Transcription ICANN Los Angeles
SCI meeting
Saturday 11 October 2014 07:45 local time

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Ron Andruff: So for the techs, if we can please get ready to start the recording. And I'll just check we have Amr and Cintra on the line?

Amr Elsadr: Hi, Ron. This is Amr, I'm on the line.

Ron Andruff: Amr or Cintra, if you can just let us know if you're there or if you can hear us.

Cintra Sooknanan: Hi, Ron. I'm here. This is Cintra. Thanks.

Ron Andruff: Good morning, Cintra. How are things in the islands this morning?

Cintra Sooknanan: Pretty well. Pretty good. Good weather.

Ron Andruff: Just checking. Just checking. It's pretty cold in this room as you can imagine. Amr, are you with us?

Amr Elsadr: Hi, Ron. This is Amr. Can you hear me?

Ron Andruff: Good morning. Yes indeed we can. Coming through loud and clear. All right then I guess we can go ahead and, Lars, Julie, Mary are we ready? We can start the recording. Please, let's do that and then we can take the roll call. Very good. And so if we can take a roll call maybe we can do just a tour de table and get everyone who's here and then we'll have Amr and Cintra be recognized as well.

So this is the SCI meeting in Los Angeles on October 11. And, Lars, if you could start the tour de table please? Just name.

Lars Hoffman: Lars Hoffman from ICANN staff.

Mary Wong: Mary Wong, ICANN staff.

Julie Hedlund: Julie Hedlund, ICANN staff.

Thomas Rickert: Thomas Rickert, NomComm appointee to the GNSO Council.

Wolf-Ulrich Knoben: Wolf-Ulrich Knoben, ISPCP.

Ron Andruff: Ron Andruff, BC and chair.

Anne Aikman-Scalese: Anne Aikman-Scalese, IPC primary delegate.

John Berard: John Berard, Business Constituency, GNSO councilor.

Gabriella Szlak: Gabriella Szlak, Business Constituency, GNSO councilor.

Laurie Schulman: Laurie Schulman, NPOC.

Greg Shatan: Greg Shatan, IPC, alternate representative.

Ron Andruff: Great. Thank you all for coming and getting up on this bright, bright morning. Laurie, it's very nice to meet you. Welcome. This is your first physical meeting indeed. And then we have also, I'm sorry we need to add Amr and Cintra to the list.

And if you could just announce yourself Aaron? Your name and where you're coming from.

Aaron Johnson: Aaron Johnson from Lewis Roca Rothgerber.

Avri Doria: Avri Doria, late but from NCSG.

Ron Andruff: So again welcome everyone. Just by way of background on the SCI, just for those who are joining us who are new as well as for the record, the SCI has been around for approximately 4 years. And we revised our charter about one year ago on October 31. It was ratified by the Council.

And the purpose of the Standing Committee on Implementation Improvements is to review and assess the effective functioning of that GNSO procedures and Working Group Guidelines. So this is - as ICANN is constantly evolving, when we get tricky situations where things that aren't quite working as one would hope then that GNSO Council send those issues to the SCI.

And so I'm request procedures, guidelines that are identified as immediate problems we'll wrestle with those. And on a periodic timescale all the procedures and guidelines will be reviewed to see if there's any issues or improvements that can be made. And in fact today's meeting will be looking at those types of things.

We also consider requests that, concerning issues related to that GNSO Council processes and procedures and the Working Group Guidelines as and

when necessary. So that's the nature of the Standing Committee on Implementation Improvements.

So with that will now look at the agenda that we have for today. Can we perhaps put up on the screen, the agenda. Thank you.

Julie Hedlund: I'm sorry, I don't actually have it on the screen but I'll run through the agenda, I'll speak it. Hold on.

Ron Andruff: Please go ahead.

Julie Hedlund: And it also is in the Adobe Connect room so if you do want to join the Adobe Connect room it is there as well. Thank you.

So we have already run through the roll call and the introduction to the work of the SCI. The next item is to review the summary of public comments on proposed changes to the GNSO Operating Procedures, that is the waiving the 10-day motion deadline and voting outside of a meeting. This is a staff update of five minutes.

I'm happy to proceed with that if you wish, Ron.

Ron Andruff: Please go ahead, Julie. Thank you.

Julie Hedlund: It's very brief. There were no comments. That is my summary. Thank you.

