

**ICANN
Transcription ICANN Copenhagen
Motions and Prep
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James Bladel: Okay. Well let's start with this one since it's queued up. We have the charter for the Standing Selection Committee, and this has been a topic of discussion. Well first off, we should say thank you to Susan and Ed for -- where is Ed, we've lost Ed -- but thank you for your work on this. And of course we used an ad hoc version of the - this process to fulfill one of the recent review teams.

The queue for review teams and liaisons and representatives is starting to build so that we can look out and it looks like planes, you know, at a busy airport all wanting to come in for a landing. So the sooner we get this Standing Selection Committee stood up, chartered and organized, the better.

I think that we've already previously discussed that our goal would be to charter this organization here in Copenhagen with - and then have it self-organized between now and the end of March so that it can fill the -- which one is next, RDS, RDS review team -- so that it can fill that and start evaluating those applicants and make some recommendations for April.

The charter has been posted again. We've had a significant discussion about how much the selection committee should be prescribed to reflect balance and representativeness of its selections and how much we should allow it to exercise judgment and flexibility to fit the particular positions and the particular roles, knowing that whatever it comes back with has to come back to the council and be ratified. So that's the motion, that's the charter.

There hasn't been much discussion on the list on this topic here lately and I was kind of hoping that we would hash out all the controversies before we all got on planes for Copenhagen. I guess maybe we did and I just didn't know it. But anyway, we've got a queue coming now so let's just kick this one off for discussion. Paul?

Paul McGrady: Hi. Paul McGrady here. Just by way of head's up, our reaction to this is that it still seems to concentrate a lot of decision-making in artificial constructs of stakeholder groups rather than at the constituency level. And this is an old song and dance from the IPC that you hear all the time on a lot of different issues. And so we are going to be discussing this as we meet but I just didn't want to, you know, not convey that it is in fact still a topic for us and I'm hoping to get solid instructions on what's up. Thanks.

James Bladel: Thanks, Paul. Heather?

Heather Forrest: Thanks, James. I just thought I would mention that we did actually talk about this in the joint CSG registry stakeholder meeting that we had yesterday, looking at Susan. That was the meeting in which I wasn't sure where we were. But I know I sat next to Keith. Keith, you can verify that I was there. Good, excellent. And I do know what to wear in Copenhagen now.

I wanted to make a note that we did talk about this in our meeting yesterday and I thought we had quite a fruitful discussion. I think we had the opportunity to air the concerns that Paul raised with our colleagues from the Registry Stakeholder Group and explain sort of the basis for those. And,

Donna, in that session I did raise your concern about the size of the Standing Selection Committee and how the impact of coming out of that let's say artificial construct and working on a constituency basis might impact that.

And there were some constructive suggestions as to how we might do that. Let's say that we have an ability to manage both concerns. One is the representative nature of that thing and the other one is its agility and its ability to get on business. So I just wanted to, you know, for the record make it clear that I did air those concerns that you had. And as I understand it, what I said yesterday, and to the extent that I'm wrong, this is a great opportunity to correct me so that it's on the record, I haven't heard in this context any concern in relation to coming from others, from contracted parties certainly, about our concerns about representation.

The concerns that I've heard so far are about operation of the thing to make sure that it's not so big and so unwieldy that it can't do its job. So I took some heart from that. And I would like to think maybe one of the options that we have is the difference between the two, as Wolf-Ulrich very happily helped us with the numbers yesterday, it's the difference between 8 and 11 people essentially.

And to the extent that we have some flexibility in, for example we've got three positions sitting there for council leadership as ex-official members and we have the NomCom appoints in there too. I think it's important to have that broad representation. Maybe we're the superfluous ones there. And if that helps the community achieve the aim that it wants, then I think that's a brilliant compromise. There's no necessary reason for all three leadership members to be on the thing, and that seems to achieve both goals. So thanks.

James Bladel: Thanks, Heather. Susan?

Susan Kawaguchi: Thanks, James. Susan Kawaguchi for the record. Unfortunately, Heather, I was at the RDS session so I missed the CSG meeting yesterday. So I - no, no, no I just thought that was interesting to hear that there was a discussion and it also came to mind, you know, in my thinking that, you know, already, you know, by putting the leadership team, which I think is valuable input, you know, you have three representatives from groups, either constituencies or, you know, groups in the - on the council.

So, you know, either we count you as members of those - from those groups or, you know, maybe just put one of you on or something, you know. I mean I think there's some variables there. I still think having more is better than less because of that uncomfortable situation we got into in the last round. And everybody gets busy. Things get, you know, not everybody can make every single meeting that they've signed up for. So I still would like to advocate the BC's position is that for this committee that we go to the constituency level and appoint somebody from each constituency.

