Subject: SCI Charter

Dear Jonathan,

I understand that the GNSO Council will be discussing the SCI Charter revisions on its next call scheduled for September 5th, 2013.  At its meeting on August 6th, 2013, the SCI members discussed the outcomes from the GNSO Sessions in Durban on this matter and decided that it would be helpful to more formally seek guidance from the Council with respect to the next steps for the SCI Charter.  One aspect, in particular, based on the discussion in Durban, seems clear, i.e. that the GNSO Council would like the SCI to continue as a 'standing committee'. We would like the Charter to reflect that, should that indeed be the case.

At the Wrap-Up Session the GNSO Council also discussed the SCI process for decision-making (‘full consensus’ versus Standard Methodology for Making Decisions).  The SCI understands that the Council agreed to consider this issue further on its mailing list and Council members were encouraged to share their views in support of one or the other option. We now understand that Jeff Neuman will provide background information as to why the SCI was initially required to operate under full consensus.

At the SCI’s August 6th meeting and since then on our mailing list, members expressed an interest in helping guide the discussion for the Council as to why SCI members feel there should or should not be full consensus.

The impetus behind the recommendation to reconsider using “full or unanimous consensus” or “rough or near consensus” came from my request, as in-coming SCI Chair, to review and update the SCI Charter, as well as the SCI Wiki since the Committee now had over two years of experience behind it and the language in both the document and on the Wiki was outdated.  I also noted at the time, and do so here again for Council’s edification, the SCI Charter is further governed by the GNSO Working Group Guidelines. The response within the SCI came in two forms: Those that feel that being forced to come to unanimous consensus “improves our product” because it ensures that the Committee dedicates the time to explore all points of view and works to find stronger outcomes; the arguments against full consensus included concerns about potentially using the SCI in a way that would drive substantive outcomes in the GNSO, whether intentionally or not, by pushing through decisions on procedure/process to meet an immediate need, or that any member choosing to remain steadfast in opposition could capture the SCI process. All SCI members however respect that balanced discussions result in consensus – in some form – leading to better appreciation of each member’s contributions, more confidence in the Committee itself and in the process.

The SCI has the luxury of not having to work under any time constraints on procedural and process issues (rather than substantive issues). Within the Standard Methodology for Making Decisions and the five forms of consent defined in the Guidelines, ‘rough or near consent’ (defined as “*a position where only a small minority disagrees, but most agree*”) immediately follows ‘full or unanimous consent’. We are all aware of the ramifications of full consensus, having worked under this standard since ICANN’s inception.  ‘Near consensus’, provides the basis for Committee members to argue for their respective stakeholder group’s position, while it also provides for written rationale entered into the public record for any and all dissenting opinion(s), thus providing more context to the GNSO Council to assist it coming to its own determinations. Notably, the SCI does not make any determinations other than to propose recommendations to the GNSO Council, which, in turn, it discusses, accepts, modifies or rejects, as Council deems appropriate.

On behalf of the SCI, we hope that this background information will inform your discussions, however the SCI would be happy to further brief the Council on the Charter and consensus issues, if so requested.

We would also be grateful to know as soon as possible if the Council, as the Chartering organization, would prefer to take on the task of revising the SCI Charter or pass that responsibility to the SCI once it has made its determination on the consensus issue. The SCI stands ready to assist in this task in whichever way the Council deems appropriate.

We await your guidance.

Kind regards,

Ron