. That doesn't mean that the GNSO council or the GNSO won't talk about it.

And maybe the council does want to talk about it. So the original language is pretty simple. It basically says you have the right to deliberate on it.

The part that's on the screen is alternative to that. So if you are talking about it and I guess we are because we're talking about how to vote then I want to point out that if you look at subplots A, B, and C you'll notice that in A and C the language begins to the extent that certain recommendations make it for example.

Meaning that if you're going to vote on this then you also have to understand and agree that for example in A second level exact match full name and second level exact match acronym identifies for certain organizations are going into the TMCH.

I'm not sure I'm making any sense to anyone other than people who have been reading this for the last six weeks.

(Jonathan):   Thanks Mary. And it gets - and this is the challenge with this work it gets pretty damn detailed quickly. And so yes go ahead.

Mary Wong: Can I just try again this last part? So the last two sentences I said ignore it I'll do it again. There was no consensus in the Working Group that for the two sub-clauses here that start to the extent that these particular identifiers will go into the TMCH.

I'm looking at Thomas and Berry. Did I say that correctly?

Berry Cobb: If I may and I'm probably the last person that's going to help clarify this but, you know, there's using Mikey's phrase there is a chicken and egg point to this.

You know, we had a specific recommendation about should the identifiers be loaded into the clearing house or bulk added to the clearinghouse? And then if so then should they have access to the protections there of sunrise or claims?

So what I think what the council needs to understand is first should they go into the clearinghouse and I think I want to say both separately on it but pay specific attention to that.

And then is so than the others the sunrise and the claim I'm sorry the sunrise still had significant support but significant opposition.

But the 90 days claims notifications that if there is support for them entering into the clearinghouse then there was definitely consensus level support for using claims notification but that was it.

(Jonathan): Okay so that's helpful. That's pretty clear that to the extent that they end up in the clearinghouse which is a question in of itself then the impact of their being in the clearinghouse is either sunrise or claims and there are different levels of support for that. Thanks that's helpful. Chuck.

Chuck Gomes: Thanks (Jonathan), Chuck Gomes. I think one of the problems and let me confess I don't have the bylaws in front of me so please correct me if I'm getting this wrong but we're talking about I think some people have been talking about what the threshold is to recommend consensus policy.

Consensus policy meaning that policy that registries and registrars are required to implement. The Working Group term for consensus is a threshold - is a judgment in the Working Group. I don't think we should be equating that with what's required for consensus policy.

If I understand the bylaws correctly the GNSO council taking what the Working Group has done could recommend that a policy even if it only had strong support that could still become a consensus policy.

Thank you I was hoping I was saying that right. So I think we're confusing a little bit. There's you don't have to have a 2/3 majority in the council to recommend consensus policy.

But if you don't the requirements on the board's reaction to that changes. And we need to keep those two things separate.

So it's perfectly okay to recommend that for example the recommendations that only had strong support become consensus policy. The council can send that forward.

If the council has 2/3 at least 2/3 support for that then the board's responsibility in terms of what they do is a little bit different than if the council support not the Working Groups you've got to keep those clear and it's very confusing okay?

If the work just because the Working Group didn't reach consensus doesn't mean it cannot become a consensus policy in the contractual definition, hope I got that right.

(Jonathan):   I've got Chuck and then I've got Jeff, Mikey and (Alan). But (Alan) just made his point to me before leaving. So I think I've got that.

Jeff Neuman: So just to kind of comment, a couple comments. Number one is, you know, thank you for Mary for quoting the operational rules and council's discourage from providing motions.

But I will say that almost every motion that contains parts where different thresholds are required at least the last three, four years we've separated the vote on those every single time. And that's all we're talking about here right?

So let's put that aside. We're not talking about picking which recommendations we like, which ones we don't. That's not what we're talking about.

The other thing I'm a little bit kind of concerned with this whole notion of how's it going to look politically if we do this and that.

I can't sit here today and tell you how every single stakeholder is going - group is going to vote. I can't tell you whether we're going to have consensus on any of these.

And I can't tell you whether someone's going to come out of the blue as happens almost every time -- and I've gotten burned many times on this -- where someone asks for a deferral right?

