

**ICANN
Transcription
GNSO Standing Selection Committee
07 June 2017 at 14:00 UTC**

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Attendees:

Frederic Guillemaut
Maxim Alzoba
Julf Helsingius
Poncelet Illelji
Susan Kawaguchi
Osvaldo Novoa
Lori Schulman

Apologies:
None

ICANN staff:
Marika Konings
Emily Barabas
Terri Agnew

Terri Agnew: Good morning, good afternoon and good evening. And welcome to the GNSO Standing Selection Committee call on the 7th of June, 2017. On the call today we have Susan Kawaguchi, Julf Helsingius, Poncelet Illelji, Frédéric Guillemaut and Osvaldo Novoa. Joining us a little later in the meeting will be Maxim Alzoba. We have no listed apologies for today's meeting. From staff we have Marika Konings, Emily Barabas and myself, Terri Agnew.

I would like to remind all 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. With this I'll turn it back over to our chair, Susan Kawaguchi. Please begin.

Susan Kawaguchi: Thank you very much, Terri. I appreciate your help on this. Good morning, all, and thank you for joining. So we had a leadership call yesterday with Julf and Maxim and came up with the agenda with Marika's help and Emily's help. And so there's a few things we need to review first. Thank you all to those who finished the survey. And we did have some follow up questions for James which hopefully all of you – I don't know if all of you seen those but there's a link in the agenda there that you can see those.

Basically, after James joined us last week we, you know, in our discussion we came up with a few more questions, and I'll just review those quickly. So the first one was, "Are we sure there will be – will not be conflicting time commitments for the chair during ICANN meetings if the chair also serves as EC admin rep? Will ICANN always provide non conflicted slots for meetings that EC admin reps need to attend. So James's response is, "Not any more or less concerned about ECA conflicts than any other type of competing session schedules that we typically see at ICANN meetings. I believe the community forum if needed, provides sufficient notice for the chair to avoid conflicts."

So to me what he's saying is, you know, there may be conflicts but that's what we deal with all the time at ICANN meetings and we're used to working around those.

The next question, "Are there any further updates on the RDS Review Team selection process other than those available on the mailing list?" And I think everybody say the notice that all of the review teams candidates we submitted – or you all submitted, I wasn't part of that process, were selected for the final slate.

And then the third question, "What provisions, if any, exist under the current temporary EC admin rep arrangement in the case that an alternative is needed?" James's response, "None that I'm aware of as the interim rep, I presume a motion from Council could transfer this interim role to one of the vice chairs, another councilor or anyone within the GNSO. And as said on the call, I think tying the role to the chair or vice chair or councilor does solve a number of other problems like term limits, rotation, travel support, etcetera as these procedures would already be in place for those roles."

So those were the questions that we asked of James. And thank you for putting that up, I was reading from my email. So the next thing we had was the survey. I don't know if anybody has had time to review the survey results, but, you know, it came out that a lot of the responses were mixed. We didn't come out with a clear path. But I do think we came out with some direction. And so we could go through each of those responses or I was wondering if anybody had read the survey and had some comments or questions about that at this time.

Oh, Marika, thank you.

Marika Konings: Thanks, Susan. This is Marika. And my apologies for any background noise you may hear, I'm in a slightly noisy environment. But I just wanted to note with regards to the survey and you're absolutely right there, there wasn't, you know, any kind of clear direction. But I don't think that was necessarily the intention either of the survey as it wasn't presented as any kind of you know, either choose this or the other. The intent behind the survey was really to help inform the deliberations and get a bit of a sense where people – in which direction people were going. And as such, you know, a number of the answers weren't necessarily mutually exclusive.

For example, looking at, you know, who could – who should be – going to be the criteria or who should be designated, there were a number of options

there, that either form a larger or a bigger pool with some of the same people potentially in there. I think you know, we can just see that there are some that may have less support, and I think also just like to point out that there's also we need to be cautious as well just looking at the percentages as of course, you know, this is a relatively small group and you know, indeed one response already represents 15%.

But as I noted, you know, people had the ability as well to click multiple options so I think this is just for everyone to review and see what they can derive from here that will help inform the deliberations on the next steps that the SSC will need to take to get to agreement.

Susan Kawaguchi: Thank you, Marika. That's good insight for us on this survey. So why don't we – I'll just walk through this really quickly and there were some comments that were, you know, that we could review. So the bylaws provide that the GNSO Chair or another person may be designated. Is the GNSO Chair the default designation or fall back choice if another person can be designated?

So you can see that, you know, what Marika, I am – it looks – I'm a little confused. I read this yesterday but so the green on the first question on the green bar, the GNSO Chair is the first choice, is that...

