

**ICANN
Transcription
GNSO Standing Selection Committee
17 April 2017 at 13:00 UTC**

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Attendees:

Frederic Guilemaut
Maxim Alzoba
Julf Helsingius
Hibah Kamal-Grayson (temporary alternate for Susan Kawaguchi)
Renate Ribeira Aquino

Apologies:

Poncelet Illelji
Lori Schulman
Osvaldo Novoa

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 on the 17th of April, 2017. On the call today we have Maxim Alzoba, Frédéric Guillemaut, Julf Helsingius and Hibah Kamal-Grayson. We have listed apologies from Poncelet Illelji. 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 recording purposes and transcription, 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 Marika Konings. Please begin.

Marika Konings: Thank you very much, Terri. And this is Marika and I'm happy for someone else to step in and lead the call if you prefer. But I'm also happy to just probably recap where we're at and why we convened this meeting.

So basically the reason why we convened the meeting is that we got an email from Frédéric indicating that, you know, following further consultations, and Frédéric, please feel free to correct me if I'm wrong, he did not feel he could support the original ranking of candidates and has proposed a potential change to that ranking to ensure a better balance of representation of the different stakeholder groups recognizing that the first three seats are guaranteed seats on the Review Team, while the Number 4-7 are potential candidates and that's really up to the SO and AC chairs to decide whether or not additional seats are added to those that have been nominated by the different SOs and ACs.

I think quite a few people chimed in, some supporting the observations that Frédéric had made; others being concerned about changing the original agreement that was achieved within the SSC. So basically the reason why we called this meeting was to try and see what potential path forward there is recognizing that the SSC is expected to make its recommendations with full consensus meaning that everyone is expected to agree without any objections to the proposed recommendations.

What you see up on the screen, and I thought it might be worth in the context of this conversation, to highlight that specific aspect of the charter in the specific section that relates to balanced representativeness, diversity and

sufficient expertise that's expected to be represented in the candidates that are being nominated.

It also refers to the – encouraging the SSC to employ a system of rotation for selections. And it specifically notes that any stakeholder group which nominated candidates for a review team but did not have a candidate selected for that review team, shall be preferred as a qualified applicant from their stakeholder group for one of the three guaranteed slots for the next GNSO review team appointment process.

You know, I do want to point out that of course this is the first selection that the SSC is making so we could argue as well that this applies, you know, for future nominations but you may also want to take into account the previous selection that was carried out for the SSR 2 Review Team, which didn't happen too long ago, which did have a certain makeup which I also shared with you.

So again, this is information for you to take into account, you know, from a staff side, you know, we don't have any specific opinion or, you know, direction in this regard. We just want to make sure that you have all the facts on the table so you can further discuss to see if there's a path forward that would obtain the support from everyone.

And, you know, Maxim put in the chat and, yes, it didn't call out the names but, yes, Maxim, you were one of the people that supported the input that was provided by Frédéric.

Julf, your hand your hand up. Please go ahead.

Julf Helsingius: Thanks. Julf for the record. Just thinking procedurally, yes it's clear that there's been a supported suggestion to actually change the suggested order of candidates. But on the other hand, I saw in Poncelet's apology note that he also reinforced his view. In view of that, can we actually take a consensus

position against what he's wrote in his email? Or does that invalidate the consensus?

Marika Konings: Julf, I'm not 100% sure what you're referring to. I mean, as I understand where things stand, there was original full consensus but as I understand the note from Frédéric and Maxim, they no longer support that consensus position. Of course, any changes that may be agreed, you know, whether it's by the people on the call today, will definitely need to go back to the full group and everyone, again, would need to agree should any changes be made.

But as I understand it, and, you know, Maxim and Frédéric can confirm that if that's correct, if we no longer have full consensus, it means that the Council is not expected to consider the recommendations as the SSC is expected to act by full consensus. So if there is no agreement before Thursday's Council meeting, it may mean that the motion that has been submitted may need to be withdraw or indeed deferred recognizing that there's no full consensus yet and that additional time may be needed. So did I get that correctly?

