Transcription ICANN Singapore
Standing Committee on Improvements Implementation
Saturday 22 March 2014

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Jonathan Robinson: Can we start the recording for the first session then please? Thanks very much. So I will welcome Ron Andruff who's the Chair of the Standing Committee on GNSO Improvements Implementation, the so called SCI. Welcome, Ron. Look forward to hearing an update from you.

Ron Andruff: Thank you very much, Jonathan and good morning everyone. Welcome to Singapore. Thank you for putting me on the agenda first thing this morning, I appreciate it.

We had our meeting this morning, our SCI meeting, at 7:30-8:45 here in this room. And I'm happy to report that we continued to move the ball down the field with the various elements that we're discussing.

We have some slides that Lars is going to put up for us and we'll talk through two of them. And then there are a number of slides on the back of this deck that are posted so you can look at – if you want to look in more detail at some of the elements we're discussing you're certainly welcome to do so.

So, Lars, if we could go to the first slide please?

So we've been talking about the resubmission of a motion, which is something that's come on to the Council's desk some months ago and how we might address the – this issue in terms of making sure that motions are resubmitted in a way that makes sense and are not just issues that would be played with, as it were, within the Council, that they would have some merit to be brought back and how that would be dealt with.

And so we've been – these four bullets that you see here are the various elements that we're talking about the particular criteria, the limitations and exceptions, just allowing material changes in the motion and clarifying previously submitted motions are not voted upon that are considered as a new motion. So these are the various elements we're working through this as we speak. And then that was a subject of one of our conversations this morning.

The second is the – oh I beg your pardon, the Council – I'm sorry, I'm sleeping – these are the things that are before the Council for consideration in Singapore, this resubmission of a motion and the working group self assessment. These are pieces of work that we completed in the last period and you're discussing.

We'll move to the next slide please. Current activities, this is what I wanted to get to, the waiver exception. So we have the voting by email that's under discussion and how that might be approached to smooth the processes that the Council has at this point in time. The – also the inclusion of the waiver or exception of the Operating Procedures. This is an issue here of how to invoke an exception.

And one of the elements that was talked about this morning as an example was the NTIA – the announcement that came out on Friday. That comes out within 9 days of the next meeting of Council; we would not be able to talk about it at Council level. And so the idea is to provide a waiver or exception when something happens that's extraordinary and should be discussed.

And we're gravitating towards a position where all of the councilors would be unanimous in allowing that waiver. But again, that's a work in progress that we're dealing with.

And then finally we're working on the Working Group Guidelines on consensus levels. As you know, there was a discussion within the IGO conversation about

whether or not the consensus levels should be consensus for or consensus against. There was an issue there and so we're working on those things. And these three slides – these three issues on this slide effectively were the focus of our conversation this morning.

So these are the things we're working on. We've sent back now, over the course of the last year, a number of different things to the Council as in recommendations and we noted that in fact the work of the SCI is really to try to have a light touch, try not to change things if we can avoid it meaning that if something really does need to be addressed then we would in fact try to find a smoother operating procedure for the Council.

We're not trying to create new policy or new ideas that then Council has to wrestle with but rather to make your work easier. And so that's the nature of our activities. And very pleased with the quality of the output from the committee.

I noted this morning we have a number of lawyers on the committee so we parse the words very carefully. So when we send something to you we trust that it will be something that you can easily digest and that will be of service to the Council.

So with that I will conclude my remarks but perhaps Lars can just quickly run through the slides so you can see what else is behind this deck in the annex – so a little background on where we came from and what we've been doing, our procedures, the kinds of activities and then the self assessment background. And the next steps on the Operating Procedures and so forth.

So these slides are in the deck and it's material that you can go through at your leisure. And if there's any questions or things that we can respond to we're most happy to respond to you. So thank you, Jonathan, for giving me the time.

Jonathan Robinson: Thank you very much, Ron, for that presentation and the succinct delivery of the material. Any comments or questions for Ron? Maria.

