

**ICANN
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GNSO Informal Council Session
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James Bladel: Okay, let's get started. Hopefully, everyone had a glass of wine, a glass of beer, some water, some Pepsi -- something to snack on. Let's get started.

Just a reminder that per our discussions in our last Council meeting and our meeting in - where was the last one? Hyderabad? That we are - this is still a closed session, but we are recording this session -- if I'm not mistaken. So I'll wait for the text to give me the thumbs up that the red light is on, and it is on. Thank you.

So welcome to the Council Prep Session for Copenhagen. This is the traditional pre-game for the Council Meeting tomorrow is where we can kind of address the different items on our agenda, flag anything that needs to be either moved, discussed a little bit more in depth, or possibly -- if we've missed anything and need to add some AOB or promote something to an agenda item.

So just a couple of notes here. Normally, we have some boring administrative matters, but I think that we do have some updated SOIs. I think, in particular, Avri and - where did Tapani go? Tapani, if you guys, if you could just kind of explain the post that you sent to me as we were coming up to this particular

meeting, that Avri is the Interim Representative for Amr's vacated seat, and then Martin will - if you could just make that announcement, I think in the - Avri, if you could make that announcement and make that point that would be good.

Tapani Tarvainen: Avri, you want to? Okay, maybe I'll (unintelligible). When Amr resigned, we first appointed Avri as the alternate -- as the operating procedures allow -- up to the temporary alternate up to the end of this meeting -- actually until Thursday night, I think, technically, and (unintelligible).

(Unintelligible) permanent temporary replacement -- however is the term -- for the remainder of Amr's term will be Martin. He's here? No, Martin Sullivan who was also a temporary alternate in January. So the switchover will take place after this meeting.

James Bladel: Okay, thanks. And also if Ben is here, did Ben get the invite to this? We'll just maybe make a note that Ben has replaced Patrick as the ccNSO liaison.

We have minutes from our meetings in January and February, and then we have an update on the project list and action item's list. Does anyone have any - turns over that.

Okay, the Consent Agenda is the appointment of Erica as the GNSO co-Chair to the CCWG on auction proceeds. I guess the only question here would be is everyone comfortable with this being a consent agenda item, would you rather see this as a full motion with a voice vote or something like that?

Erika, will you be offended if this goes through as a consent agenda item?

Erika Mann: No I will not be offended, but the opposite. Thank you.

James Bladel: Okay, fair enough. We'll leave it where it is; thank you.

Okay, the big item is the charter for the Standing Selection Committee. And I've been talking with Ed and Susan and Darcy and a number of folks that are working on this behind the scenes.

I just want to point out that back in our February meeting, we made a decision that if we adopted the SSC in Copenhagen, we would move that mechanism, we would stand with that group and use that mechanism to evaluate the RDS applicants and make recommendations for our April meeting.

And that if we didn't adopt the SSC for whatever reason that we would go back to our lightweight ad hoc process -- our team -- and that they would as quickly as possible evaluate the applicants and prepare a list of recommended candidates for the Council. But both of those things had to happen by our April meeting -- which I believe the cutoff for that is April 6. So it's coming up pretty quickly.

So I guess let's kick off their discussion here because I think this is where we're going to spend most of our time tonight.

Ed, you're up.

Ed Morris: Hello, thanks James; Ed Morris - I guess we have a record or we have this recording.

James Bladel: We have a recording.

Ed Morris: Okay.

James Bladel: Which is dangerous with the alcoholic refreshments, but.

Ed Morris: Yes, this is the ccNSO Council, and welcome.

James Bladel: I thought this was like open-mic night where we would all start, like, you know.

Ed Morris: We all want to get this done -- believe me. Any - I don't know - we've been working hard in this -- Heather, Donna, James -- we all want to get this done.

The problem is, as Stefani, myself, Matt Shears started working on this two days ago -- joined by Darcy today -- and going through a 59-page memorandum, but the drafting team report.

We started to notice a lot of mentions of these Standing Select Committee. And some of them said things such as, "Well gee, in the Standing Select Committee Charter, we should put that X or Y should happen or shouldn't happen. We should note that the Standing Select Committee does not select this person."

We also notice things - and Stefania, at this point, is better able than I am to give specific examples. She took some incredible notes and came up with some incredible ideas on her own -- as we went through this -- being far smarter than I ever would be.

But what we came through as we kept going through here and said, "All right, Standing Select Committee." Matt Shears who is not on Council said, "All right, what is the composition." He's uncomfortable as, I guess, I am as well with wanting to move on with the drafting team without knowing what the Standing Select Committee is composed of in terms of composition of members.

Do we want to seed this power to a committee? And so we started to have questions.

Some of them, there are things that should be in the charter that aren't. Others that we don't - haven't really considered nominations, endorsements,

things that are in the DT report that we're giving to the Standing Select Committee.

So the basic feeling is, gee, might it not be a better idea to throw it back to the DT and say, "Hey, will you guys take a look and let us know what needs to be in this charter," and then have whatever group is going to try to improvise the charter or improve the charter take a look at that, put it in, then send it back to the DT perhaps to say, "All right, you've done it."

Otherwise, it's two fold. One is of course we can keep changing the SSC -- Charter. I'm not sure that's a good idea. I mean I frankly don't want to spend the next year in Council doing this.

Secondly, the drafting team members because we need to sign off. There's nothing in our recommendation that said Standing Select Committee. This is all because of what we've done here.

There is some unease among at least one drafting team member who's not part of Council to actually say, "Yes, I'm okay with this without really knowing what the SSC is." It's a bit of a chick-and-egg situation.

But if we approve the charter tomorrow, what do we do with all of these recommendations that may not be properly accommodated in the charter we approve? That's the question.

James Bladel: Thanks Ed. And I'm just kind of informally queuing folks here, so Donna, Wolf-Ulrich and Avri. I should probably write something down.

Marika, did you - you wanted in the queue or you have - okay, let's defer to Marika first.

Marika Konings: If I could maybe first, like clarify a few things -- having been involved in drafting the charter and also having been involved in drafting the Staff Report on the Bylaws Drafting Team.

Just to clarify that, indeed, there are a number of references to the GNSO Standing Selection Committee as that was one of the elements where I think the drafting team basically said, "There needs to be a process for appointing members."

