

**GNSO
Affirmation Reviews Requirements drafting team
08 February 2010 at 14:00 UTC**

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<http://audio.icann.org/gnso/gnso-arr-20100208.mp3>

On page:

<http://gnso.icann.org/calendar/#feb>

Participants present:

Bill Drake - NCSG - drafting team leader
Rafik Dammak - NCSG
Zahid Jamil - CBUC
Wolf-Ulrich Knoblen - ISP
Kristina Rosette - IPC
Victoria Carrington - IPC
Chuck Gomes - Registries Stakeholder Group
Olga Cavalli - NCA
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Margie Milam
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Coordinator: The recording has started. Please go ahead.

Man: Okay.

Gisella Gruber-White: I'll do a quick roll call if you'd like me to. Good morning, good afternoon to everyone. On today's call, we have Chuck Gomes, Zahid Jamil, Bill Drake, Wolf-Ulrich Knoblen.

From staff we have we have Marika Konings, Marco Lorenzoni, Glen de Saint Gery and myself, Gisella Gruber-White. And if I can please remind everyone to state their names when speaking and (Olga) will be late for this call. Thank you, over to you.

Bill Drake: Okay. This is a very typical GNSO call, more staff than members - I'm kidding. Okay, let's go through the document. I've got open on my screen three different versions. One is Chuck's version of my comments. And I've also got two other things that I saw afterwards, (Olga)'s comments and Wolf has one comment.

So shall we just proceed section-by-section I presume? The first section is the laying out the timeline. And this of course is not being included in whatever we're going to, it's not going to be included in our, the document we might send out to members, or to applicants, but for our own internal purposes.

Let's see. There are a few points of (convention) we can clarify quickly. Under - I had suggested, Chuck, you had said no later than 10 February to publicly post and distribute the agreed - the draft process.

I was suggesting that it just wait and send that out on the 18th because it seems to me possible that we would cause some confusion if we send out on the 10th something that the council hasn't finalized which might change. Is nobody else concerned about that? I don't feel strongly.

Chuck Gomes: No, no, Bill, I fully understand your concern. And it is a concern. But if the council's going to approve it on the 18th it's going to have to be distributed very quickly to the various GNSO groups so that the counselors can get feedback from them to act on the 18th. So I don't know how it's avoidable.

Even if we don't distribute it of staff doesn't we're going to have to ask the counselors to distribute it. And then if they delay it's going to create problems in the council making a decision on the 18th.

Bill Drake: Well, the only point I'm concerned about is if the council ends up not accepting something that we've put in here that's significant and there's a real

change. Then we have to revert back to everybody and say hey, by the way, we, the deal is altered.

Chuck Gomes: I understand the problem. And that's why I think we've got to open it with some disclaimers. But if, how else can they, you know, I mean, it, the whole difficulty with this is it's really hampering our ability to do things in a bottom-up way but if we don't even get the draft out there and then the council, how can the counselors make a decision if their groups haven't seen it?

Bill Drake: Yes. Well, that's the other problem is how long it's going to take people to - no, the counselors should, yes, you're right, the counselors need to talk it through with the stakeholders (aside). Let's reject my change. And I'll put it back into where Chuck had had the points.

Chuck Gomes: And just a process question, Bill. Who's got the pen on this so that we - Marika, can you take the pen on this?

(Olga): Sorry, Chuck, this is (Olga). I just joined.

Chuck Gomes: Yes, Bill's in charge of the meeting. So I just want to make sure everybody knows that.

(Olga): Okay.

Chuck Gomes: I'm just trying to help, okay, Marika?

Marika Konings: Just to confirm, what would you like me to take the pen on?

Bill Drake: Inserting the changes that we talk about and agreed, right? I mean...

Chuck Gomes: It's your document, Bill, your redlined document. Is that okay?

Bill Drake: Yes. Yes, that's fine with me.

Chuck Gomes: Yes.

Bill Drake: So I just put your point back into November 10, Chuck...

Chuck Gomes: Okay.

Bill Drake: ...and (restarted) probably post and distribute the draft process as widely as possible, okay.

Chuck Gomes: Now are you able to take the pen on this, Bill? I knew you were in kind of an awkward situation. That's why I suggested Marika. But if you're able to do it, that's fine.

Bill Drake: Yes. Well, I can, I can.

Chuck Gomes: Good, okay. Never mind, Marika. I'm sorry. I was trying to cover for Bill who I know he's in a meeting, so.

Bill Drake: No, no. I'm out of the meeting now. I left early and I came home.

Chuck Gomes: Okay.

Bill Drake: So I'm good to go. All right, then under 18 February I just capitalized evaluation teams so we can refer to again later unless somebody has a copy editing problem with that. And other changes here, okay, I see nothing else in this section.

Oh, the timeline, Chuck, you had said requests, under 6E, request that the review developed a long-term process for consideration in March or April. I was just wondering how feasible March was going to be given...

Chuck Gomes: Okay, April is fine, Bill. I was just throwing something out there.

Bill Drake: Okay, okay that's fine.

Chuck Gomes: Back up, Bill, to 6B, Bill. The, oh, that was just, that was not really a change was it? It's highlighted.

Bill Drake: No, no.

Chuck Gomes: Yes, okay. Never mind.

Bill Drake: It's highlighted?

Chuck Gomes: Well, in mine, it's just in - yes. I don't know. It looks like a - oh it's an insertion there. Okay, that's, I don't know. That's nothing and...

Bill Drake: Well, I just capitalized evaluation team under 6C, that's all.

Chuck Gomes: No problem. Go ahead.

Bill Drake: All right, so now we get down to the hardware matter, the proposed one-time process, okay. Endorsement requires - here's I think the fundamental difficulty, now Chuck's version was to suggest that you should have a simple majority vote of both Houses for any applicant to become a nominee.

I personally would have a hard time with that. And I believe NCSG would not support it. And I'm concerned that we would then have a process where people would be asking us to make amendments and if the amendments don't pass then suggesting we shouldn't support the thing and then it becomes some political pitfall.

So and I think also bearing in mind with some of the people except (Caroline) and others and (Tim) about, you know, each stakeholder group ought to be able to design its own process. And let's be as bottom-up as possible. It

struck me as better to suggest that each stakeholder group should be guaranteed to be able to select one nominee if they have a candidate.

And then the additional up to two could be split one from any stakeholder group, if somebody wants to put, (forward) another one and one from the NCAs, subject to Chuck's rules, a simple majority vote of each House. So my thought was to bifurcate the deal by locking in, each stakeholder group gets one and then the others we vote the way Chuck was suggesting.

Chuck Gomes: So I want to make sure I understand, Bill. Are you suggesting that in our proposal to the council that we put both of these options in and let the council decide? Or do we eliminate the first option, Option A and except for the two additional?

Bill Drake: I would prefer the latter approach. But I mean I didn't want to presume. I...

Chuck Gomes: No, no. Yes, I'm just trying to be clear on what you're suggesting so that...

Bill Drake: Yes, so, yes. My, I think it would be better if the drafting team gave the council a final document we all agreed on rather than something with options that we can't agree on. But I didn't want to presuppose, you know. I don't know how strongly anybody might feel about Option A.

(Olga): I'm not following quite well, sorry.

Bill Drake: (Olga), are you looking at the documents that...

(Olga): Which one?

Bill Drake: ...I put, inserted - the version with my edits?

(Olga): No. I will open it.

Bill Drake: Okay, open it up. We're working off of that, but we've got the other one with your comments also open, at least I do.

(Olga): Well, my comments are...

Wolf-Ulrich Knoben: So, Bill, one question - Wolf speaking right now.

Bill Drake: Yes, sure.

Wolf-Ulrich Knoben: If I can read Option B correctly so that (unintelligible) more than (60) days, correct?

Bill Drake: No. One from each stakeholder group makes four and up to two additional nominees, one from any stakeholder group and one from the NCAs.

Wolf-Ulrich Knoben: Also, I would like, okay, so I was wondering. I was reading one - stakeholder group. Okay, I'm correct.

Bill Drake: I'm only trying to suggest, Wolf, that each stakeholder group we should trust colleagues enough to say they go through their bottom-up process they select a candidate. I mean again the final decision is going to be up to (Peter) and (Jonas) anyway. But let each stakeholder group know that they can at least (put forward) one name.