The other issue that I think is important is the rotation. And I know that we, first and foremost, we really want to advocate for the best candidates but I do think that representation on the review teams -- and this is for the review teams only, not for all the other positions that might come up -- that we do really in some way pay attention to who is selected, where did they come - what groups are they representing, where are they coming from in the community.

So I would really advocate that we continue with the language in the original document about the rotation and figure out the best way to do that. I mean we've had a -- at least in the last few rounds here -- you know, there's a lot of candidates to choose from. So I don't think we're going to have a problem finding a qualified candidate that fits the criteria of the rotation of the groups they are coming from. So I just want to make sure everybody understands that point.

James Bladel: Thanks, Susan. Next up is Wolf-Ulrich.

Wolf-Ulrich Knobon: Thanks. Wolf-Ulrich speaking. Well thank you. I can only join and repeat what I've already said in the last meeting when we discussed that already. So our position of the ISPCP is very clear. We have these concerns, as were outlined by my colleagues from the CSG with regards to that presentation. And so (unintelligible) clear, we would like to rely on that representation by constituencies.

We some, with regards to Donna's point, we see some flexibility in the composition of this standing committee with regards to the GNSO chairmanship here representation. So that is on this basis we should discuss that. But on the other hand, so we would opt for the option two, which is in the charter. In addition, I have only one open question for me is with regards to the representation of the NCA. Why is it the non-voting NCA has been chosen and not one of the other NCAs? So that was an open question to me. Thanks.

James Bladel: Thanks, Wolf. I'm next in the queue but I'll try and take a swing at your question. I think it was because that the - not necessarily to leave out the other NCA reps but to recognize that one of the non-voting NCA appointment - appointee doesn't have a house, is sort of homeless, and therefore was being sidelined by the process. So by explicitly including them, they would be included. The other NCA reps would be potentially available as candidates from the other houses, so the other constituencies.

So I had two points and I think -- by the way I'm not receiving a whole of direction from my stakeholder group on this -- but I agree with Susan on the first part. I think more is better and I think this probably addresses Paul. I don't know that there's whole lot of concern with a smaller group versus a comprehensive group.

One of the things we found when we went with a small group to try and work quickly is that with a large slate of candidates and only four people expressing, you know, votes or ranking or preferences or whatever, you can actually run into a situation where you get into a four-way tie every single time. So the larger the number of people evaluating the application, the more likelihood that you're going to coalesce around, you know, a top two or three candidates.

So I think larger is better. I'd like to see, you know, I think as Heather pointed out, really if we're just talking about the difference between 8 members and 11 members, I'd like to see us err on the side of 11 members. I think that the issue of rotation is a little trickier. You know, we have three guaranteed seats on review teams. We have four stakeholder groups. Somebody's going to be left out each time. How do we protect against it being the same stakeholder group each and every time?

And I think that's a concern and I think it's something that we should look at. But I do believe, and I feel pretty strongly, that's the responsibility of the council and not necessarily the review team. Because I think including that as a factor in review of the application might diminish or discount applicants that are coming from the wrong constituency this time around. And it's going to be so situational, depending on which review team we're talking about.

Different review teams are going to draw from different pools of experts and, you know, you would hate for, just by a quirk of the scheduling, to come up with a review team where you really need some expertise and then the only applicant you have is coming from the house that's supposed to sit this one out, let's say. So, you know, it's a complicated issue.

I would rather see language that encourages, spells out the problem and lays out the concern and then encourages the Standing Selection Committee to take it under consideration wherever possible but not to necessarily make it a disqualifying factor and leave that to the council if it becomes an absolute

deal-breaker if somebody is saying, "Hey, you know that's the third time in a row our stakeholder group's been left off a review team and we just can't go forward with this slate" or something like that.

But I'm 100% with you, Susan and Paul, on the size of the group on the first question and the representation of the constituencies, it's that rotation part that I think starts to look like we're tying their hands a little bit. So that's my piece. Next up is Avri.

Avri Doria: Thank you. Avri Doria speaking. I guess I'm slightly troubled by it and believe there may be some problematic precedents in it. I generally believe in the notion of parity, which we get by having stakeholder groups participate as opposed to constituencies, where there is no parity. I'm also concerned from an NCSG perspective in that we have members of NCSG that belong to no constituency, they just belong to the stakeholder group. And therefore to say that only constituencies participate is to leave out those folks.