Maria Farrell: Hi, Ron. Thank you very much for all of the – and indeed for all of the committee for being up at 7:30 this morning; hats off to you all. A quick question just about the initiative on – sorry, resubmitting motions. I know there's a – is it Mikey submitted a motion for that – a resolution for our meeting – I'm so jet-lagged I'm forgetting about this.

But isn't this on our – I think we're – oh sorry, Avri, is there. Basically my question was is the objective behind it to, one, obviously to allow for (unintelligible) functioning. And is it also to create an incentive for people to kind of work together to, you know, to make – to overcome any non substantive differences about a motion to increase our efficiency?

I'm assuming that's the case and it sounds like a very useful thing to have just to know the objective behind it.

Ron Andruff: I'm glad you put that on the record. We'll adopt that. No, we don't – in the work of the SCI it's really to try to improve the Operating Procedures and to enable the Council to function in a more up to date fashion.

Today actually Mikey brought some history to the meeting and it was good that he did. In fact he commented that the Council comes out of the old DNSO when it was a policymaking body. And now the Council is no longer a policymaking body but rather it manages policy development. So those are very two distinct different things.

And that's really what we're doing is we're trying to harmonize any of these issues that come from that old history and now we're in a new world. So it's more about that, it's more about trying to facilitate ease of dialogue and discussion and the work that the Council does. Thank you for your question.

Jonathan Robinson: So I know we've got John in the queue but I think, Avri, you might have wanted to respond directly to that point or question?

Avri Doria: Yes I did. Thank you. Avri speaking. Actually I don't think it was that at all though it would be nice partially because of what Mikey said, partially because it was actually one of those problems that sent to the SCI after there was an instance of wanting to bring up a motion again. And there was no set of policies for how that could be done and what was the proper way to do it.

But indeed if it was people working together the idea of a non substantive change that brought agreement, and since this quite specifically says it can't be substantively changed, it would be sort of almost contradictory I would think to what's being proposed that it would enable people to go away.

It's just that there was a reason for some point that something needed to be voted on again. Perhaps to better explain; to better understand but not to rework the motion, which I think would be problematic being – given the way it was written. Have you come to an agreement on a non substantive – how do we cooperate better problem so.

Jonathan Robinson: Mikey, are you responding directly to this point or are you – because I put you on the queue – ahead of you – if you're not, okay John. John, go ahead.

John Berard: John Berard. So the longer I take the less time we give Mikey? Is that what you're saying? It's a small sample because I only attend the SCI meetings at the – three times a year when we get together. I don't sit on the phone with it.

But there were two things that I'd like to say based upon the contact that I have had. First, the Council, whether we stumbled into it by accident or by design, did a very good thing when it gave persistent life to this particular committee because there are clearly an ongoing set and upcoming set of issues that can be best met by the deliberations of that committee.

The second thing is that I feel strongly about it because as I said in the meeting this morning the – with particular reference to the recommendation on getting a motion on the table that is offered after the deadline that the work is astonishingly rational which is not a phrase that I generally use in conjunction with ICANN operations.

And so I think that Ron and the committee members should be commended for the work they're doing. And we as the Council should feel comfortable in forwarding for consideration those knotty problems that we come up against.

Jonathan Robinson: Thanks, John, and if you'll – you and others will permit me a comment here, I mean, that's precisely – I don't think it was an accident; I think we recognize the value that the SCI – of the work of the SCI to date. We have a – in practice a policy of continuous improvement which the SCI happens to dovetail into quite nicely.

And as you'll see if you look at the GNSO homepage I personally, in the sort of blog or updated posting, recognized both the work of the SCI and its role as part of our continuous improvement plan so I'm with you on that. Mikey.

Mikey O'Connor: Thanks, Jonathan. And thanks, John, for cutting down the amount of time available to me, really appreciate that. Something struck me as I sat in the SCI meeting this morning and that is that Council has actually two kinds of jobs. I've decided it's – I was a little too broad in the no policymaking role statement so I want to just refine that a bit.

A lot of what we do is essentially a management function. And it seems to me that as managers we ought to be nimble. And some of this very formal parliamentary stuff gets in the way of that nimbleness.