Marika Konings: Correct.

Susan Kawaguchi: Okay so she/he will serve as representative unless unable or unwilling to do so. So there was three responses that agreed to that. And then if scroll down, if another person should be designated, what are qualifying criteria? And that was really spread out, the rep is selected from current GNSO Council leadership. The rep is selected from current Council. Interesting that that was not selected at all. The rep is selected from current Council or from a pool of former Council members.

So you can see – everybody can read this on their own. So, you know, you can see there wasn't a lot of consensus on those. But I think on this criteria, but it think it's helpful in guiding our next discussion. And Question 4, is there a need to consider an alternate in case a representative is not available or make an interim appointment should the designated representative step down. Looks like the third choice was an alternate will be designated on a need basis, example if GNSO Chair or Council Vice Chair to step in as designated rep is not available. So four of us, you know, agreed to that.

And if we go down to Question 5, what should be the term for the representative? Is there a term limit? The most responses were given that there will be a fixed in terms of position which is X renewal will be permitted Y times and conducted using a process – X process. So all of that we would have to determine or recommend the term.

And then, are there any other questions or issues that need to be considered by the SSC as it continues its deliberations? So most people, not right now, none, I think (unintelligible) should be simple, understandable and solid. One response, I think it would be convenient if the representative not a part of the Council so there's no preconceived position of the Council on the subject to be considered. Unfortunately, that doesn't work for this position because the role is simply to communicate the GNSO position on a matter. There's no decision making in this role.

So it was a short survey but helpful to all those, you know, that responded. So now what we really need to take that information and move forward with a – with a scenario. And in the agenda we've outlined three different possible scenarios but we're definitely not limited to that.

So the first would be designate the GNSO leadership team, GNSO Chair and GNSO Council Vice Chairs to fill the role of representative to this EC admin and determine amongst themselves who would attend which meeting. So basically in scenario A, that would – we would just simply hand this back to

the leadership team and say, you decide who is going to fill the EC role and that could be, you know, they could change, you know, if the Chair couldn't make it then one of the Vice Chairs could or vice versa, and leave all of the term limits, everything, up to the leadership team.

Scenario B is designate someone from the GNSO Council, but not the GNSO leadership team, to fill the role of the representative to the EC admin as well as appointing an alternate from the GNSO Council. So Scenario B we would need to decide on a process and the criteria to fill that role from someone from the GNSO Council and create an alternate process to select an alternate.

And then C is very similar to B, but designate a recent former GNSO Council member to fill the role of representative to the EC admin as well as appointing an alternate who is a recent former Council member. So C could – would almost comprise the same work and criteria as B but it would not require somebody currently on Council.

So does anybody – so – oh, Marika, yes, under A it would be considered a shared responsibility of the GNSO leadership team and the term limits would be linked to their term as Vice Chair and/or appointment to the Council. So does anybody have any comments on these three scenarios? Do you envision a other possible scenario? Julf.

Julf Helsingius: Well, I would just like to comment on these scenarios, it's – I was originally thought really for the pretty much the Scenario C, but then I realized it's – the job we are looking at these actually much simpler than I originally thought and (unintelligible) smaller. So I have come to the for Alternative A just to keep things simple.

Susan Kawaguchi: And I agree with that. I think – one of the other things I've been thinking about is in James's discussion with us is everyone else – every other EC representative from their SO or AC is the Chair of that SO or AC, he's the

only – and, Marika, correct me if I'm wrong in my impression, but I got the impression he was the only interim Chair that everybody – all the other SOs and ACs had decided that their Chair would automatically fill this role. And the GNSO was the only one that had decided not to automatically declare the Chair as the EC rep.

And, Julf.

Julf Helsingius: Yes, I would also like to point out that while the position has no decision authority and they basically have to come back to the Council for everything, it would be nice that if there are complicated negotiations we have somebody there who can kind of already say that they know that this will probably fly or not fly and can in that sense make decisions without always having to go back to the Council for every question.

Susan Kawaguchi: That's a good point too. And hopefully always, I mean, James is extremely engaged as the chair. So we would always be in that position that the chair understands exactly the tone of the GNSO Council. And then Marika is pointing out that the GAC appointment may also be interim. Any other thoughts on this? Does anybody have any other possible scenarios? And we may want to put together the pros and cons of these scenarios too.

So it looks like Marika points out one advantage of the chair would be that he she is already accustomed to the responsibility of representing the GNSO Council and are aware of this notion that they are – they're in a representative position and not an individual one.