And in the meantime of course, the GNSO Council has discussed and this is the process that is being proposed. So that's why those specific references are there in the Bylaws Drafting Team.

Also to note, at least I think from a Staff perspective, there is no dependency on the Bylaws Drafting Team work and the charter because the charter basically outlines that the SSC is expected for each of the appointments that they need to do to document how that will look like.

And in any case, any recommendations from the SSC go back to the GNSO Council. So any of the voting thresholds that were decided or as recommended by the Bylaws Drafting Team, they basically apply to the Council decision on that. And as such, those are reflected -- or will be reflected -- in the voting thresholds as appropriate.

So at least from a Staff perspective, we're not really clear on where the linkage is seen, but we're happy to, you know, of course look at that again and answer any questions.

But I just wanted to clarify that upfront where indeed the references in the Bylaws Drafting Team work come from and, as well, explain how indeed, I think, the charter, as it currently stands, was conceived with the idea being that it would serve for a number of purposes but always as directed by the

Council and always, the decision-making power at the end of the day coming back to the GNSO Council.

James Bladel: Okay, I have Avri, Wolf-Ulrich, Donna and Paul. Avri?

Avri Doria: Okay.

James Bladel: Would you rather go...

Avri Doria: No, I just thought that that's the way it was; this is Avri speaking.

Yes, and mine is more of a question than - from what I had understood, there was a draft GNSO Standing Committee Charter -- at the moment. And it is fairly complete though there are some questions about whether we want it this way or that way or the other way.

I look at this as defining sort of an alpha beta pilot of that thing. And if the words were adopts the draft charter, and everywhere it says Draft Charter and everywhere it says Draft - I mean Charter, you say Draft Charter on the existing charter that you've got because you have number four that says after you complete it, you come back and say, "Gee wait, how well did the Draft Charter work?" And then if it didn't work -- for whatever reasons -- you guys change it.

Now, I know it's easy for me to say; I'll be gone in a done. That's the nice thing about being parachuted in for a week and then going back out again. But who knows? I could have been parachuted back in again by then.

So that would be sort of if you add the word Draft in a couple places, go with what you go, do the job, see if it works -- you've got two of them. You know, as Marika said, you've got to come bring it to the Council anyway. I won't be here when you do that so that's cool too.

So, you know, do a beta test on your process here, and then from there discuss it. But just call it a Draft Charter.

James Bladel: Thanks Avri, and that's a good point. You know, the Standing Selection Committee Charter, we're working in pencil, not ink. We can revisit it, we can revisit it after each Selection Committee if necessary, and we can take sort of an interim process to it and learn as we go.

And then the second thing is some of the elements that we wouldn't want to, perhaps, bake into this charter or bake into the bylaws, we could also just require -- as part of the motion -- that invokes the Standing Committee.

So, you know, when we trigger the Standing Committee, to say, "The GNSO Council asked the Standing Committee to fill this role and to consider A, B and C." So I mean we have multiple avenues. We don't have to think of ourselves as chiseling this in stone and that we'll have to live with it for decades; we can be flexible.

But next up is Wolf-Ulrich.

Wolf-Ulrich Knoben: Thanks; Wolf-Ulrich speaking.

Well, I'm a little bit confused. They are talking about or (unintelligible) pointed out (unintelligible). So I think I was clear that we have a motion here in front of us and we are discussing about two options -- maybe -- so go with this way or that way. I don't care about any kind of draft in this context.

So if for me, was it I have a motion in front of me and would like to discuss that. And then the question to discuss is are we going with the Option 1 or the Option 2, or are we talking about different draft charters right now? So maybe I have an old version or so, but I'm a little bit confused what we are talking about.

James Bladel: Yes, back to Ed. You want to - yes.

Ed Morris: Yes, it's just for folks who, perhaps, haven't spent the week reading the 59-pagers. There are things in the - we're approaching it from the perspective are we going to vote on this SSC. I'm actually approaching from the other perspective -- from the Drafting Team who's recommendations are a bit more permanent.

I'm reading things like -- in the assumption -- this will need to be made clear in the charter for the GNSO Standing Selection Committee. We haven't done that.

And so I'm supposed to go to the DT Meeting tomorrow and say, "Okay, that's the assumption, we haven't done it but we've approved the committee. But hey, let's just proceed with the drafting team." This is - it's uncomfortable to do that.

On top of that, if you go through here, and again, I'm just doing this because my computer is scrapped out.

You go down here; there are recommendations that in filing certain positions, we need to consider certain things. And this should be made clear in the charter of the Selection Committee. We just haven't done that.

Do we need to do that? I don't know. I just know I have to go to a meeting tomorrow. And Marika will be there and she'll be able to eloquently explain her point of view and I'm sure it's a correct one.

But the bottom-line is do we just want to go with a charter that is going to complicate things for the drafting team, and it will. We can't go with these assumptions if we already have a Standing Selection Committee that does not contain these provisions.

Understand the drafting team is more of a permanent type thing. When we send it out for public comment, I'd like it to be complete. You know, at least in my view, deferring for a month, allowing the DT to weigh in on this and making sure we have a comprehensive SSC charter is the lesser of two evils.

But it's not so much the charter itself, but the interplay between it and the drafting team report -- which will lead to bylaws and procedural changes. I'd like to make sure we get that right in that I'm not going to a meeting tomorrow working into a document that is actually wrong from the start because it's a difficult thing.

The drafting team is not going to solve all the problems in 90 minutes tomorrow. This is going to be an extended period of time.

But we certainly could look at this and report back to Council or a small team of councilors, and say, "Hi, we've looked at the drafting team report recommendations. We have what you've done -- what you're proposing for the Standing Selection Committee. We believe X, Y and Z needs to happen."

I'd rather do that upfront rather than do that after the fact. That's just my preference.

James Bladel: Donna?

Donna Austin: Thanks James; Donna Austin. I think I'm getting a little bit lost and confused.

So Ed, are you suggesting that the Bylaws Drafting Team documents contain a reference to a Standing Selection Committee that we haven't stood up yet?

Ed Morris: Yes.

Donna Austin: All right.

James Bladel: Okay, Marika and Mary are jumping at the mic. Go ahead.

