GNSO
Operations Steering Committee (OSC) GNSO Council Operations Work Team
24 February 2010 at 17:00 UTC

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http://audio.icann.org/gnso/gnso-council-ops-20100224.mp3

On page:
http://gnso.icann.org/calendar/#feb
(transcripts and recordings are found on the calendar page)

Participants on the Call:
Ray Fasset – Registries
Ron Andruff - CBUC
Wolf Ulrich Knoben – ISPC
Avri Doria – NCSG

Staff:
Ken Bour
Glen de Saint Gery
Gisella Gruber-White

Apologies:
Julie Hedlund
Rob Hoggarth

Coordinator: Excuse me. This conference will now be recorded.

Ray Fassett: Okay. Thank you very much. Who would like to take a roll call?

Gisella Gruber-White: I'll do that for you Ray. Good morning, good afternoon, good evening to
                     everyone. On today's GNSO Council Ops call on Wednesday the 24th of
                     February, we have Ray Fassett, Avri Doria, Ron Andruff, Wolf-Ulrich Knoben.
                     From staff we have Glen de Saint Gery, Ken Bour and myself Gisella Gruber-

White. And we have apologies from (Julie Hope), Julie Hedlund and Rob Hoggarth.

If I could remind everyone to state their names when speaking for transcript purposes. Thank you. Over to you Ray.

Ray Fassett: Okay. Thank you very much. Real quick, hey Wolf did you have a chance to reach out to Tony Holmes regarding his participation?

Wolf-Ulrich Knoben: Yes. I did not have a direct contact but I forwarded it to him so I email so but I did not have any reaction. I don't know...

((Crosstalk))

Ray Fassett: Okay.

Wolf-Ulrich Knoben: ...not yet but he's informed about it.

Ray Fassett: Okay great. So we'll - let's just - we'll just keep working that. Get him - see if we can get him back into the swing, at least a couple meetings a month. Then I'm sure all of you have seen the revised document that came from Ken Bour on the abstention language to go into the rules of procedure, Section 4.5 under Voting which is Section 4.

Obviously very, very involved but it has passed ICANN legal eyes if you will and we basically have the blessing now to go ahead and send it over to the OSC for their review.

I know I just sent that yesterday and it is a rather long document, but is there any discussion on that? And I am seeking approval from the work team or at least not objection to go ahead and now get this in front of the OSC with the recommendation as well that we try to get it in front of the Council for the Nairobi meeting. Any comment or discussion on this?

Ron Andruff: This is Ron. Ray, I have no objection to sending that on to the OSC.

Ray Fassett: Okay great. Ken Stubbs did reply yesterday. I'm not sure if it was to me or the list, but he was okay with doing that as well. Ken is not as active a member of the team but I think he is following along.

Avri, how do you - Wolf also now is I believe also raised a good comment as I think we all know with regards to redacting the names which I think is a good idea on the one document. And Avri do you have any opinions on anything?

Avri Doria: I'm - I always have opinions on everything but...

Ray Fassett: Don't.

Avri Doria: I'm kidding. I'm kidding. Yes. No I think it's fine to send it forward. I don't think the names need to be redacted but I see no problem with redacting it. I understand the point as it could sideline people's attention. But then again, when they're reading the explanations of why, they also could be a good example of hey, you know, for the most part, these were all voluntary or whatever the proper term we used was.

So, but - and so yes redact them or tag them as using them as an example field. But I'm fine either way and both of them are more work.

Ray Fassett: Okay. Can...

((Crosstalk))

Ron Andruff: This is Ron.

Ray Fassett: Yes Ron.

Ron Andruff: That does beg the question. Ken's on the call. Is - was this public records that you got this from Ken? And if so then I think the answer is...

Ken Bour: Um-hmm.

((Crosstalk))

Ron Andruff: ...just leave it in because I think it does help to flush out, you know, the rationale behind, you know, who did it and why.

Ken Bour: This is Ken. And the answer is I did send a note to the list that it is public information. It came from gnso.icann.org from the calendar and the minutes that are published there.

Avri Doria: Yes. Yes. No. It was - I'm sure of it that it was also - all these things are public. As I say, it would be interesting though, if we're going to do it this way to tag them so that people see which of these - oh you have that in there. I see. I'm looking at it now. It's all volitional use. I think it's useful. And I don't think the names hurt but, you know, I think we could also have held who the names were if we really wanted to if that's possible.

((Crosstalk))

Ray Fassett: Well there's - yes, there's a point to that. I mean there's reasonableness. You're just forcing the user if they want to now to have to go back into that public document and try and investigate it on their own, put the puzzle together assuming someone feels strongly motivated to want to do that.

And then - so then the question becomes why are we making people do that when it's already publicly available anyway?

Avri Doria: And this is Avri. I mean I'm saying it as one of the names that would be redacted so, and I don't care one way or another.

Wolf-Ulrich Knoben: Right. Okay. Now speaking just for me without special - is it necessary for purpose now have the names this close. So if not, you know, then I would say, you know, I would see it that way from a - because before anybody starts with to - with interpretation of these context. So why should we disclose any?

Ron Andruff: Well I think that - and the answer to that Wolf is it's public. It's already public knowledge. We're not disclosing anything. We're just taking a public document. We're just bringing that forward as a - to demonstrate that the - when you look at this chart you can get a sense of where abstentions happened in the past and how that abstention actually was a no - fell as a no call or more often than not. So that's why we're, you know, we're doing this work.

Wolf-Ulrich Knoben: Um-hmm. Okay.

Ray Fassett: Okay so I'm pausing. Let's see. How do I get off this fence? Let me think about that. Well I guess I'm kind of rationalizing, you know, I sent an email earlier what my opinion was. I think we should redact and my thinking was I don't want to distract from the substance of what the exercise is about...

Wolf-Ulrich Knoben: Yes.

Ray Fassett: ...and which has a tendency to happen in the ICANN arena...

Wolf-Ulrich Knoben: Yes.

Ray Fassett: ...with, yes, with - when names are used and it's out of context. You know, like as if you're taking it out of context and then you're assigning somebody's name to it and...

Wolf-Ulrich Knoben: Hmm.

Ray Fassett: ...oh I need to offer more of an explanation. No it's - it was just a snapshot. You paraphrased my what I said although it looks like their - I think Ken thought about that. You know, it looks like he took direct quotes. But then it's like waiting - that wasn't my entire statement.

And then we go ahead and make a determination, an opinion of whether it's volitional or not nor obligational. And then somebody could say well, you know, you misinterpreted that.

Wolf-Ulrich Knoben: Hmm.

Ron Andruff: Well what we could do Chair is...

((Crosstalk))

Avri Doria: This is Avri. I have a question.

Ray Fassett: Okay Avri.

Ron Andruff: ...take away the name and just leave in the constituency because it just shows that there are multiple, you know, there's the (BCE). There's the IPC, NCUC. So other multiple party - bodies use this. That's more or less why I thought not so much that the name of the individual wasn't so critical.

Avri Doria: Yes. The - this is Avri again. As I said, the quotes I expect are part of the record because of the whole if you abstain then you put a formal statement in the record, and in fact people even have a chance to edit that statement before it's posted in the record. So that is, you know, it should be the whole quote.

I assume Ken took the whole quote out of the record. The one I read of mine is indeed what I said. Would you also redact it where there were people's

names in there? For example, I look at 24 September and I want to thank (Christina), etcetera. So would you also redact names? And there's Edmund Chung is mentioned and (Chuck) and Edmund are mentioned in another one.

So in fact, you know, (Jordie)'s is - I'm abstaining for the same reason as (Chuck) and Edmund. So would you translate that to I'm abstaining for the same reason as anonymous one and anonymous two in the vote up top? It's - I'm saying it's more than just deleting their names. You'll have to go through the next column and also do that.

And as I say, these are - I assume Ken you went to, you know, the motions record of stuff, not the motions but the posted outcomes. And they are all record and they all have been verified by the people. But as I say, I'm not going to do the issue either way but I think it's no biggy.

Ray Fassett: Well here's Door Number 3. Okay Door Number 3 is we send over to the OSC the language, okay. And we also say that we did an anal - the work team did an analysis obviously with the support of ICANN staff to look at how past abstentions in 2009 would have been affected if this language had been in place at the time.

And we just come up with a very simple chart of this many - there were this many abstentions. This many we determined would have fallen into a volitional situation. This many would have fallen into an obligational. And this many would have really acted as a no.

It was really - the purpose of the abstention was to be a no vote and just leave it very high level. And if anybody in the OSC wants to see the detail of how we arrived at this chart, conclusionary sort of high level summary chart, then we can provide them the full, including the names, analysis that Ken did. Any thoughts on that?

In other words, I think it's good for the work team to show anybody and who we report to is the OSC that look we - this was a prudent step and we did the work. That's the important part. And these are the conclusions that we came up with. And as a work team we agreed are reasonably - reasonable interpretations of those abstentions. We looked at this.

Now do you need to look under the hood and see the whole thing? Well why? You know, but if you do, here's the whole thing if he wants to.

Ron Andruff: I - this is Ron. You know, Chair, I don't - we're having a long conversation about this and I'm not sure exactly why. I don't see, and the less - Avri might be a little sharper on this, perhaps she was there for it. I don't see that there's anything here that is so, you know, would cause such a problem.

If my name were attached to one of these I don't think I would have any problem with that being quoted for that because I was probably quoted in the - on the tape in the MP3 recording if it happened to be on a non face to face meeting call or otherwise I would have been recorded by the scribes.