Chuck Gomes: So, Bill, four of - this is Chuck again - this is, so four of the nominees would in essence be endorsed by the stakeholder groups. And we would assume from that that it's a GNSO endorsement. And then the other two would be by a simple majority of each House.

Bill Drake: Correct.

Chuck Gomes: And also then, just one more thing, so I mean there may be more nominees than one from each stakeholder group, probably will be. It's up to the

stakeholder group then to pick one of those that they would endorse. Any others could be considered in the other two nominations or endorsement.

Bill Drake: Correct.

Chuck Gomes: Yes, okay.

Bill Drake: Correct.

Chuck Gomes: I'm clear on the thing.

Bill Drake: Does that not work for anybody?

Man: Hi, this is...

(Olga): ...speak for a moment, which paragraph are you in, Bill?

Bill Drake: We are in proposed one-time process for GNSO endorsement.

(Olga): Okay.

Bill Drake: Paragraph 1, Endorsement Requires. And again I was simply trying to offer an alternative to notion that anybody to be nominated by GNSO would have to get simply majority of both Houses, which I'm afraid could lead to politicalization and people being upset if their stakeholder group doesn't get one.

(Olga): I agree.

Bill Drake: And I just think it's better if we tell each stakeholder group you have one to play with and you can also put forward another person for one other slot which will be then a competitive thing.

Chuck Gomes: Now what happens and I guess if the stakeholder group doesn't have one to endorse they don't have to.

Bill Drake: Well, that's right. And I was going to put it in more language about, you know, we, the GNSO could nominate less than six if there aren't candidates, et cetera, but I kind of thought isn't that obvious. I mean...

Chuck Gomes: Yes, you know. I'm with you. I'm sorry. I think I jumped ahead of Zahid.

Bill Drake: Okay, well...

Zahid Jamil: Hi, yes, hi. Bill, I think that makes perfect sense because what you're doing is securing one sort of slot for sure for every SG. It'll reduce (politicization). And then we can put two up for sort of (collection). I think that makes sense.

Just one question, so how would this sort of, just this sort of, (practically put in forward) move for a prospective member within a constituency, say in the IBC, the BC or ISBC. How would they do this? Would they first through the counselors submit something to the GNSO? I mean it's just sort of (unintelligible) flowchart process. I'm a little confused about that.

Chuck Gomes: Well, I think that, Zahid, that what would happen is that the nominees first of all apply through the ICANN process. And then from that process each stakeholder group is going to have to pick a candidate or more than one that they would endorse.

Zahid Jamil: Okay, I got it.

(Olga): I have a question. I have a question. May I?

Bill Drake: Yes.

(Olga): And I mentioned as a comment in the document I submitted. So the candidates are sending through the ICANN process and then the GNSO selects them? That is not clear for me.

Bill Drake: Again, we talked about this before you came on the call, (Olga), is the point is simply ICANN has already set out a process for public understanding. So we can't really contradict it or it's going to get complicated.

So the flow has to be that people go send it to ICANN. ICANN sends it to GNSO council, to the GNSO secretary. The secretary then sends it to the stakeholder group and presumably the stakeholder group or the secretary...

(Olga): Oh, okay.

Bill Drake: ...could let people know at that time that when it's come in. I mean, you know. But it's going to have to flow, especially with what the ICANN has specified already. Otherwise we have a problem.

But can I - I have one other question about this. And this is something that maybe, (Olga), you might not like. But I want to raise the point because I'm wondering if we're going to get pushback on it later.

We have been trying to figure out how to treat NCAs fairly. And so in the configuration that I've put here you would have one slot being designated as being from the NCAs.

The only thing I'm wondering about is whether in the council or after the council agrees (to) something, somebody might say now wait a minute, a stakeholder group that involves hundreds of people potentially if they have one nominee, but you're guaranteeing for the NCAs, for three people, one slot.

And the point that I was wondering is would it be sensible to - I had originally written some language and then I thought well maybe that's a problem, would it be sensible to make that last category something like NCAs and any persons who don't fit naturally within one of the stakeholder groups. I...

Chuck Gomes: Bill, I - yes, go ahead.

(Olga): Can I comment?

Bill Drake: Yes, go ahead.

(Olga): Okay. I disagree with you because (unintelligible) appointees are selected from the whole community. So if the stakeholders have many people, well, the whole community has much more. So in that sense this is why there are (unintelligible) appointees appointed to GNSO, to the Board, to the CNSO and to the (unintelligible). That's my...

Chuck Gomes: (Mill) put us back in the queue please.

Bill Drake: Please go ahead, Chuck.

Chuck Gomes: Yes, first of all the, it's my understanding that the NCAs are selected because they are independent and do not represent any particular group. So I don't think that your reasoning follows very well there. I think this would be a concern in the community.

But let me suggest an alternative way to word this one. So we eliminate Option A, okay and our option is that each SG selects, you know, endorses one nominee, okay. And then up to two additional nominees will be selected by a simple majority vote of each House. And just keep it that simple.

Bill Drake: But see then, Chuck, we don't even give the NCAs a leg up. I mean I, that worries me. I'm, I want to be fair to the NCAs without at the same time inviting a political firestorm about it.

Chuck Gomes: Yes, but if you're going to give, I mean your point is I think people are going to have great concerns if three individuals get to select one of six candidates.

Bill Drake: Right. Well, again, no. But they're not being selected by the three individuals. The, you know, anybody can submit their application.

Chuck Gomes: Right.

Bill Drake: The two Houses are going to vote. So for example all three NCAs could apply. And then the two Houses are going to vote by majority vote and select the person, okay.

Chuck Gomes: So you're suggesting that...

Bill Drake: But what I...

Chuck Gomes: ...are you suggesting then that one of the NCAs would be one of the six candidates?

Bill Drake: Yes.

Chuck Gomes: I don't think that will ever fly, I - perfectly okay if they apply.

Bill Drake: Well, this is why I was wondering if we could broaden the category as a reserved category for people who don't fit naturally within any one-stakeholder group. I mean there are other persons out there whose positioning in stakeholder groups has been a subject of some discussion by various people for various reasons.

And then there's other people like look Marco was saying they already had somebody apply today who didn't specify even an SOAC. I mean you might have people who don't kind of see themselves fitting one of the four boxes.

Chuck Gomes: Right.

Bill Drake: So I was asking the question could we reserve one space for that miscellaneous grouping which includes NCAs and then have one space for a fifth person selected from stakeholder groups. If we don't at least specify that NCAs are, you know, part of the mix there that's not fair to them because then they don't fit anywhere.

Chuck Gomes: I don't understand what's not fair. If you have two open slots that will require a simple majority vote of each House, okay, NCAs can apply for those. It can be considered in those slots if they're not selected by one of the SGs, anybody can. Why do we need to specify?

Bill Drake: Because...

Chuck Gomes: I'm at a loss.

Bill Drake: Okay, well, it seems to me that if you suggest that one of those slots is held for people who don't fit one of those boxes necessarily, you are giving the NCAs a fighting chance to be selected.

If you don't specify that and you just say that there's two open slots subject to majority voting in the two Houses, you could easily end up with the two Houses saying well, then we want to put another one of our stakeholder group people into both of those slots.

Chuck Gomes: Okay. Let me take another stab then. Maybe I'm understanding a little bit better. So maybe we have one open slot like I'm talking about and another

slot that is for candidates who don't fit any slot. We have to define what they don't fit I guess, not associated...

Bill Drake: Right.

Chuck Gomes: ...with an SG maybe or...

Bill Drake: Exactly.

Chuck Gomes: Oh, okay.

Bill Drake: That's exactly, that's all I'm trying to say, Chuck. I...

Chuck Gomes: I think that's sounding okay to me. We just need to find a right way to word it.

Bill Drake: Okay.

Chuck Gomes: Does that work (Olga)?

(Olga): Sorry.

Chuck Gomes: Does that work?

(Olga): Yes, that works. Yes, that works, yes.

Bill Drake: Yes, okay. So I'm sorry if I wasn't being clear about what I'm suggesting. I was just trying to find - I was just trying to find a way to broaden that - the definition of that slot so that it doesn't become a political issue that people say, you're reserving a slot for three people.