Anne Aikman-Scalese: I think that means the work's good; right?

Ron Andruff: Either the work is good or that's a very controversial approach. Thank you very much. So there were no comments; we didn't anticipate any and I think that is in fact true, it means that the work is being done well. We know that we are passing them back to our constituencies and others for their review and comments so that's very positive step forward for us.

The next item on the agenda, Julie.

Julie Hedlund: So this next item is the discussion of possible new work resulting from the GNSO review and other requests. This is for 35 minutes. And if you'll wait a moment we'll switch to a slide relating to that.

Ron Andruff: Thank you very much, Julie. So what happened is we've managed to work through all of the items that have been brought to us by the GNSO Council. And we find ourselves in this very fortunate position that we have the opportunity to really go back now and start to do, as I noted earlier, some reviews of processes that we think that we might take up to smooth and make better part of our charter.

And so I had asked staff if they would go and look at the number of things that they had out there. Over the years we have actually looked at things and said let's park something for a year and see how it works as opposed to making any changes because we felt that it would be something that could work itself out, for example.

And so these are the types of things that we may go back and look at now. And so I've asked staff to please come up with some suggestions. So the purpose of this 30 minutes or so that we have in front of us is really to look through these and determine whether or not we actually want to undertake them or we feel that there's something to be done. And if so what would be the priority list on that.

So I'll turn back to staff then to walk through this slide. Thank you.

Mary Wong: Thank you, Ron. Hi, everybody. This is Mary Wong from ICANN staff for the record. And the document is up in the Adobe Connect room as well as on the screens in his conference room. And it's also been posted to the wiki for the

SCI so at your leisure you can go back and review it, add to it, comment on it etcetera.

What you'll notice is that we've split these suggestions are the likely topics into two parts. One part is the list of the two topics that came out of the SCI discussion specifically about the review of the working group consensus levels.

And Ron, as you noted, what we're going to do now, given the closure of the public comment periods, on all of the projects that we had outstanding staff will compile that and send that to the GNSO Council. And hopefully everybody, as you noted, will report back to their groups as well with any comments.

But in the course of that work, I believe that this group noted that the working group consensus levels, as described, or at least the specific language right now for the few consensus levels specified in the Working Group Guidelines could do with at least a review is not a revision.

As you'll recall the current recommendation from the SCI is to not do that right now, given that A GNSO review has just started, but to include a footnote to clarify the specific problem that was referred to us by the Council. But when we send it back to the Council to recommend that the full set of language be looked at. So that's one of the topics.

The other topic is even broader than that, and again it goes back to the GNSO review that has started. And, Ron, I don't know if you might want to say a few words about that when I finish summarizing this.

And that is a full review of all that GNSO Operating Procedures, which potentially would include also the PDP manual and the Working Group Guidelines because as some in this room and listening in will recall, these

procedures were either redrafted or created as a consequence of the prior GNSO review.

So, Ron, do you want me to stop there or keep going?

Ron Andruff: Anyone in the room have some thoughts or comments they'd like to bring to the table on this? Amr, Cintra? Please go ahead, Mary.

Mary Wong: Thank you, Ron. So that's the first set of topics. And as I noted this was the list of two topics that were suggested by the SCI. And so the job for this group right now, pending any further comments or contributions, is probably to monitor and follow the work of that GNSO review, not just the working party that's formed within the GNSO but the work of the independent examiner who's helping us with the review to perhaps find an appropriate juncture or time for the SCI to interact with the Council and suggest perhaps when or what might be looked at in what order.

And, Ron, I believe you're giving an update to the GNSO later today and so that may well be a topic of conversation.

The second list, which we've labeled under consideration by the GNSO Council, and since there are several current GNSO councilors in the room, I'm sure they'll correct me if I'm wrong in describing or recollecting any of these.

It's three potential topics that in the course of the last year, I want to say, the Council identified as potentially meriting reference to the SCI. I should note at the outset that this has not yet been decided by the Council, it still topics under discussion. And you see that the three topics there would be the role of a seconder to a motion that's proposed to the GNSO Council.

I think as most people know emotion is proposed and is seconded. But that particular process is not actually explicitly described in the GNSO Operating

Procedures. So one question is whether that should be further fleshed out and perhaps set down in writing in any review of the procedures.

