

**ICANN Transcription
Standing Committee on Improvements Implementation Subteam B
Thursday 11 February 2016 at 1700 UTC**

Note: The following is the output of transcribing from an audio recording of Standing Committee on Improvements Implementation Subteam B call on the Thursday 11 February 2016 at 17:00 UTC. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record.

The audio is also available at:

<http://audio.icann.org/gnso/gnso-sci-11feb16-en.mp3>

Attendees:

Angie Graves – BC - Primary
Anne Aikman-Scalese – IPC – Primary – Chair
Lawrence Olawale-Roberts – BC – Alternate
Sara Bockey – RrSG - Primary
Wolf-Ulrich Knoblen – ISPCP – Primary

No Apologies

ICANN Staff:

Julie Hedlund
Mary Wong
Michelle DeSmyter

Coordinator: The recordings are started.

Michelle DeSmyter: Great. Thank you, (Lance). Good morning, good afternoon, and good evening. Welcome to the SCI Sub Team B call on 11 of February at 1700 UTC. We do have on the call today Lawrence Olawale-Roberts, Sara Bockey, Wolf-Ulrich, Angie Graves, and Anne Aikman-Scalese. We have no

apologies. And from ICANN staff we have Mary Wong, Julie Hedlund and myself, Michelle DeSmyter.

I would like to remind you all to please state your name before speaking for transcription purposes. Thank you and over to you.

Julie Hedlund: Thanks so much, Michelle. And, Anne, I can't remember what you were saying when - I think I missed what you were saying before we started. Did you want to chair the meeting?

Anne Aikman-Scalese: No the problem is I'm asking to see if someone else could chair this particular meeting because I'm really at reduced capacity here in terms of brainpower. My head is full of congestion, I've been coughing quite a bit. And so I was hoping that someone else could step up for this particular call.

Julie Hedlund: Okay. Thank you. Well I'm sorry that you're not feeling well and certainly do understand. So Angie, Sara, Wolf-Ulrich, would any of you like to step in to chair the call today? And this is Julie Hedlund.

((Crosstalk))

Wolf-Ulrich Knoblen: Well, Julie, well it's Wolf-Ulrich speaking. So I'm - I'm - well I'm also sorry to hear your voice in this regard, Anne, well and also I'm not prepared, well, to chair the meeting, well. But I could do that, well, but just for a little bit more than half an hour I say - I have written to you if that is okay to you, I would do that.

Anne Aikman-Scalese: Sounds good, Wolf-Ulrich.

Wolf-Ulrich Knoblen: Okay.

Anne Aikman-Scalese: Fine with me.

Wolf-Ulrich Knoben: Hello? Who was that?

Anne Aikman-Scalese: Yeah, this is Anne. I'm sorry, I said that's fine with me to just go a half an hour and maybe deal with just, you know, one thing.

Wolf-Ulrich Knoben: Yes. So okay it's Wolf-Ulrich speaking. So let me just start a little bit (unintelligible) what we have done so far. And Julie summarized in the notes on the last meeting. We had reached a conclusion on that question whether a new Council member should be eligible for Council chair as well as for vice chair, I think as well, yes. And we agreed that they should be eligible for that. So that is fixed.

And what has to be checked, I understood, is on the one hand how shall we deal with the procedures in this regard, the formulation of the procedures. There has been a suggestion by Julie, by staff. And the other question was if we are in need also to modify the bylaws in any way to that or not, that was just the question because I understood it's going to be checked by Julie then.

So let's - we could start first with that, with the suggestion on the text for the rules and come up with that. And then we could go through the other questions which have been put up to the table coming from the mandate we have been given from the GNSO. And go through those questions point by point and think about what would - how can we deal with those questions. And then I think one bigger point is - as I understand the whole thing is related to a timetable, a timeline.

We may start to discuss and with regard to the election. So with all the milestones and activities which have to be - we have to take into consideration with regard to those elections.

So if there is no other proposal I would like to just to start with the first point with that proposal of the - of modification of the rules. And Julie, could you just repeat because I can't see that or I can't find it just immediately here on

the screen what your suggestion to that. Please, could you just tell us, that was...

((Crosstalk))

Julie Hedlund: Yeah, this is Julie. And you are referring to the consensus on the last call concerning the incoming councilors and continuing councilors should be eligible to stand for chair and the language that was proposed for that. Is that correct, Wolf-Ulrich?

Wolf-Ulrich Knoben: Yes it is. I'm just looking for the language which I can't find. And I'm asking you, well, if you could help us here.