If you have a slot that is for unaffiliated with SG, then people I think could probably deal with that better, that's all.

Chuck Gomes: I - I'm okay with that.

(Olga): Okay.

Bill Drake: Are you okay with that, (Olga)?

(Olga): Yes.

Bill Drake: Because otherwise it could become a political problem and you don't want that either.

Chuck Gomes: How about others? Is everybody else okay with that? So we'd have one slot that's open that would - both of those extra slots will require a simple majority vote of each House, right.

Bill Drake: That's what I was suggesting.

Chuck Gomes: Yes. And then one of them would be open for any volunteers that apply to ICANN. The second one would be restricted to those who are not associated with an SG.

((Crosstalk))

Bill Drake: So the wording around that - the wording again would be, up to two additional nominees dash dash one from NESG and one unaffiliated with NESG will be selected by a simple majority of each House.

Chuck Gomes: I would suggest a change in the first one. I wouldn't say - I wouldn't specify that it has to be from an SG that it's an open slot as long as it...

Bill Drake: Okay.

Chuck Gomes: ...yes. In other words then both of them could actually be independent if the council so decided.

Bill Drake: Yes that's right. Okay.

(Olga): Yes, yes.

Bill Drake: So it's a reword then, I'll take out one from NESG and say, one of which shall be - one - how do I say this? One of which shall represent persons unaffiliated? I'll wordsmith it.

Chuck Gomes: Yes you can...

Bill Drake: Person's unaffiliated...

Chuck Gomes: ...you can work with it. You got the idea.

Bill Drake: All right. I'll wordsmith it and I'll send it back to you all after I do. Okay. Then if we're okay with that, let me move on to the next line. Oh wait. Let me crosscheck (Olga)'s points on this paragraph.

Number 3 I think we're - yes. She asked about via ICANN process. Okay. Oh no, that's really - oh here we go. The one independent NCSC - all right that's fine agree with the addition (of a) comment. Okay fine. All right we're good.

All right then the next one, Line 2. Chuck you had said something that I proposed in edit and this has to do with the diversity stuff. I changed your shoulds to shalls and tried to strengthen our commitment a little bit in this area. And I recognize this might be controversial and so then we have to talk about it. But I'm...

Chuck Gomes: I think it's more than controversial but before we go there...

Bill Drake: Okay.

Chuck Gomes: Item 2 that you deleted doesn't, isn't needed anymore. So I agree with the deletion there, right. Assuming there are no - our volunteers (who receive) necessary votes, at least one volunteer should be endorsed from each House. That doesn't apply anymore so that goes away like you did, right.

Bill Drake: The - you mean Option Number 5.

Chuck Gomes: I'm looking on your...

Bill Drake: The option...

Chuck Gomes: ...at your redline, you deleted what I had proposed as Number 2 and I think that's fine.

Bill Drake: Oh, okay. This is going to be changed from each SG, that thing. Okay.

Chuck Gomes: Yes, yes, yes.

Bill Drake: Yes.

Chuck Gomes: Yes. Okay, all right.

Bill Drake: I was just reading the text that remains not the right column, sorry. Okay yes. That's fine.

So back to the point - but, Chuck, if we do what I just suggested, why don't we flip forward just for one point, one second here. Your point, your Suggestion 5 was a mechanism to deal with situations in which the voting doesn't work out, that was anticipating that the two Houses were voting simple majority on all of the seats.

What I put in there instead is - I put the proviso, if Option 1A is pursued. So shall I leave that text in there and just say, for the two non-assigned slots?

Chuck Gomes: I think that works.

Bill Drake: Does everybody follow me?

(Olga): Yes.

Bill Drake: So the two slots that are not allocated to the SGs, the procedure is as follows.

Wolf-Ulrich Knoben: Yes, Number 5.

Bill Drake: Yes.

Wolf-Ulrich Knoben: Okay yes.

Bill Drake: Okay.

Chuck Gomes: And (Olga) had a question on that and, (Olga), yes the intent was to have (Andre) as the third option break the tie if he's willing.

(Olga): I mean I don't know if he is comfortable with that. Maybe we should not...

Chuck Gomes: That's why I put the parenthetical there, to, maybe we could ask him.

Bill Drake: It does seem awkward. Another way of doing that of course is leave - and I referred to this elsewhere, you suggested and it makes sense (to have) the first cut to have this evaluation group that would - actually though, what am I saying?

If we're doing this - if the stakeholders are each nominating one of the four, the evaluation group would only be ranking the two other, people for the two other slots.

Chuck Gomes: Yes.

Bill Drake: So I should clarify that when we get to the relevant point. But anyway, we could use the evaluation team to try to negotiate something. It does seem odd to put this all in the hands of (Andre), although it...

(Olga): Yes.

Bill Drake: ...may never happen anyway.

Chuck Gomes: (Really) I'm open to suggestions. I was just grasping for something that, in case it's needed because there could still be a tie after Number 1 and Number 2.

Bill Drake: Yes. You mean - well, actually. This is why the voting stuff gets complicated. Just when...

Chuck Gomes: Yes.

Bill Drake: ...you get to - just handing stuff to (the boss) and saying bottom up you guys nominate the folks you want avoids all this stuff once we get into the Houses voting, then we're into kind of nightmare territory but I don't know how else to deal with that.

Chuck Gomes: Bill, do you want to send a message to (Andre) and see if he'd be willing to do that, if that would be too uncomfortable or does somebody have another idea? We just need to do something to - in case that happens. It may not happen. But if it does, we have such a short time period we can't, you know, afford to - we're not going to have time to come back and revisit it.

(Olga): I think that the - if there is a team involved, it's much better because if it's only (Andre)'s decision maybe it's a lot of responsibility for him and maybe he is criticized after his decision and it's not fair for him.

Chuck Gomes: Well everybody else is, you know, is casting a vote. You know, so giving him a chance to cast a vote, is that really so bad?

(Olga): Oh well, yes, because he doesn't have a vote. Yes somehow you're right. Well yes. Maybe we can ask him.

Bill Drake: I, you know, I can't help wondering if - first of all, I really doubt for this first round that we're going to have so many bodies that this even becomes an issue.

In a case where more than two people for those two slots gets a majority vote, in that kind of circumstance don't you think the council could just, you know, kind of collaborate a bit to work out a compromise amongst himself without specifying the whole set of requirements? You don't trust that.

((Crosstalk))

Chuck Gomes: Oh I don't know. I...

(Olga): That may be...

Chuck Gomes: As far as...

(Olga): It may be easy or not. You never know because it depends on the candidate that (unintelligible).

Bill Drake: Yes. Or to have that - I mean if we have this evaluation team of one person from each stakeholder group plus one NCA in place to have done this ranking

procedure for those two slots, to ask them to consult with their stakeholder groups, in the same way as I specified later for - with regard to the gender and geographical distribution resolution of a problem, that they would go back and consult with the stakeholder groups and others and then try to come back with a resolution that the council could agree to by a simple majority vote.

Why don't we hold this point for now and then we'll come back to it after we see that...

Chuck Gomes: Okay.

Chuck Gomes: ...how I address that about the other issue?

Bill Drake: Okay. Is that okay, Chuck?

Chuck Gomes: Yes.

Wolf-Ulrich Knoben: Yes.

Bill Drake: All right. Let's - oh actually those points are right above (this). Okay sorry. I'm forgetting where I am.

All right so let me go back to the geographical and gender distribution thing and talk about the suggestion I made there and it might apply to these two slots as well.

So, Chuck, I guess you're going to have a problem with this but I suggested no more than two volunteers shall be from the same geographic region. Volunteers must not be the same gender and at least 1/3 of each gender shall be represented. Now you want it to be should.

Chuck Gomes: Oh is it...

Bill Drake: So that's the first...

Chuck Gomes: The only reason I did that, Bill, is because what if there aren't any - and I'll be ridiculous here, what if there aren't any male applicants at all? So we...

Bill Drake: Right.

Chuck Gomes: ...don't submit anybody?

Bill Drake: Again I was kind of operating under the assumption that...

(Olga): I sorry may I...

Bill Drake: ...common sense would prevail and - okay. That's...

(Olga): I think that the problem is that if there are three male and not women and...