And one more thing I noted in Poncelet's email, and I haven't had a chance to respond to him yet, is that he seems to assume, from his email, if I'm not misreading it, that the first four candidates have a guaranteed seat, which is actually not the case; it's the first three that have a guaranteed seat. The candidates that are ranked on the Position 4-7 may get a seat but that is fully in the hands of the SO and AC chairs, which will review the slate of candidates after they have received the nominations from all the SOs and ACs and at that point decide whether or not to fill any of the additional available seats should there be any, in view of diversity that may be required.

Maxim, go ahead.

Maxim Alzoba: Maxim Alzoba for the record. Do you hear me?

Marika Konings: Yes, I can.

Maxim Alzoba: Okay. Okay, my thinking is looking at the charter, we see that we have to achieve at least (unintelligible) representativeness, diversity and sufficient (unintelligible). But it doesn't say which is more important to us. So I suggest that we somehow rate the (unintelligible) by these, yes, qualifications. For example, (unintelligible) where, you know, balance is achieved, representativeness or (unintelligible) and, yes. My thinking is that situation where we (unintelligible) as the least important qualifications we are at risk of having selection without sufficient (unintelligible). Thank you.

Marika Konings: Thanks, Maxim. Frédéric.

Frédéric Guillemaut: Yes, I just wanted to come back to the last time, the first and only meeting we had in the Adobe room, we made a selection, a first candidate draft, and I think we all wanted to come back to SOs and to our constituencies, you know, have a talk about this. And I was expecting another call to take place. And, okay, I could see that I didn't answer on the right hand, in the right time.

But to me the consensus would have been reached by the second call. So I thought we could have time to discuss this. And I officially I had talks because apparently we thought that Number 4-7 would be like people would be selected at some point. But it's not sure and apparently it never really happened from (unintelligible), that's what I was told.

So it makes it more important, the order of the first three seats. And then, yes, I just wanted to send an email say, okay, look, maybe we should think that again because to me this is going to be a work on, at some point, Whois things and to me, I think some people from Registries or Registrars constituencies, whoever, would be an advantage for this team because – I understand many people want things from the Whois but then people who have to implement that and to deal with it and to give an expertise of the practical things, the practical side of the things, I think it would be a good idea to include someone in that team.

And this is a really strong belief I have. And I just wanted to, you know, obviously, open discussions with all of you. I understand that we don't really want to change orders and if that – it's not the best thing to do, is best to have a right order or the right time and the first time. But to me it was important to maybe look at that from a practical point of view. And to maybe make some changes to have the right team with the right expertise and experience. Thank you.

Marika Konings: Thank you very much, Frédéric. This is Marika. And I also want to recognize that of course, and I think you all are aware that indeed the previous discussions did take – did take place on a very tight deadline. And I think we all need to recognize that several of you did indicate that you wanted to consult with your respective groups.

And that of course takes a bit of time and hence, you know, the feedback we got, which did come late in the process, but as said, it was a very compressed timeline so I do hope that everyone do recognize that this is not a bad faith attempt or, you know, trying at the last minute to force through changes. But I think everyone was under a lot of pressure to try to get this done within the short time that was available but also recognizing that, you know, further input might be coming forward.

On one of your points, I do want to point out that so far there has only been one review team selection that has followed this specific process. And for that one, you are absolutely correct, there were no additional seats available or I think there were a few but those were not filled in.

Partly as well, if I understand it correctly, as most of the other groups did nominate two, three people which meant that it was actually very close to the 21 members that represent the maximum number on a review team. While in this case, it looks like a number of SOs and ACs will not be nominating

candidates as there are no candidates that have requested nominations from those specific groups.

However, having said that, of course, that does not mean or guarantee that the SO and AC chairs are open to reconsidering or adding additional seats to the overall slate.

Also recognizing the different points in the chat, yes, it does look like we currently do not have consensus on what is – what the ranking should look like or that would at least have full agreement from the group. Frédéric has made clear that – and I think Maxim is supporting that position as well, that he would like to see a candidate from the contracted party side in the 1-3 ranking which would mean then switching out one of the current candidates ranked on the 1, 2, 3.