Secondly, and this is a similar issue of not really having any express provisions in the Operating Procedures, it is what to do or how should we deal with situations when there is a proposed amendment to a motion that has been proposed to the Council for voting.

Thirdly, it is about Council voting thresholds. In order to change what had been previously passed as consensus policy and in the brackets here I've basically summarized the problem; what exactly is the appropriate threshold. And as I noted there are councilors in the room so I don't know if they want to expand on this or, Ron, if I'd like to turn it back to you in any case.

Ron Andruff: Thank you very much Mary and Julie, for pulling this together. I think that the - well first of all let me just open the floor, are there any general comments people would like to make? Because I'm thinking we might go back and go through these kind of one by one and give some thoughts. But Wolf-Ulrich, please go ahead.

Wolf-Ulrich Knoben: Thanks, Ron. Wolf-Ulrich speaking. Just for clarification question, the last item, and Mary you mentioned on the list here, is that a sub point of the full review of the working group consensus levels suggested here in the upper group?

The first - which was suggested by the SCI, if full review of the working group consensus levels, and then we have a - the third one, the last one here under consideration by the GNSO Council which is a specific one with regards to consensus policy. Is that - how is that related to each other?

Ron Andruff: Mary, please go ahead.

Mary Wong: Thank you, Wolf, and that's an excellent question. I mean, they may well be related depending on how they're done and to what level of detail. But for now because they're simply potential topics I think the useful distinction to bear in mind is that the first point is something that the SCI internally has developed as something that we believe, or you believe, should be reviewed.

The last point - the third one in the second list, is not something that came from the SCI but is something that has evolved from within the Council and is still under discussion by the Council. So we thought that it would be useful to keep that distinction until there are further developments.

Ron Andruff: I see Avri followed by Anne - I'm sorry, it's one follow-up. Julie first.

Julie Hedlund: Amr has his hand up in the Adobe Connect room.

Ron Andruff: Thank you. So we'll take Amr and then Avri and Anne. Amr, please go ahead.

Amr Elsadr: Thanks, Ron. This is Amr. Can you hear me well?

Ron Andruff: Yes, sir.

Amr Elsadr: All right. I have comments on two of the points raised here that the first one being the second point under the section suggested by the SCI which is the full review of the GNSO Operating Procedures.

I, for one, believe that it might be a good idea for the SCI to sort of tackle this issue if the committee chooses to. And especially in the context of the GNSO review going on right now my understanding is that this review is mostly being analyzed from a quantitative perspective and not very much of a qualitative perspective.

My personal opinion is that this might be more relevant in addressing issues of - well GNSO structural issues which are not necessarily what we would be discussing.

But I think it might be worth considering that we look - we also do look into the Operating Procedures and I don't know if right now would be the right time to start doing this or perhaps after the GNSO review has completed its work and then we sort of take a look at what they've done and try to fill any gaps that we might identify.

The second item I wanted to comment on was the second item under consideration by the GNSO Council which is whether specific rules are needed to deal with amendments to motions.

Currently there are two groups that I'm aware of that are sort of addressing this issue and they're coordinating their work together. One is the Policy and Implementation Working Group and the other is the - is ICANN staff and specifically I believe they're called Global Domains Divisions.

And they're looking into this in great detail. And I'm not saying the SCI shouldn't look into it as well but if it does I would recommend that we coordinate whatever work we do with them as well. Thanks.

Ron Andruff: Thank you very much, Amr. So I have Avri, Anne and I see Greg as well.

Avri Doria: Thank you. I almost got my hand up in time when we were talking about full review but I was so distracted by the fact that I can't get on the network that I didn't get my hand up in time.

In terms of the full review, I agree, in fact I was one of the ones that argued that it wasn't time to do it. But within the specific range of PDP or post-PDP or PDP interrupt us, we've found that we do have problems and the Council

hasn't gotten around to talking to them yet and I keep biting my tongue saying oh, well, we're too busy; we haven't done it yet.

But we have now a PDP where the Board is avoiding deciding on it because they want us to amend it but we've got the...

((Crosstalk))

Avri Doria: Yeah, the names, right, that one? It's so big we forget that what it is isn't it - the Board avoiding voting on it because it's not quite right yet. But we don't really have a workable procedure there because - or maybe it is workable but the procedure says we have to want to change it, not they can request us to - a reconsideration. We don't have the - a way for the Board to ask us to reconsider.