Marika Konings: Yes, this is Marika. It's actually not the Bylaws Drafting Team Report that refers to that -- not at all. It's actually the Staff reports that was produced in response to that that refers to the Standing Selection Committee based on the deliberations that have taken place at the Council level, and the knowledge that this charter is there for adoption.

So basically, assuming -- because at least that was, I think, the sense in the Council that that was the approach you wanted to follow -- so as such, that has been included and referenced in the Staff Report to indicate that that is the solution that the Council will pursue to provide for a mechanism to have appointments/selections/nomination which then come back to the GNSO Council for consideration -- just to clarify.

James Bladel: Donna.

Donna Austin: From a very pragmatic perspective, I think it's really important that we stand up this Selection Committee notwithstanding the other work that is going on because if we don't do this now, then we mine-as-well stay with what we have. So - which in my mind we're losing a bit of an opportunity because we know that we have two positions that we need to fill in a really short period of time.

So if we can, you know, reach agreement to Wolf-Ulrich's point on the outstanding issues -- which is the composition of the Standing Selection Committee -- and agree with the resolve clause, you know, this is something that we intend to kind of test and review.

So it's going to be a dynamic document anyway that we can, you know, adjust as the Standing Selection Committee sees fit, then I really think it's in our best interest to move forward with this. And if it's necessary, we adjust

the Staff Report to reference this as something that we hope will happen in the near future.

So rather than hold this up, is it possible to adjust that Staff Report to more accurately reflect the actual status of the Selection Committee.

James Bladel: Paul.

Paul McGrady: So I would like to draft the footnote before my folksy antidotal story that we do need to deal with the composition issue, right.

But I grew up in Cleveland and I saw the Great Lakes ore boats being built on the river. And it turns out they're a lot easier to turn around in the Great Lakes than they are in the river. Thanks. Like to get it out of dock and moving.

James Bladel: I would say I wasn't following you there. This is probably - it's my second glass of wine.

Paul McGrady: Let's launch the boat and change its course if we need to.

James Bladel: That made more sense; thanks. Okay, I have Susan, Darcy, and Heather, and Stefania and Marilia. So, Susan.

Susan Kawaguchi: Thank you James.

So in discussion with, you know, Steve DelBianco who is on the drafting team, he said the - and this may or may not pertain to this considering what Marika was saying that it's more in the draft report that Staff did. But if there were -- or are -- and I haven't read the draft bylaws, so I should do that probably.

So if there are references and things that we need to incorporate into this process, I think we have a way forward to do that. But what I would hate to do

is take a draft bylaw, incorporate references from that -- the draft bylaws -- and find out oh no, they revised that the final doesn't even incorporate that language anymore, and then we change this process, and then we have to go back and change it again.

So it seems that because - and I liked Avri's notion of, you know, call this a Draft Charter, move forward. Four was put in there deliberately because, you know, Ed and I and James, you know, when we were the three of us on the phone trying to figure out the SSR Team candidates, realized that oh, maybe this didn't work the way we had envisioned and we need to go back and think things through -- which we did.

So I think that -- just for being expedient -- that, you know, and also nice to check something off the list for a little while and just get things moving that we should move forward, make the decisions on the two outstanding issues with this, and then I promise to read the bylaws. And Ed, if you'll work with me, that when we can - then make sure that this adheres to those bylaws.

James Bladel: Thanks Susan. I have Darcy, Heather, Stefania, Marilia, Wolf-Ulrich. Does anyone else want to speak on this one because I think we can be here for awhile? I think we need to kind of bring this one in for a landing.

So okay, next up is Darcy.

Darcy Southwell: Thanks; Darcy Southwell. And I'll try to be quick.

I think - so I'm a little bit on the fence. I could go either direction in the sense that what we cannot do is do both at the same time because we have to clarify one or the other.

And given the expansive nature of the bylaw -- I don't know -- process that we're working on, it seems to me that that is the more important one to slow

down and go we do have questions, and unfortunately, we don't meet until tomorrow night.

So - and then to the point of this being - I don't really think we're approving a draft charter for SSC. But I recognize that we could do another version later and I'm not opposed to that. I don't think we should do one for every single time we come back to it; that doesn't seem very efficient to me. But I also recognize that we probably need to test it out.

And maybe what we need to do is move forward with it, get it to the best place we can be, handle it in the bylaws drafting team, and then if we have to, you know, to Paul's point, you know, correct course later on the second one, that's probably fine. Thanks.

James Bladel: Thanks Darcy. Heather?

Heather Forrest: Thanks James; Heather. I'm going to try to bring some of these things together and make a suggestion.

Can we -- whether we call this thing a draft or not picking up Avri's point -- I think it's a pretty good suggestion, but Darcy, I take your point. Can we add a resolve clause here that says - that acknowledges that this is a work in progress -- whether we use the word draft -- and say that one of the tasks of the SSC -- in conjunction with the drafting team -- will be to come back to - will be to make further improvements to the charter to ensure that it's not inconsistent with the bylaws.

Let's add a clause or with - sorry - with the staff report that it doesn't put the Council in a position where it's contradicting anything that's been prepared.

So if we add that resolve clause, how many of us can live with this? Marika?

Marika Konings: This is Marika. Just to note like resolve clause already refers to the review, so it shouldn't be too hard to add there specifically that it includes as well consideration of whether there are any conflicts with.

Heather Forrest: Yes, it needs to be specific. And I think we also need to add to four that something along the lines of the Council recognizes that this is a work in progress, that this is not a final version, and that we will revisit this specifically to identify and address any areas of inconsistency. Can we live with this?

James Bladel: So I just want to point out that Resolve Clause 1 also states that the Council adopts this on an interim basis.

Heather Forrest: (Unintelligible).

James Bladel: So are you guys capturing some language here to that effect for Resolve Clause 4 that new bylaws and the Staff Report? Okay.

Stefania, Marilia, Wolf-Ulrich? I think we're getting closer. Stefania?

Stefania Milan: I think - Stefania for the record. I like what Heather suggested and also what Darcy said.

What - so I'm going to skip most of my comments anyway. I guess from what, obviously, we have done is that it's unclear. So the drafting team would have to specify clear of the role, I mean the role of the SSC in relation to the GNSO Council. I don't know whether this captures what - I mean all of the elements.