But obviously, and I think I said in the beginning of the call as well, any proposed changes would need to be supported by everyone for it to represent, again, full consensus of the SSC.

Julf, you hand up. Go ahead.

Julf Helsingius: Right, thanks. This is Julf. Yes, so as I wrote in the chat, we seem to have a – in that sense a deadlock that we have actually, we know we can't achieve at this call at least a consensus so in that sense it's – to me it's a bit pointless discussing whether we do a change or not. That has to be decided by the whole consensus.

What we can discuss now I think is what other options do we have? And maybe I mean, is it a possibility that we actually go back to the Council and say, we couldn't reach consensus but these are the two alternatives we looked at, and it's up to the Council to decide? Or do we basically, if we don't reach consensus we just have to report back that we can't reach consensus and withdraw the motion completely?

Marika Konings: This is Marika. My understanding is – but that may be a clarification you may want to seek from the Council, is that as the SSC is only expected to put forward full consensus recommendations, when that is not achieved there's nothing that is shared. That that is at least my understanding of how full consensus works because otherwise you're actually still putting forward recommendations or options.

So one option may be indeed to go back and say there's no full consensus, you know, we're happy to share you where our differences lie, if that is of interest, so you can then consider that. And then basically leave it a bit in the hands of the Council, or request additional time. Because I think, you know, I fully agree with you, I think the conversation today is around, you know, is there a path forward to reconcile the different views?

Or are there, you know, potential proposals that are – that could be put forward that people are willing to consider again, I think taking into account that, you know, we did things on a very short timeframe and everyone was very cooperative in doing so, but hopefully now people are also willing to recognize some of the input that has come in and see is there a path forward to come to full consensus.

Again, you know, the other option is to just ask for more time. The Council did give a very short timeline for this group to come to agreement partly as well driven by the timeline that was received from staff with the desired deadline by which nominations would have been received. But if it's not possible to meet that deadline because additional time is needed, and I think several of you have expressed that as well, that the timeline – the quality of the process shouldn't be sacrificed by the timeline.

Of course, that is another option to just request for more time and see, you know, what steps the SSC could take to further consider some of the

concerns that have been expressed and see if there is a way to come to an agreement.

Frédéric, you have your hand up.

Frédéric Guillemaut: Yes, I understand that we have to come with a decision that has reached consensus. And I'm – maybe you could just try to – maybe I'm just dreaming – but if we give a recommendation that which is consensus with four people, sharing that we think these four people are the people we make consensus, that would be a bit like Julf said, kind of giving another option with a consensus, if we could reach consensus of course with the four.

And it goes also to what Renata says in the chat, that we would need, I mean, we would need to know if we could add another seat. So for example, if we had the four people we selected, I think maybe Maxim and I would be happy to have one person from the Registry or Registrars. And that would be a recommendation that could be made. Do you think, Marika, or it would be just rejected because it hasn't got the right number of seats?

Marika Konings: Thanks, Frédéric. So your question is whether there could be clarity on additional seats? Am I getting that correct?

Frédéric Guillemaut: No, I was just reacting to what Renata says. It's true that if we know that there are additional seats available, then the whole description is really easier because we could offer the committee to have four seats who are elected person – four selected people, sorry. But if we would reach a consensus about four – the four top people on the list, could we make a recommendation with a consensus saying that we need these four people? And then three additional seats?

Marika Konings: Yes, this is Marika. The way the bylaws are written is that the first three seats are guaranteed, the 4 to 7 are dependent on whether or not the other slots are filled by the other SOs and ACs. And then it's, again, dependent on the

SO AC chairs' discussion. So, yes, you as the SSC could make a recommendation to say we believe those four, you know, Number 1 to 4 should have guaranteed slots, but that would then be for the SO/AC chairs to consider and the GNSO Chair can, of course, make a, you know, a pretty good case as to why, you know, that fourth seat should also be guaranteed and potentially even, you know, some of the other ones in there.