And so Emily is pointing out, so my impression wasn't correct then, the ccNSO rep is not a chair but a member of the ccNSO as the chair was not interested. Interesting. And Lori. If you're talking, Lori, we can't hear you but please go ahead and speak up.

Lori Schulman: Can you hear me now?

Susan Kawaguchi: I can.

Lori Schulman: Can you hear me now?

Susan Kawaguchi: Good morning. Yes, I can.

Lori Schulman: I'm sorry, there is a delay – yes, there was a delay in – there was a delay in the sound, I'm sorry. I have a – and this is just a personal preference, I have not asked the IPC, I'm not speaking as an IPC person today, I guess I'm just speaking as an engaged member of the community. And then I'd have to go back to the IPC eventually to get their views. But my view is that it would be preferable to keep a designee among the leadership but not necessarily the chair. I know since the GNSO has two chairs and Susan, can you remind me, is the terms of the vice chairs are one year or two years? I just – I don't remember.

But it seems to me maybe there's a way to have – since we have two vice chairs to have one of the vice chairs fulfill it and the other be the alternative to take the burden off the chair, because an impression that I got – and it could be a mis-impression from James is that this was not – although it is administrative it is a little bit of a headache and maybe that's something we don't put on the chair for all the other reasons that, you know, because the chair is this occupied (unintelligible) and the chair is.

Susan Kawaguchi: So that is a good point. And Marika answered your questions in the chat. So there's one chair and two vice chairs...

((Crosstalk))

Susan Kawaguchi: ...and all are one year but they're renewable for a second year. So for example James is term limited and so would the two other vice chairs so we'll have a whole new leadership team come the fall.

Lori Schulman: Right, and another – I'm sorry.

Susan Kawaguchi: No, go ahead.

Lori Schulman: No, I didn't mean to jump all over you because another thought is in terms of keeping it in the leadership, again to kind of narrow the field maybe the designee is the most recent GNSO Chair rather than the current. It would be adding a responsibility on but it would be a responsibility to Marika's point of having someone who's very aware that they represent the GNSO as a, you know, as a neutral representative in that sense so that it will carry out whatever the GNSO will direct.

Susan Kawaguchi: So actually that's an interesting concept. So James, for example, James will continue – have one more year I think on the GNSO Council after he's termed out as chair. So, you know, so that could be a possibility.

Lori Schulman: I see the benefits of that if he stays engaged leader, but in a passive not active role. And that it might add some continuity in a way that doesn't create an extra burden while you're chair but certainly is a good position to be in that year you're, you know, the year you're not chair. Although I guess where that might fall down, I'm just thinking, is if it's – is then if it's the prior chair, is it, you know, concurrent with the current chair's term or is it one year limit? That's where I see that one falling down, you know...

Susan Kawaguchi: Yes.

Lori Schulman: ...how the limits would work in terms of in parallel to the chair since the chair could serve multiple terms. But I guess where I'm coming down on all of this is very much in favor of limiting it to chairs and vice chairs whether they're current or former. I guess, you know, in a broad umbrella statement that's probably where I...

Susan Kawaguchi: Okay. Okay so that's good to know and it looks like Marika thinks that James, for example, is term limited at the end of this year. Maybe he is. That will be sad to lose James off the GNSO Council. And then Maxim is also coming up with, you know, why are we talking about the term? I think it's a bit early for that. And that is a good point, Maxim. So Marika, did you have a comment?

Marika Konings: Yes, this is Marika. Yes, I just wanted to point out that I do believe that James's term is coming to the end together with his role as the Chair of the GNSO. The one point I wanted to make to Lori's suggestion of making then that potentially a responsibility of the outgoing chair as such, which indeed of course there might be a challenge if the chair stays on is then the, you know, the former chair both he or she then continue further.

And of course there's also the issue that that person is not expected or not funded to attend or participate in Council meetings so – again if we start listing pros and cons it may be a con that you may want to consider if that would be one of the options you want to put on the table.

Susan Kawaguchi: Okay. So that's a good point. And Julf also says we're talking about term in case all three of the current leadership all are ending their term. So it looks like we have some support for Scenario A or a version of Scenario A. Any other comments? Looks like Maxim is typing. And then so term limits of the – well, if we leave this up to the GNSO leadership team, then term limits of their membership on the GNSO Council won't be such a negative; if we decide it could be a former GNSO Council member, or a GNSO Council member, then I'm not sure term limits would apply either.

So Maxim is suggesting, can it be resolved by – appointed by GNSO Chair or by GNSO Council in case where the chair is not elected or cannot act due to physical reasons? So but then I would be hesitant to – one of the reasons the SSC was formed was to help with some of – filling some of these roles and not leave the burden completely up to the leadership team. But also ensure

representation from all of the GNSO Council, that's why this committee is comprised of people from the different stakeholder groups within the GNSO.