Not that we would necessarily do more with a reconsideration than they do. But...

Ron Andruff: We being the GNSO Council.

Avri Doria: The GNSO, sorry. Right, the GNSO does not have a method of reconsidering a PDP recommendation. Only thing we can do is say oops, we changed our mind. We want you to look at these changes. So that's one.

And then on the interrupted, we're in a situation now where we have to put together a special group of Board and Council to figure out. Yes, we started the one on the EWG related ones.

And then we had an EWG interrupt the PDP. And now the PDP is starting to get itself going again. But the hows and the whys and the where in the process and the such is all a matter of opinion that it actually took a Board and Council or Board and GNSO grouping to sit down and hammer out the details.

So those are at least two issues within the PDP. So not a full review of everything but perhaps a PDP looking at those very - those two very open and very pressing types of issues. Thanks.

Ron Andruff: Thanks, Avri. That does sound like something that needs addressing, no question about it. So, Anne, please go ahead.

Anne Aikman-Scalese: Yeah thanks, Ron. It's Anne with IPC. I agree with the comments that have been made about sort of the ordering of these processes that there's need for input from the GNSO Council because I think our work is really - dependant upon what they ask us to do and when they ask us to do it. And one of these projects though I think we've already alerted them on which is the consensus levels.

We indicated in our most recent amendment that we suggested to them about the issue that Greg had raised on no consensus, I think it was, that we needed to take a look at those consensus levels and they're already alerted to that. And it may be that it might be, you know, safe to proceed on that issue in the next couple of months while waiting for direction that we might get on when will the GNSO review and what, you know, part does the GNSO Council want SCI to play in that review.

And some of that depends on I think, you know, the timing of when the review might be completed because that review itself, of course, is not the job of SCI. We more often get involved, from my point of view, when a review is done they might present things to us to address the recommendations. And so that would be my feeling on sequencing. Thank you.

Ron Andruff: Thank you very much. Greg, you're next. If I could just take the chair's prerogative, I just want to respond to what Anne just said. And that idea of the GNSO review is really - it's more of a survey that we're doing and

independent reviewer as opposed to the review that spawned this particular body, the SCI.

So the last review was a top to bottom review, we had a number of different bodies working on different elements. And they all brought that to the table and it kind of got dropped into a document. And when we tried to implement some of those things they were not very functional. So that's where the SCI stepped in and started to kind of knock off those rough edges, make those things smoother and that's what brought us to this day.

Now we have a second review and this review is more of a survey that's been out for the community and will be talked about quite a bit at this meeting we hope. And I just wanted also to note that tomorrow afternoon at 5:30-6:45 the GNSO Review Working Party will be in the Pacific Palisades room.

And the status of that - I'm on that working group as well as I think maybe others are here in this room as well. It's - we're at the point where the survey is out and we're asking as many members of the community to fill in that survey so we can get feedback as to what the GNSO - how the GNSO is actually functioning.

There will be an independent - the independent reviewer is also conducting interviews here during the course of the week. And then there will be a second survey that will come out that speaks specifically to working groups. The reason for this is because the first survey was going long and there was concern that if we stretched it any further that people would not fill it in.

So a second survey will be launched probably after this meeting some time, if I'm not mistaken, talking specifically about GNSO, the house structure and those types of things. So there's quite a ways to go so in my view we may be, by the time the GNSO review is completed we may be one year on; we may be another two or three meetings out before we actually see that. So I just wanted to bring that to the table in terms of a reference on timing.

Greg, thank you very much for your patience.

Greg Shatan: Thank you, Ron. Mary, oh...

Mary Wong: I'll go after you.

Greg Shatan: Okay, thank you. Greg Shatan, IPC. With regard to the first suggested by us topic, the full review of the consensus levels perhaps - I just want to clarify if this is what I was thinking of; this came out of our discussion of the consensus against issue.

And I don't think the idea here was to change the consensus levels but just as we try to rework the consensus level section we realized there was a lot of kind of drafting flaws in it, inconsistent use of terminology, ambiguities and the like and felt that it really needed more of a procedural cleaning and tightening, not that we were going to actually change levels of consensus.

And just wondering if people had a different idea about what that first topic was, if we actually were going to, you know, look at the very idea of working consensus levels, you know, differently in substance. Thanks.