So it's all there. There's nothing, you know, the statements were made and for these reasons these people abstained and this was the homework that we did to get some better sense of, you know, this no versus abstention. So, I still...

Ray Fassett: Well...

Ron Andruff: ...don't quite understand what we're holding back. Why - what is - what's inflammatory here? Why are we concerned?

Ray Fassett: Well I - my - I'll just answer that one real quick. We are making - there is an interpretation going on.

Ron Andruff: No we're doing a review of what happened here and these people are stating the reason for their abstention. And...

Ray Fassett: Yes, then we interpret it though. Then we interpret it though.

Ron Andruff: Yes. Then that...

Ray Fassett: Then we make an interpret, yes...

((Crosstalk))

Ron Andruff: Then staff interprets that to say this is, you know, this is how it looks. And that was a working document for us. We didn't interpret it. The staff did the homework. Staff did the interpretation. We used it as a work - as a background document to our dialogue and that's why we're submitting it for them to have a better - if they need a better understanding, look at this document.

Avri Doria: Yes. This is Avri again. If I can add two things. One is as I said these abstention statements are actually part of the voting record. They don't - you don't even have to go to the tape for them. They're actually part of the vote record.

                 And second, actually one advantage to having the names is someone could read, it says this reads like volitional. Wait a second. I'm the one that did that and I don't think it's volitional for the following reason. And it actually gives us a chance to have a dialogue on, you know, if there is something behind it, so.

Ray Fassett: That's a good point. All right. Well I think Ron's correct. We're spending a lot of time on this. I'm sort of hearing myself that we should send the document to the OSC as part of our work and leave as is. That - I think that's what I'm hearing as sort of the over - it's go - it's mitigating both directions, but I think

overall that's what I'm hearing. Does anybody disagree? Let's try this. Does anybody disagree with sending the OSC both documents as is?

Ken Bour: This is Ken. May I ask a question or make a comment before you take that vote?

Ray Fassett: Yes. Yes.

Ken Bour: One of the things Ron said about this is staff's point of view about these documents, true. I did register my judgment or assessment as to how each of these looked. And I asked my colleague, Rob Hoggarth, to overlook it and he and I agreed on all - and we made a couple little changes back and forth but I'm wondering if it would be okay to ask the team to go through and ratify what staff had said.

In other words, does the team want to say you agree that these are - these judgments or assessments are - reflect the team's view on it as well?

Ray Fassett: Well yes, let me clarify that because that is the approach I took which is, you know, it's a document that was prepared for us. But when we sent it on, we're sending it on as a work team. And the assumption should be that we have reasonably agreed to the interpretations. If we didn't, then we would question you on them. And...

Ken Bour: Yes. And I just would let you know, I'm happy to make any adjustments or amendments or...

Ray Fassett: Understood.

Ken Bour: ...yes, that you guys see fit.

Ray Fassett: Right. That's the way I approach things. And for this work team is, you know, when we send something out, the work team is in agreement with what the

conclusions are or what the statements are. And then I try not to reach, you know, in communications like that that, you know, to overreach what you guys are basically - where you're landing on on whatever the issue might be. So sometimes that can get tricky too, not to overreach.

But in this instance, I would like to make clear that including this document would mean and insinuate or refer or people should assume that we have actually agreed with the interpretations as a work team that we looked at them, read them and have agreed with the interpretations.

Different than a position of well staff did this and we just - we're just passing it along, slightly different approach there. And that goes- this is a higher - this is a general concept as well not just to this document but really just about anything we get and then pass out - along. That's the way I approach things.

Any problem with that?

Ron Andruff: Not from my side.

Ray Fassett: Okay. All right. So when I - so I'm at this point from what I'm hearing of the group is it's better to go ahead and send the document along with the language as a package, the two documents, to the OSC. I think it's important to include the analysis. We could, I mean, Door Number 4 is we don't include anything. We just say here's the language, please approve.

But I think it's useful. And I think Avri just raised an excellent point where okay somebody sees their name and they want to challenge the interpretation we made as a work team. That's only healthy. That can only be good I think.

So anyway, any validating for a discussion, what I plan to do is send to the OSC both documents as is. Okay?

Wolf-Ulrich Knoben: Okay.

Ray Fassett: All right. Why don't we move to - move back to the SOI document. Everybody have that open?

((Crosstalk))

Wolf-Ulrich Knoben: Yes.

Ken Bour: This is Ken.

Ron Andruff: I had a like a little bit of a computer problem. I had to get a lot of stuff wiped last week. So I wonder could someone just kindly just push me the link to our wiki? I realize I don't have it here in my - I've been looking for it for the last few minutes. Gisella or Glen?

Ray Fassett: Yes I'm looking too for you Ron.

Wolf-Ulrich Knoben: Yes.

((Crosstalk))

Ron Andruff: Thank you.

Glen de Saint Gery: Do that for you Ron.

Ron Andruff: Thank you. Thank you very much.

Ray Fassett: Yes. Yes I see it. Okay. Okay. They're quicker than me.

Ron Andruff: Yes. I'm sure they - at their fingertips.

Ray Fassett: All right. Okay. So the SOI document. Where we left off, if I recall correctly from last week is we made it all the way through Section 4 and our - and

we're just delving into Section 5. Oh by the way, everybody got Julie's - well it's on the wiki but Julie did an update on the action items from this document that we came up with.

And I looked at those and they seemed reasonably okay to me. I mean I might do some formatting changes but the substance of it is I think what we asked her to do. Has everybody had a chance to review that?

Ron Andruff: I for myself have not but I was in agreement pretty well with everything we were - we had gotten to...

Ray Fassett: Yes.

Ron Andruff: ...up to page - up to that number five. That's I think that's where we paused indeed.

Ray Fassett: Um-hmm yes. And I think she captured what we were looking for. But let's all take a look at it again in terms of whether she captured the substance. But it looks like to me she has.

Now in Section 5, it's heading is titled Procedures to Ensure Truthfulness and Completeness of Statements of Interest and Disclosures of Interest. So, this concept of ensure truthfulness and completeness and where I was raising a question on was and how do you have procedures to ensure truthfulness? I mean, and in just those words, procedures to ensure truthfulness sort of indicates an authority, a policing aspect. So that's where we left off. And I wonder if there's any discussion on this. So 5.1 we can all read it.

ICANN staff shall review relevant party's statements of interest to ensure truthfulness and completeness. And that flagged to me what we want ICANN staff to do.

Ron Andruff: I think that - this is Ron.

Ray Fassett: Um-hmm.

Ron Andruff: I was at the same point that the word truthfulness is, you know, it's relative to whoever's looking at it. And we don't necessarily need to put staff in the position of being a judge of that. But I think we should be rewording the language to try to achieve this idea.

So incompleteness as well as something that is, you know, that - I'm not sure - I don't want to walk away from the truth, you know, but on the same time I just appreciate the fact that we cannot put anyone, whether it's staff or, you know, a Chair of a committee to say well you're going to determine whether this is truthful or not.

So, critical we have the complete ask - everything is complete. There's no incompleteness. How we address the truthfulness I'm still up in the air on that one.

Ray Fassett: Um-hmm. So let's - okay. So let's go with the completeness aspect of it for a minute. So let's talk about like resource management. Do we really want a person that reviews all of these manually and tries to establish that they're complete? Or is this an online form where there are required fields, and if the fields are not completed, the submission is not accepted?

Avri Doria: This is Avri.

Ray Fassett: Yes Avri.

Avri Doria: I tend to think that if this is as problematic as truthfulness. I mean I tend to believe I don't know how one captures it in writing but what you're essentially doing is the giggle test. And basically you put something out public and people look at it. And enough people know enough about enough people that it either passes muster or somebody asks a question.

I think completeness is so difficult. Does that include my high school graduation place? You know, it's completeness within what's pertinent. And so you're asking someone to do something as subjective as truthfulness.

And so it's, you know, we need to have somebody review it for, you know, reasonableness, which is yes blatantly subjective, but, you know, at least it's, you know, by making them publicly readable, they are reviewed for reasonableness by all and sundry. And anyone can say wait a second, that's not reasonable.

Ron Andruff: This is Ron. I take it from - I was falling more from the perspective of what you said the latter position Ray that in fact the completeness aspect. And it got me - before I say that, I do support what Avri just said. It really is passing the giggle test, everybody can look at it and say that's reasonable.

But the completeness element for me was more that the document - it was an online form and in fact, you know, if there were ten boxes, every one of those boxes had something in it to make sure that even if it did - wasn't relevant, it said not applicable. But every box in fact was full and that the - each individual has completed a task of filling in those boxes.

Ray Fassett: Um-hmm.

Ron Andruff: So it was more - that was more an academic just, you know, a check as opposed to a review of how complete I was.

((Crosstalk))

Ray Fassett: And that can be automated. So completeness...

Ron Andruff: Yes. It should - well it should be. It must be automated. Yes.

Ray Fassett: Yes. Okay. So completeness is an automated process which then inherently means less human resources happen to be attributed to it. And I think that's an important point for us to think about in coming up with procedures. If we can, let's - unless there's an overwhelming need to attribute human resources as something, let's not burden what doesn't need to be burdened.

Okay. So, if - I'm kind of in - now here's another question. Is it reasonable though that the procedure can only be online? What if I'm in an area of the world that I don't have access to online?