Chuck Gomes: Either way. Yes.

(Olga): Yes well, generally - yes well yes it may happen. The gender issue is always to try to empower women to participate and having three women apply I don't think that would be a big problem but what do you do if you have only men? What do you have to select by obligation a woman that is not applying?

Bill Drake: Okay.

(Olga): That's also...

((Crosstalk))

Bill Drake: Okay can I make a - can I make a...

Zahid Jamil: Can I make a suggestion? This is Zahid.

Bill Drake: Okay sure. Go ahead, Zahid.

Zahid Jamil: Yes thanks, Bill. I'm just thinking maybe we could put some sort of carve out or parenthesis in there or something saying we're basically choosing from the lists that have been provided to us by the - by ICANN for those people who apply.

But if there's no one who's a female who's applied, then that's the end of the story. Or if there's no one from a certain geographical region et cetera diversity then that's fine. So maybe we can just put the words in there available from the list provided by ICANN and that will be it.

(Olga): Yes.

Bill Drake: Yes.

(Olga): That's a good suggestion.

Bill Drake: That's...

((Crosstalk))

(Olga): Because if there are no candidates, there are no candidates, yes.

Chuck Gomes: And also, Bill, you know, what if there is a candidate who meets the gender or geographic criteria but doesn't meet the other qualifications? Do we accept them because they're of the right gender or the right geographic region?

(Olga): No, we shouldn't.

Zahid Jamil: Maybe there's a way of having a negative vote there? This is Zahid. Maybe (there) could be a negative vote.

Bill Drake: But, Chuck, seriously. Who's - what are the chances of - we're talking about again the two slots because the four are held for the stakeholders. The stakeholder groups are not going to nominate anybody who's unqualified. I think that that's a reasonable bet. So the two...

Chuck Gomes: Well we're not talking about the stakeholder groups...

Bill Drake: Right.

Chuck Gomes: ...here.

Bill Drake: I'm putting those aside and for those two other slots they're subject to majority voting in both Houses. I can't imagine majority votes of both Houses for a candidate who is not qualified simply because they're female so I was assuming - or because they're from geographic distribution, so...

Chuck Gomes: Right that makes sense.

Bill Drake: You know, it's blatantly obvious in that case but...

Chuck Gomes: I must be, I think I'm missing something then because if - what your Number 2 and Number 3 say with the shall is is that, you know, they, we're going to have to have the mix that we're talking about even if the, there's a simple majority support of both Houses for the candidate.

Bill Drake: Well I'm assuming that people will be reasonable. Maybe that's the wrong assumption.

(Olga): You never know.

Chuck Gomes: You can tell I always look at worst cases so that we're covered so.

Bill Drake: Okay. The only problem, Chuck, is I started, if I start thinking that I have to spell out language for every possible scenario in which we - the - people behave ridiculously or where we don't actually have a pool of six candidates or whatever...

Chuck Gomes: Yes.

Bill Drake: ...then the document becomes very long and complex and then it starts to look like you're over thinking it and being anal-retentive. I just kind of thought, you know, these are the procedures that would work under normal circumstances.

If you don't get six candidates in the first place, then obviously you're not going to have six nominees. If you don't have any female candidates, then you're not going to meet the - you know, if nobody applies, if you don't have any female applicants, you're not going to meet the gender distribution and so on. I mean I think...

Chuck Gomes: Yes and I think...

Bill Drake: ...it's that...

Chuck Gomes: ...you and I are on the same page on that but when you say, shall, you know, being very precise...

Bill Drake: Okay, okay, okay.

Chuck Gomes: ...that doesn't leave that option.

((Crosstalk))

Chuck Gomes: I'm very supportive of the balance but I - you know, you tried to deal with it in Number 4 but I don't think there's time for Number 4, the...

Bill Drake: Well I don't think there is either and my point there was, as I said to you in email, I would anticipate that people would say holy cripe. We don't want to go through that.

And if they didn't behave reasonable in the first round, we would move quickly to get a second round resolution. Because nobody's going to want to end up with no nominees or to miss the window or the timeline that they have to follow simply because they're behaving like, you know...

Chuck Gomes: Yes.

Bill Drake: ...childish.

Chuck Gomes: Well I hope...

Bill Drake: So...

Chuck Gomes: ...I hope you're right.

Bill Drake: All right. You have - well you have much more experience with the council than I do so I'm putting faith in rationality prevailing and on the - my guess is also that we're not going to be talking about enormous numbers of applicants in the first place.

Chuck Gomes: Well Avri...

Bill Drake: But I might be wrong.

Chuck Gomes: Avri used to always - I was always the one that was too optimistic and she would always bring me back to reality. I guess I'm playing that role now.

Bill Drake: You've switched okay. Look, I'm willing - I understand Chuck's concerns and he's probably right. I'm willing, if others don't mind, to make the shalls should because it gives us more flexibility but I think that the council really should make a serious effort to strive to reach these goals.

And I think we should make that clear to colleagues when we present the drafting team proposal.

Chuck Gomes: Totally agree.

Wolf-Ulrich Knoben: Yes.

Bill Drake: So I'll go back to should?

Wolf-Ulrich Knoben: Yes, agreed.

(Olga): Yes.

Gisella Gruber-White: Okay, okay.

Bill Drake: All right. I'm not sure that resolves all possible questions but let me, let's just look at the process I put in four and see if it makes sense. If the diversity goals of two and three are not achieved in the initial round, the evaluation team will consult with the stakeholders and NCAs, review the candidate pool and then present to the council an alternative mix that would meet the goals.

The council will then vote on the new list with a simple majority of both Houses required for acceptance. I could delete that last line if it makes people paranoid. I can't imagine us going through more than two rounds of trying to sort this out but...

Chuck Gomes: Yes but I don't see, Bill, how do we go, keep in mind the applications are coming through the ICANN process. And by the way, Marco, it seems to me we got a problem if you extend the application deadline to the 23rd because we have to consider the candidates after the 18th. So I don't think the - we have a gap again.

Bill Drake: Yes we do.

Chuck Gomes: If there are applications still coming in until the 23rd and we have to submit our decisions on the 23rd, that doesn't work.

Marika Konings: This is Marika.

Man: Yes, that's right.

Marika Konings: Marco's no longer on the call so you should probably drop him a note about that.

Chuck Gomes: Oh okay.

((Crosstalk))

Bill Drake: Well Marika you take the (unintelligible), right?

((Crosstalk))

Woman: Sorry.

Bill Drake: I'm sorry. Go ahead. Go ahead, please.

Woman: No. I'm just...

Bill Drake: Okay.

Woman: No I'm just going to say I just joined. I didn't have - I wasn't - didn't have email connectivity so I'm catching up from Friday, apologies.

Bill Drake: Oh okay.

Man: Hi.

Bill Drake: No. Chuck's right. There is a gap, a lack of a gap there. It might not turn out to be an issue but it often is the case that people apply on the last day.

Chuck Gomes: Yes a very - and in this case because of the short timeframe and the fact that the GNSO process hasn't been defined, it's probably very likely.

Bill Drake: Okay, Chuck, you're - as chair why don't you send Marco a note and ask for clarification, perhaps a gap of a day or two for us to work with or something?

Chuck Gomes: Yes, okay. Yes, I'll do that. But now let me look, let's look at your thing - the...

Bill Drake: Yes and I'm...

Chuck Gomes: How do we come up with new lists? I - oh maybe because the stakeholder groups have to go back and reconsider their decision?

Bill Drake: Well that's right. I mean again - and I'm open to any other way of doing this. I was just trying to think of a way...

Chuck Gomes: Yes.

Bill Drake: ...that, you know, if you - let's say you ended up, despite having a pool of ten or something through the bottom up process of stakeholder groups picking their one person and then the two other slots, you end up with, you know, a whole bunch of white guys from the U.S.

Chuck Gomes: Yes.

Bill Drake: You got to have some means to then say, well wait a minute people. This isn't good. We got to go back and have a second look at this.

And the only way I could think to do that was to say, okay, then the evaluation team, which includes a representative from each stakeholder group, will then revert back to their people and say, hey, look, we nominated so and so. They nominated so and so. Would we be willing to consider the person we had thought of as our second as our first instead? Or so on.