Marika Konings: This is Marika. I think the charter, at least, is very specific that anything - any recommendations coming out of the SSC go back to the GNSO Council. At least I believe that the charter is very clear on that, but if anything there needs to be clarified, that can definitely be done. But I think it is specific on that point.

Stefania Milan: So my question is is it kind of chicken-and-egg, who is going to do the revision? I mean it's going to be the SSC that takes on board the revision? I mean, like, if I think it's in the description?

Marika Konings: No, basically the charter already spells out the process and the criteria that needs to be followed. What is in the motion basically says that after they've done two selection processes, they will come back to the GNSO Council to kind of report on their experience and actually indicate, well, the charter didn't give us enough guidance or the charter was too strict in this regard.

So I think that's the idea behind the draft or interim that is a kind of trial and error. I think from those that develop the charter, they believe there's sufficient guidance in there.

But I think, also, you need to recognize is that the charter is written in a relatively general nature because there is a recognition that there are a number of different appointments that may need to follow a different path. For example, the selection process for the GNSO representative on the empowered community probably looks very different from the selection of or nomination of review team members.

So again, I think the approach that those that put together the charter took is that the charter is general enough but also specific enough at the same time to provide enough guidance to the SSC to do that, but it also specifies that for each of the appointments, they are expected to outline the process that they're going to use and the timeline that's anticipated so that can also be published for those specific appointments. So that's at least the idea behind it as I understand it.

Stefanie Milan: This (unintelligible), but then there's even a confusion about the nomination and selection. It seems like that the staff comments only selected the latest on the SSC.

But apart from that, I mean the question that I - what is unclear to me is sort of the drafting team to solve such issues, or the drafting team as proposed and then the SSC solves the issue?

Marika Konings: There's really nothing -- as far as I understand -- there's nothing that the drafting team needs to do in this regard. The drafting team recommended for a number of appointments a sort of voting threshold, and that is indeed what needs to be reflected in the bylaws or that's already part of the default thresholds, so there's nothing else that needs to be done on that.

This is just the vehicle that the GNSO Council has developed for making those appointments. Nothing changes in that regard for the bylaws drafting team. It's just that this is a mechanism that has been created to take care of that. So at least as far as I understand, there's no conflict or overlap with that.

Stefania Milan: So just to conclude and as a wrap, the things that we have - we've only reviewed 39 of the points and we have highlighted several other problems. So I would be happy to share those.

So the problem seems to be, for us, a much deeper than what you're describing now. I'd be happy to share that, but we also would be happy to go over what Heather suggested -- at least personally -- and see if there's any development.

James Bladel: Marilia?

Marilia Maciel: Thank you, James; Marilia speaking. I apologize if I'm going to ask basic questions. Sorry if I'm a little bit lost because this is one of the issues I left to other colleagues and now we are in the position to discuss.

My doubt is not about the motion. I'd like to thank Heather for the good suggestion that I think she found the solution for us to move forward and motion is in the charter itself because the version of the charter that I have --

and I apologize again if I have an outdated version. But there is a lot of (unintelligible).

So to me, going through the charter is a little bit hard to understand. We still have Option 1, Option 2, and there are comments on the side -- at least the version that I have. And I know that Susan sent proposed language on rotation that it will be interesting to see how this would fit in the charter.

And in our policy committee meeting of NCSG, if I understood correctly -- but my chair is here to correct me if I'm wrong -- two points that seem to be important to us. One of them is rotation, so we were overall happy to see this language that Susan proposed.

But another point was unanimity and I couldn't see this reflected on the charter. But I don't know what was discussed between the small group that is responsible for the drafting team, so just clarifications on the content of the charter itself. Thanks.

James Bladel: Marika?

Marika Konings: Yes, this is Marika, if I can just respond to that. Indeed, I think you actually have the redline version, we actually posted and circulated a clean version. And in that version, the only open item is indeed the membership question.

I noticed Susan sent indeed a suggestion. I don't think that has been reflected yet because I think we were actually waiting this conversation. But I'm happy to circulate like a redline version noting Susan's change -- which I think is relatively easy to fit in because there's a specific section that refers to diversity, and I think what Susan is suggesting, that's specifically for review teams, this rotation mechanism applies. So I think that could be relatively easy to fit in.

I note as well, there's one, I think, other clarification that may be helpful from the charter to really make clear that it's the Council that directs the SSC to get into action. But I think - and we're waiting for this conversation from the membership to hopefully have kind of a final version to then circulate and clarify that.

James Bladel: We have two separate discussions going on. The first is whether or not to consider the charter, and then the second is to capture the outstanding questions or open items with the charter. I think let's put the first one to bed first.

And then I think Wolf-Ulrich, you had the last - and then we're going to come back to this question because I think this is important. But I think we can't proceed until we've got this one done. Wolf-Ulrich?

Wolf-Ulrich Knoben: Yes, I would like to bring the first one to bed as well.

So what is important to what Heather was saying, so you were asking are there around because we have some (unintelligible) visit. I don't have a problem with that -- that is okay. Text to be seen.

And maybe you can also have a look to the CSC charter, so the Customer Standing Committee has similar clause with regards to a revision or review or whatever afterward, so that's it. Thanks.

James Bladel: Thanks Wolf-Ulrich. Okay, the queue is clear. Here's where I think we're landing on this one is that - and I think, Darcy, you put it fairly well earlier when you said that, you know, one of these two things has to stop moving so that the other one can have some firm ground to stand.

And I think going with Paul's analogy, you know, is it that bad that we're leaving port with a boat that's not fully constructed? I mean we're ready to start swimming for sure. You know, I think this is better than the alternative.

So I think we should proceed with this. And I think if we adopt Heather's proposal and we change the language in Resolve 4 -- as she suggested and I think Staff captured that -- then I think we can proceed -- which brings us then to the second point which is the points raised by Marilia in reflection of Susan's open questions.

So can we - is everybody okay with that first fork in the road and we can move then to hammering out the loose ends in the charter itself? Think so? I think - is there anyone who feels like they're being left on the side of the road here?

Okay, all right, so then Susan - and I don't have it handy, but Susan posted two questions. We have this question on membership; we have a question on rotation.