Ron Andruff: Thanks, Greg. Actually prior to your joining the SCI we had had a pretty good robust debate and dialogue about the consensus levels. And it was specifically with regard to the fact that we have five within the ICANN body. But we, as a community, rarely even consider saying why don't we go for rough consensus, why don't we go for whatever. We always shoot for the highest. It's kind of a - it's a given that we would always go for the highest.

So I think it's part of that debate as well, are there times when a lower level, a lesser level than full consensus might be more appropriate for working groups and that type of thing. So there is an adjunct piece to what you've just described. Thank you.

Wolf-Ulrich, please, and then Mary.

Wolf-Ulrich Knoben: Thank you, Wolf-Ulrich speaking. Well I fully agree with Greg so I wouldn't go further on and deeper - in deeper discussion. But for me right now is very interesting because - so as I'm also a member of the ICG, which is coordinating, you know, the IANA transition proposal, so we had this discussion about consensus levels; to find consensus for the proposal.

And it's very interesting to discuss in this group because there - from some members that the perception of consensus is very different of what we are doing here.

So I would be - I find it very interesting, it's very interesting well to discuss it here again and reflect ideas or, well, let me say ideas from others as well how they are dealing with to come to full understanding whether we are staying with what we are doing at the time being with the definition of consensus levels we have or is there anything we should take into consideration for the future. Thank you.

Ron Andruff: Thank you, Wolf-Ulrich. Mary, please go ahead.

Mary Wong: Thank you, Ron. This is Mary Wong again. So I wanted to follow up on Avri's, Ron's and Greg's and Wolf's comments. And hopefully I remember everything I wanted to say.

I think just to follow up to Avri was to further expand a little bit on the two situations that she had noted especially for anyone who's listening in or who may be reading the transcript after this meeting.

The - just to clarify, like I said, that the first issue about reconsidering a consensus recommendation from a working group that has already been sent and approved by the GNSO Council.

The question there is that there already actually is a procedure for the GNSO Council and the GNSO to revisit that. So it's not that there isn't a procedure but there is a procedure but perhaps it could be refined, expanded, improved and so forth. I'm sorry?

Avri Doria: It's the wrong procedure.

Mary Wong: Right. And that may well be the...

Avri Doria: We're trying to use a screwdriver instead of a wrench.

Mary Wong: Right but the point is that there is a procedure. And maybe it doesn't fit what - it may not fit the situation and that we may therefore need other procedures.

Avri Doria: There is no procedure for this. There may be procedures for a million other things but there is no procedure for this.

Mary Wong: Let me rephrase then. The procedure that we are asked, as the GNSO, to use is a particular procedure. So there is a procedure that is attempted to be used at this point. If I may leave it at that.

Ron Andruff: And you were speaking to the procedure for the consensus or the procedure for the PDP because Avri raised that...

Mary Wong: For the PDP.

Ron Andruff: ...and that's why I want to be clear on that point.

Mary Wong: Yes, yes.

Ron Andruff: Could you please - yeah.

Mary Wong: Right, so Avri spoke about two PDPs and I'm referring to the first one. And I think, Avri, you said it was about the IGO names and acronyms. And for that one the GNSO Council is being asked to use a - an existing procedure. How's that?

Anne Aikman-Scalese: Mary, could you just - Anne again from IPC - can you just clarify, is that the Section 16 or...

((Crosstalk))

Mary Wong: That's right, it's - the GNSO is being asked to use Section 16 of the PDP manual.

Anne Aikman-Scalese: So would that then be a - I'm sorry to intervene but would that then be a question for GNSO Council, do you want us to look Section 16? Or do we not raise that type of issue with them?

Mary Wong: I can't answer that; I was just trying to provide a little bit more information on Avri's points. Do you want to say something, Avri, before I go on to the next point?

Avri Doria: Yeah, I wanted to respond to Anne that does bring up an interesting question. So it's a question that we've noticed, yes, there may be something that we shouldn't actually initiate that discussion in the Council and send it back of not only changing 16 but actually I'm arguing that this is really a concretely different issue. It's not an issue that the Council has decided it wants to change something; it's a request for a reconsideration.

So we may need a 16 (bis) that basically defines a process by which the Board, when it's going through its tussle, with other entities within ICANN and the global Internet environment, wants to request a reconsideration of a PDP that there is a way to do so.