Julie Hedlund: Indeed. Thank you very much. This is Julie Hedlund again. I have put the language that was captured in the notes that Mary took into the notes screen. It's on the right hand side of the Adobe Connect room. But I'll put it in the chat room as well and I'll read it off here.

The possible change was to read, "A candidate for GNSO Council Chair does not need to be a member of a house but must be a continuing or incoming member of the GNSO Council."

And there was a note associated with this language that we should consider how this might affect the stakeholder group/constituencies respective timetables for nomination and voting-in of counselors with a view towards informing the Council/community without necessarily importing specific timetables for SG/C elections into the procedures.

Wolf-Ulrich Knoben: Yes, thank you, Julie. So that's fine. These two questions with regard to the formulation the phrase itself and then the follow up question regarding that. Julie, I'm just wondering to complete our, you know, the - what we are talking about, do we have available the present - what is in the rules at present with regards to the Council membership here?

((Crosstalk))

Julie Hedlund: Yes, this is Julie. I do have that. Oh so actually what I do have is the officer elections. And I had put that in what I sent to the list. Let me see if I can pull that language here. It does say in 2.2, Officer Elections Chairs and Vice Chairs, "The GNSO Council shall select the GNSO chair and two vice chairs as follows, a GNSO chair shall be elected by 60% vote of each house."

Then it says, "B, each house will be allowed to nominate one candidate for GNSO Council chair. Each house is responsible for determining how to nominate its candidate. A candidate for GNSO Council chair does not need to be a member of the house but must be a member of the GNSO Council."

Wolf-Ulrich Knochen: Oh yes.

Julie Hedlund: And we are altering that slightly by saying, "but must be a continuing or incoming member of the GNSO Council."

Wolf-Ulrich Knochen: Yes, okay I saw that. Thank you very much. And Mary was also putting that to the chat. So that's just the different, well, it's to my mind is a more better clarification on what we are - what we would like to see is that she or he must not only be a member of the Council but a continuing or incoming member. So just pointing out, and make it very clear, that all members of the Council may be incoming or incumbent councilors should be eligible.

So I put this as a question here to the round whether there are any concerns with such a phrase or clarification or any question to that or, yeah, if there are any question please raise your hands. I don't see anything - so and any question with regard to that. So I would say that we take this as a proposal to our report to the SCI and then continue with the discussion. Thank you.

So the next one is really so the note is with respect to the timeline on that. And I'm asking myself how we should deal with the timeline because there are other points as well affecting the timeline. It's not just this is one, you know, the - that incoming and present councilors should be eligible but there are other things with respect to publication and nomination itself and all these things. And I wonder whether we should put that as one issue for with regard to the timeline when it comes to the discussion of the timeline. That would be my proposal to do so.

And that we then go further and continue with point - with the remaining points to be discussed. And then also mention under the discussion whether those points have an influence, an impact on the timeline in this respect. And the timeline is really - where all these things should be put together so that's my proposal to do so.

So I don't see any comment. When I read the chat I think it was also - and Mary points out correctly that with regard to timeline there are different perception or different timelines in the various stakeholder groups and constituencies. And they may be impacted as well so we should take that into consideration when it comes to the timeline discussion.

So then let's take the next point. It is the question under Number 2, let me just read that. Is there a gap to be addressed when the vice chairs' terms end at the same time as that of the chair if no chair is conclusively elected by that time, which has been the case the last time here. See Section 2.2.f. There is described at the time being for the vice chairs to serve as interim chairs until a successful election can be held.

If a new chair is not elected by the conclusion of the ICANN annual general meeting at which her term - their term I think the term of the vice chair is meant here. And, however, that procedures are silent as to what happens when one or both vice chairs' terms also end in that particular ICANN - at that particular ICANN annual general meeting.

So to fully understand what is meant here in the process, if you look at the terms of the chair and vice chair. So the terms and at the time being at the annual meeting comment that is I understand if fixed in the procedures. And on the other hand we say that the vice chairs should be in place as long as a chair is not elected.

So there may be a gap in between so what I understand in which was the case the last time because Jonathan's term ended and we did not, during following the meeting did not elect a new chair. And then the vice chairs had to take over. But there was at least one I think which - term was also ending at the time.

So the question is so how should we handle this? Anne was writing something in the chat. Should there be a provision to extend the term of the vice chairs in the case where a chair is not immediately elected? This would be a temporary extension to the term of the vice chairs. So that could be -- is one question here.

So, Julie and Mary, may I ask you just to comment on that because Julie was commenting on Anne's question.

