

**ICANN Transcription
Standing Committee on Improvements Implementation
Thursday, 07 April 2016 at 1800 UTC**

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The audio is also available at:

<http://audio.icann.org/gnso/gnso-sci-07apr16-en.mp3>

Woman: Good morning, good afternoon, good evening. Welcome to the SCI meeting on 7 April at 1800 UTC. On the call today we have Rudi Vansnick, Amr Elsadr, Anne Aikman-Scalese, Sara Bockey, Wolf-Ulrich Knoben and Lawrence Olawale-Roberts. We have apologies from Karel Douglas and Angie Graves.

And from ICANN Staff we have Julie Hedlund, Mary Wong and myself Michelle DeSmyter. I would like to remind you all to please state your names before speaking for transcription purposes. Thank you. You may begin.

Lawrence Olawale-Roberts: Sorry, you missed Lawrence.

Woman: And (Lawrence). My apologies. My apologies Lawrence, and Lawrence Olawale-Roberts. Thank you.

Rudi Vansnick: Yes thank you (Michelle). I was just also wondering, I heard coming in earlier in the call. So (Larry)'s here, I'll make note of being present. So let's go through the agenda.

We just went through the roll call. There is a question about – it's a bigger question. Are there any changes in the statement of interest that (unintelligible) the management?

If not, we can move over to the third item on the agenda, which is the discussion about the process related to motions and amendments that is covered by Sub-Team A. Recommendations that have been drafted over there. I'm sorry I couldn't make it two weeks ago. It was really difficult here in (unintelligible), all these (arista) talks going on.

I think that we have a final proposal for the SCI to consider on the motion and amendments discussion. And I see Julie has put up on the screen the document. And you have your hand up, Julie. Yes, please go ahead.

Julie Hedlund: Yes, thank you very much (Rudi). This is Julie Hedlund for the transcript. So the action item coming out of the Marrakesh meeting was that staff should go ahead and draft some language for the SCI to consider on submitting seconding and amending motions.

And that's what you see in the Adobe connect room. And I can go ahead and un-synch the document. I'll note that we actually did not get a chance to discuss this at the last SCI meeting. So you didn't miss anything there (Rudi).

And I did have a question both, you know, for you and for Anne. And that is I put this first in the, you know, I put the order that this is first in the order of the two items we're discussing this. And then the chair/vice chair elections nearly because it's now gone to the stage of draft language in the, you know, GNSO operating procedures.

If you and Anne would prefer to go to chair/vice chair elections first, we can certainly do that. I'll just note that we did spend a fair amount of time discussing chair/vice chair elections last time. And we, you know, and I have those – the proposed changes from that that I can bring up as well.

So I don't know if you want this first or not. But that is the status of this. This is the draft language that Mary and I have drafted. And it's a new section, 3.3.3, submitting seconding amending motions. And a sub-section, 3.3.3.1, submitting seconding motions. And then 3.3.3.2 on amending motions. So thanks for that.

Rudi Vansnick: Thank you Julie. (Rudi) for the transcript. Well, if Anne, if you have more objection, I would like to go through this one first in this order, as I think we have quite some feelings on the way forward and text is drafted for this one, which is already pending for a while.

And I think it would be good if we got at least – have one finalized and should begin – have the second one, being the chair/vice chair elections, eventually done too. So may – yes, (Amr). I see you have your hand up. You have the floor.

Amr Elsadr: Thanks (Rudi). This is (Amr). Yes, as I – I don't recall the exact date, but I did mention in an email that I would like to discuss the amending motions part of this during a call. I think this was an email I sent prior to the March 25 call we had. And as Julie noted, we didn't actually get around to discussing this.

And I probably should have followed up on this. And I apologize for failing to do so, but yes. Am I the only person on the committee right now who feels that there is merits to the idea of a deadline to submitting amendments or suggesting amendments to the motions?

I would appreciate getting a feel from those on the call and hearing some more on this. I can recall at least two times while I was on Council that very late suggestions for amendments to motions were problematic and consumed a great deal of time.

And there was quite a bit of debate on this – just those two instances that I recall one of them was on the adopting a charter for a cross-community working group into a governance. And the second was the motion to adopt the charter for the new gTLD substantive procedures PDP.

So I was just wondering what others felt about this. And obviously the thinking is to go ahead and not suggest any deadlines to amendments. But I was wondering if there was anyone else besides myself who has any concerns on this?

And when we started this exercise, I actually was hoping that we could suggest some sort of deadline to set making amendments to motions, because not to be a very long, maybe 48 hours or so. But that was just a thought I had and I was hoping to hear from others. Thank you.

Rudi Vansnick: Thank you very much (Amr). And indeed, we had this discussion at the early stage in the Sub-Team A on should there be deadlines, there be a specific timing that we need to respect?

