

ICANN Transcription GNSO Standing Selection Committee Friday 16 February 2018 at 17:00 UTC

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Julie Bisland: Thank you. Well good morning, good afternoon and good evening, everyone. Welcome to the GNSO Standing Selection Committee call on Friday the 16th of February 2018. On the call today we have Susan Kawaguchi, Frédéric Guillemaut, Maxim Alzoba, Osvaldo Novoa. We have apologies from Marika Konings and Rafik Dammak. And from staff we have Emily Barabas and myself, Julie Bisland.

I would like to remind all participants to please state your name before speaking for transcription purposes and to please keep your phones and microphones on mute when not speaking to avoid any background noise. And with this I'll turn it back over to Susan Kawaguchi. Please begin.

Susan Kawaguchi: Thank you very much and welcome, all. Are there any SOI updates today? Okay, not hearing any, we'll move onto the actual selection of the candidates. Thank you for putting the poll together, Emily, and providing the results. I did not read the study, the simple poll so I was glad that you had it up on the screen.

So it looks like Rao is a clear – not winner but has the most support in the poll we took. It looks like with 70%. I did, you know, answer Scott McCormick for mine just because he is a BC member and I happen to know him, but I'm

more than willing to switch support to Rao. So it looks like we could have closer to a maybe an 80% support for Rao.

Yes, that'd be great, Emily, if you could bring up the comments too if there's anything else that we should be considering. Did anybody have any comments about either candidate they wanted to make? So it looks like – so I made one comment about his cyber security experience – Scott's cyber security. I don't know what candidate Number 2 is referring to. And, Maxim, please go ahead.

Maxim Alzoba: Maxim Alzoba for the record. Actually having contacted the RySG ExComm, I heard that the current situation is that most probably GNSO Council will start looking for more candidates for the same team. And so and that (unintelligible) is the minimum of what they need. So I'm thinking about adding a comment for our letter to the GNSO Council saying that both candidates have pros and cons and to say that one candidate experience team and (unintelligible) cyber security and the other candidate is from scientific world and have, yes, researches on networking hardware and protocols and also he's participating in community activities.

So, yes, what – whichever candidate we choose I would recommend to ask for the second seat for the second candidate but to say that (unintelligible) order.

Susan Kawaguchi: So to me that would be very logical because they, you know, it does seem there was a letter out from the SO/ACs to the SSR2 yesterday. I didn't read it thoroughly but they were talking about other candidates. When I have been, you know, in discussions with some of the other SOs and ACs just really informally there was a little pushback on the GNSO. We, you know, our three seats are filled; the other SOs and ACs did not fill all their seats and so they may fill those seats before they look to us for a fourth, you know, or a fourth seat to fill.

But maybe we can agree today that if the GNSO is asked for another candidate then we all agreed that, you know, whichever candidate we don't agree upon, which looks like Scott, would be – would do the job just fine also and so that maybe we've already done our work so we have another – a fourth candidate waiting. If that's what, you know, everybody else agrees upon?

Also I want to note that Osvaldo also said he voted for Scott and would change his vote to Rao because they were both good. So Emily, if I change my vote and Osvaldo does, does that give us 100% for Rao? And welcome, Renata. I just saw you join too.

Emily Barabas: Hey, Susan, it's Emily. I'll just talk rather than doing that. I'd need to pull up the original poll and just see who voted where but I can do that in just a moment so keep talking and I will check.

Susan Kawaguchi: Okay. So does that – anybody have any objections to 70% currently for Rao if Osvaldo and I both change ours and, you know, Emily will let us know, does anybody have any objections with nominating Rao as the candidate for the seat – James Gannon's seat in which (unintelligible).

Okay it looks like no objections from Renata and Frédéric. Maxim, please go ahead.

Maxim Alzoba: Maxim Alzoba for the record. I have no objections but, yes, I'd like to have the small note added that the second candidate (unintelligible) to have a, yes, hot seat for him at least or something like that that we reviewed both and one of the candidates has some support but we would recommend hot seat or something for the other candidate. Thanks.

Susan Kawaguchi: Okay. So Emily, do you think we could add language to the motion in making a point that especially since the SSR2 is looking for additional – we have a second candidate ready to go also. Go ahead, Emily.