Ron Andruff: You'd have to send it to staff and staff would have to put it online. It all has to be online. It has to be readily be accessible to anyone who wants to go and look at it.

Ray Fassett: Oh yes. I guess I don't mean the actual form. I mean the ability to complete the form. Is it only an online process or can you manually send in a form where somebody at ICANN is assigned the role of getting the mail and opening it up and typing it in themselves? Or do you have the procedure be you have to fill it out online and just sorry that's all we have? And then how many different languages?

Ron Andruff: Well, yes. Well okay. So you're asking a number of good questions.

Ray Fassett: Yes. Yes.

Ron Andruff: But I think the reality is that what we're talking about here are work teams or GNSO counselors, so it's a specific body of group - body of people, you know, Board members, staff members. I don't know if their staff members would be filling out an SOI. So it's really community members that are participating in work teams or GNSO appointed work.

Those people will have to be online to be able to participate in that process. You can't not be online and be on a work team of some sort because you

wouldn't receive documentation. You wouldn't be up to speed on any of the elements of that working activity.

So I think it is an online form. And I don't see any reason why we shouldn't continue to go that way.

Avri Doria: This is Avri.

Ray Fassett: Yes.

Avri Doria: I would actually - you might have the possibility of some people in some remote areas where they would have email access that would allow them to receive documents and such but you might not have sufficient bandwidth for online form thing. So while I think the notion of getting a letter and typing it in is difficult, I do think that perhaps in exceptional circumstances, allowing for somebody to fill in the form on email and having somebody cut and paste may not be an unreasonable exception for those who may be bandwidth challenged.

Ray Fassett: All right. Let me ask this question then. Is - where does the burden rest at the end of the day and on whether one of these things is completed before the individual's able to participate? Does it rest with the Chair of whatever it is that's going on or whatever the group is?

Ron Andruff: Yes because the Chair is asking the question at the start of the meeting after they've taken roll call, has everyone completed their SOIs and DOIs? Has that been done?

Ray Fassett: Um-hmm.

Ron Andruff: So he's asked the question now, if any - that doesn't mean he had - the Chair had to go back and check everyone's. He's asking everyone to confirm that

they have because they cannot start the activity until they've confirmed that they have.

Ray Fassett: Um-hmm.

Ron Andruff: So it's more a question of confirmation at the start of the meeting rather than the Chair actually going back and doing the legwork. And that's exactly where the point comes that somebody raises the question says, you know, I was looking at the SOI DOIs yesterday of Joe Blow and it seemed to me that it wasn't complete.

And then staff would then go back, find that document, have a look at it and say yes that's true. There's ten box - answers here and we've only received eight. And then that would get cleaned up. It might just be a housekeeping matter that just, you know, the first person didn't feel that those questions were relevant so left the box blank as opposed to putting not applicable.

So those - that - those four - it should be a very simple process. This should not be something that's adding extra burden to any Chair.

Ray Fassett: So you don't want to put the added, oh I don't know if you call it added. You don't want to put the burden on the Chair. You want staff to do it. You want staff so...

((Crosstalk))

Ron Andruff: Yes. I want the Chair to ask the question and I want the work team members to respond affirmatively or negatively. And if it's negative, then the Chair would have to ask well then I'll have to ask you to recuse yourself from this meeting today until such time as you're - it's up to date.

On the other hand if somebody - if there's a third party that sees something not complete, they just happen to be looking through the night before and

they find it's not complete and that person does not confirm that individual who hadn't completed the form doesn't confirm it, then staff would be asked to go back and check that form of so - of this partic - so and see if in fact that is correct, it's complete or incomplete. That's the completeness test.

Ray Fassett: Well given the different Internet connections around the world and where you're at, is it fair to say today that the rare exception is going to be somebody that only has say an email accessibility but not the ability to hit the online forms or be able to do an online form? Is that - is it fair to say that that's really the rare exception?

Avri Doria: Not if you - this is Avri. Not if you look at oh Africa. Most of them will not have necessarily online form capability. They'll have (must man) email capability.

Ray Fassett: Um-hmm.

((Crosstalk))

Avri Doria: And so it depends on how much outreach we're doing.

Ray Fassett: Um-hmm.

Ron Andruff: Well I think Avri you're also referring to not as much as bandwidth as much as, you know, documents. For example, this, you know, Windows 7 or all these newer softwares coming out will have a DOCM, D-O-C-M document or a D-O-C-X document that older software won't open.

Ray Fassett: Um-hmm.

Ron Andruff: So I think that it's not just about the bandwidth issue, it's about just the software issue. But again if these people are members of a work team, they would have to put - be in some way capable of participating with the rest of

the work team otherwise you're going to have one individual that's basically, you know, it's the law of caravan.

If that person has to receive written documents by mail then that will be the speed of that work team. So I think that this - should have to be a proviso - it's just a precondition that if someone's working on a work team that they have Internet access to be able to trade documents, share documents, discuss online and have to be able to edit a document as we are doing with this one, add comments and so forth.

Avri Doria: No. I guess...

((Crosstalk))

Ron Andruff: And I don't disagree with what you're saying.

Ray Fassett: Again, I think...

Ron Andruff: I'm saying that we have to kind of - we've got to amp it up a little bit here otherwise the work teams will be working in slow motion.

Ray Fassett: Yes. And that'll lead us back up one minute before you go Avri and then I'll let you go. As I - I'm not looking to debate different cultures or capacities. What I'm trying to find - what I'm trying to get an idea about is, you know, what is the minimalist approach we have to take here? Is it snail mail? You know, I mean I think that's unreasonable.

I think there is a certain level of reasonableness that you have connection to the Internet in order to be able to stay with ICANN activities. Now, where it - now is it just email and not, you know, Web sites or what have you? But I think we as a work team that just sort of gets to a position of what's reasonable here that we should expect of a work team member. And I don't think it's regular mail. So that's...

((Crosstalk))

Ken Bour: Ray this is Ken. Can I interject a question?

Ray Fassett: Yes. Um-hmm.

Ken Bour: You guys are spending some time on the sort of mode of delivery of the SOI/DOI and I'm wondering if that's even necessary in the context of this document. You want to - do you - can the procedures be silent as to how the form is in fact completed or do you really want to specify here it must be done online or if it can't be done online then it has to be done via email.

                 I mean it would seem to me that if it is done online someone like the Secretariat, you know, would periodically or maybe gets an email that says hey an SOI just came up. I think she get - regularly finds out when that happens.

                 And there is just a quick review of the six or eight or whatever number of questions there are to be sure that, you know, there wasn't an omission of information or something like that. And if there was, then she goes back to the individual says hey you missed question seven and that gets fixed up. I'm just wondering if that's simple enough here.

((Crosstalk))

Ray Fassett: Well there's a - well let me comment on that real quick. I mean there is a responsibility. When we say procedures to ensure that is putting a responsibility somewhere. I don't - I'm not against it, but if we are vague on what the procedures are to ensure, I can only - and these are the rules of procedure by the way, I can only imagine that it's just going to be very ambiguous later and we've not done anybody any favors.

So, but with that said, I'm not trying to influence anybody any particular direction. Avri I think you wanted to comment.

Avri Doria: Yes. I basically - I do agree that there is a minimal threshold. I think it's email access. I do believe there's a minimal threshold for document and it's Word before DOCX and it's PDS. But I think to require more than that, and, you know, I'm saying this even though I'm the one that's trying to get everybody as much as possible to participate on wiki, but I know that on wiki I can throw off a Word whatever it is, you know, pre DOCX Word document and send that to someone.

So yes, I agree. We're not doing snail mail and we're not sending documents out UPS. But I don't know that we can demand more than basic connectivity. I'm not going as far as the ITS that says all documents are text. I think Word is cool. I think DOCX and DOCM go too far, you know, but that's where I'm at.

Ron Andruff: And this is Ron. And I think that, you know, what - well Ken you're correct in terms of the SOI DOI, but I think what's been uncovered here is a procedural element about work teams might work in the future that really should be addressed.

And I'm in line with what Avri said. There's some base - we have - in the procedural applications that we're putting forward, that would be one of them saying that, you know, documents would have to be in - this - it's in a very basic form so that people have access and that work team members from countries with lesser bandwidth or don't have the software would have access and be able to participate in these work teams. So...

Ken Bour: This is Ken (amea) I just wanted to let you know that the working team group, the working team work team...

Ron Andruff: Um-hmm.

Ken Bour: ...does in fact have procedures about the start up and the Chairing of the working groups. And it - there's specific mention in there that these SOIs and DOIs need to be in place. And I think there's actually a step in the Chair's procedure to do that. So you won't necessarily have to include it here.

Ron Andruff: Oh good. So maybe we can bounce this ball back to them just to make sure they have addressed a minimum threshold for documentation that a work team member can access. Can we take that step?

Avri Doria: Yes. I don't think - this is Avri. I don't think we actually covered this email and basic document structure. I think that's one thing we didn't cover. We did cover SOIs and we did - I don't think we covered, you know, DOIs. But - and I don't think we ever covered formats and things like that.

But perhaps we should have and perhaps that should be kicked back to them in terms of working group modalities as it were.

Ron Andruff: That seems to be the place where this discussion should be held. So that would be great. That'll - from my point of view I think that would be a step forward.

Ray Fassett: Okay. I had a interruption in the conversation. Where should this conversation be held?

Ron Andruff: Ken?

((Crosstalk))

Avri Doria: Working group work team.