I'll ask you John, what's worse? Is it worse for us to pass some of the recommendation that we know we have consensus on and move forward on those and then a couple that we have to work through or is it worse to actually defer the entire thing because everything's grouped into one?

And I will say that it's worse and makes us look more look more incompetent if everything's grouped into one. And someone comes out of the woodwork and defers which is the right of any group to do and frankly has been done on a lot of substantive motions.

So I ask you that for politically. I'd rather pass through the ones that we can get through that have consensus.

And frankly, even though I made the motion to kind of get this on the table. I just still don't understand what the heck Number 5 really truly means in terms of the implication of passing it.

It basically says that we reserve our rights to defer the delivery. Well what does that mean? If this gets past to the board are we telling the board that wait a minute, we're not really recommending this because we really reserve our right to do something later. And what if the board goes well I want to do something on this now? It's really, really confusing.

I'd rather frankly have five stripped out completely and almost say as the council, you're right, it's not our job as the council to figure this out. Throw it back to the Working Group and say you guys figure it out right? Is that better? I'll ask you guys because that's a fine outcome from the way I'm positioning it.

Because I've got a tell you the way five's written now without the alternate wording it's extremely confusing. It makes no sense for us to pass a motion and send it to the board the motion says we reserve our right to deliberate further.

(Jonathan):   Okay Chuck two points that you made that require arguably responses. One is the preferential optics for John which may or might not want to respond to and second then clarity for Mary.

John Berard: This is John Berard. I think Jeff's was a rhetorical question. And I'll take it as such. I mean, you know, better too, you know, Lady Macbeth right. If it's best were done then best were done quickly.

You know, I do want to see optic, the optics, the politics, I don't want us to be seen as dithering.

I mean, there's been a lot of great work that's gone into this. There's a lot that we all agree with or most of us can agree with. I think we should get it on the record and get going.

Yes, there could be something that happens out of, you know, out of the blue. But that's one of the reasons why we love these meetings isn't it?

(Jonathan): Rhetorical or not, it's still helpful to have your response. Mary let's hear your response and then continue in the queue with Mikey and (Alan)'s points.

Mary Wong: Thank you. Actually, Lady Macbeth didn't come do a very good end did she?

But anyway, responding to Jeff, Jeff that's right. And I think when I made my earlier comment about your operating procedure it wasn't so much about the rearranging of the order or voting threshold purposes but more what's happened before where council's redrafting substance of the motion on the fly.

But more significantly I think on the result Clause 5 the reason it was there in the first place -- and there was some discussion about this I believe in the group -- was that the recommendations that Clause 5 talks about really are not consensus recommendations at this point.

So the question was should the council be asked to vote on non-consensus recommendation?

I'm looking at Chuck because I know he was in those conversations and Thomas. And there was some sense that the council should at least and certainly the GNSO community should be aware that there are the recommendations or proposals that did not reach consensus levels that might perhaps be worth discussing.

And so that was the point of putting in Clause 5. And perhaps the language in the first instance is not the best way to do it.

Jeff Neuman: But could I ask a follow-up question on that because...

(Jonathan): Go ahead, Jeff.

Jeff Neuman: Sorry. Just but the point there was that why even ask us to vote on it? If you want us to discuss it then Thomas could've said, hey, here's a discussion item. We didn't put it in the resolution because we want you guys to discuss it.

But you put it in the resolution and the resolution once we pass goes to the board. That's the purpose of us passing a resolution on a final report.

You could've just said in the whereas clause saying we haven't reached consensus on this. And I still don't understand your plan as the chair of the Working Group.

Is your plan after we do whatever we do, is your plan to continue working on that are or have you kind of thrown your hands up and said no, it's no consensus, we don't know what to do?

(Jonathan): Okay we're going to circle around this point but there are some responses. I've got Mary, Chuck and Thomas. We also had - so Mary, Chuck and Thomas and then sorry Mikey. I didn't know you were in the queue but Mary, Chuck and then Thomas.

Mary Wong: And I recall the Working Group discussed a number of those options. And it was explicitly brought up that this could be a point that Thomas makes to council.