Emily Barabas: Hi, Susan, it's Emily. So I just took a look back at the poll and confirmed that, yes, it's – if you both switch your votes then it looks like we have at least among those who responded full support for Naveed, although noting that there wasn't full response from all members, but we can put it up on the list for an objection just in case.

And in terms of the motion, I don't see any reason why you wouldn't be able to do that and propose an amendment to the language to recommend that if another opening becomes available that the second preferred candidate becomes the sort of primary candidate for that role. So I think that should be possible. Thanks.

Susan Kawaguchi: Okay. So let's do that. Emily, if you could provide some draft language, you know, or edit the motion for the team's review that would be great. And Lori, okay, so she said she would have voted for Scott but missed her chance to vote. So she doesn't object to Rao.

So is there anybody else that I should know, all our team members that is – Erika's on this, right?

Emily Barabas: Correct, Erika is a – currently a member.

Susan Kawaguchi: And she's – so between her and Lori would those be only two that didn't vote do you think? Do you know?

Emily Barabas: One moment, let me check.

Susan Kawaguchi: So, Lori, Rao came out with 70% support out of six people that responded to the poll. So we should review the, you know, staff will provide the edits to the motion for the whole team's review and then we will also agree, since not all of us are on the call, to agree today but so we need full consensus, let's put that out in an email to – for like end of day on Monday probably for

everyone to respond just one more time and agree to the – well I guess they could just agree to the edited motion because we would include Rao's name in that. Emily you have your hand up, is that new or old or?

Emily Barabas: That's a good idea, Lori. Okay, so that was an old hand. So anybody object to just moving ahead with Rao, adding the language about Scott, we'll review the motion and then get everyone's sign off by end of – close of day and Emily, you can feel free to pick a time of what is close of day and – on Monday and then we'll move on because I think we have another – I was reading something in the Council stuff that there's another seat coming up for something. Sorry, I don't have the details right now but it looks like we – there's a – something to do with the empowered community I think.

Good point, Maxim, yes. It is a holiday – so Tuesday should be adequate time I would think. So, Lori, we're hoping that, you know, we may be able to place Scott too. Yes, I agree, I voted for – or selected Scott in the poll because of his real world experience. So all right so if there's nothing else concerning the candidate, could we possibly – oh Maxim's typing, but can you bring up the charter, Emily?

So this charter has been sitting out there for quite a while and, you know, I know that Maxim and I made some comments. And I think others may have too. To be honest, GDPR is, I'm sure, keeping everybody else busy; I haven't had time to focus on this quite as much. So Emily, is there any points that – hot topics in the charter that you would like us to focus on?

Emily Barabas: Hi, Susan. It's Emily from staff. So most of these edits I think are relatively uncontroversial. We could run through or folks could just read through them themselves on their own time and raise on the list if there are any issues. I think most of them are just reflecting discussions we already had with respect to that spreadsheet that kind of broke down each section and members commented on that, it was a Google Doc.

The one section that I think we still need to discuss further is on Page 4, the section on transparency. There were a number of comments where members suggested making deliberations private or not publishing them publicly until the SSC had made a recommendation to the Council. And I think from a staff perspective we're trying to understand what that recommendation would look like in practice.

So currently all emails that are sent to the list are immediately published, they're an automated kind of system and that's true for all working groups. It's kind of a common system. We have a public and a private wiki but by default the meetings notes are published on the public wiki. And that allows members who haven't attended meetings to get to the recordings and so forth. It also allows for example the GNSO Council to get a sense of the progress that's been made.

So I think that's kind of the main point that we'd like to understand is both kind of the justification which we talked about a little bit and then also logistically what we're trying to have in terms of that so that we can incorporate that into the recommended edits into the charter. So I'll open it up from there.

Susan Kawaguchi: Yes, I'm just reading what's in there. So I do remember the discussion we had a brief discussion on this on one of the calls recently. And even though I was sort of advocating for this to begin with, you know, because we do feel bad that you know, you're reviewing people say get to, you know, immediately see what's gone on in the meeting and the email thread and so instead of having a nice communication to them they just will find out. But I also think that transparency is really important.