And I think that it is important we have that discussion because in what we have received and emailed the 31st of March in point Issue 3, should there be a deadline for (market to be succumbed to). That's already a question there.

We didn't have any – a final decision then (the issue forward). I just says there be a time limit deadline for submitting amendments. It's still – yes. We discussed this on (Saturday) no change to current process. But I would like to hear from other members or, of course, like for instance Wolf-Ulrich who has

also brought a lot of experience in the Council. What they think about it.
(Anne), I see you have your hand up. You have the floor.

Anne Aikman-Scalese: Yes, thank you (Rudi). It's Anne for the transcript. Unfortunately I'm at a disadvantage because Lori has been our IPC representative on this sub-team. She must have had a problem over in Geneva and is not participating.

But it seems that based on past practice we have to...

((Crosstalk))

Anne Aikman-Scalese: There have been issues – Lori you're not on the phone, are you?

Lori Schulman: Yes I am. I just...

((Crosstalk))

Anne Aikman-Scalese: Oh good. Okay. Fantastic. Did you hear (Amr)'s comment about a deadline for amendments or...

Lori Schulman: Sorry?

Anne Aikman-Scalese: Did you hear (Amr)'s comments?

Lori Schulman: No I did not. And I'm not in the US. I'm out of the US and for some reason I am having very bad luck connecting.

Anne Aikman-Scalese: Okay. Well Lori, let me just repeat (Amr)'s comment because this is not my sub-team with respect to the motions and amendments. But (Amr) just raised the question whether, and I think it was discussed in your sub-team, there should be a deadline on the submission of amendments to motions.

And I think he mentioned even the possibility of creating a 48 hour deadline. And I was about to observe, but I really do want to yield the floor to you that – and I have seen situations where amendments were introduced last minute, but sometimes they were, you know, that’s been done in an effort to help the Council to act and to move things forward and to reach compromises.

And I think that some of those compromises are reached, particularly during meetings of ICANN. There seems to be a point where all the Councilors get together the night before the Council meeting and try to work out on what basis things are going to move forward.

And so I thought well if that’s the way it’s working practically at this point and time, would it be a better remedy that an amendment that’s introduced at Council meeting maybe, you know, someone – if they didn’t want to proceed on that basis, they would move not to consider the amendment until the next Council meeting.

So – but I think that your having been on this team that you would be much more qualified to, you know, provide an opinion on what discussion has occurred on that and where it comes out.

Lori Schulman: Well I mean, my recall from the last meeting which was – and I apologize. I think it was before the ICANN meeting. And I don’t know because I don’t recall ever making any sort of decision or recommendation about that, but simply having a discussion about it.

And I don’t know if this all goes back to whether the amendment was friendly or unfriendly. But the idea is with – on the Sub-Team A is that what we’ve been talking about is where we can facilitate things to become easier or clearer, we would. And we would codify them in writing.

And where procedures are working we would not mess with them. So I'm not sure what your – in terms of the 48 hours issue. I mean these are ideas that were being discussed, but certainly not decided.

And I would tend to agree that if the working mode of the council now is to be able, at least with friendly amendments or what someone – and I think that's more to the issue is is the amendment something that's going to facilitate a vote? Or is amendment something that's going to cause more contention? And that's my recollection of the conversation.

Rudi Vansnick: Thank you Lori.

((Crosstalk))

Lori Schulman: What you're trying to say here.

((Crosstalk))

Anne Aikman-Scalese: Yes go ahead (Rudi). I – yes, go ahead.

Rudi Vansnick: Yes, (Rudi) for the transcript. Indeed, we have a discussion I think twice – at two meetings we're having a discussion about the back and forth on should there be a deadline. Should there be time for the Council to consider before the Council meets on the amendments?

And if there is an amendment that could change the context of a motion, I think it was important that there is some time. But at the end we ended up in an – yes – floating away from that. But I see both Wolf-Ulrich has his hand up and (Amr). Wolf-Ulrich, you have the floor.

Wolf-Ulrich Knobon: Yes, thank you (Rudi). Wolf-Ulrich speaking. I think we are starting a little bit with regards to the submission question of what is an amendment. What does it mean?

And, you know, since – in former times, when I was on Council there was – never has been a discussion about, you know, what does it mean, amendment. So amendment was definitely not defined by let me say the phrasing of the Council member who submitted the amendment.

So – and was saying okay, that's an amendment. So – but it was substantive change of the motion or not. So there was no, certainly no real definitions in it. And I think we are revealing here that we should – that we're discussing along that line, you know, between them both.

So is it substantive or not, this change? Does it mean really substance of the motion to be changed? And so this is the real question. The only thing that I can see that has been fears and doubts with is the question was it accepted as friendly or not.