Yes, do you want to go ahead and speak to that?

Susan Kawaguchi: So both of the questions were in the original draft. So especially the rotation language, that was in the original last draft.

When we went through the SSR Team's Selection process, then we changed some of this draft. That language has changed so it did not include the rotation. I brought it back on as an issue because I do think that's important and I think it's important to different parts of the community here. And then it's always been a question about the composition.

James Bladel: So let's take those one by one and just because they both have the potential to blow up. Let's just randomly start with composition.

I think that we've had this debate about stakeholder groups versus constituencies and the number of members on this review team and the

number of, you know. I think that question is predicated on how this group makes decisions.

If this group votes, then that is an absolutely critical concern. But if we hold this group to a consensus -- which is similar to how we evaluated SSR, then I think that that is still a concern but a diminished concern.

I'll also mention -- and I think I mentioned it before -- that having gone through this exercise with a very small team, I'm actually in favor of a larger team. I think you get a clearer picture with more evaluators particularly when you have three or four evaluators evaluating 20 people for three positions, you start to get yourself into multiple dimensions ties, and it gets very, very, you know, very, very clumsy.

So just my personal preference would be, you know, let's grow the group, let's go to constituencies, but let's not bind this group to voting. Let's work on a rough consensus basis with the evaluation matrix that we had.

And I don't know if that's - am I going too fast on that? Am I - okay. Paul, Avri? Paul?

Paul McGrady: So with the - Paul McGrady for the record.

Avri Doria: There's actually a record?

Paul McGrady: Is there a record?

James Bladel: Yes, thanks Avri -- who's leaving tomorrow.

Paul McGrady: Motion to follow on that. But no, we - so we do rough consensus, but will there be ratification by the Council at large?

James Bladel: Yes. In all cases, the Council has to approve the slate of recommended candidates.

Paul McGrady: So if somebody around the table believes that the rough consensus process is trampling them, then it will be back to the Board or to the Council and we can deal with it then.

James Bladel: Then they could vote no, and if enough somebody feels that way, then it's back to the drawing board.

Paul McGrady: Plus one, James.

James Bladel: Avri?

Avri Doria: Okay, thank you. This is Avri speaking.

When you were speaking of unanimity, I thought that was quite cool. When you all of a sudden turned it into rough consensus, now I know what rough consensus means in some places, I know what ICANN consensus means. But they don't mean unanimity. The SCI has unanimity. So I think unanimity, the count -- you're right -- doesn't matter.

At rough consensus, then have you determined rough consensus, how many does it take. That's kind of iffy, et cetera.

So I think unanimity is cool, or I think you're stuck with the parity. But those are the two words that sort of seem to me to balance each other; unanimity or parody.

James Bladel: So I probably should not have said rough consensus. I think the PDP equivalent is full consensus.

Avri Doria: Full consensus is unanimity and that seems...

James Bladel: Is it though -- full consensus?

Avri Doria: Full consensus means everybody consensus.

James Bladel: Okay, so I just want to play this out here -- devil's advocate. If we say that this standing selection committee operates by full consensus -- unanimity -- then and that essentially means that every member of this Standing Selection Committee potentially has a veto, what do we do when we have one or two people out of, let's say, there's 12 folks on this group, what do we do when we get in a 10 to 2 situation? We just keep - that group keeps working until it gets to 12?

Avri Doria: Without wine.

James Bladel: Okay, Carlos.

Carlos Raul Gutierrez: Yes, this is Carlos for the record. I just want to recollect from my experience in the ALAC equivalent that we went through for the member of the Board, we had to have rough consensus. And the condition for the members was - well, we executed. I don't know if it's in the bylaws.

So if we had eight of ten in a meeting -- because we never had all of them that was enough -- and the rule of the members was nobody was part of the executives of each of the (unintelligible) or of the ALAC Council.

I don't know if that helps, but I think we would not have finished our work on time if we would have been under full consensus. That's just from personal experience.

James Bladel: Okay, thanks Carlos. I can go along with full consensus and I think that works. I think that there's a couple of points here.

One is that if one of the members of the SSC recuses themselves -- either because they are a candidate or something like that -- that that wouldn't necessarily, you know - it would just count as an abstention, I guess. Or if they could find a substitute, that wouldn't necessarily affect the consensus call.

And I think - yes, Marika. Also just to note, we have 11 minutes.

Marika Konings: This is Marika. Just to note, indeed, that of course, if you go for full consensus, you need to, indeed, consider the practicalities of that of having everyone vote and everyone provide input. And I think it's also worth putting out that, actually, if you look at - the bylaws drafting team actually recommended in relation to appointments and nominations, they actually recommended just going with simple majority.

I mean I think in the consideration of the CSI, there was a full consensus because there was concern of the bylaw changes or operating procedures.

James Bladel: In this particular case, the simple majority is that the full consensus recommendations come back to Council for ratification. So that's where the majority backstop is in that respect.

Marika Konings: Well the question is if the bylaws drafting team saw that these were of such a significant nature -- these recommendations for appointments -- they would have the backstop as a super majority vote at the Council. So the question if putting full consensus -- which does put kind of a stop on deliberations because it means you need to get everyone on board and that takes time.

So you just need to be aware as you consider that of the implications on the process. That's all I want to put forward.

James Bladel: Yes, and also it means that this group needs a chair. This is going to - well, yes, I mean it is. What poor sucker got that job? Oh.

Ed?

Ed Morris: Yes, I will point out that when we are looking at the drafting team, there are certain appointments that we're supposed to be voting -- literally voting -- on how structure. Now that's fine when we get to the Council.

But if we're going to impose dilatory requirements on the Selection Team, then it's going to be a very long document.

I'm fully in favor of full consensus. If we're going to deviate - I prefer to keep things by stakeholder group; I prefer to have four people plus four alternates to deal with the problem of absences. I prefer to model it on the house.

But the minute we get away from how we're balanced during Council, I get nervous. But full consensus solves that problem.

James Bladel: Okay, moving on then to rotation. Susan, would you like to introduce the topic because it sounds like we're okay with going down to the constituency level with full-consensus for decision-making. Everybody is on board with that.

Susan Kawaguchi: Is that what Ed said?

Woman: Yes.