Ron Andruff: Yes. Ken brought our attention to the fact that the working group work team that are developing how the modalities of a meeting will be held and so forth.

So this would be something that they could bring into their language so we don't have to worry about it here. We'll just refer back to that working group.

((Crosstalk))

Ron Andruff: But in fact we do agree that there will be a minimum of documentation cape - reading or accessing capability.

Ray Fassett: All right. So let's look back at the heading then. I'm - I don't disagree with that. So, do we take everything that's in 5.1 and leave it blank, just leave the heading and to, you know, to be determined?

Ron Andruff: No. I think we're still on the point of this, you know, completeness of the statement of interest is - that's again we talked about that at the early part of this die - of this conversation on this topic that that has to be reviewed and that staff can go back and check that if anyone has reason to believe something's not complete.

The truthfulness aspect we parked, but the completeness has to be there. So, 5.1, if you take just drop the work truthfulness out of there, I think that, you know, we're back - that paragraph remains, you know, intact. Just word - take the word truthfulness or untruth, the last part of the sentence out and that 5.1 stays intact.

Ray Fassett: All right. And then how do we go to this working group work team to provide some substance?

Ron Andruff: Well my understanding is Avri will take that back to that team and say this is something that came up in the GCOT and that we on that - in the other group, the other work team, they should clean that language up and get it into their documents. We just - we don't address it at all here because it will be picked up on their side. That's how I understand. Is that correct Avri?

Avri Doria: Yes. I could certainly, you know, after this meeting send a mail off to that working team saying hey this issue came up and I don't think we handled it. Do we want to? And, you know, or what do we want to do about it or something like that. I can certainly pass it through.

Ray Fassett: Okay. I'm not against making that change and suggestion. Wolf do you have any thoughts on that? Apparently not? Okay.

Ken Bour: This is Ken. I have a...

Ray Fassett: Yes.

Ken Bour: ...suggestion.

Ray Fassett: Sure please.

Ken Bour: As I read this 5.1, it's okay. And then to the second, if ICANN staff has a reason to believe that a relevant party statement of interest is not complete, take out truthful, ICANN staff shall notify the Chair in lieu of being able to contact the Chair or the Vice-Chair of the situation, staff shall then notify the relevant party to seek clarification regarding the area of incompleteness.

                You know, I think when it was an untruth or a truthfulness issue, there was a kind of a protocol. We go to the Chair, then we go the Vice-Chair then we go to the party. But if it's just a matter of completeness, I'm wondering if we should reverse that order.

                All right. The first step is to go to the relevant party and say can you please complete this. In the absence of being able to conduct that, then you go to the Vice-Chair and then the Chair maybe. Does anybody see my point?

Wolf-Ulrich Knoben: Absolutely.

Ron Andruff: I agree. This is Ron.

Ray Fassett: Yes. I'd agree with that logic.

Ken Bour: Yes. I'll reword that when I send this back to Julie.

Ray Fassett: Thanks Ken. All right. So I think (be cares) kind of moves us on to 5.2, right?

Man: Um-hmm.

Ron Andruff: So maybe truthfulness falls in here. So the first and the 5.1 is complete. This 5.2 is truthfulness if there are concerns about truthfulness of a relative party statement. And just look at this paragraph with just the word, you know, if there are concerns about truthfulness and taking it from...

Ray Fassett: Um-hmm.

Ron Andruff: ...that perspective. This is the giggle test.

Ray Fassett: Well that's interesting. So would there always be on standby this ad hoc five person or does ad hoc mean they wouldn't always be on standby, these five people that are to review the concern of truthfulness?

Ron Andruff: It's an interesting point to look at whether or not there would just be, you know, like six month standing bodies that just, you know, stands up to ready and at the end of the six months it dissolves and it rotates through to another group of people. So it's a standing activity within the GNSO that there would always be at any given time a number of people and it just rotates through - through all of the GNSO members it becomes part of a standard part of their activity.

                 It's just like, you know, as American citizen you have to go and do jury duty. So, you know, you get called and so you're ready, you know, to do jury duty.

If something comes up for that period of time, there's no cases called, then you're, you know, you don't do it.

In the same way here we might have a just a standing group of people ready to respond at any given time as opposed to having to form a team or a group like that. There's one standing at the side waiting.

Ken Bour: All right. This is Ken again. I wonder if I might make a comment.

Ray Fassett: Yes Ken go ahead.

Ken Bour: Same basic thrust as in 5.1. When thinking about truthfulness, it strikes me that you might have a jury, right, to settle questions of validity. But if it's just completeness, I'm wondering if 5.2's even necessary. Because if you go to the relevant party and you get the information that you need, then you go to the Chair and Vice-Chair if that fails, maybe the answer is if after that point the information still isn't provided, then the in - the person is not permitted to continue until it is.

((Crosstalk))

Ray Fassett: So you're going back to completeness versus truthfulness?

Ken Bour: Didn't - wasn't - isn't the idea in this whole section to take the word truthfulness out entirely? So even in the heading it's going to say...

Ray Fassett: Well...

Ken Bour: ...procedures to ensure completeness only.

Ray Fassett: Yes. I think yes. But I think Ron was introducing back again, you know, re - let's look at this again. Can we insert truthfulness back into the document

under 5.2 which would mean I suppose going back to the heading and putting in truthfulness.

Ron Andruff: Yes. You'd almost reverse it. You'd say to ensure completeness because that's 5.1...

Ray Fassett: Yes.

Ron Andruff: ...and truthfulness in 5.2.

((Crosstalk))

Ron Andruff: Yes Ken I was basically suggesting that if there are, you know, that - the question is who can judge whether someone's made a truthful statement or not? So I think the way 5.2, 5.2 leads, it says if concerns about the truthfulness of a relevant party's SOI DOI are raised by staff or members of the community, you know, that - going that direction.

So there's a concern. Somebody feels, you know, this guy's, you know, hasn't really been truthful with us and it's really important that we bring this to the light. Then there's...

Ken Bour: Thank you.

Ron Andruff: ...some recourse.

Ken Bour: Thank you. I understand now. That helps.

Ray Fassett: Is this a - is this the same working group work team you think just falls under their - better under their area than ours?

Ken Bour: This is Ken. I don't think so, no. I think the...

Avri Doria: Yes.

Ray Fassett: Op.

Ken Bour: I'm sorry Avri.

((Crosstalk))

Ray Fassett: I got you...

Avri Doria: I agree with Ken. Yes. It doesn't.

Ray Fassett: Oh it doesn't. Oh darn. I thought I had you guys disagree.

Avri Doria: Yes.

Ray Fassett: Okay.

Avri Doria: No, no, no. I was - yes I was agreeing with Ken and...

Ray Fassett: Okay. All right. I was just kidding by the way.

Avri Doria: Thank you.

Ray Fassett: All right. All right so let's go back to it. First of all, high level, 30,000 feet, should there be something with regard to truthfulness in here?

I think I'm hearing from Ron he kind of favors the notion at least further investigating it. I'm not against it. Avri what do you think about the whole idea of truthfulness?

Avri Doria: I don't believe in truth so I have this real problem. I believe in, you know, I mean I don't believe in being able to prove truth. I tend towards

reasonableness. You know, I just think who's going to go around calling people liars? I find it problematic I guess.

Ken Bour: This is Ken. Would the word...

((Crosstalk))

Avri Doria: I think you can...

Ken Bour: I'm sorry. Would the word validity help here?

Avri Doria: I don't think so.

Ken Bour: Um-hmm.

Ron Andruff: Yes. That's just painting with another brush, but with another color but it's the same word. I think, you know, the key, you know, Avri I don't disagree with you. It's pretty tough to nail that one down. But again, what we're trying to establish here are procedures for a body to do work. And I think we need to, you know, address all these things. These are no long - it's the old story about a contract. I mean that - you write a contract for a moment when you want to dissolve the agreement. It's got nothing to do with the - how the agreement will - how the two parties will operate. The two parties will operate while everybody's happy. It's when it's - people aren't happy.

So that's why we have to put something in here about the procedures - when someone has a concern that another individual has not been wholly truthful in their statements, that they can bring this to the fore.

So I, you know, as well as - as much as we may not want to go there, I think it's - we're - it's incumbent upon us to have some kind of procedure in there to address this.

Avri Doria: Right. So perhaps - this is Avri again. Perhaps we're talking about when someone wants to question the accuracy. And, you know, and then...

Ron Andruff: That's so there you go. So if someone had sort of concerns about the accuracy of a relevant party's statement, that's a little bit less ominous than the word truth, that someone lied. It's just oh, it was an oversight of, you know, in my - in the document, you know. I'll make it a little more accurate now. I mean that may be the way to go.

Ray Fassett: Well how about full disclosure? Is that relevant to accuracy?

Ron Andruff: Well then you're getting back to truthfulness.

Ray Fassett: Yes.

Ron Andruff: You consider, you know, I just read that first sentence. If there's concerns about full disclosure that means, you know, I've been, you know, holding something back. If it's concerns about my truthfulness that means I'm a liar. But if it's concerns about, as Avri just stated, you know - I've already lost the word.

Ray Fassett: Accuracy.

Ken Bour: Accuracy.

((Crosstalk))

Avri Doria: No accuracy yes. There's all kinds, right, there's all kinds of reas...

Ron Andruff: That, yes, that could be interpreted in a much broader way, you know.