Try to and try to through communication with each other and the stakeholder groups work out an overall balance that's more appropriate. And frankly I would be happy to just say and let that be the decision and you don't have to vote at all in the Houses. But I just thought that maybe people might think that that's a problem. So that's why I put that in there.

Chuck Gomes: Yes, yes. Why don't we probably move on from this one and give it some thought. I fully understand what you're trying to do there. We just - the big problem is the short window that we have to make it happen.

Bill Drake: But isn't the short window a good thing because it compels - it focuses minds and it forces people not to goof around.

Chuck Gomes: Hopefully, yes.

Bill Drake: Well I mean, Chuck we're going, we have to send this out in two days, so...

Chuck Gomes: Yes, I mean I'll...

Bill Drake: I'll leave it like this for now,

Chuck Gomes: That's fine.

Bill Drake: But I think we have to decide if that mechanism doesn't work, then we need another one.

Chuck Gomes: Yes, I'm fine. We should be able to resolve it on the list I think.

Bill Drake: Okay.

Chuck Gomes: And maybe your approach is the right one, you know.

Bill Drake: Wolf, Zahid, anybody else have a thought on this before we move on?

(Christina): You guys, this is (Christina) because of that little snow issue we had here, I didn't have electricity this weekend, so I'm trying to get caught up. What is - what would be the single best thing for me focus on?

Bill Drake: Are you able to look at the document (Christina), or do you have functioning computer in front of you?

(Christina): Yes, yes, no I have electricity now. I just haven't had it. So, you know, I know that there's a whole ton of emails and I don't want to go through stuff that is not (unintelligible).

Bill Drake: Okay, so you're not looking at the document then, right.

(Christina): No, I just pulled up what I think is your revision.

Bill Drake: That's what we're looking.

(Christina): Okay, all right, then.

Bill Drake: So we're looking at Line 4 of the first section on proposed one-time process.

(Christina): Got it, okay.

Bill Drake: And we're trying to say, if we don't get a decent gender and geographical distribution through the bottom-up process of each stakeholder group, selecting one and then two others being an open vote, what do we do?

And I was suggesting that the evaluation team would then revert back to consult with the stakeholder groups and NCAs and others and try to come up with an alternative pool which we could vote on. Or we could just say whatever they come up with is fine, bearing in mind again, we're, as I said on the email list, we're not distributing gold here.

And we may, you know, and we may not even have that many candidates. And anyway at the end of the day, we're not making the decision. (Midias) and (Peter) are, so, you know. I hope that we don't over politicize and over think all this stuff. I'm just trying to set a mechanism to make sure that from whatever pool we do get, we get a proper gender and geographical balance.

(Christina): Okay, let me just make sure I'm clear that under that scenario, let's just say that you ended up getting - just to pickup on your phrasing, three white guys from the United States.

Would it - we would then go back to all of the stakeholder groups, or just (unintelligible) that had nominated white guys from the U.S. and say, okay, you guys need to kind of work it out amongst yourselves, but we can't have three white guys from the U.S.

Bill Drake: I would think you go back to all of them because they all need to talk amongst themselves and work out some horse-trading. And, you know, it might be that somebody comes around and says, all right, look, we'll put this person up for next time, for the next review team with an understanding, you know, that we get some consideration because we withdrew him from this one, you know.

(Christina): Okay.

Bill Drake: Horse-trading.

(Christina): Okay. Can I ask you a clarification on what is Number 3 where at least one third of each gender?

Bill Drake: That was Chuck's wording.

(Christina): Oh.

Bill Drake: I think he - I think he means...

(Christina): I was going to say, did miss some major scientific development over the weekend.

Chuck Gomes: Yes.

Bill Drake: Well we're thinking that we need some transgender people and so. I think the concept was that of a group of six there should be two, at least two women. I think that was the idea.

(Christina): Okay, got it. All right, all right, all right.

Bill Drake: Is there a better way of saying that?

Chuck Gomes: Yes.

(Christina): I'll come up with something.

Bill Drake: Okay, at least 1/3 of the pool should be from the minority gender.

Chuck Gomes: Yes.

Bill Drake: All right, whatever. All right, let's move on.

(Christina): Okay, got it. Okay.

Bill Drake: Okay so GNSO, let's go to down to GNSO qualifications. Now Chuck had put in full name, contact and geographic region. I just have a question. I mean they have to submit a short CD. Can't we just assume these things are in there, I mean. I just feel like we're specifying a lot.

(Christina): No, I mean I actually think it would be - I mean, I don't think so, at least not for...

Bill Drake: Okay.

(Christina): You know, because we're doing some outreach and frankly, I think the more standardized we can have it so that, you know, Line 1 is name, employer, you know, name, address, employer. Line 2 is geographic region of residency.

Bill Drake: All right.

(Christina): Da, da, da. The easier we can go cross, cross, cross, the better.

Chuck Gomes: Yes. As soon as you assume something Bill, somebody will miss it so.

Bill Drake: All right. That's fine. I just - sometimes I feel like we over think everything, but I took out my questions. All right so the next point, identification of financial ownership. That's fine. (Christina), I suggested the (leashing) of this item that I think you had put in from the IRT, identification of nominee's knowledge, (unintelligible).

(Christina): Oh, no, no, no, no, no. No. No. Yes, no, no. That was not intended to be part of that. That was just to identify that for the purpose of the IRT, expertise in that particular area was very important.

Bill Drake: Okay.

(Christina): So that's why we ask the question. And if we have, if we think that their are particular areas of expertise may not apply to this one, may apply to the security and stability review, those are the types of questions we ask. So, no that was not intended to be part of this at all.

Bill Drake: Oh, fair enough, then. So I take that out. All right, then we have the next question and this where Chuck and I have some different ways of looking at this I think.

Chuck had suggested that we have these - well I listed it just a bullet point of what they have to submit, basically and he was putting it as separate kind of quality that we would somehow identify.

Now the question was what I put in here was to just say, they submit a one to three paragraph statement about their knowledge of and participation in the GNSO community and its structures and operations.

Chuck has suggested some other language where they would - what happened to that? Chuck's language disappeared. Did I do something wrong here?

Chuck Gomes: It's going on - it depends on how you format your redline.

Bill Drake: Right, right, no, no, it's - no it's down here in the bottom of the, in blue box. Then - all right, now Chuck has suggested that we have to mention availability and willingness to commit time.

I mean, I can help thinking anybody who submits a nominee, a nomination - submits a application doesn't need to be told that they need to have the time and the willingness. I mean, maybe I'm wrong.

(Christina): But I don't - I think this is a pretty significant - I mean I agree with you generally, Bill. I just think that in this particular instance, from everything I've heard, we're talking about a much greater time commitment than perhaps any other working group, drafting team, whatever that's been done so far. And I think that it really can't hurt to kind of hit people over the head with it.

Chuck Gomes: I mean, Bill, we've already had people express interest that are involved in tons of things in the GNSO and I'm not sure that would work.

Bill Drake: Well, but Chuck don't we have to assume that people are adults and that they know their own schedules. And if they are involved in other things and if they want to them to do this that they then reorganize themselves and recalibrate in order to do it? I mean, I just - maybe I - it's just the former professor in me.

Chuck Gomes: Yes.

Bill Drake: I feel like we're sort of like giving a lot of very detailed instructions to people as if they couldn't reason. And I don't know. I don't feel strongly about this. I just think it's a little bit pedantic.

(Olga): (Unintelligible).

Chuck Gomes: I think in some way we need to emphasize the point that this a serious time commitment and that, you know, it - I would hate to get into a situation where a GNSO-endorsed member of a review team didn't have the time to do the job.

Bill Drake: Of course. But I would think that any rational human would - if they don't have the time to do the job, wouldn't put their name forward. And if they...

Chuck Gomes: And you assume that all humans are rational, right.

(Christina): But you guys think, you know...

Bill Drake: No, I don't.

(Christina): ...how much time this is going to take? I mean can we put at least in the statement...

Bill Drake: Sure.

(Christina): ...it's anticipated that members of the review team will spend ten hours a week, 300 hours a year. I mean, whatever, but I do think we need to have some (quantitative) information because, frankly, I'm getting asked by people and I have no idea what to tell them other than a lot. Well, you know, a lot could be 10 hours or 50 hours depending upon what your point of reference.