NCSG's charter is we are a stakeholder group. We happen to have constituencies too that many people can join. They can join both, et cetera. But it's a stakeholder group and there are people that join just the stakeholder group so therefore we leave them out of the equation. I think it's fine on the NCA that they pick the one that's houseless. An alternative that used to be used when I was an NCA way back is that the three NCAs among themselves pick who's going to do what thing at what time, and it actually gives them a little bit of cooperation and taking turns doing things, though they are not a stakeholder group or constituency.

So I don't think larger size versus smaller size is a problem so much, but I do worry about parity. We have parity at the council level, even though it seems like we have fewer numbers because of the voting scheme. So that gives the two houses parity. But even though it's none of my business that the other house is not equal necessarily, I just see a problem with not sticking to a -

either a stakeholder version or something other. So it concerns me. Thank you.

James Bladel: Thank you, Avri. Next is Susan.

Susan Kawaguchi: Thanks, James. Susan Kawaguchi for the record. So back to the rotation issue, I was wondering if - I would be a little hesitant in not having some pretty strict guidelines on the rotation for the standing committee or the selection committee because then they would maybe say, you know, "Here's our selection" and then the council could then push back and, you know, there'd sort of be a lot of churn going back and forth.

What we might do is also take into consideration the ability of the review teams to select experts. So therefore if we sort of go back and, you know, we select three candidates but then a fourth stakeholder group actually has somebody put on the review team as an expert, we count that as part of the rotation or something. So there are some variables that we might be able to put in this and make it fair and equitable.

James Bladel: So just a response, I like the concept but having lived through the experience of bringing this all together with the other SOs and ACs, I worry that in practice that we wouldn't be able to then insert our fourth person as an expert with the larger - with the other communities.

Susan Kawaguchi: Well actually the review teams have the option, at least the RDS one, will have an option itself to pick an expert and then that's the role. They may pick somebody totally out of the community but they may also come back to the community and say, you know, this person had applied, was not chosen by GNSO Council, but we still want them on the team. So, you know. And then...

James Bladel: So if that happens, that should count towards the rotation?

Susan Kawaguchi: It's just a suggestion, you know, for a thought that we could think through, really. I have not thought it through. And the other thing is the other four, because we come up with seven choices that you then take forward to the SOs and ACs and if by chance got lucky the next time and somebody said, yes, yes, take our two seats or something, then that would contribute to that rotation also.

James Bladel: I have Greg and then Heather and then I think it's lunch. So let's go Greg, then Heather.

Greg Shatan: Hi. Greg Shatan for the record. And just to say that on the subject of the size and composition of the standing committee that parity is a laudable goal and an achievable one but it shouldn't come along with a dose of disenfranchisement. And that the council has managed to have direct representation of constituencies, along with what we'll at least call for the moment parity, and so there's at least every group is directly represented and then enfranchised.

I think there are ways to approach the size, composition, voting efforts of the standing committee in the same fashion in order to allow direct representation. The CSG and the NCSG have organized - are organized very differently and that could - should both be able to be accommodated in the system. The CSG has no members, it has not policy, it has no chairs, it's merely a voting algorithm, as my friends on the council like refer to various things.

So it is a shallow - it does not represent anything or anybody so there is no CSG representative of anything. That, you know, that can be overcome through mechanisms similar to those that take place on the council but the important thing is that a seat at the table is a seat at the table and not sitting at the table is disenfranchisement. Thank you.

James Bladel: Thanks, Greg. Last up on this is Heather.

Heather Forrest: Thanks, James. Heather Forrest. I'm about to do what the person who sits in my role as vice chair for the Non-Contracted Parties House, which is really a very disparate group, let's say we're talking about the disparate interests in the CSG, if we add the NCSG into that, we really have a very broad range of interests here. And the challenge in this role is speaking on behalf of all of those. So I hope that you will all take my comments in that spirit. I'm thinking about the council as a whole and our interests in the Non-Contracted Party House and how we try and move forward on this.

And I would like to try and make a suggestion. We pointed out a problem, and I think we're very good at pointing out problems and not so good at pointing out solutions. I wonder if we can do this. We have things within the work that we do, we have other aspects of council, for example things like electing vice chairs and this sort of thing, where we allocate tasks to the house, the houses. And I wonder if we say that we allocate a certain number of positions and we work on this on the basis of number.

Because that has been, let's say, a significant concern that we had: how big is this committee. We allocate a certain number of positions to each house and the house then works out, within itself, how it wants to allocate those positions. Now I say that, let's say, fairly nervous because we as a non-contracted party house have a lot of trouble when it comes to agreeing within ourselves, so I realize what I'm saying here. But is that something that we, to the extent we have the numbers in place that we know we have representation within that, can we all agree within the house to do that? Does that handle the concerns that have been raised? Thanks.