So whether it's changing 16, which is specifically - Council has looked at the resolutions and said, well, we think that you should do - think about this. So it's Council to working group versus external body, specifically Board, to Council to working group. It's a very different - so that's why I call it 16 (bis) for the moment.

Ron Andruff: I see Thomas first and then Anne to follow and David. Thank you.

Thomas Rickert: I guess this is a question for Avri. You say that these are two distinctly different things. I'm not sure I agree. I think when there is a situation whether it's externally triggered or by insights obtained by the Council itself so that - which results in a wish to revisit decisions that have been made I think that wouldn't make too much of a difference.

I think what we're really struggling with is how to invoke this Section 16. So I think the process is not as it should be because we had huge difficulties in even phrasing the motion. You know, do we have to be very precise in what the potential iteration to a made decision should be and thereby anticipating the working group's further work.

You know, so I think we're struggling with the language itself. Whether we need two different trigger points, I doubt, but I might be convinced.

Ron Andruff: Thanks, Thomas. We have Anne.

Anne Aikman-Scalese: Thank you, Ron. Anne with IPC. This question that Avri referred to about a need to reconcile different policy advice received from the GAC and from GNSO and from ALAC and other sources, is just an enormous question in terms of the effective operating of the whole organization.

And, you know, one thing I wanted to mention with respect to Avri's comment was that the Policy and Implementation Working Group itself is working on some draft procedures that would try, you know, to be a mechanism that

would attempt to resolve those kinds of differences in policy advice when the Board is looking for that.

We're calling them guidance process where the Board can come back to GNSO or GNSO itself can initiate a kind of a review of issues that have arisen. And so I have to go back to, once again, that it's really the Council's role to tell us what they want us to do.

I feel as though some of the issues that Avri is raising are actually being worked on in Policy and Implementation Working Group and that we might want to, you know, see what the outcome is on that. I think a preliminary report is expected for Marrakesh for - out of Policy and Implementation Working Group. Is that correct, Mary, do I...

Mary Wong: That's the idea.

Anne Aikman-Scalese: That's the idea. We are hopeful. We're putting it on the Marrakesh express.

Ron Andruff: I have - actually I have David and then I have Thomas and then Avri.

David Cake: Yeah, I just want to say - I'm basically agreeing with Avri that this - while there is a process that we can use it is extremely clumsy, has caused a lot of - as Thomas said, a lot of problems within the Council just even trying to work out how to phrase the motion that we want.

And it does appear to put us in a position where we can reopen an issue without essentially redirecting the working group as to possible outcomes, which is not what we want in this case. So while the GNSO Council has not yet asked for this - officially asked for this to be looked at I'm pretty sure we will in short order.

Ron Andruff: If I can come back to David, because you're the vice chair of the Council so you may have better insight on this, Anne just brought up the Policy and Implementation Working Group are working on this right now. And so we have a body working on that. I'm just - I'm wondering is this something you see coming back to - I see Avri responding pretty vigorously, maybe I can ask Avri of her comment.

Avri Doria: Yeah, this was one of the three things I was going to mention. Here we're talking about the Board at a policy level to say that a group that's working on how we deal with the transitions and the issues of implementation and policy that we're going to use that as a method to resolve a policy difference that the Board is asking us to is, once again saying, oh, we've got this lovely tool, let's use it for this even though it's not quite appropriate.

                  So I would contend that it is yet again another issue. And I'll get to my other two points when it's my turn.

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

Thomas Rickert: Yeah, listening to what has been said by primarily Anne and Avri I think the SCI should certainly wait for the Council's instructions as to what the Council wishes it to do. But I think what we could do is make an offer or basically we are, you know, at least the four of us we're sitting in the Council. So I guess we would do a bad job if we try to establish Chinese walls between our work here and what we're doing in Council.

                  The difficulty that I have with establishing even more scenarios, you know, you were mentioning the Policy and Implementation stuff; Avri was mentioning the 16 (bis) idea. There was huge concern in the Council particularly surrounding the IGO or IGO issue where the Council was asked to review its own decisions or its own resolutions that this might end up in a ping pong so that we are being asked over and over again until we come up with...

Ron Andruff: We being...

((Crosstalk))

Thomas Rickert: ...the Council.