So certainly it may be that if the council wants to agree that you want to talk about it, but not necessarily put it in the motion that's something that perhaps the Working Group could be informed of.

And it can still be in line with the intention which was merely to highlight the non-consensus recommendations and bring them to the community and the council's attention.

(Jonathan):   Thanks Mary. Chuck?

Chuck Gomes: Thanks, Chuck Gomes. I don't think there's anything in any of the requirements for a policy development that requires you have to have consensus support from a Working Group to put a recommendation forward.

That's what we want. In fact, we'd like full consensus. So again we need to separate the level of support in the Working Group from what the council decides to put forward to the board.

I was one of the ones that suggested we have the alternative language. And I don't like that first language either because of the reserves the right, and so forth.

But so that if the council thought that it was wise to go ahead and recommend those recommendations, along with the ones that did receive consensus report -- and that can be done -- then they - it's there. We've got the language, the alternative language to do that.

But if anybody can tell me where it requires consensus supporting a Working Group I'd like to see it.

Now we want that, the more support we get. But this is one that had strong support. These are recommendations that had strong support, but it didn't achieve the same level. And the Working Group just wanted to make that very clear to the council.

You can still act on those. You could refer back to the Working Group, you know? But it's to just to have it in front of you what actually happened. Thanks.

(Jonathan):   Okay, I've got Thomas, Mikey and (Alan). And Thomas responds to this current sub thread. So Thomas go ahead and that will get back onto Mikey and (Alan).

Thomas Rickert: Yes, just wanted to note that I should have made this point clear when I introduced the topic to council a little bit earlier today.

But nonetheless I think it's important to emphasize what Mary said, i.e., that these particular recommendations should get the attention of the council because they were supported by a huge part of the Working Group.

Nonetheless, should the council feel that these are recommendations that should not be elevated to the board they can easily be taken out. So that's - and we just want to make sure that nothing was lost in the process that was important.

(Jonathan):   So just to be crystal clear what the opportunity to potentially take out or remove recommendations is what, which particular recommendations by number or reference?

Thomas Rickert: Five.

(Jonathan): Okay so and Mikey's been patient and I've got a point from (Alan) to make. And then I think we'll try to pull this into some form of synthesis and see where we've got to.

Mickey O'Connor: Thanks Jonathan. It's Mikey, some reflections. I'm a Working Group chair that's transitioning into the council this week. And so I've become a customer of this process.

But it seems to me that just an observation of this particular motion, this is a dog's breakfast. This is not a very well structured motion.

It's, you know, I think that Kristina's point is well taken. And I would hope that Jeff might view it as a friendly amendment that this motion at least get rewritten, just reorganized so that it's easier for the council to understand and vote on.

I don't think it's the council's job to have to rewrite a badly crafted motion. And so I'm cranky about this motion. Sorry folks, but there you go.

It seems to me that in the future one of the tick boxes for Working Group chairs and staff that supports them is that we need to not present motions in this kind of shape to the council because the council's not anywhere near the kind of position to make the nuance choices that we're soon be - we are being asked to make.

Another point, this motion is overloaded. It's got many different kinds of things going on. And - again, I am completely sympathetic with Jeff's point. And so I, you know, I would not recommend this for now.

But in the future, please don't put so many different things in the same basket. And give process time to adjust to it ahead of time.

Because I mean we've got things in here for the SCI to take a look at for crying out.

So final point and then to the suggestion, also don't use motions to document Working Group work. I mean, that was the conversation that just went by.

And so finally I think that if I were on the council I would be lobbying really hard for a restructured motion as a friendly amendment if that can be done.

(Jonathan): Thanks Mikey. There's a couple of responses to your input before - and they - well, there's three. Got - I'm not sure which order. It's either Marika or - Marika, Mary, Thomas.

Marika Konings: Yes, this is Marika. Just to respond to Mikey because, you know, I've been involved or looking at the motion I think with all the good intentions where (indeed) the Working Group wasn't - was going down the path that this would be voted upon as one vote.

So the way it's structured is actually to make it easier to understand.

So what is being recommend for the Red Cross? What is being recommended for the IOC? What is be recommended for the INGO?