Susan Kawaguchi: Okay, if he says yes.

James Bladel: I think so; he's nodding.

Susan Kawaguchi: I'm not listening well. It's been a long day.

James Bladel: Okay, rotation.

Susan Kawaguchi: Sorry about that; rotation. So I think we need some variation of, you know, maybe not the language, you know, that actually Ed and I proposed originally.

But, you know, just to be fair and equitable, if as we're going through, you know, in the SSR Team, we put someone from the BC, someone from NCSG and the Registry. Registry? Yes. So that left out the Registrars. So next time, we would think, "Okay, let's really look at the Registrar candidates. Do we have a strong candidate that is, you know, capable as every other candidate?" And, you know, they would get a little nudge in the favor of being in that list of three.

The other variable that we could add into that is if by luck because we don't just select three; we select seven in the hopes of it being very optimistic that another SO or AC will not use all their slots and will allow us to use their slots. So if we by chance got five, then we would hopefully pull from all the SGs. Does that make sense?

James Bladel: So yes, makes sense. And I think, you know, if I could just editorialize for a second, you know, because we've had this conversation. And the last time, it was I agree with the concept of rotation for review teams. We have three guaranteed slots, we have four stakeholder groups. Somebody is going to be left on the side of the road every time. It can't be the same group every single time.

That said, you know - yes, well yes, sure, unless it's the registrars -- dirty registrars.

Man: Why do you keep picking on the registrars? I mean come on. She is a registrar.

James Bladel: She is. The hesitation that I have with the proposal, Susan, is that you have the words like shall and guarantee, and just feel like are iron-clad words, you

know. And there may be a situation where a stakeholder group that was left out of one review team doesn't even have an applicant for the next review team.

So I feel like now what do we do? You know, I mean it feels a little weird if we - yes, Paul.

Paul McGrady: Is this still an issue? If every constituency essentially has a veto, what's the issue, right? I mean there should be something in here saying the committee will honor the principal of equitable distribution and nobody will get jabbed and leave it at that. And if a constituency thinks they're getting jabbed, then slap the veto and it will come back to the Council and we'll get it sorted.

James Bladel: Thanks Paul. That's one way I was going with this which is that you kind of soften the language. You remove a word like guarantee and you just say should and encourage, you know, should aspire to do, you know, do this.

And then the second thing would be, you know, every time the Council sends or invokes the SSC, it has to do so via motion. It can incorporate instructions into that motion and say something like, "And by the way, you know, so and so was left out last time. You should, you know, encourage you -- you know, the SSC -- to consider this when evaluating which of the stakeholder groups would not be included or something."

It seems like we can do this in a way that I think Susan wants -- which is nudging people into this and reminding folks that this is an aspirational outcome without kind of handcuffing them to it. And I think that that's one way to do it.

And I think, you know, the point we just made earlier, if everybody has a veto and somebody can point to this and say, "You left us on the side of the road again for no good darn reason, we're voting it down. And then when it comes

to Council, we're going to vote it down there too." I think that's the meltdown option -- a safeguard there.

Oh, sorry Donna.

Donna Austin: James has been ignoring me all day.

James Bladel: I am in your doghouse because of that thing at the microphone today with the Board.

Donna Austin: I raised three times today -- until he jumped the queue to get ahead of me. (Unintelligible).

James Bladel: For the record that we now have, I apologize for jumping the queue in the Registry/Registrar Board.

Donna Austin: Thank you James; apology accepted.

I don't have a problem with the principal of this, but I do want to qualify in there that the candidate has to be considered suitable, right. So there has to be something in there that it must be a qualified candidate. We can't just go appointing somebody because they missed out last time; if they're not qualified, they're not qualified.

So I don't have any problem in principal with the rotation idea, but I do want to make clear that, you know, the candidate has to be qualified for the job we're trying to fill.

James Bladel: Thanks Donna; absolutely. And I think we can probably put the language -- when we soften the language -- we can say something like, you know, all qualifications or competencies being equal.

Yes, Ed, go ahead.

Ed Morris: Yes, I'm with Susan. I actually like the hard language that she proposed initially for this reason.

We're a group of four stakeholder groups. Now for whatever reason on review teams, you skip over somebody two times in a row, that's not good. Could it happen? Yes, Paul brings up unanimity. Well, that's just for the selection committee -- which obviously - fine. They put the candidates up there. What are the criteria?

When it gets to Council, I'd like to have the ultimate outcome that no stakeholder group is going to be passed over. And I've got to go back to the SSR that we were on, and I appreciate what Donna said.

But quite frankly, if we did not consider stakeholder group composition, we would have recommended -- at least I would have recommended -- a different team. We've actually used stakeholder groups to determine who was on our recommendation for the last selection.

And so I want to make sure - and I like the choices we came up with. But I want to make sure we continue to do that.

James Bladel: Thanks Ed. And I think -- just if I can respond -- I think that some of that would have been resolved by a larger pool of reviewers than what we had. I think we were stuck to some extent.

So, Paul?

Paul McGrady: Well, and what's happened tonight is I think it's evolved to a better place which is not only is it, you know, the idea is to draw from the four stakeholder groups, I guess, although those are fairly arbitrary constructs. But if each constituency has a veto, then if that constituency is being hosed over by its own stakeholder group, it has the ability to stand up for itself.

So since everybody is on equal footing, I just think this rotation thing is going to work itself out because nobody is going to want to bring everything to a halt.

So I mean I don't mean - it's not just because I'm supposed to leave for dinner in one minute, but I mean I think that we've solved the problem, and we keep, you know, I think we can wrap a bow on it.

James Bladel: Okay, any other speakers on this? I think we can - I've got a dinner too, Paul.

So here's what I think - you know, Marika, Emily, are you capturing all this? I think we've got a good place or at least a good starting place for us to start our work tomorrow.

Yes, Marika.

Marika Konings: Yes, this is Marika. I just need a clarification on where we stand with membership because I didn't catch that. I'm trying to keep up with changing to the charter based on the discussions so far so I can send that out after this meeting to make sure that that captures what was discussed here, but I'm not clear yet on membership. Or are we still getting there?

James Bladel: So I think that we had decided that we would have one member per constituency. Oh, this is a good constituency. We have one member per constituency, but we also had the three chairs.