Julie Hedlund: Yeah, this is Julie. So Anne had asked the question, should there be a provision to extend the term of the vice chairs in a case where the chair is not immediately elected. This would be a temporary extension. The current procedures do state that in the event that the GNSO Council has not elected a GNSO Council chair by the end of the previous chair's term, the vice chairs will serve as interim GNSO cochairs until successful election can be held.

This does not, however, address what happens if the vice chair's terms are also ended. As Mary notes, might help but it wouldn't fully solve the problem if the vice chairs are elected by their SGs and Cs. So if their terms end then

the extensions would have to be done by the SGs and Cs, not by the Council or the procedures, I think.

Wolf-Ulrich Knoben: Yes, thanks, Julie. And also Anne is asking in addition, well, good operating procedures delay the election of the vice chairs where a chair has not been elected? I would say in theory yes but the question here is really if the vice chair's terms - there are two terms could happen, I understand. The one is it's the member - the Council member who owns the vice chair term and this term is going to be ended as vice chair. And there could be also happen that the member who is a vice chair, the member's term is going to end. And what is happening in this case? I wonder whether this question is addressed as well here.

Julie Hedlund: So Wolf-Ulrich, this is Julie. I don't think that question, as far as I can tell, is addressed in the procedures, which is the issue here - is part of the issue here, that if both of the vice chairs' terms end then there is no provision and procedures for how to address that. But, I'm sorry, Mary has her hand up and I did not put my hand up, I apologize.

Wolf-Ulrich Knoben: No, no question. Mary came after you with her hand, I saw that. But nevertheless, well, Mary please.

Mary Wong: Thanks, Wolf-Ulrich. And thanks, Julie. And Wolf-Ulrich, you're absolutely right, my hand went up after you had started speaking and so it was meant as a follow-up to your point. And the fact is that practically speaking the vice chairs will almost certainly be elected after a chair it is elected simply because I think there is a rule that the chair and the vice can be a member of the same stakeholder group. And so unless and until you know who is a chair you wouldn't necessarily be able to elect a vice chair, at least that particular group or house where the chair for that year is would probably not be able to do the vice chair election.

So where we would be is where we might end up now which is that you would have vice chairs who essentially would hold office for less than a year if their terms actually ended the following October meeting because then the earliest that they can be elected is, you know, that preceding October or November. So that brings us back I think to the SG and C problem that we've been chatting about. Hopefully that clarifies and doesn't make things more confusing. Thanks, Wolf-Ulrich.

Wolf-Ulrich Knoben: Thanks very much, Mary. Yes, that's right so we have still this SG?C problem and especially in the Non-Contracted Parties' House as well. But formally you are right. So is it - well I'm just wondering just as in theory would it be possible to nominate or to elect the vice chairs before the chair is going to be elected?

I understand that argument which you're bringing up is, well, we have this rule that the chair who comes - who could come is not necessarily but who could come from one of the houses shouldn't be in the same stakeholder group as the vice chair from that house, yes. So there is one exception in case the one nominating appointee is going to be elected so there is no - then there is not this condition.

But so in this respect, well, it makes sense, well, to have the chair election before the vice chair election unless we would have a kind of mechanism because discussions, you know, discussions about who is going to be elected and the nominations are being done before that election. So the houses could think about or the members could think about the vice chair position by knowing the nominated persons as well.

And maybe we could come to a conclusion. It's a theory so to find a way well to nominate or to come up with vice chair names in advance. I'm just more in theory than in fact we have to think over all these cases but there are several choices I think so.

When I read in the chat here - I would like because I'm not that fit, well, in reading parallel the chat when I'm talking. So if somebody - if you have some comment to that if you could repeat that by raising your hand that would be helpful as well.

Julie Hedlund: Wolf-Ulrich, this is Julie. I'm happy to...

Wolf-Ulrich Knoblen: Yes, please.

Julie Hedlund: ...note some of the things that are in the chat if that's helpful.

Wolf-Ulrich Knoblen: Yes please Julie, do.

Julie Hedlund: So Anne has noted, you know, perhaps the SGs and Cs could agree to allow an extension of elected vice chair terms as a contingent fee to cover the issue of the chair election not being final. In other words, they could agree in advance. By agreeing to new operating procedures that perhaps relates to what you had just mentioned, Wolf-Ulrich, where at least we could consider in theory whether or not it would be helpful for the SGs and Cs to come up with vice chair names in advance of the chair election. So one could then presumably quickly, you know, follow with the vice chair election.