Avri Doria: Right. There's all kinds of reasons for, you know, a lack of accuracy -- you wrote the sentence badly, you forgot a comma, you know, it's ambiguous.

Ron Andruff: Yes exactly.

Avri Doria: It's - there's any number of reasons why something might not appear accurate when they are other than truthfulness.

Ron Andruff: Yes.

Ray Fassett: Well okay. So, just to recap here real quick is that if we go down this path, it's going to now branch into a lot of procedures, right. How do you - what, you know, we can't just say well I don't think it's accurate. You have to state why you don't think it's accurate, right. You have to provide some direction that - for people to look.

                  If you want somebody to look at the accuracy, you have to provide them where you think it's not accurate. So this is going to branch off into a ton of rules. Then how do you name these five people? And of course five is just a placeholder number. It could be three. It could be who knows.

                  And then there's going to be the issue of well how many different constituency or stakeholder groups are there. And...

Ron Andruff: Well let me just stop you here Ray.

((Crosstalk))

Ray Fassett: Yes.

Ron Andruff: Let me stop you for a second. I think...

Ray Fassett: Sure.

Ron Andruff: ...the - there's the number of things you raised. But I would speak to two things. One is, you know, we don't have to keep branching down further and further and further. You know, what we're talking about is if there's a notion of accuracy that someone has a concern about, they have two options. They can bring it up publicly at the meeting or they can go to the Chair privately.

Remember when we got - we were talking about these things before in I think maybe it's Section 4 or 3 whatever. That's how we kind of finished up that how does this happen? Does it have to be someone calling someone out publicly or can they do it in a more discreet way?

So what we're saying here is just because there's a notion of inaccuracy, then we need to deal with it and here's, you know, here's how we're going to go forward. And that can be done, you know, privately or publicly.

Ray Fassett: Okay. Well that's a good point Ron. That is...

Ron Andruff: Okay?

Ray Fassett: ...a good point. I mean you could stay high level.

((Crosstalk))

Ron Andruff: Yes...

Ray Fassett: ...but if you're going to stay high level then I don't think you go down the path of offering suggestions like forming an ad hoc five person...

Ron Andruff: Well but then the second part was - it comes back to what I said a few minutes ago. It would - in order to avoid people say well this committee was selected, you know, because they want - they're out to get this individual or, you know, whatever, you know, you'll always have that kind of stuff.

If that was a - if there was a standing body, if it's a standing procedure that there will always be at the ready a five or a three person review committee to address this for - and they will be there for a certain period of time and then they just rotate out and another group comes in so if anything should happen at any time.

Now if someone in that review team has a conflict of interest then they will step back and someone will step up. But what I'm suggesting here is that we might consider the idea of having a standing review team, you know, for the certain period of time. Then they're done. Their jury duty is over until it comes up time, you know, when they might have to come back into the rotation again.

Ray Fassett: Uh-huh.

Ron Andruff: And in that way people can - couldn't stack the deck for one, you know, one review team over another because they've got a friend in there.

Ray Fassett: I see. So would we leave it up to this group? I mean we just leave it there that this group would be formed, this jury. And then leave it to...

Ron Andruff: The Chair and the Council to figure out how they're going to do that, but that they need to have one of these things at the ready all times.

Ray Fassett: Yes but then, but there has to be scope. I mean, and Avri I'm going to stop. You go ahead. Go ahead.

Avri Doria: Yes. First of all I think if this particular group decides that there needs to be that particular group, then I think it's incumbent on us to have to define how it is that it's created and how it is that it functions. You know, because that would be part of the GNSO operation, so I think if we want to create something like that.

Now I know in a group that I'm involved in, the Internet Governance Caucus which is a lot more unruly than the GNSO Council if you can believe that, basically we indeed did create just this kind of mechanism. We have a yearly appeals team and you can't be renewed on it. And basically any time, you know, people think there's an issue of any sort, you know, they could take it to that appeals team.

Now, because we've had it I believe, in three years we've never had to use it. We've gotten very close to using it but not - but we did define it. We defined it very strictly. We defined that people were on it basically couldn't do anything else that year.

And that's why it was a one year thing, kind of like jury duty. And when you were on it all you could do is sort of watch. You didn't share anything. You didn't participate in anything other than, you know, as an individual. But - and it works. But I'm not sure that we want to go down that path but if we do, I do believe we have to define it. We just can't punt on it and say hey guys you should have something like this and figure it out for yourselves.

Ron Andruff: Well but I agree with everything you just said Avri. And I think that's - and I'm happy there's a model out there that we can point to. But again we are the - we're a committee, a work team that's going to send then to the Operation Steering Committee that's going to send this then to the GNSO.

So I don't know how much we should be drilling down. I think we should be identifying this as a 30,000 foot element and say we would recommend going this way and then let the details be maybe chewed over by the OSC and then finalized by the Council themselves in a debate dialogue. So that's one way of doing it.

I - but I think you're right. I mean it's great that there is a program out there. And the nice part about it is as you've stated, since you've had it, it was never

used. Because it was in place it was enough of a deterrent for - then for people to not overstep or overstate or whatever.

Ray Fassett: Wolf? Is Wolf on the phone?

Wolf-Ulrich Knoben: Oh yes, yes. I'm still on the phone. But I have - well, sorry though I'm following your discussion here. So thanks.

Ray Fassett: All right. So, can - I'm going to put you on the spot. We're - you've heard kind of the different sides. What are you thinking about this?

Wolf-Ulrich Knoben: Well. Yes.

Ray Fassett: You want to punt for a minute? All right well I'll weigh in. My opinion as a work team member is I don't think we can keep it - as much as I would like to maybe just keep it high level, I think if we're going to identify the concept of having a five person group or whatever number of person group, I think we've got to give them some level of procedures and scope of what it is they're to be looking at.

And sort of different maybe than what Avri was describing about the panel in the government area, whatever that is, it can't be anything and anything and everything under the sun. This is specific to the accuracy of these statements of interest.

Ken Bour: Ray this is Ken. If I might make a suggestion?

Ray Fassett: Please.

Ken Bour: In the working group's work team, they did define an appeal mechanism in process that would be used for any number of things that could happen in a working group. For example, a minority person doesn't think the Chair made the correct consensus call or, you know, things of that type.

I don't remember if the SOI DOI issue was specifically mentioned. I can certainly check. But...

Man: No.

Ken Bour: ...it - the generally what they basically said is this. And I think it could apply here. If an SOI or a DOI is considered inaccurate, right, if we're going to use that term, then the mechanism is the person who's got the complaint in the working group goes to the Chair. And then the Chair looks it over and says yes we agree, I agree, it's inaccurate.

                If they can't resolve it then with the relevant party, then it can go to the Council liaison. I think the next step was each working group has a liaison from the Council. You wouldn't necessarily know this unless you were on the team. But that's what they're proposing.

                And then that liaison would take that matter, if necessary, they would make some kind of an assessment as to whether they agree or disagree. And then it would ultimately go to the Council. So that's the appeal rep.

                And ultimately if this inaccuracy was flagrant and it couldn't be resolved at all these lower thresholds, it would go to the Council. And that would be the Chair - that would be the group of last resort, instead of having this other committee that you're talking about.

Ray Fassett: Okay. So the first step is to go to the Chair.

Ken Bour: Correct.

Avri Doria: Um-hmm.

Ray Fassett: And some might have an issue with accuracy. You go to the Chair, raise the concern. I have a concern here on the accuracy of this individual's statement of interest. The Chair then has to make a decision at that moment right or has to say I agree or disagree.

                 And if they say I disagree, then it's pretty much full stop. If they say I agree then it goes over to this appeals group.

Ken Bour: Well they try to work it out.

Avri Doria: No.

((Crosstalk))

Ken Bour: It appears as I agree...

Avri Doria: Right. No. Yes.

Ken Bour: ...then they would go to the relevant party and say hey could you fill out this or change the way this is worded so it makes it more accurate. If the relevant party says no I'm not changing it, then the Chair could take it to the liaison and then the liaison could take it to the Council. It depends on whether it's able to be resolved at any of these lower thresholds, lower levels.

Avri Doria: Yes. This is Avri. It's no particular decision. If either the Chair, and if - if anyone is not happy with the Chair's resolution whether it's the person that made the original complaint or the one that was complained about feels that the Chair's resolution is wrong, then they can appeal it to the liaison. If they feel that the liaison's resolution is wrong, then it can be bounced up to the Council.

Ray Fassett: All right. And does any of this process, just out of curiosity, Ken if you're familiar with that - all that that's going on there, and that procedure, does it

impact the ability for the Chair or the person on the work team to continue their work? Do they have to recuse themselves while...

Avri Doria: No.

Ray Fassett: ...because suddenly the Chair is under appeal too, right. I mean the Chair makes the decision and now somebody says I don't agree with that decision. And in fact there I have reasons to believe why you made that decision and I'm sending this over to the appeals area. And while that's under review, you're not to be continuing on. Is there anything like that that's been contemplated?

Ken Bour: This is Ken.

Avri Doria: No.

Ken Bour: No. No. There isn't. And I think in the case of an accuracy complaint, I'm not sure you'd want to go to that step, right. If the Chair said okay, we think - I agree. I think that this SOI is incomplete. Your - you can't participate anymore. That's essentially a judgment that's been made right. If it got appealed and Council said, you know, we agree that it is fine as is, then the person was stopped participating for no good reason, right.

                So it would seem to me that you wouldn't want to have a step in there where somebody gets thrown off unless it's...