Ron Andruff: The Council. thank you.

Thomas Rickert: ...until we produce something that the Board is happy with. And so there is huge concern that this might end up being an iterative process. There is a process for conflicting advice in the bylaws. So the ICANN Board can turn down, in certain circumstances, GNSO recommendations. There are different thresholds for different scenarios but it is already there.

And I'm not sure whether it's a good thing to open up and put into our procedures a path according to which we would then, you know, open up the flood gates to revisit our decisions over and over again.

So I think this should be - for scenarios where the Council, whatever the information is on the basis of which the Council chooses to revisit its recommendations, does it but there should not be an external trigger point. I think. I'm not sure whether this was clear.

Ron Andruff: No, it's all - all of this is very helpful because for me I'm looking at this for the very first time and I'm seeing it's quite a serious matter. And there's not just one element; it's multiple facets.

And not only that we have different bodies engaged because we have the Policy and Implementation Working Group working on this in principle, and we have potentially the SCI could be looking at this and we have a question coming down does the GNSO Council want such a thing. So this is

something that we really do need to discuss so thank you for bringing that, Thomas, very helpful.

I have Avri, Greg and Marilyn in the queue. So, Avri, please go ahead.

Avri Doria: Okay. On a couple of things, one is one of the things that stopped me from bringing it up in Council is because as liaison between Council and this group it's which hat am I wearing when I bring it up.

I think it's perfectly fine for the SCI to be watching and saying, "There's an issue, would you like us to work on it?" type of thing and for the Council members, for me as liaison, to bring it forward, what have you. I think that that's totally permissible. I do agree that we shouldn't start working on it without their by your leave. But we could certainly.

Two, I think we've already started the conversation we're having now as actually already dropped one level into discussing the issue itself as opposed to the - that there is an issue that needs to be talked about so I'm going to stay away from sort of the continuing conversation that we're having because I disagree again but that's beside the point, that's if we start to handle the issue.

The only thing I would say is telling the Board that yes, you can turn down the whole thing is using a sledge hammer when a little hammer might work.

((Crosstalk))

Ron Andruff: Thanks for bringing your toolbox with you this morning, Avri.

Avri Doria: I did. I'm really into tools this morning.

Ron Andruff: We got hammers, wrenches and sledge hammers so, so far so good. Greg, please you have the floor.

Greg Shatan: Thanks, Greg Shatan here. I think or I'm wondering whether this is really an SCI topic because it really relates to the Board's powers or to the interaction between the Board and the GNSO Council on a PDP recommendation.

What a little odd here is that the Board is, you know, requesting that the Council invoke, without the Council necessarily wanting to do so, invoke a power of the Council. It's kind of like being told that you are resigning and you say, no, I'm being fired. No, no, you are being told you are resigning. You're going to take an action at our request and it's going to be an action that only you can take. You have to decide to take that action that we're telling you that that's - you've decided that.

So that's - sorry if that's not quite as good as a toolbox analogy but it is kind of a - what's happening here is it's - they're trying to stick their hand up the GNSO and treat it like a puppet.

Which - but I take Thomas's point that sometimes it's better to find out how to have a dialogue about an issue than it is to just say these are our recommendations, take them or leave them. And by the way you actually have no power to do anything other than take them or leave them.

So maybe at some level in the - either in the Policy and Implementation Working Group or in review of the Board powers or some other place, there would - there should be a review of how - whether the Board should, and if it does what that power should be to kind of pick apart policy recommendations and send back pieces that are undercooked or overcooked or that, you know, not to their liking.

At the same time I think it, you know, is incumbent at least on the GNSO Council, if not the SCI, to say that if it what they want to say that we don't like kind of being told that we're not, you know, we now have to exercise our own effort to reopen something which we thought was fine when we sent it to you.

So there's, you know, a problem here but what, you know, identifying the problem and the point at which it should be changed and by whom, I just don't see this as an internal GNSO Council process issue unless we want to confirm that the GNSO Council can't be told to invoke any of its rules by any outside body, which again I think would be overly strident. Thank you.

Ron Andruff: Thanks, Greg. So I have Marilyn and then I have Anne. Please, Marilyn.

Marilyn Cade: Thank you, Ron. And good morning to the SCI group and to other colleagues who are on the phone and in the room. I guess my observation is coming from the years that I spent working on gTLD policy and other policy at ICANN.