And I had just noted in the chat, as Mary also mentioned, the procedures state that each house shall select a Council vice chair from within its respective house, and the issue is that the procedures also say a chair may not be a member of the same stakeholder group of either of the vice chairs. So that really does then lead to the, you know, to the necessity of having a chair of election followed by a vice chair election.

And then Anne asks in the chat, if terms of sitting vice chairs are automatically extended to cover a situation where the chair election is not conclusive then the ex-terms of vice chairs could end it immediately on the

election of a chair. Of course this depends on holding the chair elections first. Yes, we really have a little bit of a conundrum here.

Wolf-Ulrich Knoben: Okay thank you, Julie. Well I think, you know, we should - and I wouldn't like, well, I did just start to complicate things I think so and I wouldn't do that. So for me the thinking how we handle it at present it would be favorable, let me say, to have a continuation in procedural things. That means in case if there is no Council chair is elected at that meeting, then the incumbent vice chairs should follow up as long as possible, as long as needed, as needed.

So we should only think about then cases if that is - if there is some obstacle against doing that and what could be that obstacle. The one thing is that you say okay, from the procedure comes that their terms might end at this meeting as well. So if they are still - still be Council members for the next time, so for the next term of the Council, then I think it's easy to say let them do this job until a vice chair is going to be elected. And we should fix that in the words, it's more a formal thing.

The other thing would be if one of those Council vice chairs is going to leave the Council because his term is going to end then there should be also be something - a provision by the related house, yeah, the related house in this respect, well, to have somebody or in - to somebody available or even only the remaining incumbent vice chair should continue until a chair is going to be elected. Well that could be also something we should think about. But I see Mary's hand. Please, Mary.

Mary Wong: Thanks, Wolf-Ulrich. This is Mary Wong again from staff. So trying to sort of think through the possibilities, as you've outlined them. And Julie and I have been talking a little bit about this. It seems that the problem is a very specific and limited one because in many cases where the vice chair or vice chairs are continuing members of the Council then the problem doesn't arise at all because then they would just step up and be the interim chairs until a new chair is elected.

So it's a very sort of limited problem which is when the vice chairs' terms end and so you kind of have that gap where there's no one to step up to take the leadership. So in that respect maybe there's two specific things that we can think about in recognizing that this is really just a singular problem.

One is that at that point I made in the chat earlier was that we probably want to be very careful that neither Council nor the Operating Procedures take over the roles of the SGs and Cs because they are the ones that elect the councilors so they really have their say as to who those representatives should be.

In that regard, then where the vice chair - the one or two vice chairs - one or both vice chairs can't continue because their term ends, you might want to consider something like okay if we are just talking about this specific situation then the Council shall agree on an interim chair or interim chairs, one from each house. And make it very clear if we're making this recommendation that the interim chair really is, for this specific purpose, and until the chair is elected and has no other implication or consequence whatsoever.

So that's one suggestion for, you know, dealing with this problem. And there are probably going to be other suggestions that if we think more deeply about it we can come up with. The other thought we had was to look at the timeline for each SG and C and to see whether or not that would affect any of this discussion.

So for example, you know, and I know we party started the timeline discussion for the chair election because even if we have a little bit (unintelligible) you can be an incoming councilor we have to, you know, kind of let the SGs and Cs to note that so that they have all the elections done by the time the nomination opens. So I don't know if this will have an impact on the vice chair issue as well but it may be something to look at in that regard as well. Thanks.

Wolf-Ulrich Knoben: Yeah. Wolf-Ulrich speaking. Thanks very much. Well, it's - well I think that that is a good step and good point, well, to discuss. I really see, and that we should do it as, let me say, as simple as possible. And as you say, there is - it is an issue of secondary importance, I would say. And the issue just only rises in case a chair is not going to be elected, which I'll openly speaking, is not a target of any - of any election, let me say or it just could happen, it's just a possibility. And for this possibility it's - it's just a question of continuation.

From your option you raised and what you have discussed, I would say, well, the first one is really seems to me a good one to think about, well, to leave it to the SGs and Cs in order well, to decide who should be the one. It could be the - the existing ones or it could be other ones, well, to take that lead for just this purpose.

The question is then how it should be done formally if we go that way. We did it the last time I think just by - wasn't that done by acclamation if I understand that correctly. And it was just a - the question of this formal point is since it's a term - term has been ended. But there was an agreement by the vice chairs, by David and Volker, that they did their job. So my question is that then if we come to that point to say, well, okay it should be - it should be kind of formal election or what else or nomination of this interim chairs, then how to deal with that.