So I think that's the way it's structured to try and to make it easier to understand for the council what they're being considered and what they're being asked to vote on.

I think now we're talking about something else on whether indeed it should be structured as to which voting thresholds apply. And if it can be then you look at a different way of structuring it.

But I think, you know, the whole point is here that the way it was structured intended toward to make that clear was recommended for the different categories of groups.

But of course, you know, you know, this goes closer together what is actually in the Working Group report. So that's, of course, the first the starting point.

And again, you know, I think your point is well taken that there is a lot in here. But I think the only alternative would be that you then would have. I don't know, 20 different motions that you would need to work through which I guess is not an option for taking out some of the other items.

But just know that I think the intentions are well meant. And also to Mary's point, I think, you know, we'll take this back to legal to look at the voting thresholds.

But as I said before I think one of the responses may be is they say well, some of these well, if you have a simple majority they will pass. But depending on how high up you go the way of implementing may differ. So...

(Jonathan):   Or another way of expressing that might be is the impact of that effort might differ.

Marika Konings: Exactly.

(Jonathan):   The consequences.

Mary do you still have a point or has Marika covered it?

Mary Wong: Just a quick follow-up on what Marika had said, well two. I think one is as she said I want to emphasize there's a difference between redrafting or rewriting and reorganizing or restructuring, which is really Jeff's point on the thresholds.

Secondly, I think on behalf of the Working Group I don't think I'm stepping out of line by saying that it is not possible to just read this motion. It has to be read in conjunction with the report. And that in large part is why it's written the way it is.

As Marika says the group could have just come up with 28 different motions because of the number and complexity of the recommendations, proposals and differences.

On the other hand - now here's where everything started in the Working Group. The usual motion would be the council votes to adopt all the consensus recommendations in the report. Thank you Working Group, we're done.

That was clearly an option early on in the discussions. But the Working Group I think very clearly believed that there was so much complexity that it had to be documented. And there may have been better ways of doing it.

But that's why this motion is the way it is. A, it has to be read in conjunction with the report. And secondly, the Working Group did not believe that the usual simple form of motion would suffice.

(Jonathan):   Thanks Mary. And I mean, certainly from my personal perspective, I can take it as a good faith attempt to represent the complexity.

Of course the flipside to that the council's dealing with complexity which is clearly challenging.

I had Thomas next and then I have (Alan)'s point that he left with me. And I've got Wolf. And then I really have to try and bring something - Chuck do you have a question now that you want.

Chuck Gomes: Well, the question I have, Jonathan, we keep assuming that there are different thresholds for these different elements. And I'm not sure there are because there's not a 2/3 required for consensus policy.

It works better because then the board has, you know, to do a little more due diligence to come back to us if they reject them. But is there any requirement for 2/3 for policy?

(Jonathan):   Good point. And that was - that point was made earlier that it's not only that the threshold that the council passes, it's the consequential impact of that level that the council...

Chuck Gomes: And my point is we keep talking about separating the different elements of the motion based on thresholds. And I'm not sure there are different thresholds as far as passing the motion and sending it to the board.

Jeff Neuman: Sorry Chuck. I'm confused. If you're asking to amend the existing registry agreements there's different thresholds for that absolutely. That's a C capital P consensus policy.

Chuck Gomes: Understand that. But that's not the Working Group. That's not the definition of the Working Group. To get to that level the council has to recommend the policy become consensus policy, C. And if the board approves it then it must be done.

But we shouldn't equate that with the level of support in the Working Group. I don't think that connections made.

Jeff Neuman: No, I'm not. I'm saying the council when we vote has to have those thresholds.

Chuck Gomes: And you're saying it's 2/3?

Jeff Neuman: I can't remember exactly what it is.

Chuck Gomes: Yes. And what I'm quite - and I don't have it in front of me either Jeff. But I'm questioning whether there really is that. So we need to check that.

(Jonathan):   Mary, have you got some clarity for us on that or is it...

Mary Wong: To some extent. So the bylaws do state that in terms of approving a PDP recommendation imposing new obligations on certain contracting parties. I think that's the provision Jeff was referring to.