So I am probably of the mind – my opinion has probably changed in that, you know, there's probably not a practical way of keeping things private until we deliver the notification to, you know, the draft – the motion to the Council. And their nomination to the – to whatever review team or, you know, seat is not

finalized until the Council accepts it or, you know, agrees to – votes on the motion. So I'm sort of of the mind that maybe we don't change it. What do other people think about that? Go ahead, Maxim.

Maxim Alzoba: Maxim Alzoba for the record. I think that we could avoid all this hassle by actually using some kind of disclaimer saying that whatever SSC decides it's an interim recommendation for GNSO Council. And (unintelligible) that GNSO Council takes the same position. It's well prepared – okay just prepared report based on some factual ground and thus have no direct constituencies other than making the report or something like that.

So the party reading would understand that yes, it's some kind of recommendation but it's not final and it's not granted that the resolve will be the same as SSC recommends.

Susan Kawaguchi: Yes, that – so where would you put that disclaimer then? You know, in the charter or in all of our communications or – and Lori is saying that, you know, she does feel like it's sensitive. And a good point by Emily, I mean, eventually all of this has to be transparent anyway so would it be less sensitive after the decision is made? Either way they're going to see this eventually. Lori's typing. I agree, Lori.

I see the problem, I just don't see an answer to it. Frédéric, please go ahead.

Frédéric Guillemaut: Hello, Frédéric speaking. Maybe real time is – effectively real time is complicated. Isn't there at ICANN any point, a policy, to keep things closed and just reveal them after or something like this? Is it something that – or is it – is everything open and public?

Susan Kawaguchi: Emily, please go ahead. She can answer the question better than I can. Are you on mute, Emily?

Emily Barabas: Hello?

Susan Kawaguchi: Yes, now I can hear you.

Emily Barabas: Sorry about that. There are certainly instances where specific documents are marked confidential for procedural reason such as, you know, personal information or something like that that can't be shared widely. I'm not aware of any circumstances where mailing lists are not published for a period of time and then later published in archive format kind of as the default across ICANN. My understanding is that everything is public by default and transparent by default.

((Crosstalk))

Emily Barabas: ...technical perspective that's possible but it's just important to know what we're trying to accomplish and so that we can figure out where (unintelligible). I mean, can certainly – or staff can certainly look into exactly how the NomComm operates and then kind of what our deliberation look like. I think also the Council would certainly want to weigh in as well on kind of (unintelligible)...

Susan Kawaguchi: You seem to be coming in and out, Emily. I didn't catch the last sentence at least. So Emily may be having audio problems. I mean, we rely on staff to solve ours but I don't know who solves it for you, Emily. Oh she's dropped off. Okay.

So that is an interesting concept so NomComm, how they operate. So maybe to resolve this we – oh, are you back?

((Crosstalk))

Susan Kawaguchi: Yes, I can hear you. Yes.

Emily Barabas: Hello?

Susan Kawaguchi: Can you hear us? No? So maybe to resolve this we look at NomComm and if staff can take a note to, you know, take a look at NomComm and see how they act in transparency. Emily, can you hear us? No, she's struggling there. And then let's work on this in – and someone could come up with draft language that would provide a guide to how this might work that would help too.

So we'll look at how NomComm does that. We'll find that out, put that out to the list this week or next week sometime and so probably can't resolve this part of the issue of the charter today. And Emily doesn't look like she has a microphone at all.

I'm just going to go through the charter real quick here, see what other notes might be...

Emily Barabas: Hi, Susan, can you hear me?

Susan Kawaguchi: I can now. You're back.

Emily Barabas: Oh I'm sorry, everyone, having some computer issues apparently and possibly also phone line issues at the same time. So I apologize for dropping off there. But I was just saying that from a logistical perspective we can certainly look at the NomComm approach and see if that's something that this group wants to propose duplicating, and it sounds like there's support for that in the chat. So we can take that as a takeaway. And if you'd like, I mean, we still have some time we can run through the other edits in the document and just kind of get feedback as we go, that might be easier than using the mailing list since I know everyone's quite busy.

Susan Kawaguchi: Yes, that would be great. Maxim, please go ahead.