And that could, you know, give a hint so that it means if it is friendly then it is not substantive. So that sets along that. So my question here is then whether we should have a kind of discussion about that, the definition? Or whether we should leave it as it used to be in the past and try to find it in practice?

Which then would mean, from my point of view, not to put a deadline into because it happens, from my experience in the past, several times that amendments came up relatively late. It was a conflict even during the meeting. And they haven't been substantive.

So that is – that's my point. So I think we have two options. Want to discuss the definitions or to leave it as it is. Thanks.

Lori Schulman: This is Lori, I'm sorry, I'm only on the phone. So I don't have the privilege of raising my hand. But if you could put me in the queue, I would appreciate it.

Rudi Vansnick: Yes so certainly Lori. I will put you in the queue. I have (Amr) in the queue.
Amr you have the floor.

Amr Elsadr: Thanks (Rudi). This is (Amr) again. I just wanted to clarify that my thinking on this issue is irrespective of whether the, you know, the amendment is deemed friendly or unfriendly.

My main concern with this is that if it has – I mean it has happened in the past where amendments that are considered by at least a part of the Council are considered so controversial that Councilors have faced a vote on a motion that's – that they really have very little direction from their stakeholder groups or constituencies off as a result of a very late amendment being suggested either during a GNSO Council call or a meeting or perhaps and hours prior to one.

And that's really all I'm trying to get around here is trying to make it so that, you know, the Councilors have an opportunity to discuss any amendments that may come up to motions because, you know, every group has its own sort of internal process on discussing Council meeting agendas.

And for example, the non-commercial stakeholder group holds monthly policy calls on the Tuesday before the Thursday of the Council call. And that's when all the motions are discussed and so forth.

And so amendments that come up very late in the timeline, I mean either for example during a Council meeting. In situations like that the non-commercial stakeholder group councilors don't have an opportunity to discuss those with them.

And for example, one of the thing – in one of these situations, like adopting the charter on the cross-community working group on Internet governance, one of the thoughts that I had at the time was to defer the motion. But then I really didn't want to do that because there were a lot of people on that group.

And there were certain circumstances surrounding that group and the charter wasn't adopted until a great deal of time later than the group was actually formed. And the group was in a hurry to get its charter adopted by the different charter organizations.

And so it wouldn't have been very helpful of me or any of the other councilors to request a deferral of that motion at that time. But you should – this is the sort of scenario that I would hope to avoid where councilors would sort of be surprised by amendments that they may deem, at least worthy of discussion let's say.

You know, and even if they're not necessarily controversial, but councilors may need guidance from their groups. And that's really all I'm trying to get around here. Thank you.

Rudi Vansnick: Thanks (Amr) for your clarification. And as Mary, Mary Wong is mentioning in the chat, it is indeed a difficult situation if you have face-to-face meetings. Requesting for instance a 40 hours delay of timing. And practice that kind of work during the physical meetings.

It would be very complex. And the other thought that I'm also considering is that starting categorizing amendments is the (potential) work, especially if you want to link to them, condition of delay and/or the minimum deadline required. It's a classic (tension) discussing. Lori, you have the floor now.

Lori Schulman: Yes. I just, I want to recollect. And again, this is – I just don't have access now to document setting only do on a call. So, but (Rudi), can you refresh my memory and maybe the group's memory?

We had a writing that we sent to the GNSO Council where we had come to certain conclusions about what may or may not be codified and what may or may not be left alone.

And I don't recall that we asked for guidance on this issue. Did we ask for guidance on this issue? It was a letter that went to the council before Marrakesh.

Rudi Vansnick: Yes thank you Lori. (Rudi) for the transcript. There have been, as far as I can remember, there was no official document sent to the council with regards of discussion of the motions and amendments process.

There has been...

((Crosstalk))

Rudi Vansnick: But I can call on – Julie I see you have your hand up. Can you help us through this?

Julie Hedlund: Hi. This is Julie Hedlund. There are the – what we submitted, what the SCI submitted to the GNSO Council was a letter prior to the Dublin meeting. And that was addressing the council's request that the – that the SCI document, the current informal procedure for motions and amendments and seconding amendment – seconding motions.

And that was the documentation that the SCI produced and submitted to the GNSO Council prior to Dublin. And then after Dublin proceeded to establish the two sub-teams, one dealing with the vice chair and chair elections and the other one dealing with the procedures relating to motions.

And then prior to Marrakech, both the sub-teams submitted their recommendations for their two issues. And so in the recommendations that were submitted to the SCI, not to the council but to the SCI prior to Marrakech were the recommendations for how to address, you know, motions, amendments and seconds.