Ray Fassett: No I wouldn't. I wouldn't.

Ken Bour: Yes and I think yes. And I think - by the way, I think the procedures do have something in there for disruptive and unruly behavior that's actually impeding the progress of the team.

Avri Doria: Yes.

Ray Fassett: Well I'm not against this idea. Ron I'd like to hear from you but - where these procedures are as we're kind of discussing here where the first line of defense is you go to the Chair. The Chair then tries to work it out with the individual. If they're not able to do so or the person that raised the concern has - doesn't feel it resolved correctly, then it goes over to this other group that this - this appeals group.

((Crosstalk))

Ray Fassett: And so we don't create this ad hoc thing.

Ron Andruff: Yes. No I'm good with that. I'm good with that. The issue is what we've got a mechanism. I - how it happens is, you know, irrelevant. And if there's already something in the works that's already part of the process, I'm work - I'm good with that. We don't...

((Crosstalk))

Ken Bour: All right.

Ron Andruff: ...create new things.

Ken Bour: So this is Ken. I think one of the - one of the things that staff can do here is to tie these all together, right, so...

Avri Doria: Um-hmm.

Ken Bour: ...if there - when that procedure has a specific reference, that becomes part of this Paragraph 5.2.

Ray Fassett: Um-hmm.

Ken Bour: When something is incomplete, the procedures that are followed are the working group team guidelines, Paragraph 7, you know, dah, dah, dah.

Ray Fassett: Okay.

((Crosstalk))

Ken Bour: That's the appeal mechanism.

Ray Fassett: So how close are we able to go ahead and soft draft into 5.2 this mechanism referring to the appeals group?

Avri Doria: It's already - the document's already in comment or almost about to come out of comment I think at this point. So it's pretty far along.

Ken Bour: This is Ken. I believe that we can make a clean reference there. There's going to be some tidiness work staff's going to have to do. It may be the right answer ultimately is that the working group guidelines become part of the GNSO operating procedures.

And maybe the SOI DOI procedures become part of the working group session, right, because there - what we're going to - what we're ultimately going to end of having here is a whole set of procedures that relate to each other and they'll all need to be integrated in one way order.

Ray Fassett: Hmm.

Ken Bour: And those decisions haven't been made of course. But...

Ray Fassett: Um-hmm.

Ken Bour: ...I can fix 5.2 so that it references that particular section as currently drafted.

Ray Fassett: Um-hmm. Well, you know, I remember just not to get off on a change, but I remember when we were - to the OSC was first being formed and all these different work teams were being formed. I remember the initial confusion was how are all these work teams going to interrelate with each other. How is that puzzle going to be finally be put together.

And I think, you know, it just mentioning that, it seems like we're getting there. We're seeing how they can. So I think it's an excellent suggestion if you can go ahead and redraft the 5.2 Ken, where we'll make the assumption for now with regards to this appeals process, and put that in there.

Ken Bour: Okay. That this is Ken. I'll do that.

Ray Fassett: Okay. Now that basically takes us to the end of the SOI document. I think too a step in this was to, although Ken just kind of summarized what he's thinking - how this puzzle will eventually be formed, but the SOI is intended to eventually get into the rules of procedure.

So, okay, so regardless of that right now, do we want to get this document out or do we feel comfortable that once the revision of 5.2 is made to go ahead and get this document as well in front of the OSC?

Ron Andruff: You got my vote. That's Ron.

Ray Fassett: We've gotten legal review, right?

Wolf-Ulrich Knoben: Yes.

Ray Fassett: Ken how do you feel? Do you feel comfortable we've gotten adequate legal review?

Ken Bour: I'm not - this is Ken. I'm not as up on where you guys stand with the SOI DOI document as Julie is. I still see in the document a load of comment. You

know, in the other document when I got a comment result I deleted it. And so I don't know at this point how well you have tracked with all of the issues that have been raised.

It seems like you have, but, you know, there's some clean - this document needs obviously to be cleaned up.

Ray Fassett: Um-hmm.

Ken Bour: Do you think it's ready - with the changes in 5.1 and 5.2 are all the other changes ready to be cleaned?

Ray Fassett: No. I don't think so. No.

Ken Bour: Okay. Okay.

Ron Andruff: Well no just a second, just a second Chair. I mean I don't - with all due respect, I...

Ray Fassett: Yes. No, please.

Ron Andruff: We did cover - we went - in the last call we went through all of those elements one by one and you asked who had problems, who had questions, you know, with regard to any of the comments or any of the red lined elements. And we went through all of those.

So to my knowledge, you know, we are already clean on that and now we've just covered Point 5, so to my knowledge I think that we should be looking at a new draft and getting rid of a lot of those things. Many of things were formatting issues.

Ray Fassett: Um-hmm.

Ron Andruff: Some of them were the more substantial.

Ray Fassett: Um-hmm.

Ron Andruff: But nobody else on the work team had any other comments besides the comments that I had put in as I understand it...

Ray Fassett: Um-hmm.

Ron Andruff: ...and the ones we had discussed verbally as opposed to...

Ray Fassett: Um-hmm.

Ron Andruff: ...writing them in.

Ray Fassett: Yes actually...

Ron Andruff: I think we are. We are there.

Ray Fassett: Yes.

Ron Andruff: I think we're pretty close to seeing a clean document on this.

Ray Fassett: Okay. Okay so let me qualify that when I said no. Yes, I agree with what you said. We did call - qualify and go through a lot of the comments that were leading up to Section 5, so everything through 4.4. And then there were some additional comments on what I have as Page 8 that we didn't necessarily review.

                 However, as we looked at - I can look at them now and say a couple of them are just moot at this point because we changed it.

Ron Andruff: Right.

Ray Fassett: So that was why I said no because we didn't necessarily go through each one of these. But if we want to right now I can look at SC14 and SC15 and consider those basically as moot. I'm not sure I understand SC16. Yes and I think SC17 will become moot.

So, but my question is okay so now we rewrite 5.2. So we've got comments. Let's say we've got - let's say we've got legal review and comment based on the current language of 5.2. Now we're going to change 5.2.

Ron Andruff: Um-hmm.

Ray Fassett: Do we need to go back, you know, what's the feeling that we need to go back and get legal opinion again? I don't think it's necessary myself.

Ron Andruff: Well I would just say that, you know, with a clean document, you know, it would not hurt to have it pass one more time by legal. But it, you know, this is - I don't know how jammed they are over there and Ken might know better.

But the point is, this is just one last look because we have cleaned this stuff up and gotten rid of all of these side comments. So that wouldn't be a bad idea before we send it on in my view. But, on - by - if we feel we want to get this done more expeditiously, so for Nairobi there's some concrete elements on the table both for the OSC and perhaps the GNSO, then we can go forward with it right now.

But if we can afford to have another week and have staff review a clean document I would suggest we go that way.

Ray Fassett: All right. So let's see if we can get a consensus on that. Avri how do you feel about it? Would you like to see legal have another crack? Cursory? Cursory?

Avri Doria: I think clean document is important. I don't know whether we need legal to go through it again but, you know...

Ray Fassett: Um-hmm.

Avri Doria: I don't have a strong opinion.

Ray Fassett: Yes. Okay. Wolf?

Wolf-Ulrich Knoben: Personally I don't have a strong opinion. But I think while it could be help, you know, because as I learn through this process by hearing more than by commenting on that. But this kind of procedures are very (unintelligible) to legal. So it appeals to me. But...

Ray Fassett: Um-hmm. All right. I think I'll borrow your words, it could be helpful. I think that's what Ron is saying too. It could be helpful. And I don't see Avri thinking it wouldn't be helpful.

                   Yes, I'm going to - I don't see a time pressure to this either. So, how about ICANN staff? Ken do you have any opinion? Well we'll take your opinion on this.

Ken Bour: I don't think that the changes that I - that we discussed today in 5 or 5.1, 5.2 would need to go back through legal.

Ray Fassett: Hmm.

Ken Bour: There's - I - there's no legal consequence I don't think to referring to a procedure in another document. That document may in fact go through a legal procedure of its own. I don't know whether it has or not.

Wolf-Ulrich Knoben: Hmm.

Ron Andruff: Well I would say - then that being the case, considering all these pink comments are coming from ICANN staff legal and we've addressed all of them, then let's get this document to OSC.

Ray Fassett: Um-hmm.

Wolf-Ulrich Knoben: Um-hmm.

Ken Bour: This is Ken. Also I - we can try to fig - this is going into the GNSO operating procedures correct?

Ray Fassett: Correct.

Ken Bour: Okay good. So, you know, one of the options I can also try to do is to really just sort of format it so we can go right into a chapter and just like we've done with the other one, right, with Section 4 voting. I'll look in the procedures and see exactly where this goes and we give it a chapter heading and format it so that it can be approved to go into the procedures.

Ron Andruff: Perfect.

Ken Bour: Does that make sense?

Ray Fassett: To get it in there.

Ron Andruff: It does to me.

Ray Fassett: Yes.

Ken Bour: Okay.

Ray Fassett: Okay. Okay so Ken we're asking you two things. The 5.1, 5.2 do your thing on the language and offer a recommendation of where you feel could best fit

in the rules of procedure. And then upon those things if you could send it back to the list we will determine as a work team to send it on to the OSC for their review. How does that sound as a plan?

Ron Andruff: Sounds like a good plan. The only question is one of timing Chair. We're now - will we have one more call before Nairobi? I think we're - Nairobi is our - probably our next meeting.