And I, in another part of ICANN, we are very concerned, all of us, about the need for accountability mechanisms and perhaps even reset buttons when new information comes forward or significant changes take place to make sure that whatever a decision is that is being taken by the ICANN staff or by the ICANN Board incorporates that new information which might be the new views of a major part of the community.

I say that because I now want to come to - I do think that the GNSO Council, which has - is in charge of managing the policy process, does need the ability to establish a reset button based on input from its constituent body, which is the GNSO, not the Council, but the GNSO.

And I'm kind of missing as you go through your improvements how you would assess whether life and times have moved on, there's new information that has come to light or circumstances have changed where you might want to completely reset a decision that you thought was well considered.

And it may have been well considered when we launched the policy development process but circumstances may have significantly changed. Is it

the Board that needs to tell us - tell you as the Council, to take into account this new information? Or are there other mechanisms where your own constituent bodies could do that or where you yourself could do that? And I kind of can't grasp in the work where we are right now, how you would - how you would do that.

Ron Andruff: Thank you, Marilyn. You've actually highlighted something that's really been on my mind as well over these last more or less a year. As I think about the fact that I serve on - I notice how different names have found their way into our vocabulary, working parties. What's the difference between a working party and a working group? I don't see much difference when I'm on the calls. I don't see much difference when I'm doing anything.

But what I do know is that this was not - a working party was pulled together from some other format and not through the GNSO Council saying we'd like to have a working group work on this charters and the like. So there's a lot of different names such as working parties or we actually have a discussion group going on.

You know, so who are these discussion groups and working parties and why are they different from working groups? And what happened to that PDP? So I think what we're seeing now is an evolution within ICANN taking this over - overtaking the body itself.

So I am inclined to see that we would go back to - we as the SCI will go back to the GNSO Council and ask them if we can - if they would like us to take this up and start giving more consideration to it because it certainly seems to be stretching out without anybody paying attention to it and it's something we should address.

So we're coming up to the end of our time so I think what we'll do, unless I hear any violent opposition from my colleagues, when we come to the part where we give the report to the GNSO Council this morning, we're the first

report up, I will bring to their attention the discussion that we had earlier that maybe it's time for a full review of consensus levels both the language issues and where and when the various levels of consensus could be used. That will be the first point I'll bring back to Council.

And the second is this PDP issue and that the Board is invoking that the GNSO Council take action and we don't necessarily know how they should be invoking Section 16 so would Council like us, as the SCI, to maybe drill down into that one.

Do I hear any opposition to going forward with that way, that manner? All right then - and I don't hear any opposition from Amr and Cintra as well on the call. So that's how we'll proceed.

And then with regard to the - so that more or less addresses the first two items here suggested by the SCI, the two work items. And then the under consideration by GNSO Council is something that perhaps I'll bring to their attention and again ask if they would like us to take any action when and how and we can take it from there.

So if we can draw a line under that element of the agenda. And that brings us then to Agenda Item Number 5 and this is the SCI chair and vice chair elections. As I mentioned at the top of this meeting, the SCI has been around for about four years. Wolf-Ulrich Knoben, who's a current member, and from the ISPC Constituency, was the first chair. And I've been the chair for the last two years. So it's time to rotate out.

And so I wanted just to bring this to the committee members' attention that in the coming months we'll hold an election. I think my term ends, if I'm not mistaken, Mary, Julie, in December; correct? So this will be then my last meeting as chair of - in the public meeting.

And so I would just like to say just put you on alert, on notice, that you should be considering potential people for the chair role and the vice chair roles as we go forward. And I would like to also say what a pleasure it's been to work with all of you in this capacity over these last year and I thank you very much for your generous - very generous contributions to making the SCI be a very functioning body. So with that I'll say thank you - my thank you.

And bring us now to any other business. Thomas, please go ahead.

Thomas Rickert: I mean, you haven't yet gone but I think or I'm confident that I can speak on behalf of the whole group that you have been an excellent chair for this so it's always been a pleasure to work with you.

Ron Andruff: Thank you very much. All right. So in order to allow for this room to be cleared and ready for the next meeting for our GNSO Council I would like to bring this meeting to a close. Stop the recording, thank you tech team. Thank you, Amr and Cintra for joining us and this meeting is now closed.

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