Maxim Alzoba: Maxim Alzoba for the record. I think that NomComm might be a good example but it's too secret because actually there seems all of us are just relaying opinion of our constituency and it consists more than like of three or four people. And keeping something secret with this number of persons now in what (unintelligible) it's not realistic. So I'm not sure that trying to create too much secrecy by the process will be any good spending of our time. Thanks.

Susan Kawaguchi: Well I can understand that viewpoint but I would like to see like explore this a little bit more and so we could just, you know, not put a ton of resources or time for staff into it. But if they could come back to us with some general guidelines then we can discuss that on the list next week. But I understand that. I think NomComm, I mean, you're right, NomComm never comes back to the BC and says hey, we're considering these candidates, they work on their own completely making decisions so – so okay so let's move off of the transparency part.

And what other edits do you think we should focus on, Emily?

Emily Barabas: Thanks, Susan. This is Emily. So let's start on Page 2. So the first proposed edit was at the end of the section, Mission and Scope. And just says, "In case no full consensus is achieved the SSC will (unintelligible) GNSO Council accordingly providing the details as necessary and agreed by the SSC as to why it was not possible to achieve full consensus." So this was in response to discussions about how to handle situations in which the SSC is not able to make a consensus recommendation. So I'll pause for a second and allow comment on that.

Susan Kawaguchi: So I'm fine with that language. Anybody else have any comments on it? Any objections to it? Okay, Renata has none. Okay.

Emily Barabas: This is Emily again from staff. So doesn't sound like there are any objections there. The next edit is at the bottom of Page 2 under Deliverables and Timeframes. And that's really small edit, it's just adding a link to the latest

version of the document outlining the standard process that the SSC has developed. And that section in general talks about how the SSC is expected to create that document so it's just a follow up to that.

((Crosstalk))

Emily Barabas: ...expecting any objections there. I'll just keep going. Section 3 starting at the bottom of Page 2, running into Page 3, under Member Criteria, so under these bullets of the different members you see that it says, "One member appointed by each stakeholder group of the Contracted Party House," and then originally the language said, "one member appointed respectively from each of the – from each the Business Constituency, the Intellectual Property Constituency, and the Internet Service Providers and Connectivity Providers Constituency."

And the proposal there was to change "from" to "by" to be consistent with the other items in this list so essentially that means that the constituencies will select members but that they won't necessarily need to be from or members of those constituencies.

Susan Kawaguchi: Oh, that's right. I do remember that now. So you would – okay, they don't have to be a member of the constituency but they're selected by that constituency or stakeholder group, correct?

Emily Barabas: Correct. So the Business Constituency could select someone who is not a member of the Business Constituency but would still be a member of the SSC sort of serving as a representative of the Business Constituency. So it's just creating consistency among these bullets so that the requirement is the same that each one uses "by" instead of "from."

Susan Kawaguchi: Okay. Any objections to that? Maxim says, "No objections." Okay, I think we can move on.

Emily Barabas: Okay. So the next edit is just below that where it says, "In addition, the GNSO Chair or one of the Council Vice Chairs will serve as an ex officio nonvoting member of the SSC to ensure that there is always a direct link between the SSC and the GNSO Council." Something that was discussed previous to this I guess when we were still working in the Google Doc spreadsheet but essentially that the GNSO Council member, either the Chair or the Vice Chair, could act as sort of a liaison and assist with any matters sort of not related to voting but just in terms of the helping the SSC do its work and stay connected to the Council.

Susan Kawaguchi: Makes sense to me. Anybody else?

Emily Barabas: Okay, the next edit is that – and there was a little bit of lack of clarity in this paragraph. We're right on the middle of Page 3 where it originally said, "If a member is not able to attend that member will be responsible to identify an alternate," and it was a little – what "attend" meant so here we just clarify that it's not just if you can't attend a meeting but that if a member is not able to participate in a selection process the member will be responsible in accordance with processes of the appropriate SG and C to identify an alternate who will serve in their place.

And then it also clarifies here which is implied but not stated explicitly in the existing charter that if an SSC member is a candidate for the position for which the SSC is expected to carry out the selection process the member in question will recues him or herself from the deliberations and decision making processes concerning that specific position. So that the member will recues themselves if they're a candidate.

Susan Kawaguchi: Okay...

((Crosstalk))

Susan Kawaguchi: Makes sense.

Emily Barabas: Okay.