                 The language actually says where and ICANN contract provision specifies that a 2/3 vote of the council demonstrates the presence of a consensus. The GNSO supermajority vote threshold would have to be met or exceeded.

Jeff Neuman: I stand correct.

(Jonathan):   Marika and then we're going to have to try and bring this to...

Marika Konings: But just to add to that and I think in going back to my point it means that, you know, just because they're adopted with simple majority it may not mean that they're implemented in a different way. It just means that it can be implemented as a new contractual obligation on contracted parties.

                 And it's okay to mean that, of course, then nothing will happen. But there may be other means in which ICANN should - the GNSO council adopts it and the boards adopt it can consider implementing those for example in the (unintelligible) discussions with registries or, you know, their other needs. But it can be implemented as consensus policies, exactly.

Jeff Neuman: Yes I would just rather not go down that path. I mean we're been very clear that it's asking to amend the existing agreements. That's very clear in what the Working Group intended. And so I would like to proceed down that path.

And if we don't get the supermajority that's required then we can talk about alternatives. But I don't want a gray area here when we can avoid it.

(Jonathan): Okay let's get back to the queue then for some final remarks. And I think I've got Thomas, you are still in line. I think. And then I've got (Alan) and Wolf.

(Alan): Yes, Mikey sort of guess that I would respond to his remark which is why he left the room well in advance. So I'll take this off line with him.

And I'm sure that I'll be able to convince him of the beauty of this draft motion which I think given the complexity of the matter is very well structured. And actually, some members of the Working Group have said it was one of the best motions they have read in years. So that's just to - for the sake of completeness on the record.

But I guess in terms of productive ways forward Jonathan, you might wish to do the reality check with the group whether actually there is the desire to further discuss Number 5. And then maybe, you know, get rid of or fully include, without the alternatives, the language of Number 5 and then move on and talk about Number 4 if need be.

(Jonathan): But I think I might remind you Thomas in connection with the motion that every parent thinks their own baby is beautiful.

Oh see light and (unintelligible) a little...

((Crosstalk))

(Alan): But just to add did that I haven't even drafted it. But I would be proud to be the father of it.

(Jonathan): All right. I've got (Alan)'s was -- and I think I should make at this point -- but (Alan) suggested as a practical matter and we get - we're going to come to the practicalities of navigating this motion, his suggestion - and I'll just put it to you plainly rather than put my own - any spin on it, but he was suggesting that the council consider voting first on the motion as a composite. And to the extent that that didn't I guess pass to then break it down into it constituent part.

So he was suggesting some form of hybrid rather than going into it voting for it in a broken down compartmentalized state but actually deal with it first as a whole.

(Alan): So we need to answer the question with respect to Number 5.

(Jonathan): To the extent that we do compartmentalize it and in any event, we need to answer the questions with respect to number five. Is that correct? Yes.

Okay, Wolf-Ulrich you've been very patient and then Jeff, you've got your hand up. And then we're at 1 o'clock with - probably people will start to get hungry but we will normally finish at 1:15 I understand. Yes.

Wolf-Ulrich Knoben: Thank you. Well, first Thomas I will give you (support) in time to convince Mikey as he remembers my constituency as well.

So not about beauty, but about the (unintelligible) itself and that the councilors they could expect really complex issues.

They have to expect that something which is very complex is to be brought to the table in complex layers yes. And they have to sort out how to - what are the issues. And that's why we are sitting here.

And so and I would like to come back to Kristina's proposal, which I like. There's two proposals again. Now really we have to refer, we have to be clear about these threshold issues here.

And therefore it has to be (assured) to General Counsel those questions. And then we have to have a clear let me say role of recommendations in (particular) that we are really - that really can cluster it in that way which we understand. Thanks.

(Jonathan):   Thanks, Wolf-Ulrich. Jeff are you still online?

Jeff Neuman: Yes. So to answer Thomas's question on Number 5 the Registry Stakeholder Group did not support at least part of that. And so there's more discussion needed.

As a representative of the Registry Stakeholder Group I would say yes. Whether that needs to be by council I would say probably not. I think that goes back to the Working Group. I mean, I'd like to see the Working Group try to figure that out if they can.