Chuck Gomes: Sure.

Man: Sure (Christina).

Zahid Jamil: (Christina) this is Zahid, I agree with you. I agree with you there should be something there. Yes, I agree with that.

Bill Drake: Okay, but we're not in a position to say what it's going to involve, really.

(Christina): Well then when we (unintelligible) can't we? I mean there's (unintelligible).

Bill Drake: I mean I don't mind to restore the line they should have availability and willingness to commit to time, but I'm, that doesn't solve your problem. We don't have any way of knowing (ex anti) what's going to be involved, really.

(Olga): (Unintelligible).

Chuck Gomes: I don't think there's a perfect solution, Bill, but I'm with Zahid and (Christina) that, you know, it's probably better to leave that in there. I doesn't probably solve the problem either.

Bill Drake: All right. Okay, fine.

(Olga): Can I say something?

Bill Drake: Sure.

(Olga): I think that we should ask for something that they will commit the time through a commitment or something like in written. It could be good to know how much time, but we don't know yet. But I am not sure that we have to go and ask what they do with their time and their agendas. I think that's not our...

Bill Drake: Yes.

(Olga): ...our role. I don't think that's fair for people. I think we are all professional adults and also people will be selected by their stakeholder group and if they are not from a stakeholder group or they are not (from appointees) or from community, there are many ways to get and check the information that they are providing.

We shouldn't be surprised by someone saying that he is responsible, or she is responsible and they are not at the end.

Bill Drake: Right. I certainly agree with that. I don't think we should be condescending in this - can we move on. I'll put the availability, willingness to commit the time back. Demonstrated trustworthiness to function neutrally and objectively, I mean Chuck, how are we going to evaluate that, really?

Chuck Gomes: Well, I actually suggested some ways to do that if I can find them. Where's my comments. Maybe I have to back to my document.

(Christina): No, I have it here. I have it here. It says this could be measured by asking candidates to listen briefly and describe actual instances where they have demonstrated this qualification.

Bill Drake: But that would like, for example, what do you do with somebody who is a member of the GNSO community, but has never been on the council, what opportunity have they had to demonstrate neutrality and whatever?

Chuck Gomes: Oh, I think all of us are in situations like that often. It doesn't have to be in the GNSO. It's kind of - that's related to a interviewing technique that I learned in a course years ago in hiring is, is that you as, rather than ask people whether they're neutral, which obviously they're going to say they are, you just ask them to share an example in a situation where they needed to be neutral and they did it.

You know, it's not perfect, nothing is, but you're trying to have some information that you can use in that regard.

Bill Drake: Here's what I think about, here's what I worry about, Chuck. I think for example of NCSG, we've got members from around the world, okay. Not all of whom will necessarily immediately understand what you're driving at from their cultural and whatever background.

And let's say somebody who is very smart applies and NCSG puts them forward, well not for one of the four slots, but for the other two, we're going to then tell them that they have to find some way in their application to explain something that might not have any real bearing to the - on their lived experience.

I mean, it just strikes me as kind of problematic to add this kind of thing. If others feel strongly, that's fine. But I think it's problematic.

Chuck Gomes: I'll defer to the group on this. I'm not going to push it because, you know, it's very similar to the ICANN ALAC Qualification E above.

Bill Drake: Right, exactly. ICANN already says this, so why do we have...

Chuck Gomes: Well how do we measure it I guess is the problem? But that's all right, I'll defer to the group on that.

Zahid Jamil: Hi, this is Zahid and I - can I...

Bill Drake: Yes.

Zahid Jamil: Yes, okay.

Bill Drake: Go ahead Zahid.

Zahid Jamil: I was just wonder, maybe a compromise of this was the other suggestion that we should have something there saying, this is the number of hours generally. And it may be more, that you're required to basically work and devote time to it.

Now, one of the ways we could compare it and (Christina), I don't know, maybe you can help us for this and being in the IRT will (unintelligible) that it was a lot of time that was devoted.

So maybe we could take metrics from there and sort of, you know, do some sort of thing X number of hours per week or hours per month and we just put that in there. Maybe staff can help us sort of come up with those or something?

Would that be practicable, or is it so difficult that can't actually, you know, come up with those figures. And then that could be the statement saying, if you want to do this, this is the number of hours you're going to have to put in and, you know, you have to say, yes, you are able to do so.

(Olga): I like the idea, yes.

(Christina): Yes, I mean, just to give you guys an idea what we told people for the IRTs is that during the eight-week period, you had to be able to commit 15 business days.

(Olga): How many?

(Christina): To be accepted, 15 business days.

(Olga): Okay.

Zahid Jamil: Right.

(Christina): It actually ended up being much more than that.

Zahid Jamil: Yes, exactly.

(Christina): But, you know, the practical matter, you had to say, you know, because that's three weeks out eight weeks. That's a pretty significant time commitment. Having said that, helpful to make sure that everybody went into this with their eyes open about what the time commitment was going to be.

Zahid Jamil: So we could base it on those sort of numbers.

Bill Drake: I think we're pulling numbers out of a hat, though Zahid.

(Olga): Yes.

Bill Drake: Nobody really is going to - I mean staff isn't going to be able to tell us what this is really going to involve. Nobody's going to know. I mean, we could say ten hours a week, but I mean, availability and willingness to commit ten hours, at least ten hours a week, but we don't know whether that's really accurate or not.

Zahid Jamil: There'll be a minimum, right at least. There'll be a minimum. But we know this is going to take longer than that.

Bill Drake: Do you people want me to say - I mean and then we should revert back to the other point we were talking about, to commit at least ten hours per week during the review period?

(Olga): Yes, with the reference that this amount of hours may be changing or different.

Bill Drake: Right. This may just scare people off from applying rather than anything else, but I don't have a problem with it. I think that's probably a fair guess, at least ten hours.

Zahid Jamil: (Unintelligible). We could clearly say this has never been done before, this is a first-time process.

(Olga): Yes.

Zahid Jamil: But best guesses are, or, you know, a previous experience in certain, such reviews have disclosed that minimum ten hours are being allocated by people, or, you know. And then and this could well be more.

Bill Drake: Okay.

Zahid Jamil: Some language to that...

Chuck Gomes: And in fact, I think they do give some information that there's probably some meetings that are going to take longer and even have public observing or something, so. Yes, I think that's a minimum.

Zahid Jamil: Sure.

Bill Drake: Right, but I mean, you know, do we have to start repeating all of, the whole ICON text explain these things.

Chuck Gomes: No, no.

Bill Drake: I mean do you want me to just say at least ten hours per week during the review period, or do you want me to add plus face-to-face meetings and blah, blah, blah, too? I mean.

Man: (Unintelligible).

(Olga): I don't know.

Bill Drake: Plus participation in face-to-face meetings, et cetera.

Chuck Gomes: Yes.

Bill Drake: Okay. Again, I will send this back to you all. But now back to the point we were on. Demonstrated trustworthiness to function neutrally and objectively, I don't mind, you know, personally, I mean, I don't mind seeing that's a quality we look for.

But I don't, I'm not comfortable with the council trying to specify methodology to evaluate that or to require that people attest to it, personally.

Chuck Gomes: Well, I think we're going to, you know, we will, in our decision when we - whether it's an SG endorsing a candidate or a - in the two - we will obviously try to evaluate that, but I understand what you're saying.

Bill Drake: Yes, I mean that would be part of the conversation, Chuck, right so those two slots people are going to - if somebody is a complete lunatic, somebody's going to say that, you know.

Chuck Gomes: Yes, if we have enough information about them to know.

Bill Drake: Well if we can't find any good information about somebody, it's going to be awful hard for them to get them a simple majority vote at both Houses.

Chuck Gomes: Yes, by the way, let me share a something that happened that it kind of - it definitely relates to what we're talking about. I was contacted via email last week by a former Indiana Supreme Court Justice wondering how you get endorsed by the GNSO.

And I mean the guy looked very qualified and, you know, could really do a very good job with this, okay. Do we - I mean is the candidate - I mean that could be somebody that we would consider for the open slot or whatever, you know, and I offered to talk to him on a phone call just if he had some questions. But that's the kind of thing that may come up for us in this, so.