And it was within that – those recommendations that it was recommended that there would be no deadline for submitting amendments. And then that report was discussed as the first item of business at the Marrakech meeting.

And there were no recommended – no changes from the SCI to those recommendations. And there was the task that staff should draft language for a revision to the GNSO operating procedures. I hope that's helpful.

Lori Schulman: Okay so this is Lori chiming in again. I guess this is where my confusion lies. So we had, to my recollection, made recommendations not to change any issues around a deadline. But now this issue is being raised again.

I guess that's where my confusion is in terms of what – I feel like I might be not recollecting correctly. But I didn't understand that this is now an issue again. I guess that's where I'm falling in.

And I understand (Amr)'s thinking and what he's asking. But so are we revisiting a question? Is that the point of a comment at this moment? Or is it simply I thought our task now was to review what would be put down as written procedure versus what would be left as a custom.

Rudi Vansnick: Thank you Lori for your question. And thanks Julie for clarifying. I didn't remember we were sending something to the council itself. I made myself in this case in Marrakech to say that we were going to report to the council the recommendations. But that's wrong from my side.

And I think (Amr) you may clarify what your point is and what you would consider that the SCI would now decide on this point.

Amr Elsadr: Okay thanks (Rudi). This is (Amr). And to just also answer Lori's question because I put in the chat here, but I just realized Lori's not in the Adobe connect room.

What we're actually – the thing is that this was – that this topic was mainly addressed on the sub-team that was tasked with working out the details on this. And I do also understand that it was addressed as a first agenda item on the SCI Saturday morning meeting in Marrakech.

And Lori, I apologize. I actually walked into the meeting a few minutes late and missed that discussion.

((Crosstalk))

Lori Schulman: Sorry.

Amr Elsadr: Yes. Yes that's right. Yes. And I did miss a couple of minutes. And that was the first agenda item that was discussed. But as I did note before, I did send an email, I believe it was March 23, prior to the SCI March 25 meeting to the SCI list just raising this point and saying that I would like to discuss it further.

And then it became apparent to me afterwards that this was actually discussed in Marrakesh. And I did make apologies and I repeat my apologies for missing that discussion. But I think the discussion we're having now is very helpful.

And there's a bit of to and fro going on in the chat as well that's helping me see why something like this may be messy. It's just that I wasn't involved in any of those discussions. And I would need to make a more informed decision before consensus call is made. So thanks and apologies once again Lori.

Lori Schulman: No, please don't apologize. I just wanted to make sure that we were all on the same page with sequencing. That's all.

Rudi Vansnick: Thanks (Amr) for your point of view and your clarification. I remember we had that discussion. And at the end we said it's probably too difficult to get this integrated in the process.

We were also considering the physical meeting. And I see we have – I have Wolf-Ulrich. You have your hand up. You have the floor.

Wolf-Ulrich Knoblen: Thank you (Rudi). And thanks (Amr) for clarification. And I have a different point which is under Point 2 on the 3.3.3.1, the footnote on the page, at the bottom of the page. If you look at the Footnote Number 1, it seems to be not in – let me see – in line with the Paragraph 3 of that paragraph, you know, where we say that the second link could be done until the discussion begins. Not until the vote is called.

So I would like to let Mary and (Rudi) draw your attention to that point just to clarify that. Thank you.

Rudi Vansnick: Thank you very much Wolf-Ulrich for having this eagle eye on this issue. At the text just above the line (unintelligible) really maximize it.

So back to the beginning of our discussion with regards to this topic, of something. The text that is in front of us, do we have to read through it? Does someone have already any view on eventually changing text? Or can we consider that this text is clear except for the note where they need a change in the text to be done?

I see Wolf-Ulrich you have your hand up. Is that a new hand or no? I didn't see it. Okay fine thank you.

Wolf-Ulrich Knoblen: No sorry.

((Crosstalk))

Rudi Vansnick: In front of us. I think we should try to go through it in order to be able to evaluate and make progress. I see (Amr) you have your hand up. You have the floor.

Amr Elsadr: Yes, thanks again (Rudi). This is (Amr). Yes, at this point right now I'm not asking that the text be changed. I'm just actually quite happy to be having this discussion.

And with what's already been said and with what's going on in the Adobe connect or on chat. I can see how suggesting a deadline to amendments could be problematic, to say the least.

And there's obviously also no – there are no synchronized sort of review of council agendas across the different stakeholder groups and constituencies. So even working out of deadline may be challenging if the decisions you have in that line is even made.

So I guess I'm just happy to be having this discussion right now. And I'm not suggesting any changes to the text. I would be happy just the committee just sort of being aware that, you know, that there are potential problems. And that arises as a result of suggesting amendments to motions.