James Bladel: Thanks, Heather. I think that's an intriguing proposal. I see your hand up, Stephanie, but I do want to close this off. And I think I have an idea on how we can go forward and take your suggestion and proposal on board is that we have a couple of things. We have this draft charter. Well obviously we've identified a couple of areas that are still open-ended questions. We - it's on

our agenda for Wednesday. It's the only motion that's outside of our consent agenda.

So my recommendation is I'm imagining on Tuesday that we're all meeting with our stakeholder groups and constituencies and I imagine on all of those meeting agendas there's some sort of a council update slot where we kind of talk about what happened over the weekend that you would raise this issue then with our stakeholder groups and constituencies, point out your concerns, and try to faithfully represent some of the other ideas that maybe you don't necessarily support but what the other interests might be around the table.

And then that we would try to mark this up both on the list and in our prep session on Tuesday so that we can move towards Wednesday with some idea of whether or not this is even viable to pass. And I do want to point out, and I think it's worth emphasizing that this group is tasked to come back after its first selection, which will be in mid-April and ask the - tell the council how it's working or how it's not working. So this can be an iterative process. We don't have to get it perfect the first time. We have to just get it functional the first time and say okay here's what worked, here's what didn't work, kind of what we did with the SSRT - SSR2 RT.

Yes we do kind of have to get this done, as Heather's noting. We did say that we had a contingency plan, which is we'd go back and do it the same way we did with SSRT but I don't think we want to do that. And so I guess what we're trying to avoid, we're trying to avoid a deferral, we're trying to avoid a no vote. We'd like to see some form of this charter that closes these gaps on these questions of representativeness and how large the group needs to be and what its mechanism for making decisions, and all of those things, if we can close those gaps so that we can get something that we can pass on Wednesday, I think that is the ideal solution.

So please use that opportunity tomorrow - sorry, Tuesday, with your stakeholder groups and constituencies to really hash out these concerns and

bring those back to our prep session on Tuesday so that we can kind of hammer out some bridges. Because I think the fallback position - I know Susan doesn't want to do it probably over spring break and Ed's not here, so we can just make Ed do it all. But I don't think we want to do what we did last time. It was a lot of late night calls and a lot of plowing through documents, and we want to make sure all the applicants got a fair shake and that meant a lot of reading. So.

So let's give that a shot but, again, emphasizing to your groups that this does have a built-in mechanism for self-correction in that it will come back to Council after this with its recommendations and saying here's what needs to change, we ran into this problem we ran into that problem.

We had one other item on our consent agenda and I don't know if it needs a whole lot of discussion. As many of you note that the GNSO-appointed co-chair to the CWG on auction proceeds, Jonathan Robinson, stepped down or is stepping down, pending our appointment of a successor. The only other SO or AC that has appointed a co-chair to this group is the ccNSO, which has appointed an interim co-chair. And the result of that meaning that the GNSO-appointed co-chair does a lot of the work -- most of the work -- on this.

The bad news is that we only received one expression of interest as a possible successor to Jonathan. The amazing good news is that it was (Erika), who is also - was one of the in her capacity for the board was one of the co-chairs of the drafting team that originally kicked off this effort so has extensive experience and expertise that could be brought to bear on this issue.

So that is what we have on our consent agenda would be to approve (Erika) as Jonathan's successor, as the GNSO-appointed co-chair. If anyone has any discussion of that consent agenda item or wants to see it moved from a consent agenda to an actual motion, then that's something that we should

also discuss in our prep session. But otherwise if there are no concerns, I would recommend that we move forward with it on our consent agenda.

And that - those are the only two items, hot-button items that we have for our meeting on Wednesday. Are we getting really good at this apparently, I mean compared to Marrakesh. Okay. So with that, let's move to a lunch break. Here's what I would ask, a couple of things. We have to prep for our meeting with the board, which is coming fairly quickly. We have lunch in the back of the room. I would ask, you know, and if you're heard it before but please allow the councilors to go and fix themselves a plate and come back to the table.

And we'd also like the table if folks aren't here with the council or the board -- I think everybody's pretty much here with the council or the board, oh yes, staff, you guys -- that we make as much space as possible for our board members when they arrive. And then once that's all settled then please everyone else please help yourself to some lunch. Okay? So with that let's try to reconvene here as quickly as possible but certainly no later than 20 minutes before the hour. Thank you. And you can pause the recording.

END