Ray Fassett: Nairobi is our next meeting.

Ron Andruff: So wouldn't it be good if we could just perhaps see this in the next couple of days, you know, as quickly as Ken could turn it around and just put in our verbal opinion on it? And if in fact we all agree that's fine, good to go.

Ray Fassett: Um-hmm.

Ron Andruff: We can get it off to the OSC in advance so that it could be reviewed. And just so the review has happened prior to the discussion in Nairobi as opposed to them getting it on - the OSC getting it on the table the day of their meeting?

Ray Fassett: Um-hmm. Okay. So no one would have objection if Ken sent it to the list and after a few days I don't really see any comments in the affirmative or negative that I can take the liberty of sending it to the OSC as a well deliberated work team document?

Avri Doria: Works for me.

Wolf-Ulrich Knoben: Um-hmm.

Ray Fassett: Okay. And refresh my memory. Am I supposed to be sending over to the OSC the Section 4 and 4.5 now, right? Yes. And the other document, right? I'm supposed to do that. Like I could do that today right?

Ron Andruff: I'm not quite clear on what you're saying. So that - so the...

Ray Fassett: The abstention.

Ron Andruff: ...other document, the abstention document we're good to go with yes.

Man: Yes.

Ray Fassett: Yes. So I can send those two documents. Okay. And then this one, when Ken gives us the new version, couple days, no one would have a problem if I took the liberty of sending this over to the OSC as well.

Wolf-Ulrich Knoben: Yes.

Ron Andruff: Yes, let's put a target of this time next week and sort of say okay if nobody's commented on it by that time, you can just pull the trigger on it.

Ray Fassett: Okay.

Ron Andruff: If that's enough time for you Ken to turn this around for us in the next - let's say by Monday we're seeing this thing?

Ken Bour: Oh this is Ken. Yes. I'm going to try to get this out today while it's fresh on my mind.

Ray Fassett: Um-hmm.

Ron Andruff: Fine. Perfect.

Ray Fassett: Okay. I will do those things. Well with that, can we - okay. Next thing on our plate, okay, that I think we really need to jump on is the Board seat 13 procedures and getting those into the rules of procedure as well.

And I have to admit, I - while I understand a procedure and process took place, I have not looked at what that was. I'm not up to speed on what it was all about. All I know is that we've got to do something about them.

So I would like to put that as our next item to discuss and Nairobi would be the place.

Ken Bour: Chair this is Ken.

Ray Fassett: Um-hmm.

Ken Bour: May I make comment?

Ray Fassett: Yes.

Ken Bour: I don't remember if I said anything to this team or not but I certainly said to my colleagues that I would be happy to take a shot at drafting the generalized procedures for Board seat 13 and 14. What the Council did was an expedient temporary measure that only dealt with seat 13.

And it was done in the form of an addendum to the GNSO operating procedures rather than writing them into a section, you know, in a paragraph where they might belong permanently. So I have a (scilla) to do to write that procedure. I have not done that yet.

Ray Fassett: Um-hmm.

Ken Bour: There is anoth - there are - there's at least one or two more that the GCOT could take up. One I sent to you earlier. And that is in Section 4.4 of voting, there's a section there called absentee voting.

Ray Fassett: Um-hmm.

Ken Bour: And I have suggested that the team think about whether or not we should specify the conditions under when absentee voting is permitted or we should say it's always permitted except under these conditions when it's not allowed.

And the way the procedure's currently written, I think is limiting. And we've already had a case of it. The Council wanted to do work on this Board seat 13, 14 matter and it turns out absentee voting isn't permitted for that. And I think we should think about that. So that would be another item that you could take up while I work on Board seat 13 and 14.

And then there's another one. We have term limits that have to be changed in the procedure, Section 2.1. I have already written that up. I sent it to my colleagues, Margie and Liz and basically that - I could send that to you today. That's another one that needs to be incorporated into the GNSO operating procedures because it's specifically mentioned in the bylaws that the procedures cover the how term limits are handled.

Ray Fassett: Okay. That's a great suggestion. Yes. If you can get that over to us that would be...

((Crosstalk))

Ken Bour: In other words, we can certainly fill your itinerary. But the Board seat 13, 14 isn't going to come up for a while. It has a bit more time on it. It is mentioned in the bylaws and so we do need to get it done, but I don't think it's - there's any pressing urgency there.

Wolf-Ulrich Knoben: All right.

Ray Fassett: I see.

Avri Doria: Ken can I ask a question? So the absentee voting, that's also in the bylaws at the moment but that'll move into this document I assume. And I didn't quite

catch what the third - the last issue was in terms of term limits. Isn't that already set in the bylaws or...

Ken Bour: What the bylaws...

Avri Doria: ...is that somehow changing?

Ken Bour: What the bylaws say is the - there's - it talks about a special exception or a special circumstance. That's the cur...

Avri Doria: Oh the geographical issue.

Ken Bour: Yes. And it says - and that - and a special circumstance is defined in the GNSO operating procedures. And...

Avri Doria: I see.

((Crosstalk))

Ken Bour: Yes, so what I...

Avri Doria: So yes, that whole thing of we don't have anybody from that region of the world there.

Ken Bour: Correct. And the Council has...

Avri Doria: I get it.

Ken Bour: Right. So I wrote up a set of procedures to deal with that situation. They're not extensive or long and not complicated, but that - it would seem to me that that would be a GCOT agenda item...

Avri Doria: Yes.

Ken Bour: ...as long as you're still in existence because it is a rule. It's going to be in the procedures. And so I have that Section 2.1. I can send that to Ray and to the team and you guys can take a look at that and that could be on your agenda now that the SOI DO - Julie was really concerned and wanted to get the DOI SOI thing completed and you have now just done that.

And so then this absentee voting, Avri just to clarify that, there is language already in the GNSO operating procedures that deals with it, but it's my opinion that it's a little bit awkward because what it does is it specifies four conditions under which absentee voting may be done and they're not very broad. They're very narrow.

And so when the case of that Board seat 13 came up, one of my colleagues said well can we just do an absentee vote if we don't have enough counselors? And the answer is even if you have a quorum, no you can't because an absentee vote is not allowed for that type of...

Avri Doria: Yes.

Ken Bour: ...motion. And what I'm suggesting is here the GCOT's got an opportunity right now since we're working on Section 4 to change that language around to say look, absentee voting is always permitted except under the following conditions. And I don't know what they are but maybe the team, you guys can discuss it and say we can only think of one case where absentee voting shouldn't be permitted.

You know, maybe it's some - a PDP measure that has to go to the Board. Well you know what I'm saying? Maybe there are none in which case...

Ray Fassett: All right. Well let me offer this then. Is Sect - so we're saying here really basically that Section 4 voting is not done. I mean we've - no we can't - so if I

send this stuff over to the OSC today saying here's our new Section 4 that includes now the language for Section 4.5.

And then, you know, they go through their gyration and then it gets approved even through the Council level, are we going to come back later and say okay you don't - we're modifying Section 4 again or should we give them a whole baked pie at one time even if we're not getting it to them right now?

Ken Bour: This is Ken.

Ray Fassett: Um-hmm.

Ken Bour: And I think that's an extremely well phrased question. The particular paragraph that deals with absentee voting is just 4.4. And it doesn't pertain to any other section. It doesn't have any bleedovers or crossovers. It's just 4.4.

So even if we send a whole Section 4 up to the OSC with 4.4 the way it is now, I think you're okay. We can then come back and say oh by the way, we did some additional thinking about 4.4 and we want to replace 4.4 with this new language. I don't - I think that will work.

Ray Fassett: Any other thoughts on that?

Ron Andruff: Well it sounds like a good way for it from my perspective. I think that's a - it's a - as Ken has put forward, we have an opportunity right now to correct that and so we should step up and do it.

Ray Fassett: You mean 4.4?

Ron Andruff: Yes. I like his recommendation. I think what we should do is let's have a look at that at what he would...

((Crosstalk))

Ray Fassett: But in the meantime - but in the meantime go ahead and send for review the en - all of Section 4.

Ron Andruff: Yes. Absolutely. And maybe just put a place mark, placeholder in there where also, you know, we're, you know, square brackets, we're reviewing - there may be an addendum to this with regard to absentee voting.

Ray Fassett: Yes.

Ken Bour: In fact there is a comment in the document that I put there already.

Ron Andruff: Perfect.

Ken Bour: And I suggested to Ray that you could either remove it or leave it but that would let the OSC know that that section is being worked on in a separate matter. Did that...

((Crosstalk))

Ray Fassett: Okay. Yes we can let - yes, we can let the OSC know but I think now it changes my idea of recommending the OSC that they should get this in front of the Council. I don't know if we - we want the OSC to go ahead and review, but I don't know if we want to get in front of the Council until all of Section 4 voting is done.

                   While 4.4 may not relate to the other sections, I think it's best that when we ask them to approve voting, they can look at everything in the right context.

Avri Doria: Yes. This is Avri. I wanted to ask a chance about the absentee voting is that wording and those restrictions to it were to some extent I think, or even completely, a recommendation from legal. And so I would tread cautiously until we really know what we're treading into before looking at changing them.

Ray Fassett: All right. Well let's, yes, let's get up to speed on the section on absentee voting. I do recall that legal, you know, had some say in that. But let's - I think the suggestion by Ken is good. It's for us to make that a high priority item so that we can finish Section 4 and be done with Section 4 voting.