Susan Kawaguchi: Any objections to that? Looks like people are typing real quick.

Emily Barabas: Oh, Renata's got a comment. I'll pause.

Susan Kawaguchi: Oh I'm sorry, Renata, I was looking at chat. Please go ahead, you've got your hand up.

Renata Aquino Ribeiro: Yes, Renata. Thank you. I was writing but I think it's quicker to just say it. In this paragraph I do not object but I'm wondering if there is something lacking in this phrase. "If an SSC member is a candidate for a position which the SSC is expected to carry out the selection process, the member in question will recues himself from the deliberation and the decision making." But there's a step previous to the deliberations which sometimes which in other – in similar process could be drafting the call or starting the procedures for deliberation.

Yes, so I guess if we just add those little two measured words, will recues himself – him or herself on the procedures for deliberations and decision making so that it is obvious that the candidate when the candidate recuses himself or herself – I'm remembering previous processes we had – we had members of the SSC asking, so do I recues myself now or later? So if we put that very clear that when the procedures for deliberations start, maybe we can already decide if a member should recues himself or herself or not. Just a suggestion.

Susan Kawaguchi: Yes, that is a good point. And, you know, when I was a candidate for the review team it was – of course we were pretty new at that point, I was not sure like okay do I step off now or can I keep leading for just a little while and when we get to the actual review of candidates, so that's a good point. And I

think if we just tweak that a little bit, Emily, yes, you've got it there in the notes. Just for deliberations and decision making. Good point.

Okay, the next one, Emily.

Emily Barabas: And there – a little rough, I'll be cleaning those up after the call but I will remember what Renata said. It's Emily from staff, sorry. So we are now at Committee Formation Dependencies and Dissolution, the second sentence there's an error that originally said that essentially that the SSC would determine what the membership term would be and whether there would be staggering of terms and in previous discussions it seemed like there was support for having the term be one year with an option to renew so no more than two consecutive terms, which is the existing language there.

And Marika noted also that it may be that in the motion itself it should be confirmed I believe there was support for saying that essentially up until the last AGM there was sort a period that was not a full year and the support from existing SSC members was that that would be considered a ramp up period and that the first full year would be considered the first full term, so that's something that could be clarified in the motion. But I'll pause for a second to see if anyone has additional comments about that.

Susan Kawaguchi: That makes sense to me. Any other thoughts on that?

Emily Barabas: And I think it was anticipated there was – this is Emily again from staff, sorry. I think the reason that the group determined that staggering would not be necessary is that there's been quite a bit of documentation of processes and that there's also potentially some natural falling out of some members just, you know, so forth so there's likely to already be a bit of staggering naturally and that if the SSC is mostly new members that they're able to pick up quite quickly with the documented processes so that was the justification behind that that was discussed.

Susan Kawaguchi: Yes, and in the original, you know, when we were drafting this charter we were concerned that we would get this started and then everybody would drop off and so it would fall into a whole new group and you're right, I think with the amount of work we've done and then also with you and Julie, you know, basically leading on all the processes, I think the continuity is there. Looks like Renata is typing. Any other – any objections – objections at all? Okay.

Emily Barabas: Okay, I'm going to keep going but just let me know if I need to stop.

Susan Kawaguchi: Okay.

Emily Barabas: So next edit was on Page 4 under Transparency and that's the one we just discussed and it sounds like we'll take that back and do a bit more research about the NomComm and then there will be some further discussion on the mailing list about the exact language. I think – okay, yes, there's nothing else there for the moment.

And then next edit is on the bottom of Page 5 and this is actually one to discuss. So, "The SSC shall notify candidates of its recommendation to the GNSO Council at the same time that it notifies the GNSO Council of its recommendations making clear that the recommendations are subject to the GNSO Council's consideration." So it's not yet in the charter but that's something that we could start doing if you want to do it for the selection process so essentially when we submit the amendment to the charter, I'm sorry, the motion with the name of the candidate we could also simultaneously send emails to both candidates.

Maxim says, "I suggest we discuss this after the conversation with NomComm." But we can also hold off and have that be something that starts later on, but that's to be discussed by the group whether they want to start notifying candidates of SSC recommendations before the Council has made its decision.