But I don't think it's a council level discussion. I'm happy to have it but we're not supposed to be the policy making body. We're supposed to be the coordinator.

So I will say it where we stand now, now the Registry Stakeholder Group may say well it's certainly possible, you know, we don't agree to vote it in favor of it anyway to get everything through. They may do that. I just I don't know at this point.

But then here today or sitting here today I would say that that item needs more discussion by the community.

(Jonathan):   Thanks Jeff. I've got John.

John Berard: Thanks. Jeff, a just a point of clarification. The concern you have five is with the first bit or the alternate bit?

Jeff Neuman: Well I made the point earlier I don't understand the - what the significance of the first bit is...

John Berard: Okay.

Jeff Neuman: ...when we sent something to the board, reserving our rights to discuss it further. So I don't like that to begin with. So, yes, but on the recommendation on the alternate that's something that I think needs to be discussed more as well.

Because the registries didn't support the alternate language or the - what's behind the alternate language. Registries where the strong opposition to that right?

John Berard: But again John Berard. Where I think the business constituency and the registries are in agreement is that even though we may not get everything we want in this motion in its entirety that it may be beneficial for us to vote for the motion because of what we do see as positive in a motion.

Jeff Neuman: And that may well be and that's one of the discussions were going to have within the registries. But it's also one of the reasons I want to separate it out because if the registries don't go along with that if we're all faced with one package and we have to either vote yes or no to the entire package, I don't want the registries to be in a position to tell me to either defer or vote it down because of the one part they don't like. Does that make sense?

John Berard: It makes sense to me. And that's I, you know, but potentially a friendly amendment might be considered if there's one part of this that needs to be considered separately. That could (unintelligible) move forward.

Jeff Neuman: But that's - that was how we started the whole thing out which is what I said is that one, two, three, six, seven and eight should be voted on as one package, four as a separate one because it's a different threshold and five because there's differences of opinions on that one.

(Jonathan):   Let - it's appropriate that you have the final word before I try and bring things together. I'm not sure we can conclude things for a variety of reasons now but...

Thomas Rickert: But I guess that, you know, now that we've been discussing this. I think mission is accomplished right? So this was exactly what we tried to stimulate. And there doesn't seem to be an overwhelming desire to sort of include those number five recommendations in their alternative language in the final package.

                 So I think that we can easily just take it out of the recommendation - out of the motion and have the rest as a block or whatever. However, you as council leader might wish to proceed with this.

(Jonathan):   Okay, so what I've heard so far is that - I mean, clearly the primary first option is to vote for the entire package and deal with that.

                 My sense is that there's enough momentum behind breaking this up for more than one reason. That's both because there may or may not be the - some separate components of this motion may pass and others may not.

                 So we have a risk of losing the whole lot as opposed to getting some of it passed. But I need to check that I'm representing that accurately.

                 And then if we do go ahead to break up the motion into its component parts. The next test is on what basis we break that up, we segment it.

And the segmentation that we've largely been discussing is the basis of the voting thresholds required.

However, there's a wrinkle there because to the extent that they don't receive - well Jeff, you made the point that if it - if the recommendation recommended us consensus policy then there is ergo a voting threshold link to it. So perhaps we can keep that black and white on the voting thresholds.

And then finally there's the option to either as a whole or in component parts, strip out five.

So maybe we need to focus ourselves on those three. First of all it strikes me that we're pretty close to separating the motion out into its components part.

Does anyone strongly - and I know John and others have made the point of the - that the visual impact of doing so. But it seems to me there's fairly strong view of breaking it up. Jeff?

Jeff Neuman: So we could in fact it's mentioned to me what we could do to salvage Number 5 in a way is just change that recommendation to just refer it back to the Working Group. Then that Number 5 can be included with the rest of the package.

So here's our recommendation. And with respect to this particular area that Number 5 covers to refer that back to the Working Group until such time that they can have a consensus-based recommendation.

Then you can vote on one, two, three, five, six, seven and eight together and four would just be that increased threshold which is the only reason you're going to separate that out. I mean, that's an option, throwing it out there.