And really what I'm trying to achieve here is just to sort of avoid scenarios where motion deferrals of motions become necessary to sort of address some of these amendments. But, you know, these are not the majority of amendments that are suggested.

Like I said, I only recall two of those situations sort of happening over perhaps the past two and a half years or three years. So like I said, I'm just happy to be having this discussion right now. Thank you.

Rudi Vansnick: Thank you (Amr). (Rudi) for the transcript. Well it's good to come back sometimes to debates and discussions that took place and refresh memories. Sometimes it can change people's vision on ICANN.

And I think if you could eventually tell us that in those cases of the amendment that came up late have influenced decision and to take decision taking into account because to my personal view, it is important that when things come to the council for being voted that there is no longer – there is no delay on that decision.

Let it get done. Get stuff delayed and be late and not having taken the right decision at the right time. So I don't know if you remember that the case happened.

Okay so next step in the process would be in this case that we go for a consensus vote on the proposed text. Well (Amr) what I was just asking was the fact that as you mentioned there are two cases where there was late amendments coming up and influenced maybe the discussion.

But did they delay the decision taking at that moment? Because then it could be important to eventually add the notes to the recommendation. That should be considered in case it happens.

Amr Elsadr: (Rudi) this is (Amr). Thanks for the question and thank you for repeating it. No, the two instances when – that I recalled where amendments where problematic did not cause any delays or deferral of the motions.

They were voted in those same – during those same meetings. Well I guess you could say they caused delays because there was extended discussion on them as a result of the amendments. But that's to be expected and maybe expected of the amendments that are considered friendly.

But no deferrals were certainly made. But at least one of those – well to be honest, one of those scenarios, the one on the new gTLD subsequent procedures PDP, I thought – I didn't think – I personally did not think much of the amendment.

I didn't think it was problematic one way or the other. But I recall – I specifically recall in the second one, the one on the cross community working group for Internet governance, I recall that the amendment was quite problematic.

And I thought at the time that the right thing to do would be to defer the motion. And I was actually considering doing that. But then I also thought of the number of colleagues that I have in the non-commercial stakeholder group were involved with this group.

And were quite eager to see that charter get adopted. And I sort of made a judgement call at that point to not defer the motion. And up until now, I mean there were some of our members who are upset with my decision.

There were others who were not. But like I said, I had very little guidance from the NCSG on the amendment. I had no guidance actually. And then that's sort of where this is all coming from. Thank you.

Rudi Vansnick: Thanks a lot (Amr). (Rudi) for the transcript. It's always good to have that explanation and feelings and experiences that you as a counselor went through. It can help in having the right decision taking now, and not just left an issue that is too important to be considered.

So back to the text we have in front of us. Can I call for a consensus vote on the text that Julie and Mary have been drafting for us and is in front of us except for Lori? Can we go for a consensus vote on the proposed text?

In case we – there is no objection, I would like to – yes (Amr)? Yes sorry. Yes the consensus call will take place on the email list, sorry, for maybe in this case.

But I wanted to know if the text is okay and that we can in fact start the consensus vote on the mailing list? With of course the collection of the footnote as had been mentioned.

So with that I think I'm sure that the issue of Sub-Team A is taken care of. And we can move over to the second case we have on the table. It was handled by Sub-Team B, the chair and vice chair elections.

I've seen a mail coming in today with some information and additional comments from Wolf-Ulrich. And maybe I can give the floor to the person who chaired to the Sub-Team B and get some eventual clarification on what is proposed?

Anne Aikman-Scalese: Thanks (Rudi). This is Anne. And I Wolf-Ulrich and I have been kind of co-chairing Sub-Team B. The last meeting with had, Wolf-Ulrich, was on a train. And he was able to participate I think in chat but not verbally.

We've, you know, I think our remaining issues are somewhat limited. Essentially our sub-team has identified four possible scenarios for getting through the process where a chair is not conclusively elected at GNSO Council meeting.

For those on the call who've not been involved in these discussion or following them, it may be important to recap the work of the sub-team. In the situation were no chair is conclusively elected, Scenario 1 is the simplest case.

It's where both vice chairs are continuing on the council. And the simplest solution there is that the two vice chairs will jointly oversee the chair election and conduct any council business until such time as a new chair is elected.

Then in Scenario 2, and here I'm just presenting the general scenarios, not the issues that remain to be resolved. In Scenario 2, council chair is not conclusively elected, but one vice chair is continuing on council while the other vice chair, the term is ending.

And so that we proposed in our last meeting where there's a vacant vice chair seat. That the house that has the vacant vice chair seat should be allowed to appoint someone to interim vice chair during that time. And we'll talk a little bit more about that one later.