So I'm not sure we'd want to just hand it – this back and say, okay, the GNSO Chair needs to make this appointment. But if, you know, we designate in Scenario A, the leadership team, then, you know, because you know, at least right now, and I think that's usually how this – how it happens, you know, we have James from the Registrar group, we have someone – we have a representative from the Registry group and then from the IPC. So – or the CSG is really where Heather comes from.

So you know, we have representation of the group of the GNSO in the leadership team so it shares or spreads out the representation of the GNSO and that would – if we designated the leadership team then we would also have that representation there. Okay, Julf, that's a good point you're not bothered with representation considering the position has no power.

And Marika's point is, in case there's concern some would go beyond what they're supposed to do. So it looks like we may have – we may be leaning toward the leadership team. Is anybody opposed to that? Okay, Poncelet is not.

And Maxim is agreeing that it's not so important from which house comes the rep. So Osvaldo, you are not completely agreeing with A, but you would go along with this proposal? So what we were thinking Frederic, was that we would come to a more refined refinement of these scenarios and then we could do a poll and vote on these, or if we have a different scenario. So we may need to tweak on this.

And Lori. We can't hear you, Lori, so hopefully there's just a delay.

Lori Schulman: Hi, can you hear me? I'm sorry.

Susan Kawaguchi: No, we can hear you now.

((Crosstalk))

Lori Schulman: Yes, oh great, okay. It's caching somehow, I don't understand why. So there was a comment just in the chat about it might not be important which house takes the responsibility. I would say there might be. I think there is a sensitivity on the non contracted side about making sure that non contracted interests are fairly representative in leadership and this would be considered a leadership role. So I think it could be important and I wanted just to make sure that that is noted.

Susan Kawaguchi: So that the representation on the leadership team – there is a representative from the Non Contracted Party House, is that what you want to...

Lori Schulman: No, what I'm saying is there's some sort of fair allocation. Like you're only going to have one designated party to the EC, but as long as there's a way where it's at one point if we decide it's not the chair or the prior chair, if we decide that the way to go might be with vice chairs, I just wanted to communicate that it would be important to find a way if we could, maybe we can't, to ensure that it's maybe rotated or somehow allocated in a way that there's alternating between the non contracted and the contracted house. As I said, I do believe there's a sensitivity on the non contracted side for this type of representation issue.

Susan Kawaguchi: I see. Okay. So you know, maybe refining Scenario A to include a, you know, a suggestion or a requirement that the leadership team rotates participating on the EC. And so therefore we get the Contracted Party House and the Non Contracted Party House. Marika, did you want to weigh in?

Marika Konings: Yes, this is Marika. I would slightly want to caution against kind of making that so firm. Again, speaking here for personal experience and having seen, you

know, a number of different leadership teams on the GNSO Council, you know, they all work in a very collegial way, but I think we also have to recognize that, you know, some have more availability or time to take on responsibilities than others.

So at least having seen that, and again it may also be a question to put to James as well as Heather and Donna who are part of the current leadership to say, look, is this something that you think we need to lock in or do you think it's reasonable to expect that you amongst yourselves are able to work out how to deal with that role? Is it some – is it an arrangement whereby indeed it's in principle the chair who will serve as the representative and the vice chairs will step if the chair not available, is it something that is automatically designated to one of the vice chairs because, you know, he or she may have less responsibilities for managing the Council affairs.

But again, from what I've seen over the years it tends to depend on who are in those positions and their availability to dedicate time to certain tasks others. So maybe it's something to ask the current leadership team if they would prefer a fixed designation or whether we need to have some trust here in the leadership who will be coming from different parts of the community that, you know, they will be able to work out once themselves what works best from there, you know, personal perspectives but also from the expectation of the communities that they hail from and, you know, the houses that they represent.

Susan Kawaguchi: Okay. So I agree. And Lori points out this out too the point of trust is a good one, that we – and Maxim is pointing out James asked for a simple solution, not for extremely complex one so we might want to leave Scenario A fairly open that just we leave this up to the leadership team, which also goes to Maxim's point about a creation of a fast replacement of the GNSO rep. I'm not sure we would need that, Maxim, if Scenario A is created or selected. But we would need to do that if B or C was the selection. So okay so we should make sure that's in our discussion with the – or the notice we send to the

GNSO Council, the suggestion is that, you know, we identify that need to create a fast replacement.