And do we count against that? So am I automatically the registrar, is Donna automatically the registry?

Donna Austin: Pull the chairs.

James Bladel: Pull the chairs out of it?

Donna Austin: Sure because we get to sit in our respective seats.

James Bladel: You want to use the mic there so that we get you recorded?

Donna Austin: We want to keep this thing small enough that it can do its work, large enough that we have some alternates if people can't participate. And one of the easiest ways to do that is to reduce some numbers to handle that concern.

There's no reason we have to duplicate the chairs. If our respective communities want us to fill the seat for our communities, that's great.

James Bladel: Okay so then that would be - but then - hang on, Marika. But that would be - each of the - so registries, registrars, IPC, ISP, PE, BC, NCSG and NCUC and NPOC, okay. But hang on Marika.

Then we would also like, I believe, the three NomCom appointees to select from one of them; that seems reasonable not to leave them out, okay. And then that brings us to how many?

Man: Eight.

James Bladel: Eight; that's a good number. Okay, Marika is - then everybody in Staff is going like this right now.

Marika Konings: No, no, no. I just want to get it clear. So basically, it's one per stakeholder group on the Contracted Party side; one per constituency on the Non-Contracted Party side; one NomCom appointee.

James Bladel: Correct, and every one of them has a veto. This is a committee of sovereigns. So they better be really nice people that all get along.

That gets us to two, three, four, five, six -- six. Registry/registrars? IPC, ISPC, BC -- there's your five. Two, NCSG and NPOC. And NomCom -- eight.

((Crosstalk))

James Bladel: No, she can't - yes.

Marika Konings: If I can just ask one more question. But we keep in the alternate approach so that each appointed member also has an alternate that only participates when the member can't be there.

James Bladel: Okay, I - you know, at the risk of being, you know, smoothing over some of those important details, I think if someone wants to recuse themselves, I don't know it's necessary to name an alternate. It's just that that person needs to find an alternate if this SSC is invoked and tasked with filling a sleight of recommended delegates, and they can't participate, then they have to find an alternate. Rather than having standing alternates, it's kind of just as needed.

Tapani?

Tapani Tarvainen: Just very fine just being on NCUC and NCSG, as they are both constituencies -- NCSG is stakeholder group, NCUC is constituency and NPOC is constituency.

James Bladel: You got two, Tapani.

Tapani Tarvainen: Yes, but anyway.

James Bladel: You've got two.

Tapani Tarvainen: But NCUC and NPOC, or NCUC and NCSG, or what because NCSG also has members or a member of another constituency.

James Bladel: I'm sure you guys will figure that out.

Tapani Tarvainen: So basically, again, two are stakeholder groups, (unintelligible).

James Bladel: We're going by constituency, so if you have folks that are not part of your constituency -- they are in a stakeholder group only -- then you have to decide if you want them to represent one of the constituencies.

Tapani Tarvainen: Oh, so it's up to the stakeholder group to figure out (unintelligible).

James Bladel: I guess so. I mean - if we solve these problems, then we have to bake them into a charter and then become a lot more permanent. I guess we're giving you flexibility and I think that's the key is this group has to be flexible because one day it's going to be filling an empowered community representative, the next day, a review team, and the next day a CSC liaison. It's going to have to be a little more agile than what we're making it.

We're trying to build a blueprint, you know, for a 747, and we just want a hang glider right now.

Ed Morris: But James, there's a problem here. That disenfranchise is a considerable number of people who are in and out of the constituency by choice. So we do have a considerable number of people who are in the NCSG -- not in the NCUC, not in NPOC. Cheryl here, she's one of them for example.

And so what do we do? What's - it doesn't affect me. Well, it does; I'm an NCSG councilor. What do we tell the people? What does Tapani do when he's up for election and they say, "Hi, you have these appointments and we have no say of them," because that's the danger when you move away from stakeholders.

James Bladel: We're giving your stakeholder group two seats on this SSC.

Ed Morris: No, you're giving the constituencies.

James Bladel: No, hang on.

Ed Morris: You want to give them by stakeholder group, that's something different.

James Bladel: Ed, just a second. We're giving your stakeholder group two slots on this to represent the two constituencies that you have. How you divvy them up is an internal.

Ed Morris: So let's make sure we're very clear in the language that we're going to divide it by stakeholder groups. So I guess under this master plan, the CSG gets three seats, we get two -- the one on the other side.

In other words, we don't - if the language we're saying, "Each constituency gets one," it creates a problem for us. If the language says, as we said, we'll be fine with that -- if it goes to the stakeholder group.

James Bladel: Just a reminder, every single person on this has a veto. So, (unintelligible).

Stephanie's hand almost knocked the lights off that raft up there above her head.

Stephanie Perrin: I would argue that our - Stephanie Perrin for the record - that our non-affiliated NCSG stakeholders -- such as Avri here on my left -- represent a different constituency, so we should get three. Thanks.

James Bladel: Not going to get three. This is NCSG stuff spilling over now into Council.

Ed Morris: Well, James, how are we to explain to the people we represent that the commercial folks get three reps and we have two. And it's not so much the people within our constituencies; we have a considerable number of people --

perhaps a quarter of the size of some of the other constituencies -- that don't belong to either.

James Bladel: So you have a stakeholder group - let me see if I got this right. You have a stakeholder group that has two constituencies, but there's a whole bunch of people in the stakeholder group that aren't (unintelligible)...

((Crosstalk))

James Bladel: ...that you want treated as if they were a third constituency.

Ed Morris: I haven't proposed that; Stephanie has. I haven't thought about it. But it's really...

James Bladel: So you want Constituency A, Constituency B, and non-affiliated constituency.

Stephanie Perrin: Correct.

James Bladel: Paul?

Stephanie Perrin: I would be fine with that. The BC is fine with that if this doesn't set a precedent for other things. If in this case, you put a hand across, it's a selection committee with everybody having a veto -- if that makes sense.

James Bladel: Okay, CSG folks are saying - Paul?

Paul McGrady: Yes, with one caveat that in the event the system breaks down, what doesn't happen is that we take away everybody having a veto. We don't mess with the definition, right.

James Bladel: Oh yes. If we change the way this group makes decisions, then all of this goes out the window.