In Scenario 3, where a council chair is not elected in the first round and there are two vice chair openings because the two vice chairs, neither of them is continuing on council. The suggestion was that each house would then appoint an interim vice chair to oversee the council chair election and to conduct council business until a council chair is elected.

We do also need to talk a bit more about the timeframes for that and the eligibility for that. And I'll come back to that.

Scenario 4 is where neither of the two vice chairs is continuing on the council, but the houses fail to designate interim vice chairs in a timely manner as they are called to do under the draft provisions for Scenario 3.

And in that case, because the council has to be able to continue to conduct business, has to be able to proceed to conclusive election of a chair. What we would call the sort of neutral last ditch option is that the non-voting NCA would then assume the role of acting – I think we said act – the interim chair, yes, to oversee council business.

And it was also observed by a couple of our sub-team members that this last ditch Option 4 would in fact encourage the house's to make their interim vice chair appointments in a timely fashion.

So those are the scenarios that we considered. I think that a couple of issues have been raised that we should discuss. I'd like to hold for a bit later the issues that Wolf-Ulrich raised regarding what happens if no council chair is elected in the second round of voting.

And let's look first at our perhaps simpler questions in relation to Scenario 2, which is posted up in Adobe. But for Lori and others, what we had talked about in Scenario 2, which as a reminder is the scenario where one vice chair seat is vacant because there's not continuing vice chair on that side in that house.

And the two options again were that only the remaining vice chair oversees the chair election and conducts council business. But IPC had proposed that the house with the vacant vice chair position designate an interim vice chair to join the continuing vice chair oversee chair election and conduct council business.

And it was discussed in our last meeting that if this option were chosen based on a consensus in SCI that there should be a time limit for doing so, so as to not slow down council business.

The three suggestions for that time limit to designate the interim vice chair were either ten calendar days following council meeting at which a chair was not conclusively elected. Fourteen calendar days following the council meeting at which no chair was conclusively elected. Or one week prior to the next scheduled GNSO Council meeting.

So I think rather than express my own opinion on this, I'll call on Wolf-Ulrich who has recently commented in the chat. I think his opinion that 14 calendar

days is the most appropriate. And so Wolf-Ulrich, would you be able to comment on that?

Wolf-Ulrich Knoblen: Thank you Anne. Thank you for clarification. Well I was thinking though all the alternatives, and I'm okay with all the alternatives with regards to the deadline.

And I was just checking thinking about so usually we have this – this is (harried) after the ICANN meeting to, I think to have one week more or less of business or at least of meetings and of this thing.

That never starts counting, you know. When ICANN meeting normally ends its Thursday. So ten days is until the end of the following week. So – and that was – I was thinking should something happen here in the following week where people are (trembling) or so on.

So question that for, you know, I was just been thinking about that. And therefore, I came up with this 14 days. I can't remember a council meeting taking place after the annual – it's the AGM General Channel meeting to take place before four weeks.

So I didn't see any problem with that. But that was just my thinking. And I'm open also to other arguments. Thank you.

Anne Aikman-Scalese: Thanks Wolf-Ulrich. Just to clarify, (Rudi) did you want me to chair this part of the meeting? Or did you want just to present?

Rudi Vansnick: Thank you Anne. Well I think it's better if you can chair it because you have been only that all the time. I'm just looking through the text and there's quite a lot still that needs some clarification. You seem the hands in the Adobe I suppose?

Anne Aikman-Scalese: Yes. So I was going to call on Mary, but I just wanted to confirm with you that you wanted me to chair this section of the meeting. So go ahead Mary.

Mary Wong: Thanks Anne and thanks Wolf-Ulrich and everybody. So Julie and I were looking through the operating procedures as part of the prep for this call. And we came across two places where there are deadlines or timelines that may be relevant to this discussion, 10 days, 14 days, et cetera.

The first is probably a bit more relevant. And it actually is a provision that requires that a full 12-month calendar of meetings for the GNSO Council be prepared for the following year, after each annual general meeting. So that's supposed to be done by the chair and the staff. And so basically this is one job that the new chair would have to discharge quite early on in his or her tenure. The stated deadline there is 30 days.

The other is something that those of you who were on the previous (unintelligible) of the SCI will not doubt remember is this process for doing a vote outside a meeting. And that can be called by the chair, the GNSO chair. And there's a few other conditions, but the notice there is seven days in advance.

The reason why I say the first is more relevant is because, you know, we have a 30-day period. So having, you know, one or two vice chairs while interim chairs may, I mean may be something that the council would prefer.

In the second one we agree with Wolf-Ulrich that a lot of these things probably would not be scheduled for right after an ICANN meeting, just given travel and the need for people to get back to their daily lives. But we thought we would raise both of them for your consideration. Thank you.