(Jonathan):   Brief comment from me and then I'll pick up on the queue.

I mean, from my point of view that's very practical and really from within this room looks fine. I think from without it it may look less so. It may look confusing, but we can't reach a conclusion. And so and we made it confident enough to express.

Marika and Mary?

Marika Konings: Yes, this is Marika. I think it's more a question to Thomas because, you know, the Working Group finalized its report and this was it standing. Because there are other recommendations in there as well that, you know, have strong support, significant options.

I mean this one - and the motions or the question is indeed, is there a point in getting these back to the Working Group? Will - is there anything that would change the way things are or basically this is the recommendation that the council, you know, the council has an option to not take it? I mean, that's perfectly fine and that's it.

So I think that's something, you know, before you give it back it may be worth considering whether there is another outcome possible or whether they really, you know, this is where they've got.

So it's not going to change anything, but it's, you know, the council's prerogative to just say no we don't agree or we don't want to consider it because we don't have the support levels for it.

(Jonathan): I guess that's a question to you Thomas. But...

Microphone?

Thomas Rickert: I thought I had already responded to that earlier by saying that, you know, we - you can let go of that. And I don't expect another outcome but even if we took it back to the Working Group.

(Jonathan):   Okay. So I read that and I understand that to be that. But to the extent that's referred back to the Working Group another outcome is unlikely, and therefore the decision for the council is really to include it or not include it. And that to not include it could be accepted as a friendly amendment but that's...

Thomas Rickert: Then you - adding to that the Working Group wanted to offer to the council to take this on board and pick maybe alternative language, the alternative language.

                  Now that the council chose or there is no strong support for the second option Number 5 we have - what is it?

(Jonathan):   Yes, Thomas we've got a very sensitive line to tread here between exploring this thoroughly and properly whilst at the same time allowing for this - this discussion even to be relayed back to the stakeholder groups and constituencies in its entirety in other words, including all the subtleties, the thresholds, the visual impact - the whole package of the discussion.

                  So my sense here is that we're going to have to commit ourselves to come back particularly in this instance and for this motion on Tuesday to have established that feedback loop.

                  And we're going to have to work hard between, you know, on Tuesday evening and on Wednesday morning to get this in shape with - but that's - I'm loath to force it to a premature conclusion.

Thomas Rickert: I'm more than happy...

((Crosstalk))

(Jonathan):   (Unintelligible) respond and then Steve you...

Thomas Rickert: I'm more than happy with this. But so far, the only person that had spoken up that there is a further need for discussion was Jeff who said that his group would still not support it.

So I know learn from you that maybe your group or BC might wish to discuss this further and that's perfectly fine by me, right? I just got the different impression from our discussion earlier.

Steve DelBianco: Thanks, Steve DelBianco, Business Constituency.

So Thomas sending back to the Working Group I don't think makes any sense. The BC would like to agree with you on that.

And yet we haven't gone around the table and polled everyone with respect to five alternate language because most of us have already registered exactly the way we feel about five alternative language in a very detailed process about of contributing to the cause.

So strong support with significant opposition as to how you recorded five. And it's likely that that is exactly how things would vote.

You shouldn't take some lack of commentary by everyone around the table to suggest that there is now no enthusiasm at all from those who strongly supported the five alternate.

And so to your point, Jonathan don't just - don't punt that.

Further discussion might well be called for in the next three days, at least to the extent to which we would still support the overall motion if it lacks a few things that the BC wanted.

The BC does feel strongly about five alternative language and would prefer to have that be voted on separately or together.

(Jonathan): Yes. So I'm cognizant of a couple of points. One, we've had a very thorough discussion and we might need time to kind of digest elements of that.

Two there's limited - there are fairly significant numbers of counselors missing. And three we haven't had the stakeholder and constituency discussion.

So I'm tempted to bring this to a more inconclusive ending than is my kind of natural inclination but with a view to really pushing hard for the whole council and anyone else of course to come together in our Tuesday session, a later afternoon Tuesday session to try and bring this to ahead.

But I think I had you - Mikey, sorry.

Mickey O'Connor: This is Mikey and this is a really quick comment.