Some of what we do is policy because we launch policymaking processes. And it seems to me that in the longer term we may want to split those two streams of the work that we do in this body a little bit so that we keep the rigor for when,

you know, we're taking something through the stages of initial report, should it go to a PDP, etcetera, etcetera, where, you know, that's I think still requires the rigor of the processes that we have today.

But some of the stuff that we do isn't, it's more about priority setting, responding to, you know, near term situations like the NTIA thing. And we might want to – this is kind of blue sky – but we may want to think about having two modes of operation for the Council. That's way out there but that was my – because in the meeting this morning I was coming at it sort of monolithic and as I thought about it later there's really this two role component to that. That's all.

Jonathan Robinson: Yeah and if I may say it's probably worth capturing that thought if – as a potential action to feed into any work that's being done on continuous improvement because that's really where that kind of thinking, I think, belongs rather than necessarily part of SCI. But, I mean, it's fairly worth capturing so.

Alan.

Alan Greenberg: Thank you. Just a couple of words that were triggered by what Mikey was saying. We continually say words like, we're not a policymaking organization, but the very act of deciding whether to initiate a policy activity on something is a policy issue.

Us squashing something and saying let's not do it is making a policy decision. And I think we need to remember that. We're not just administrating; we're making decisions on the policy issues at the beginning of them at the end of them in a very crucial time.

I guess I would talk against splitting up different parts of our activities. If you do that you almost demand that we fill up the agenda on the non – you know, on certain aspects which if we let nature take its course the balance shifts from time to time. And I tend to like that idea.

Jonathan Robinson: Okay thanks for that. I mean, given the tight time schedule we're on, I mean, just focusing in on the, you know, Ron and the work of the SCI at the moment and then, Thomas and I think we should call it a day on this session.

Thomas Rickert: Thanks very much, Jonathan. During our discussions this morning there's one – we've been touching upon one agenda item which is email voting so we've been tasked with looking at possibilities to cast votes by email and that led us into maybe a little bit broader discussion of asynchronous decision making with the Council which is a little bit beyond what we've been tasked with.

As you know, the SCI can only look at those items that it has specifically been asked to look at. And I guess that we would appreciate a little broader mandate from the Council to look at new forms of decision making bearing in mind that the MSI and having looked at Beth Novak's report is looking at those things and we have this potential tension between those groups and what the GNSO is doing. I think we are well advised to have a GNSO-driven initiative or group look at new forms of decision making and not leave that to outside groups.

Jonathan Robinson: So where are you suggesting that gets taken up?

Thomas Rickert: I guess it would be good for, you know, should the Council should discuss and if it chooses so task the SCI with looking at decision making or modern decision making methods beyond what we're looking at at the moment.

Jonathan Robinson: So…

Thomas Rickert: I'm not saying that the – our current way of decision making is particularly old fashioned but I think talking more about asynchronous methods of decision making.

Jonathan Robinson: Yeah. Okay so I know Avri wants to respond to that but just making sure that Marika or Lars that you're capturing that as a potential outcome. Thanks. Avri.

Avri Doria: Thank you. Yeah, obviously I missed the meeting this morning. I apologize for that. One of the things that is on the SCI's charter, as I understand it, is a periodic review of some of our processes. It's not something that we've ever gotten around to doing but it is something that we are mandated to do.

So certainly it would be relatively easy, I think, without having to change the mandate is just to say when you do that take the MSI recommendations into account and leave it at that. So I don't know that it actually needs a change of mandate other than to perhaps remind the SCI that they're supposed to do these periodic reviews and when you do it take that into account. Thanks.

Jonathan Robinson: Okay and then a final remark then if you'll permit then the key thing that we've got make incumbent on ourselves is, as a Council, make sure we're sort of joined up because there's, you know, there's this GNSO review, there's the ATRT 2 recommendations, there's strategy panel work and there's work of the SCI and there's our own work on continuous improvement of policy.

And what we've got to make sure is that we aren't doing same thing twice or letting something fall between two places. But so we should be aware of those different threads.

I think we'll thank Ron, thank the SCI for their ongoing good work and call this first session to a close. So if you could stop the recording on that?

Ron Andruff: Thank you all very much.