Anne Aikman-Scalese: Mary, so before I move onto Lawrence, this is Anne again for the transcript. May I as with respect to both of these rules that Julie – you and

Julie have identified – is one of these three options then the preferable option with respect to those rules?

Mary Wong: Anne this is Mary again. We didn't form an opinion about that. We just wanted to bring it up to the extent that, you know, weighing all the pros and cons and the practicalities that Wolf-Ulrich has noted, whether it would therefore be preferable to do ten days rather than 14. So we don't really have an opinion about that. We just wanted to raise what we thought were relevant considerations.

Anne Aikman-Scalese: Okay thanks Mary. I'm not sure I fully understand those. You know, it makes sense based on experience that you and Wolf-Ulrich have to default to the 14 calendar days I think. But I'd like to recognize Lawrence for any comments he may have here, Lawrence.

Lawrence Olawale-Roberts: Thank you. This is Lawrence for the records. So I'm in tune with the (Option B). I just want to brought that up because that information was provided to us that the eight-day election is really after the AGM. And there will be people traveling. So there's going to be need to settle down.

And because there is also timeframe for the elections be held, it's healthy that there's also enough time to coordinate activities towards by election of some sort. And so putting into write up, 14 days will give maybe another 14 days or so to prepare for the process of a manager.

But right after that discussion was the last SCI that we had. Looking through the process, something that jumped in my head, I don't know if like I want to put that on the table so that we can as well discuss as we look at this scenario.

Now if there is a failure of an election, we have proposed this for scenarios. And we are very clear with Scenario 1. The other scenarios are just the timing for that.

It now occurred to me, we have 30 days after a failed election to put in place some form of mechanism to produce another election. If – and other than that we didn't have the vice chairs continuing. We also have these provisions.

But then it occurs to me we need to – we have to get the house – the, yes, the house now, where a vice chair is not sitting to provide one. What happens if that house for some reason cannot maybe meet this deadline, we now move to the next scenario.

I mean there has to be a next scenario, so to say. So what I'm saying in essence is within the timeline of two weeks, could either work – could either work within a 30-day scenario or a 60-day scenario. I hope I'm not confusing us.

For clarity, let me go on. If there is no vice chair coming from both houses, or if for any reason one house decides not to meet the requirement or cannot meet the requirements of providing a representative within our ten-day our 14 days deadline, what happens?

It means that we get stuck at that point. So if we are working with – if we can't meet Scenario 1, I would move to Scenario 2. We have one vice chair and we now adopt them. Maybe the house, schedules in house the vice chair should nominate a vice chair to join the sitting one.

And at the end of the day, that election still remains inconclusive, it means that we're now going to moving to a Scenario 3. At what point do we get each of this different scenarios to work?

So if we can't get the house to provide two vice chairs – two sitting vice chairs to help conduct an election, after a 14-day period for instance, we then can – we then have (unintelligible) immediately allow for maybe NOMCOM, the

non-voting NOMCOM appointee to then conduct the election still within the same 30 day framework.

I think that I will drop off now so that in case (unintelligible) or in case of circulating copies in the letter. Not to confuse us any longer. Thank you.

Anne Aikman-Scalese: Thank you very much Lawrence. And I appreciate the question that you're proposing. And I think it undoubtedly does need to be clarified. This has actually occurred somewhat to me as well in the interim.

I think that in the case where a house fails to appoint a vacant vice chair position and fails to appoint an interim vice chair, there would be two options. One option would be for us to provide where that house fails, or else that house does not meet the deadline, assuming for the moment that it's 14 calendar days.

That either we could move to Scenario 4 where the non-voting NCA access interim chair. Or we could provide that a house that fails to timely appoint an interim vice chair has to live with the only existing interim vice chair who is either there because that person's term continues or is there because that house in fact did timely appoint their vice chair.

So those would be I think the two options. And probably need to be, you know, specified and discussed as to which option we see as more practical or appropriate. And so I'll call on (Amr) to see what comments he may have on that. Thank you (Amr). Go ahead.

Amr Elsadr: Thanks Anne. This is (Amr). Yes, I pretty much agree to everything you just said. The way I'm reading these scenarios is that in Scenario 1 and 2 there actually is no problem if there is no vacancy.

In Scenario 1, we have two continuing councilors who can continue in the role as interim vice chair as opposed to elected vice chairs, just until new council leadership is elected.

In Scenario 2, we're missing one of those two, but we still have one. So in the event that the other house fails to appoint an interim vice chair, we still have one – the council still has one to work with.

It's really Scenario 3 where it starts to get a bit messy because we – there's a completely vacant leadership. We don't have either of the two vice chairs. And the council has failed to elect a chair.