I'm a big fan of Working Groups, making the policy and the council either approving it or sending it back to the Working Group.

What this feels like is that the Working Group is pushing a policy decision up to the council to make.

And I'm - I have no views one way or the other on five because I'm not familiar with this Working Group. But I'm quite uncomfortable with the idea that the council's essentially being asked to make a policy decision.

(Jonathan): Thanks Mikey. Unless - Mary?

Mary Wong: So the council can do a number of things, some of which have already been discussed. Kick it back to the Working Group, change the order of things, and so forth.

The council just to be clear can also remove five all together, not just the alternate wording, but the initial placeholder wording simply because of two things.

Mostly votes of the council are on consensus recommendations and which is why the Working Group just wants it that the SSBSO recommendations be discussed as they have been already.

And even if 5 is removed and even if the council does not voted all this week on any of the SSBSO recommendations there is nothing to prevent the council, the GNSO -- any of the constituent groups from asking that those continue to be discussed possibly by a different team.

So in other words, not voting on any of these taking it out does not necessarily kill them should that be what the community wishes to do.

(Jonathan): Okay well I mean it sounds like there's more to discuss on this both off-line and but that's a pragmatic suggestion.

We've hit the time buffer and I think we probably hit the level of useful discussion, the limit on level of useful discussion we can have here now.

To some extent, it would have been great to come to a conclusion. But this is by definition a complex sensitive and multifaceted issue which has come to the council in complex and multifaceted ways.

So I think we should draw a line in the discussion now and come back to it off-line on the email groups and in our Tuesday meeting. So let's draw a line in that for a moment.

Any - sorry, when I said Tuesday I'm referring to the fact that we have a session to decide specifically to discuss contentious or complex issues. Are you shrugging up knowing when that is or what that is?

Jeff Neuman: No. (The main) the schedule and I haven't seen a separate schedule (unintelligible).

(Jonathan):   Oh, okay. So that's -I'll - Marika or Glen or Wolf?

Marika Konings: Yes, this is Marika. We'll get a notice out because I mean it's not on the public schedule as we (related). There's a closed meeting (unintelligible) another notice to everyone where it is and what time. It's basically after the GAC board meeting -- straight after that. It finishes at 6:00.

Jeff Neuman: Yes, but some of us have other things that we've planned. I just - I didn't know anything. And normally before every meeting we get like a spreadsheet of every GNSO related a meeting. But I didn't get one this time and...

(Jonathan):   Okay. So I apologize for any confusion. My understanding was that we discussed at the previous meeting in Durban the desirability of a meeting between today, the weekend sessions and Wednesday. And that meeting - and then there was a big discussion about whether that would be Tuesday later afternoon or Wednesday morning.

We finally settled on Tuesday. And I thought that had been effectively communicated.

So to that extent we're going to have to try and find the space to do that.

And Wolf for the record - yes?

Wolf-Ulrich Knoben: Yes, It reflects a wish. Your wish from last time Durban when we had this so...

Jeff Neuman: I agree with it but there was nothing on the schedule so I didn't - I mean other - a bunch of us have other things that we - anyway, let's take this off-line. We don't know need to have it as part of the session.

(Jonathan):   Let's draw a line under this session, but - and we will communicate when there is space available and an opportunity to have that was really intended to be more informal. Berry?

Berry Cobb: Not that this is probably a solution, but just remind folks that there is a IGO Working Group session that's scheduled for 4:30 on Monday that, you know, we can either cancel because it's really supposed to be a Working Group session. But if councilors are available we could use that time for face to face.

But anyway it is on the schedule and it's set 4:30 on Monday if we - if the council chose to use that time and try to come together.

(Jonathan):   All right, let's - thanks very much. Let's draw a line on this now just after - just past 1:15. There's an opportunity to grab some lunch at this stage. So let's close this session from a recording point of view and then we'll grab some lunch.

And I think what we should do is give ourselves a little break and probably come together in terms of picking up the formal content of the meeting at around 1:45, 1:45. How does that sound, half an hour from now, right.

So there's a half-hour break now and we'll come together to pick up on the next discussions at 1:45.

END