So if there's others are typing, but I think we're at the point where we would need to create a poll for next week. I don't know, Marika, what do you suggest we could do a quick poll on the call or – well Renata is not on the call. And so we would definitely want the opportunity to give the opportunity to all members of the SSC to weigh in. And Marika.

Marika Konings: Yes, this is Marika. As there at least seems to be people on the call seems to be coalescing around Option A, maybe it's just a question at this stage to put that out as the kind of, you know, direction where the SSC is going and encouraging those that weren't on the call or that may have, you know, further thoughts about this to weigh in. And then maybe staff could already go ahead as well then and based on that scenario start distilling or suggesting some of the other details that will need to be filled out, for example then indeed I think the sequence of appointments may need to be worked out.

So then, you know, basically automatically with the election of the chair that becomes the leadership team becomes the new representative and then of course there needs to be an official notification which then can only happen after of course those elections have taken place.

I also put in the chat because we've been talking about indeed (unintelligible) is there anything preventing the GNSO from basically designating the leadership team as the representative and basically making clear that, you know, one of them will show up. You know, they will work out amongst themselves but one of them, and that, you know, whoever the three shows up at the moment is the – that's the designated representative to the EC admin. If there's any concern about that or whether it really needs to be, you know, one name or one person but with the option of providing alternates in case that person is not available. So we can check on that as well.

So maybe that's – I mean, of course we can still run all the scenarios as well in the poll. But if at least everyone here seems to be leaning towards Option A there may be more value in just putting that option out on the list and getting comments on it and then starting to identify some of the other issues that may need to be addressed or at least be put forward together with this recommendation to the GNSO Council.

Susan Kawaguchi: I think those are great recommendations and as usual, Marika. And I think that's our path forward. And it looks like Julf agrees. I'm not sure, are you agreeing to Lori or to Marika or both? And Lori, we could note that in the, you know, the NCPH and CPH issue. And Julf is saying both actually.

So let's move forward with that. And it looks like we're coming close to a consensus recommendation. So under next steps, you know, I'm not sure that – I didn't – don't see any further input required from the GNSO Council. I do see asking the legal question you were asking about just giving it to the leadership team and then allowing an alternate to, you know, from the leadership team to represent the Council almost on the fly.

And so we're not right – we're not quite ready to communicate anything to the GNSO but yet – but I think we can do this on the list. Is there anything else that we should be thinking about on today's call? World peace. Yes. I agree with that, Lori. Yes it looks like Julf and Poncelet is – yes, unfortunately it's going to take more than good luck. So it might take some more meetings, that's a good point.

So why don't we move forward with Marika's suggestion and getting that little bit of extra information, clarification. And then working this out on the list for any Scenario A it looks like. And we have another meeting scheduled for next Wednesday, if that works for everyone. And I'm not quite sure it's – Poncelet, on your should we have a time scheduled prior to communicating? Did you mean a meeting schedule or – oh, he's going to be at WISIS. Poncelet, please go ahead.

Poncelet Ileleji: (Unintelligible) statement that before we communicate to the GNSO (unintelligible) what I meant was we have a schedule come up with a decision instead of just having meetings upon meetings (unintelligible).

Susan Kawaguchi: It would be great if we could get this to the GNSO Council prior to the motion deadline. I'm not sure that this would be a motion, Marika, at that point. But to get, you know, provide something to the GNSO Council prior to the ICANN 59 so that it could be on the calendar or agenda. So we are trying to make sure that we provide advice by ICANN 59 or suggestions. Okay and we could – staff could write up the recommendation in the form of a motion for the SSC review. So we do have a timeline in place.

Looks like Poncelet is typing. Okay. So I think we do – before we actually write up that recommendation we should reach out to other members. And I think it may be only Renata that's not on the call. So let's follow up at Marika's first suggestion was to try to gain consensus around A on the email thread and then if we – if it looks like we're heading that way then we could have them write the draft the motion for us to review too.

And if – and also, you know, in our email thread if anybody comes up with any more pros and cons concerning Scenario A. All right, so I think we are headed in a direction and it looks like we have some consensus on Scenario A. Is there anything else for discussion today? Is it possible that we could give you back 14 minutes of your life? Thank you, Lori.

Okay, so let's end the call a little bit early and I thank you all for your input and your time and we'll get something out to the list today to you to consider and see if we can come up with 100% consensus, that would be a good position to be in. Thank you all for your time. Have a good day.

Marika Konings: Thanks, all. Bye.

Terri Agnew: Thank you. Once again, the meeting has been adjourned. Thank you very much for joining. Please remember to disconnect all remaining lines. And, Operator, (Jimmy), if you could please stop all recordings?

END