But he is – he or she – in this case he is dependent on the support of the other SOs and AC chairs. So again, I think a strong case could be made but there are no guarantees that just because you recommend that four should be selected, that that will also happen.

Maxim, go ahead.

Maxim Alzoba: Maxim Alzoba for the record. As I understand in our charter, nothing (unintelligible) us from asking questions, I mean, asking additional questions to the candidates. And that's my suggestion is, first, we request to extend timeline and we ask (unintelligible) provide us with more timeline because the current deadlines were set by (unintelligible), not by GNSO Council itself.

And the second piece, the reason should be we need to have more information from the candidates to ensure selection which is, yes, the best possible in the current circumstance. And what I suggest that we ask top seven candidates which we see so far, to provide us details of the technical expertise to understand they have sufficient expertise, to run RDS review which is, let's say, is not about policy – just policy, it's about implementation and technical means. So we need to ensure that candidates, they do understand how it works, not from the (unintelligible) operational and technical perspective too. Thank you.

Marika Konings: Thank you, Maxim. And this is Marika. So I think one clarification there I think it's a bit of a dual on the timing. I think it's dual approach where the Council did give a specific deadline to the SSC to come back with nominations, but

that may have been partly inspired by the desire to meet the suggested timeline by staff. And of course also recognizing that some of the other groups have already confirmed their nominations not to, you know, hold up the process far too long.

But having said that, you know, your suggestion is to, you know, do some further due diligence on the candidates and go back to the 1 to 7 and ask them for some specific input on – or feedback on their technical skills. I note that there are some comments in the chat from Julf saying, “I don't think the issue is about skills, I think we have a pretty good picture of that. The skills needed are not technical.” And Renata points out that the skills were already judged by the survey.

But I think if I understood Maxim correctly he actually wants to ask for some more details from the candidates to really understand their technical knowledge and an appreciation of the issues that are at hand. And Maxim confirms that that his suggestion is for some more in depth due diligence.

So I think we have a couple of options on other table. And, you know, maybe it's a question of mapping those out. And I don't know if we can come to agreement on what would be a preferred option here or whether indeed, as you may be aware, we did put out another Doodle poll for – to find a meeting on Wednesday, and see if we could have more people on the call and that may be another option to see if there is a way to come to agreement before Thursday's meeting.

But I think the options are either we come to agreement that a change is made to the top three candidates, by switching out one of the top 1 to 3 with the number 4 or 5, which I believe is the proposal by Frédéric and which was also supported by Maxim.

The other option is to go back to the GNSO Council and note that there was no full consensus and ask for additional time to further deliberate. The other

option would be as well to note that there's no full consensus and there's not going to be expected to be any, if you believe that there's no way that agreements can be found.

And then as part of the asking for additional time, I think the suggestion from Maxim would come in to note that, you know, we could go back to the Number 1 to 7 and ask them for some more specific candidates that may further help in evaluating the candidates.

And then there's as well the – I think a bit a hybrid of all those options is to basically go back and saying that the SSC has achieved full consensus on the ranking but notes that it wants the Number 1 to 4 candidates appointed. But in that case of course it would need to be recognized that the appointment of the Number 4 would be in the hands of the SO/AC chairs and the GNSO Chair would be giving very firm instructions to defend that allocation.

So I think those are at least the different options that I've heard here. So I see several people supporting extension to four, extension to four. So is that at least from those on the call today, is that your preferred approach forward so that we would – I think it would require then a modification of the motion to very clearly state that the SSC achieved full consensus on the rankings but on the notion that it expects or supports the first four candidates to have seats – first four at a minimum to have seats on the review team, recognizing that there is the expectation that additional seats will be available as a number of SOs and ACs will not be endorsing any candidates as no candidates requested endorsement from those groups.

And as such as this is of, you know, pertinent importance to the GNSO community and specifically as well, you know, contracted parties, that there is an expectation that, you know, that request to have at least the first, you know, the four candidates seated will be respected.