I think in the meantime we can go ahead and send the sect - to the OSC that the - the sections that are completed with the qualification that Section 4.4 is still being looked at.

Avri Doria: Can I make a counter-suggestion?

Ray Fassett: Yes.

Avri Doria: Which is that we send it as is without saying that that is still an open issue and ask them whether they think that's something that we need to do something more about.

Ray Fassett: Yes. That's a good suggestion. Any thoughts? Ron? Ken? Wolf? That's not a bad suggestion to me. Others?

Ron Andruff: I - this is Ron. I could either way on that one, you know.

Ray Fassett: Okay.

Ron Andruff: But I do think it's important we don't hesitate on getting the other documentation out. I don't want to - I don't think we should delay while we...

Ray Fassett: Um-hmm.

Ron Andruff: ...deal with this.

Ray Fassett: Um-hmm. Should a - just a small little matter, but should we recommend - when I send this over to the OSC, should we recommend that the OSC try to get this in front of the Council as part of the Nairobi agenda, not to vote on it but to discuss?

Avri Doria: Yes. I think so...

Ray Fassett: Okay.

Avri Doria: ...because it's also the Council that may have an opinion on we need some more work here or we need clarifications there etcetera. So I think a checkpoint with the Council would not be a bad thing.

Ken Bour: This is Ken. I...

Avri Doria: Does that mean...

Ken Bour: Go ahead. Sorry.

Avri Doria: No, sorry.

Ken Bour: No I just wanted to echo that. This abstentions matter as we all know from having really struggled with it for a long time is very complicated and very complex. And the sooner that the Council begins discussing what we have crafted here the better it will be. And yes, even if 4.4 - that I don't think that's relevant at all and it's not in the critical path.

Ray Fassett: Okay. Well I like the guidance.

Avri Doria: Yes.

Ray Fassett: So I like the idea. We'll ask for guidance on Section 4.4. We will say that we've completed as much as we can complete on all other sections of

Section 4. We are now offering the OSC for their review and we are recommending for the OSC to get Section 4 in front of the Council for their review as well.

Ken Bour: Just one point of clarity. Ken again. I did mention to both (Sam) and Dan Halloran that I had suggested to the GCOT that we completely revise Section 4.4 to change its orientation from, you know, allowing to sort of disallowing that whole thing. And I didn't get any pushback from them at the time.

I didn't provide new language for them to look at but I did put comments in that that was one of our goals, but one of the suggestions I was making.

Ray Fassett: Okay. Well I like the idea. Let's ask the OSC members for some advice on Section 4.4. I like that idea. Let's do that. Any objections?

Wolf-Ulrich Knoben: Well just from my - it's Wolf speaking. So do you have a revised - I don't find the revised version of Section 4.4. I only have this - the existing one the - which is four cases, you know, showing. Ken did you provide a revised version for this or (one these). I'm sorry.

Ken Bour: This is Ken. No I have not rewritten that section. I simply made - I basically just made a suggestion to Ray...

Wolf-Ulrich Knoben: Okay.

Ken Bour: ...privately in an email that said this is an area I think needs to be looked at. Do - are you interested in taking it up with the team? Here's my reason for bringing it forward. I did not try to rewrite it.

Ray Fassett: And I honestly I don't re - I...

Wolf-Ulrich Knoben: Yes. Well I want...

((Crosstalk))

Ray Fassett: I just didn't act on it, so.

Wolf-Ulrich Knoben: I just would like to understand, you know, what the process, you know. If he forward the new four point - let's say Section 4 let me say to the OSC and the Council for approval, so we need a new text isn't it to be forward or did I misunderstand that because at the time being, it's still the existing absentee voting part of 4.4. So how do we proceed so with regard to the OSC right now?

Ray Fassett: I think we're...

Ken Bour: This is Ken. Let me - yes, let me take another shot at it. So Section 4...

Wolf-Ulrich Knoben: Yes.

Ken Bour: ...with 4.4 the way it is right now without making any change is...

Wolf-Ulrich Knoben: Yes.

Ken Bour: ...perfectly okay. In other words, it is now a completely integral document. It's been reviewed by legal. And what you see now is a product that could be sent to the OSC. We don't have to make any comment about 4.4 now or later.

Wolf-Ulrich Knoben: Yes.

Ken Bour: It could stay the way it is. I just saw an opportunity...

Wolf-Ulrich Knoben: Hmm.

Ken Bour: ...because I was looking at that whole section. I thought boy 4.4 really seems a little strange to me because we had this case already at the Council just recently where we wouldn't have been able to use absentee voting for a particular motion. That didn't seem like - it seemed like it ought to have been covered. And that so I just raised the question. It's an opportunity only. There's no requirement and it has nothing to do with the abstentions discussion.

Wolf-Ulrich Knoben: Hmm. Okay. Um-hmm.

Ray Fassett: Yes. That's - I think that's what I'm looking to get - we're kind of thinking to get advice from from the OSC is is this an opportunity?

Wolf-Ulrich Knoben: Okay.

Ray Fassett: Do you see an opportunity in - please review Section 4.4...

Wolf-Ulrich Knoben: Okay.

Ray Fassett: ...and provide your advice on...

Wolf-Ulrich Knoben: Okay.

Ray Fassett: ...whether, yes. I don't know. I'll word something.

Wolf-Ulrich Knoben: Um-hmm.

Avri Doria: Right, on whether it needs to be revised, expanded or whatever, correct?

Ray Fassett: Yes. Fine.

Ken Bour: Ray if you'd like me to give you something there to look at I'd be happy to do that.

Wolf-Ulrich Knoben: Yes.

Ray Fassett: In terms of what?

Ken Bour: Yes. In terms of a phrase that you could stick into your email to send to the OSC on that subject.

Ray Fassett: I'll take it.

Ken Bour: Okay.

Wolf-Ulrich Knoben: Um-hmm.

Ray Fassett: Okay. Okay. All right. We've kind of gone over and I want to thank everybody for spending extra time today on the call. I - while we are asking for advice from the OSC on absentee voting, I still think that we can as part of Nairobi have that as a topic, you know, as well. And if we have - and if we've received advice from the OSC that would be useful for us at that time.

Wolf-Ulrich Knoben: Hmm.

Ray Fassett: So I'm not suggesting Ken that we don't take the opportunity. I'm just suggesting that we also get advice on what others think.

Ken Bour: This is Ken. I understand.

Ray Fassett: Okay. Any other ideas for agenda items for Nairobi?

((Crosstalk))

Ray Fassett: And again I think Ken made a statement earlier that I have to understand too. That assumes we're still in existence right? I mean we could be disbanded as part of Nairobi right?

Ken Bour: This is Ken. I think the intention is to extend all of the teams to Brussels at least.

Ray Fassett: Okay. So...

Ron Andruff: Well in that regard Chair, the question that I have in my mind is it would be nice if we had a recap of just what is left on our list of things to do.

Ray Fassett: Um-hmm.

Ron Andruff: At some point if someone could just sort of bring those all to the table.

Ray Fassett: Um-hmm.

Ron Andruff: Perhaps someone from staff has been checking these things off. Julie was pretty diligent about that in the past.

Ray Fassett: Yes and it seems new things are coming our way. It's like it's a living...

Ron Andruff: Well that's exactly...

Ray Fassett: Yes.

Ron Andruff: ...what I'm getting at. It's exactly my point is that...

Ray Fassett: Yes.

Ron Andruff: ...I would like to know what have we succeeded, you know, in terms of the original mandate and what, you know, what new stuff do we have to deal with

because I'd like to know that we actually finished the original mandate if in fact we have or how close we are to completing that.

Ray Fassett: Um-hmm. Okay.

Ken Bour: Sure.

Ray Fassett: So that's an agenda item, right?

Ron Andruff: Yes.

Ray Fassett: Right. Who could - who is best to provide us that kind of overview? I suppose it would be staff right?

Ron Andruff: Yes. And may - perhaps Julie because she was, you know, she was the one on top of it before. So if it might be brought to her attention.

Ray Fassett: Rob, you know, I think Julie would get - yes so Julie would deliver, but she would seek out, you know, Rob's opinion and others I suppose right?

Ken Bour: Yes this is Ken. I'll make sure that this question gets in front of Julie and Rob, this question of sort of recap on the GCOT agenda list, right, GCOT...

Ron Andruff: Yes.

Ken Bour: ...work list.

Ron Andruff: Yes.

Ray Fassett: Yes. Great suggestion Ron. I think that's probably our best agenda item...

Ron Andruff: Yes.

Ray Fassett: ...which is not what I sent over to Glen and posted on our wiki site. All right. Well anyway, with that said, if there's not - is there any other business? And if not, I'm going to go ahead and ask that we adjourn the call. We'll pick things up again as part of Nairobi?

Avri Doria: Okay.

Ray Fassett: Okay.

Wolf-Ulrich Knoben: Okay.

Ray Fassett: Okay great. Thanks again for spending extra time today. And if we could adjourn - end the recording and adjourn the call.

Wolf-Ulrich Knoben: Okay.

Avri Doria: Okay bye-bye.

((Crosstalk))

Ken Bour: Bye everyone.

Ron Andruff: Thanks everyone.

Ray Fassett: Thank you.

Coordinator: Thank you for participating in today's conference call. You may disconnect at this time.

Gisella Gruber-White: Oh thank you (Desirae).

Man: Thank you.

END