Paul McGrady: Fine. But otherwise, three, three, two.

James Bladel: Well one each.

Paul McGrady: One each, right.

James Bladel: I'm watching people fight for two to three. It's like...

Paul McGrady: Because if everybody is on equal footing and at the end of the day nothing can happen unless everybody agrees, who cares.

James Bladel: Yes, okay. So three, three - are we capturing this? Yes, NCA...

Marika Konings: So just to confirm, are you fine that I write it in the charter as one per stakeholder group on the Contracted Party side, three per stakeholder group on the Non-Contracted Party Side.

James Bladel: And one per NomCom appointees.

Ed Morris: I think you'd have to say constituency. I think we need to name the specific constituency so that there is no question later because what I don't want to do is have people go back to their stakeholder groups and their, you know, power grab at the lower level.

James Bladel: Yes.

Ed Morris: Let's write out - but they did say...

James Bladel: (Unintelligible) they have two constituencies, but they need three.

Ed Morris: So then you will name one for the NPOC, one for the NCUC - no? Heather is saying no?

Heather Forrest: Write it out one for the BC, one for the IPC, one for the ISPCP, three for the NCSG, one for RY and one for RR.

Ed Morris: I will note, in the bylaws -- the ICANN Bylaws -- the three constituencies on the CSG are mentioned. The NCSG constituencies are not mentioned, so this proposal is consistent with that.

James Bladel: Okay, great. I think we have a place if Marika and her team have been able to chicken-scratch all of this down. I think we are at a place where we can go forward.

And again, this is all going to be reviewed here shortly, so if it doesn't work or if it falls down -- to Paul's point -- we may be back here in May, you know, revisiting. But let's try it.

Woman: And that's fine, it's not a failure.

James Bladel: Right, so we've got something and we're in better shape than we were when it was just three of us going through resumes.

So this is Agenda Item #4. If I'm not mistaken, everything else is a discussion point. The other items that might be a little bit more spirited would be we have an update from CCWG-IG. They did produce the document that we asked them to bring to Copenhagen, however, they missed our document cutoff. So I don't believe anyone has had an opportunity to review this.

I don't know how much of a discussion we can have but we can give it a shot and maybe move it to April.

Agenda Item #6 is the CCWG on the Implementation Review Process. We have to talk about this for a little bit. We're going to kick this over to the SSC when that thing is born. It's going to cut its teeth on RDS and this one.

We have - and then Item 7 is a request on the letter from the Thick Whois Implementation Review Team. I think what we're looking for here is a discussion of the letter, what we want to do with it, when we want to do something, what the scope of that something should be. Let's get all those things hashed out and let's have a plan going forward.

And Item #8 is a meeting with GDD. Do we have a list of topics for that, Marika?

Marika Konings: Yes, this is Marika. We circulated their slides earlier today, but (unintelligible).

James Bladel: Okay, I haven't seen them yet, so I'll take a look at that. Everybody, if you have chance, take a look at the GDD slides.

And Item #8 is the joint discussion with - or sorry, that was it. And then Item 9 is open-mic and AOB.

Yes?

Ed Morris: We've got to get organized in the budget. First deadline is actually March 19 for requesting information. So sometime, perhaps there...

James Bladel: Which part?

Ed Morris: We did small groups in the past to comment on the ICANN budget.

James Bladel: Oh, to comment on the budget, okay.

Ed Morris: Yes.

James Bladel: Yes, definitely. I thought you meant submit our request, but I think we did that already. Yes, okay.

And then I think we also wanted to talk - there was one other thing. I'm blanking on it. All right, maybe I'm - oh.

Probably need an update from the Empowered Community. We had our first meeting here and I'd like to relay a couple of thoughts. I will tell you that it was a lot of wheel-spinning, let's say. Let's say preliminary laying the groundwork on how we're going to conduct our work in the future.

But really, we do have two items that we have to take a look at. One is that that is expected to approve the budget. That group had some discussions about how they will be acting, and I think I have the easiest job in that I have always assumed that as the EC Rep for the GNSO, I don't do or say anything unless this Council tells me too. They have other - other members maybe have more stuff they have to work out, so I bless them to it.

But in Johannesburg, there will be a discussion about the second item which is some changes and proposed changes to the bylaws -- which will require the Empowered Community to sign off on those. And I haven't even cracked that open, but I just wanted to give you a preview that that was coming.

So that's our agenda. Stephanie?

Stephanie Perrin: Thanks; Stephanie Perrin for the record. Just on Any Other Business Item, the Data Commissioners and the Special Rapporteur that were here would be interested in coming to Johannesburg.

We will be going through the same sort of rig-and-roll that we went through this time; they need a sponsor, they need someone to invite them, et cetera, et cetera.

It seems to me that the GNSO is more likely to be interested to hear from the Data Protection Commissioners and take them up on their offer to provide practical advice about how to reach the sort of middle point -- the balance.

Certainly, the RDS PDP might be, but that's under the GNSO -- rather than go back to the GAC -- who I believe have a mixed reaction.

So I just would like to raise it as an issue. I'm not going to wait until the last month before Johannesburg, but - and perhaps if you don't want it raised at the public meeting, we won't raise it. But I just want to alert everyone to that. I'd love some supporting umbrella. Thanks.

James Bladel: Let's talk about it tomorrow. I don't know that I have an answer tonight. But if we could work with the GAC, we should. But I think what you're saying is we shouldn't wait for them.

Stephanie Perrin: I suspect it may be problematic. I may be a worry-wart, but I haven't seen a whole lot of positive. And I did have a word with (Nigel), and he felt maybe the GNSO might be a lot quicker, you know.

Donna Austin: The Contracted Party House might be an easy touch too, Stephanie, so we can talk about that.

James Bladel: And one other though is I think Heather and Donna and I, during the Council meeting, all you all an update on our discussions on Red Cross and IGO - the facilitated discussion for those of you who weren't there.

The good news is I think we made some progress on some of the issues, and we have a past forward particularly with Red Cross. The bad news is I think we're stuck as we ever were on some of the other issues.

Yes, and we were able to operate within the constraints of our process -- at least I believe so.

Okay, everybody have a great night, great dinner. See you tomorrow. Thank you. Thanks for sticking around a little later.

END