Bill Drake: Did he have a background in antitrust?

Chuck Gomes: You know, I didn't - he didn't give - his resume wasn't that clear, but he did send me his resume and everything in it so, you know, I encouraged him to apply.

Bill Drake: Okay.

Chuck Gomes: But, you know, I told him - and that's why I said, you know, when we get to the next one, Bill, on GNSO and knowledge and so forth, you know, it really does seem beneficial to have some basic understanding, not an insider, of the GNSO, so that they can at least keep the record straight when the teams are doing their review and their analysis.

Bill Drake: Let's turn to that now. So, Chuck, what I put was one to three paragraph statement about their knowledge of and participation in the community. You had said that they should demonstrate basic knowledge of the community, same thing.

But then you had suggested we could try, you know, some process by which we would try to provide an orientation or tease things out and so on. And the only point I guess I was reacting to is again I wonder if we're not sounding a bit like school mar mish is we start, you know, specifying all this.

Wouldn't it be sufficient to just say person, they should write a statement, a one to three, let's say three paragraphs about their knowledge of GNSO and what goes on and their involvement, two to three paragraphs.

Chuck Gomes: And would it be okay to add to that their understanding of the domain name industry?

Bill Drake: Well...

(Christina): (Unintelligible) other than say I understand the domain names.

Bill Drake: Well that's what I thought. I mean, (Christina), you know, I mean anybody who's applying for this gig then, even if they don't know jack about the domain name industry, they could probably sit down and like, you know, look at a few Web sites, pull out a few lines and say here's what I know about domain names.

On what basis are we going to turn them down or say anything, you know.

Chuck Gomes: But I'm okay with what you've proposed, Bill, we don't need to belabor this.

(Christina): Can I make a suggestion though, Bill? I like your language but I think that what I would like to have in there and I would hope that most people would pick that up from what you've said but I would really like to see, you know, a list of what they've been involved in.

In other words, rather than saying, you know, I've participated in several working groups, that doesn't really help us because then we have to go reach out to staff and say okay, you know, does this person (unintelligible) name ring a bell.

Bill Drake: Okay, two to three paragraphs say then of their knowledge of and details of their participation in the GNSO community.

Chuck Gomes: And its structure and operation.

Bill Drake: Yes.

Chuck Gomes: Yes, yes. That...

Bill Drake: Is that okay?

Chuck Gomes: ...that's helpful. Now a question going back to the Indiana Supreme Court Justice, you know, there may be candidates that really haven't had any involvement. I don't know that we necessarily should eliminate those but at least it'd be good to know and so...

Bill Drake: Actually...

Chuck Gomes: ...go ahead.

Bill Drake: I'm sorry, I was interrupting go ahead, Chuck.

Chuck Gomes: No, no, I'm done, that's good.

Bill Drake: Okay. Actually, you know, I laugh but I was stupid to laugh that could be a very good person.

Chuck Gomes: Yes, that's what I thought.

Bill Drake: You know. You know, I mean, for an accountability and review team, sorry, accountability and transparency review team, to have some - you don't necessarily have to be an absolute wizard of the working of the registry-registrar separations and so on in order to try to evaluate the procedures by which I can operate to whether they're fair and due processes and so on.

And it may well be that a sort of outside expert with a different toolkit of skills would be very useful.

Chuck Gomes: Exactly and that's what hit me when I got this message and that's why I brought it up. And so I wonder if we should add to that if you haven't had any significant involvement in the GNSO and then we need to fill in what we want.

I made some suggestions in my comments there that maybe we, you know, ask them how they would become familiar or provide like I suggested I think, maybe we're willing to provide an orientation just so that they have some basic concepts.

I don't know what the right answer is there but I kind of think that we shouldn't just automatically exclude people just because they don't have any involvement.

Bill Drake: Okay. But I was framing it as things that they should put into their application rather than our background understanding. So what would we ask them if this is not - if one - if you lack this in the background provides, I mean...

Chuck Gomes: I don't know but the way it stands right now, with what you ask for there, it's going to, you know, what does somebody do if they don't have any involvement? Do they just not apply or...

Bill Drake: Yes.

Chuck Gomes: ...or do we leave the door open there a little bit and how do we do that? And I don't have the magic answer but.

Bill Drake: Okay.

Chuck Gomes: You know what I'm saying?

Bill Drake: If I add a bullet in the event of no participation or something like that, in the GNSO, a description of general qualifications of relevance to an accountability and transparency review team.

Chuck Gomes: That helps.

Bill Drake: I'll send it to you guys and you can wordsmith it, Chuck. We've got - we have to send this out to the council on Wednesday, we've got another day or whatever to play with. So let me just send it back to you and if anybody wants to clean up the wording, then we'll do it then, okay.

Chuck Gomes: Okay, good progress. Thanks, Bill.

Bill Drake: So the only big outstanding question I see and then we, I think before we wrap and I'm sorry we're going over here, do people want to just give some more thought to the mechanism that I tried to lay out for what do we do if we

don't get the gender and the geographic diversity, this notion of the evaluation team having a look.

And then we'll talk about it on the email list. And then there was one other point, Chuck, you had pointed out that we should take up, which was (Caroline) and (Sim) had raised the question of whether counselors should be disqualified. I'm inclined to say...

(Caroline): I'm on the call by the way, sorry, Bill.

Bill Drake: Okay. So does anybody have any views on that matter?

(Olga): I don't see why, why the - Chuck, can you explain why?

Chuck Gomes: Well (Caroline)'s on she just said, right?

(Caroline): Yes, I'm on, yes.

(Olga): Sorry, I didn't know.

(Caroline): Yes, we kind of had this discussion on the last (unintelligible) that, you know, those people that are - I mean, I think Chuck for example has given himself as an example, you know, as GNSO chair he did not think he would have the time or the resource capacity to also act as a member of the review team.

So just a matter of practicality, I mean, I - Chuck and I saw your comment earlier about could I suggest language and sorry I didn't go back in time to do that before the call.

But, you know, I was wondering if we could sort of tackle it and under the qualification section where we talk about commitment to - devote time to the review process, I mean depending on how we all feel about it, would it be maybe a good idea to add a guideline comment there saying something

along the lines of applicants that hold existing leadership positions within the GNSO are unlikely to be considered for candidacy or something like that.

So, you know, not strictly ruling it out but at least flagging to people, you know, if they do have leadership positions and, you know, I'd even consider the (non-comm) people as well to be in the same boat. And that this is something that they should consider.

(Olga): So the issue is the time, the time available, that's...

(Caroline): Yes.

(Olga): ...the problem but is there another thing that prevents the GNSO counselors from participating in (unintelligible) members.

(Christina): I think it's actually more of (unintelligible) issue. So to me if the whole idea is to have kind of this not (unintelligible) external review process, to what extent do we make (unintelligible) that a goal (unintelligible) review more difficult if everybody that goes forward from the GNSO is GNSO counselor or any of them for that matter.

I just - I don't know, I'm not completely - to me, it's not such a time issue, for me it's also kind of an (optics) concern.

Chuck Gomes: Yes.

Bill Drake: I'll give - my view would be that I don't think it's there's an optics concern. And that if we were to prohibit either counselors or people in leadership positions, ex ante, we could end up with a very thin and under informed applicant pool Number 1.

Number 2, people are adults and why would we be making, prejudging how people do or don't manage their time and allocate their time. Somebody - it

depends on somebody's work position, somebody's who's got a 9 to 12 job or whatever it is, maybe they don't got the time to do this seriously.

Then they ought to be adult enough to know not to apply. Somebody who has a more flexible job structure that allows them to allocate the time that's required, why would we preclude them because of their affiliation? I mean, I don't understand personally the argument for making those judgments for other adults.

(Olga): I agree with you.

Woman: I think they...

(Christina): (Unintelligible) time issue, that's why I really think for me it's more of an (optics) issue. But, you know, I think we'll just have to, you know, it may come out that it worked itself out within the stakeholder groups, you know.

Bill Drake: Well that's - yes...

(Christina): (Unintelligible) groups don't intentionally don't put forward counselors and then, you know, we can go from there.

Bill Drake: Right. I don't know about...