So did I - did I repeat that correctly as you mentioned? Or are there other things, well, we should take into consideration here? And the question is then what could we suggest to the SCI and then to Council? Is there - I would - if there are any other point to take into consideration this regard otherwise I would suggest, well, Mary, if you could just, well, for the next time or for the - put to the list these options you just explained and then we could ask for comments on the list and then put it in writing in order, well, to put that into our report as suggestion.

I see Anne. Anne please.

Anne Aikman-Scalese: Hello. Hi, Wolf-Ulrich this is Anne. I've been chatting because it's hard for me to talk but I thought I should just raise the chat discussion that Mary and I are having. I think Mary had mentioned how important it was to respect the election process that's followed by each of the stakeholder groups and advisory groups in the election of vice chair.

But I keep wondering why it wouldn't be possible to make a change in the Operating Procedures that says that, you know, when you elect the vice chair for a term that that vice chair's term may be extended for a short period of time if the election results for the chair aren't final so that the vice chair elected for a particular term that term could continue - be extended solely by the Operating Procedures until the point in time that a chair is finally elected and then that vice chair's term immediately ends for purposes of having the newly elected vice chairs take office.

And I think Mary's suggestion that there's a problem with that - and I'm sure she understands the rules better than I do, but I'm not understanding in the chat exactly what would be wrong with having the Operating Procedures extend the vice chair's term and having all the SOs and ACs, you know, all the stakeholders agree that that would happen if then the vice chair term could be extended for a short period of time for that very reason.

Wolf-Ulrich Knoben: Thanks, Anne. Well, before I turn - turning to Julie I would like to just, well, if Mary if you could put this both, let me say both opinions, well, just on the list here so that we have that in to continue that and to come to an opinion on both points here. The one from Anne and yourself. And then we could I think we - if you put that better one to each other then we could think about and could come to a conclusion afterwards.

But well before I have to leave - I'm sorry about that, Julie please.

Julie Hedlund: Just very quickly, I think part of the confusion perhaps with the procedures is that there is the vice chair's term which the procedures do say a vice chair can continue if the - there is no chair elected. The vice chair's term is not an issue; the councilor's term on the Council, if that ends that cannot be extended.

Wolf-Ulrich Knoben: Yes.

Julie Hedlund: That person is termed limited. So and there's also the issue if there needs to be an extension that would require a bylaw change, it can't be addressed in the Operating Procedures.

Wolf-Ulrich Knoben: Yes. Thanks, Julie. Well, that exactly the point. So in the - if the present vice chair are going to continue over the next term then there is really not a problem, well, to let them continue until the election of the chair. And - but if there - they have to leave there because their Council term ends then this is the problem we have to solve.

I would like to - so I personally, well, I have really to leave that. So could we do that just put some points which you discussed well, to the notes, put it to the list. And we should continue this in a weekly way, well with discussion, with meetings here, to come to (unintelligible) because we have other points as well to discuss. And I wouldn't like to let these SCI wait for long term with regards to all points because it shall be discussed at the SCI at the end as well.

So that's my - so you will capture those points, Julie? I see that, thank you very much. Let's just talk about the next meeting. What about next week? We have now Thursday today is that a good day, well, to meet for that at this time?

Anne Aikman-Scalese: Yeah, it's a good time.

Wolf-Ulrich Knoben: Then I would say - let's just - my suggestion is just to do it next week, same time. Is that okay? Any...

Anne Aikman-Scalese: That sounds good. Angie and Sara?

Wolf-Ulrich Knoben: Okay, there's no objection to that so let's fix it for this.

((Crosstalk))

Anne Aikman-Scalese: Okay.

Wolf-Ulrich Knoben: Okay, thank you very much. Well, I'm sorry about that but I think we have started with that and we'll come back also on the list and then we'll prepare for the next meeting. So thank you very much and see you next week.

Anne Aikman-Scalese: Many thanks, Wolf-Ulrich.

Wolf-Ulrich Knoben: Thanks, bye.

Anne Aikman-Scalese: Have a good week. And thank you, staff. Bye-bye.

Julie Hedlund: Thanks, Anne. Thanks so much, Wolf-Ulrich. Thanks, everyone. And we'll talk to you next week same time.

((Crosstalk))

Julie Hedlund: Bye-bye.

Man: Bye all.

Michelle DeSmyter: Thank you. Today's meeting has been adjourned. Operator, please stop the recordings and remember to disconnect all the remaining lines.

END