So in this situation in the event that the two houses fail, both houses fail to appoint interim vice chairs, then automatically within a set period of time, which we haven't defined one yet. We're going to move forward to Scenario 4 where the non-voting NCA will – could be designated as the interim chair until the council manages to get its act together actually.

So yes, I think it works out quite nicely. And I hope that the council never finds itself in a position like this, at least never finds itself in a position where they're forced to deal with Scenario 3 and 4. Scenario 1 and 2 may happen. But I hope will also be unlikely in the future.

I would like to add one more thing, one comment I had when I was looking over the language and these scenarios. We did discuss in the past and decided against the including of the non-voting and NOMCOM appointee in Scenario 3.

And as you can see on the document on the screen it's been crossed out. I was wondering if it would be helpful to change this language instead of – I'm looking at Scenario 3, the second paragraph. I'm just suggesting where it says in the case where both vice chairs terms on the council end at the same

time as the chair and no chair is conclusively election, this procedure would apply.

Each house should designate a new or continuum councilor which may include the voting NCAs to temporarily fill the role of vice chair and have basic – and it goes on.

I was wondering replacing the language here which begins with each house should designate a new or continuing councilor which may include the NCAs to just replace, which may include the NCAs to (from within) the respected houses.

I believe that language is consistent with bylaws language that Julie brought up during the last SCI call. And it also I think move some ambiguity regarding the non.com point piece. The eligibility to be appointed by either of the two houses because I think what we're intended to say here is that...

Anne Aikman-Scalese: (Amr) I think we lost you. Okay, so I see that we're actually out of time. And I think that one thing that's clear here, I believe there's an additional meeting necessary for this sub-team.

I do see personally at least three issues that need further discussion. I don't think that the language that (Amr) was sitting in Scenario 2 would mean that automatically only one vice chair would continue.

I think the team still has to discuss whether the recommendation is that we continue with just the one vice chair. Or whether we default to Scenario 4 with the non-voting NCA.

And so I don't think, you know, I do think Lawrence has raised a question that must be addressed. I think that the open issue exists in relation to Scenario 2 and 3. What happens if one house does not timely appoint? Where do we

go? Do we go to the other houses vice chair? Or do we go to the non-voting NCA scenario? That needs further discussion by this team.

The second thing is the suggestion just made by (Amr) with respect to a change in the language. I – personally it looks like a good change to me. But I don't think that on this call we have adequate time to develop a consensus on that.

And then the third issue which I think is still quite important that Wolf-Ulrich has identified is what happens if the second round of voting doesn't result inconclusively in a council chair.

So I would suggest to staff that we do need another call for Sub-Team B on those three agenda items. We could also do it as a full SCI call if everyone would prefer to approach it that way. May I ask those on the call to – if you agree that this should be a full SCI discussion, could you click agree.

Okay, I'm not seeing – okay, I'm seeing Wolf-Ulrich says yes, yes, yes. I'm seeing several full SCI discussion. And I'm going to go ahead and agree with that myself. So if we could put that on the agenda for the next SCI meeting.

And I think also at time we'll probably want to try to reconfirm some consensus on this 14 calendar days alternative as well. I didn't hear any objection to that but, you know, we didn't really finalize it.

So I'd like to at this point turn the meeting back over to (Rudi) as chair with hopefully just our identification that this one is not yet ready for consensus call. Thank you.

Rudi Vansnick: Thanks a lot Anne for chairing this part. (Rudi) for the transcript. Yes, I think it's important as we and the SCI and the Sub-Team A finished its work. So there is no need for having two teams working separately.

I would like to have the full house here having a view on operating furthermore on the text. I see Julie you have your hand up. You have the floor.

Julie Hedlund: Sorry. I took it down.

Rudi Vansnick: No problem. So let's put it on the agenda for the next SCI meeting. I was just wondering when should we have that call. I just recall that we have the, in the mail, the consensus vote. It would take at least two weeks. Should we schedule a call in three weeks' time so that we can handle the results of the consensus call and take care of this second issue? Is that a good proposal?

Yes I see (Amr) is saying it sounds good. So can we schedule this within three weeks from now? As I see Julie is typing in the notes window. The 21st of April, 1800 UTC. Is that okay for everyone? Lori is that okay for you too as you're on the phone and not on the big here?

Lori Schulman: I think it should be (Rudi).

Rudi Vansnick: Okay. Thank you very much. Well with that I will conclude this meeting and call it to an end. And thank you all for your participation. It was very fruitful. We made progress. It began next call, get the other issue at that – at the end. And then we will probably be happy and have...

((Crosstalk))

Rudi Vansnick: So thank you all and see you on the 21st of April.

Woman: Thanks (Rudi). Be well everyone.

Woman: Thanks everyone. Have a great day.

END