(Christina): I actually do have a few other questions when we're done, but...

Bill Drake: I'm sorry.

(Christina): No, go ahead.

Bill Drake: I don't know about you guys but I suspect for example and NCSC that none of the counselors will want to do this because it is too much at the same time for us.

And that we have plenty of other people who are qualified and so we wouldn't even want to try to presume, that'd be my guess. I think people will work this out within their communities and within their own conscience about what they're able to handle.

(Caroline): But there are a small number of people who do like to be plugged in absolutely everywhere over the, you know, throughout the community and different processes. And, you know, back to (Christina)'s comment about (optics), you know, I do think it's worth at least calling (advice) or giving some sort of guideline.

Chuck Gomes: Well with the process and you probably missed some of this, (Caroline), what's the process that we've moved to now with each SG endorsing one candidate of the applicant and then the council, a counsel, simple majority vote of each House endorsing the other two more open seats.

We would each as, you know, be able to use criteria like that in our endorsement votes or however that happens, either from the...

Bill Drake: That's right.

Chuck Gomes: ...SG or the council.

Bill Drake: Yes, if the registry wants to adopt an internal rule that we're not going to put forward any counselors, they can do so.

Chuck Gomes: Yes.

Bill Drake: There's nothing to prohibit that. But for us it specifies the council level. I mean the only thing, I don't want to belabor this either, (Caroline), the only thing I would say is, you know, what you said before about people being involved in

stuff, it sounds to me like we're penalizing them for being engaged (unintelligible), you know.

Like if they've committed and participated, then that disqualifies them for doing something they want to do. That strikes me as an odd formulation too.

(Caroline): Yes, you know, I mean I'm not going to die in the ditch over this, but I do think it's worth calling it out somewhere or at least putting it in people's mind then. Yes, leaving it to the SGs to kind of (unintelligible) and consideration themselves.

But yes, you know, I take your point and I didn't catch some of the process conversation early on that this is something that could be addressed at SG level. I mean perhaps you could say something like commitment to (devote) our time to the review process with due consideration to existing leadership positions, something like that.

Bill Drake: That seems to me to be targeting a small number of people...

Woman: Yes, I agree with that.

Bill Drake: And presuming that they're incapable of making that judgment. I just couldn't support that, I don't know about anybody else.

Woman: No, I don't support (unintelligible).

Bill Drake: I mean, I think we need to - probably the reality is going to be, it's going to be hard to get good people to do this stuff. And I think putting up more and more barriers to entry might be like suicidal in reality. We might have less than six applicants, we might get three, then what do we do? I mean three qualified.

(Christina): I have some questions when we're ready for (unintelligible).

Bill Drake: Please go ahead please go ahead.

(Christina): The first one being Bill, I'm curious as to why you took out the date of the nominee would be representing any other party or person through his or her AOC review team participation and if so identify that (partner) person. I think it's...

Bill Drake: Where was this?

(Christina): It looks as if - well it originated from IRT language but looks as if it morphed into basically a state if the nominee would be representing any other party or person through his or her AOC (unintelligible) participation and if so identify that party or person.

Bill Drake: Because the whole presumption - I mean, we've submitted a text to the public comment period and had an understanding I thought amongst ourselves that people that we put forward to participate in the review teams are not there to represent any given stakeholder position much less an individual or client.

So I wouldn't expect that this is really, you know, I mean that's not going to be applicable in most - anybody - they're not there to do that, that's not - I took it out and nobody objected. If others would like to return to the issue and say that it's problematic, then let's do that.

(Christina): Personally, I think it's helpful in there just to rule out the possibility because that way you either have people saying publicly no I'm not representing anyone else and it's in writing or they're saying yes I am.

Chuck Gomes: And that's...

(Crosstalk)

Chuck Gomes: Yes, that comes back to the neutrality too.

(Christina): Right. I just think it would be helpful to have in there. I'm very much, I very much agree with you that I hope that by the time people get up to the level being considered by the SG that it's abundantly clear to everyone that you are not to do this in a representative capacity of any particular party or person.

But nonetheless, I just think that it's helpful to make people answer the question.

Chuck Gomes: I don't think there's any harm in putting that in there is there?

Bill Drake: It sounds to me like we're talking about a contractual negotiation or something. I'm not a lawyer but I'll put it back in and I deleted it and we said okay. So I have to go find the language but I'll put it back in. I have Chuck's original version.

(Christina): All right, thanks, I appreciate it. And I think it also covers things that wouldn't necessarily be captured by financial ownership of senior management interests. You know, it identifies potential conflicts that wouldn't be capsulated by that other language, so.

And then the other question I had is just (unintelligible) not clear and I'm happy to do this on the list, but Chuck, given the example of the retired judge, would he be - would you tell - would it be everyone's view that they would have to come in the process through an SG and if so, which one?

Chuck Gomes: Well...

Bill Drake: No, no.

Chuck Gomes: ...there's two ways, go ahead, Bill.

Bill Drake: No, this is before you got here. The formula that we were suggesting was that the four slots are bottom up SG selects one. Then there's two slots that will be open for - I'm getting tired, open to be voted by majority, simple majority of both Houses.

One in which would be specified as being for people who are not affiliated with any one particular SG. And so such a person would presumably be considered for one of those two slots to be voted by a simple majority.

(Christina): Okay.

Bill Drake: And so they could certainly get a full hearing and they would have to be somebody that's a consensus person because they're not representing a particular - they're not being put forward by a stakeholder group. Does that answer your question or no? I don't know, maybe.

(Christina): It does, it does, that was very helpful, thank you.

Chuck Gomes: And Bill, when it's appropriate, there's a couple of logistical issues I'd like to raise.

Bill Drake: Go for it, Chuck, and then we should wrap up.

Chuck Gomes: Yes, first of all, should we maybe have a (doodle) done just - I don't think we're going to need another call but just in case we do, I think we're pretty close. But we may want to have Gisella or Glen do a (doodle) or I don't know for late tomorrow or I don't know I guess it can't be too late tomorrow because we're all in different time zones.

But the more important thing, Marika, are you still on?

Gisella Gruber-White: No, Marika's dropped off.

Chuck Gomes: Okay, well I wonder, Bill, if it would be helpful and you as leader of this group maybe can decide this and decide whether you want to do it, there's several action items that we're going to have on Wednesday to get out right away.

And you probably, if you like unless you want to do it yourself, is ask Marika if she could draft some proposed language that she could (bet) on the list for some of those communications, communication to the council, communication to the community and so forth as part of our action plan.

Bill Drake: We're back on the - no later than 10 February line...

Chuck Gomes: Right, some of the action items there are going to require some communication that need to be drafted.

(Margie): Hey, Chuck. It's (Margie), I'm here if you want me to follow up and tell me what you need me to do.

Bill Drake: Fantastic, (Margie), thank you. Please, yes, do.

(Margie): Can you repeat and I'll take notes and...

Bill Drake: I'll send you the - I'm going to clean up this text, I'll send it back to everybody and I'll send you a note, (Margie), calling your attention to the operative paragraph Number 5, okay.

(Margie): Okay, terrific.

Chuck Gomes: Thanks, (Margie).

Bill Drake: And as far as a call tomorrow, Chuck, I will be at the UN all day and I can't make it. I could make a call on Wednesday but by then we're already sending it out. I'm wondering do we need another discussion or I mean as far as I can tell, we are pretty darn close here.

The only think that is up for grabs I think is the lack of resolution on my suggested mechanism for dealing with gender and geographic.

Chuck Gomes: Yes, I think we'll be able to work through it, Bill. I think you're right.

Bill Drake: So I'll - and most of the people on the, there are other people in drafting group who are not on this call, so they're going to need to look at that anyway. I'll clean this up, I'll send this to the list and hopefully we can get everybody to respond on that. And if somebody has an alternative formulation, I'm certainly open to it, okay.

Chuck Gomes: Thanks, everybody.

(Olga): Thank you.

(Caroline): Thank you.

Gisella Gruber-White: Thank you, bye, bye.

Bill Drake: Anything else? Okay, thank you, bye.

(Christina): Thanks, everyone, bye.

(Olga): Bye.

Wolf-Ulrich Knobon: Thank you.

Gisella Gruber-White: Thank you, (Anna).

END