Susan Kawaguchi: Yes, I think I would be fine with – even with the selection of – as long as we have the right disclaimer wording in there about the, you know, the GNSO Council has to finalize it. But it also might be good to hold off, so I could go either way on this. Anybody else? Well let's take this one to the list too, you know, whether we – well we'll see what we can find out about the NomComm quickly and Renata is saying it might be better to wait. Okay.

Okay, and the next...

Emily Barabas: Thanks, Susan. This is Emily from staff again. And just to mention that I think the chances of us getting a fulsome response from the NomComm given the holiday in the US and so forth before the deadline for the SSC to sort of get its decision out the door is kind of unlikely I think. We can certainly try but I think ultimately we'll probably need to make a decision relatively quickly about whether we want to notify at the same time that we notify the Council but we can take that to the list as well.

Susan Kawaguchi: Okay, that's a good point.

Emily Barabas: And I think that that's actually it for the edits. So I guess the only outstanding item, since it doesn't seem that there are objections to the majority of those edits are for everyone to take one more look and see if there's any additional edits that they think are necessary. Actually I'm going to go back to the bottom of Page 5; Marika did make one additional comment. The existing text at the end of Number 8 about the SSC communicating about the selected candidates, there's a sentence that says, "The level of consensus reached by the SSC on the selected candidates will also be communicated as well as many minority views should they exist."

And Marika asked the question if the SSC is acting by full consensus is this even possible? So I don't know if people have thoughts on whether that text should be adjusted. And I see Maxim's hand is up.

Maxim Alzoba: Maxim Alzoba for the record. The idea behind it was that in case where SSC doesn't reach consensus and there is a deadlock situation we have to report to the GNSO Council what happened and the reason behind it. And so we don't put the situation on, yes, and with – and the idea was to relay the information about our ability to reach full consensus and to do the – well detailed report on the identified issue. And since parties didn't reach consensus it will be at least two sets of minority views, for one party and for other.

Susan Kawaguchi: Yes, didn't we include something that – I can't remember what candidate it was, or what seat it was for but I think Lori has suggested some language that added – it wasn't a minority view completely, it wasn't about the candidate. I can't remember, Lori, but I know – yes, I thought we included it in the motion. So I think that's what that relates to. Emily, your hand is up. Is that an old hand or new hand?

Emily Barabas: Emily from staff. So I think we could potentially clarify in the text that this is the minority views are specifically to be included in cases where a consensus cannot be reached or alternatively we could clarify that potentially minority views would be communicated in all cases, although I think it would be helpful to have a bit of clarification on that.

Susan Kawaguchi: Okay. That's right, Lori, you had an issue – IPC had an issue with the candidate but you didn't object, but you did make a – sort of a call – I think it was like for more diversity or something, I can't remember. Yes. So let's take this one to the list too. Let's think about this a little bit and how we can word this. So I think we just have two items where we really need to give it the thought is the transparency and this. Oh, the GAC liaison candidate. Okay.

All right, is there anything else that we need to think about in the charter?
Emily, please go ahead.

((Crosstalk))

Emily Barabas: ...I'll circulate – yes, I will go ahead and circulate those questions and those additional items to discuss and we'll go from there on the list then. Thanks.

Susan Kawaguchi: Okay. And, Maxim, you have your hand up.

Maxim Alzoba: Maxim Alzoba for the record. It's about the notes. When I told that (unintelligible) personal opinion that NomComm is too much secrecy I meant that copying their model fully will be an overkill for SSC. I didn't mean that it's too much secrecy for NomComm actions; it's too much secrecy to follow the same model for SSC actions, that's what I meant. Thanks.

Susan Kawaguchi: Okay, and that's the way I took it too, Maxim, so NomComm is a unique committee or group. Okay, so it looks like we actually got through some things today. Good work. So we'll wait for staff to send this out, make our final decision on the candidates by Tuesday and then hopefully agree on the charter sometime next week with – let's make sure we get some discussion going and get this finalized so we can take it off our list to do. If there's nothing else, anybody else have comments or concerns they'd like to make? Okay, I think we'll end the meeting. And thank you all for all the hard work.

Julie Bisland: Great. Thanks, Susan. (Amber), can you go ahead and stop the recordings and...

END