Hibah Kamal-Grayson: Hi, this is Hibah. I'm on board with that plan. I'm just not in the c
that room so...

Marika Konings: Oh, thank you very much. And apologies for calling out before to ask for...

Hibah Kamal-Grayson: Oh no, not at all. Not at all.

Marika Konings: Thank you. And I'm seeing several of you supporting that approach. So if you
– those of you on the call agree with that path forward, I would suggest that
staff goes ahead and writes that up. Maybe we can already suggest as well,
some proposed changes to the motion to reflect that approach. And then
circulate that to the mailing list to ask everyone to, you know, express
whether they support that proposed approach.

I think we should leave the call for Wednesday on – as an option so I would
ask those of you that haven't gone back in yet and added your options for
Wednesday to add that to the – to add your options or availability for
Wednesday to the call and we can circulate that link again as well or
hopefully Terri's already putting it in the chat, thank you very much. So that is
then a path forward.

I'm just looking at the further suggestions. Yes, I think the extension only
becomes an option if four people are not accepted. So again, I think a
communication probably would need to go to the Council together with the
modified motion assuming there is going to be full support from all members
of the SSC, that, you know, if the proposed approach is not acceptable by the
Council or if there is a view that there shouldn't be a demand or ask for four
seats, that it may – an extension of time may then be needed for the SSC to
further consider and deliberate and hopefully achieve full consensus.

Maxim is asking there are Google Docs an offline work copy of the draft and
begin commented, yes, definitely, we can make that available. I see Renata
is also typing. Oh, anymore. So I think that probably puts us on a path

forward so action items for staff are to summarize the proposed approach in going forward. And I think Emily has already captured that quite well in the notes. We'll get that out immediately.

Then we'll review the motion and suggest changes for that and get that out to the mailing list for any comments or edits as well as making sure that everyone supports that approach. And then the action item for all of you is to make sure that you've included or edited the full – the Doodle poll to make sure that we have a backup call for Wednesday that – for which hopefully everyone can be available so that we can either, you know, confirm the proposed process forward or determine what needs to happen next.

Maxim, I noted you cannot edit my checkboxes in the poll. You should have an option if you go to your name, a little – I think it's a pencil. And if you click that you should be able to edit it. And if not, you know, feel free just to fill in a new entry and we can figure that out as well. Oh, you already found it. Thank you very much.

So I think – with that, I don't know if there's anything else people want to discuss at this stage. Looking at hands up, oh, Maxim, go ahead.

Maxim Alzoba: Did I understand it right that we're planning the next meeting for Wednesday or is this still an option? Thanks.

Marika Konings: This is Marika. I believe we're looking at Wednesday. As for the Tuesday options we weren't able to find any slots that had everyone available. So we're looking at an alternative option for Wednesday. And that would also give the group some time to discuss and analyze on the list.

So, you know, if there's a way that we can get agreement on the path forward on the mailing list and have everyone sign off on it, we may not need the call on Wednesday but I think at this stage it probably is good to keep that in our back pocket so we have an opportunity to get together and hopefully come to

agreement recognizing that the Council meeting is on Thursday. And of course, it gives the Council already relatively limited time to review any proposed changes that may be made.

Maxim, is that a new hand or an old hand?

Maxim Alzoba: Old hand, sorry.

Marika Konings: No problem at all. Okay, so I think with that I can give you back some of your time. Really appreciate all you showing up. I know for several of you it's even a public holiday today so thank you for that. Julf, I see your message, I think that would be a good idea to note that the SSC is having some further deliberations and changes may be forthcoming to the motion, at least that does give people a head's up so I think that would be helpful.

So with that, thank you all for joining today. Please keep an eye out on the mailing list and, you know, for those that are still celebrating, happy Easter. Thank you very much, all.

Terri Agnew: Thank you. Once again, the meeting has been adjourned. (Roy), the operator, if you could please stop all recordings? To everyone else, please remember to disconnect all remaining lines and have a wonderful rest of your day.

END