
ICANN Transcription

GNSO Standing Selection Committee

Thursday, 08 April 2021 at 13:00 UTC

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JULIE BISLAND: All right. Good morning, good afternoon, and good evening. Welcome to the GNSO Standing Selection Committee call on Thursday the 8th of April 2021.

In the interest of time, there will be no roll call. Attendance will be taken by the Zoom room. I would like to remind everyone to please state your name before speaking for the transcription and to please keep your phones and microphones on mute when not speaking to avoid background noise. As a reminder, those who take part in ICANN multistakeholder process are to comply with the Expected Standards of Behavior. With this, I will turn it over to Carlton Samuels. You can begin.

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CARLTON SAMUELS: Thank you, Julie. Good morning, good evening, good night, everybody. Welcome to the call. You see the agenda on the screen. Is there anything that anyone would like to add to the agenda? Hearing no comments. Does anyone have any SOI updates for this meeting? Craig is up. Craig you have the line.

CRAIG SCHWARTZ: Okay. Good morning or good afternoon, everyone. I actually don't have an SOI statement update but to your prior question about any other items for the agenda. I do have one question about the briefing document for our work. We can come back to it towards the end if you like, but I just kind of wanted to flag a question that I have.

CARLTON SAMUELS: Okay, great. Thank you. So we'll note that for the AOB time and you'll get an opportunity to brief us on what your question is. So the agenda is on the screen. The second item on the agenda, we're going to review the poll results. This is for the second GNSO Rep to the CRG. The poll has been closed, as far as I know. I'm going to ask staff to help us go through the results. Julie, can I turn it over to you to just give us an overview of what the results are?

EMILY BARABAS: Hi, Carlton. This is Emily Barabas. I'm happy to go ahead and go over the poll results. Hopefully, you can all see up on the screen the report that was sent to all of you by e-mail yesterday. Seven people from the SSC responded to the poll, so that's nearly

everyone. A couple of members did not. I'll just run through briefly. I think everyone's probably had a chance to look, but just in case, well we'll just go through really quickly.

In terms of the substantive questions, the overall question of the qualifications of the candidates, you can see that all of the candidates were rated on the whole quite highly with slight variations. In terms of the weighted average, you see that Flip came out a little bit ahead of the other two candidates. It looks like it's Flip, Donna, and then Chris in terms of the overall ratings.

The question regarding the candidates understanding of the IRP and its role as an ICANN accountability mechanism, again, all of the candidates were rated quite highly by SSC members, with Chris and Flip coming out just a little bit at the top of the ratings on average.

Question five was about the candidate's relevant organizational process experience. Again, all candidates were quite highly rated with some small differences. And Flip came out sort of slightly ahead of the others on this question.

Question six was about the candidate's awareness of the GNSO's diversity of interests and consciousness of the need to represent the GNSO as a whole. Again, here the candidates were quite highly rated across the board. Here Donna came out a little bit ahead of the others, followed by Flip and then Chris.

There were just two additional comments that were submitted. The first says that all candidates are very well qualified but Donna would be the best because she is from the Contracted Parties

House, whereas Heather is from the Non-Contracted Parties House, and Donna has proven experience in the GNSO. This person said Flip is excellent but IPC, same as Heather and Chris, will perhaps be more in the ccNSO/Board mindset than in the GNSO.

The second response says that this person wishes that all three candidates could be selected. They all have outstanding profiles. However, the essay that Flip added to his application gives him additional advantage over the others.

So those are all the comments that were received. I'll perhaps scroll back to the first question since that was kind of the broadest, and then hand it back over to Carlton for discussion unless there are specific questions about the poll results. Thanks.

CARLTON SAMUELS: Thank you, Emily. So the poll results are out, folks. As you would have noticed, all three candidates were highly rated. But, of course, one candidate always has to be given an edge here. Based on what we have here, that candidate is Flip and followed by Donna, and then Chris as overall rated. This is the opportunity now for us to have a general conversation about the candidates and make a final determination that we can recommend. I will open the floor to everybody. I see Craig is up, Marie is up. So we will start with Craig, and then Marie. Craig, you have the floor, sir.

CRAIG SCHWARTZ: Thank you so much. I'm really pleased that we decided to pursue the second Expression of Interest period, particularly given the

results and the quality of the respondents that we got. I think Donna, Chris, and Flip all would make good choices and serve the process well.

There is an element that was raised on the very last page on the additional comments that I think has a lot of validity that I personally had an—it wasn't that I didn't consider it, but I just hadn't thought about it, and the fact that having someone from the CPH and someone from the NCPH is probably a really good balance to have. And as such, it may not make sense to both have Flip and Heather on the committee because they are both from the same group and I think they may in fact be both from the same constituency.

So I actually don't think that we can really go wrong with any of these candidates. I think several of them would actually make really great panelist members for the IRP group itself. So I thought it was a little bit interesting that they went this route and perhaps not directly to the IRP, if that's even a possibility.

So, with all that said—and I did rank the candidates really, really closely. I think I did have Flip just slightly ahead. But based upon my earlier comments in the balance between Contracted Party and Non-Contracted Party, I think that I would probably amend one of my scores and would advocate for Donna and/or perhaps even Chris. But I think Donna, given her GNSO experience and leadership and the fact that she scored so highly with many of you makes her an ideal candidate for this. Thank you.

CARLTON SAMUELS: Thank you, Craig. I have to tell you that when I saw that comment, I also reacted the same way. I never thought of the NCPH/CPH dynamic myself, so it is an interesting question. Marie, you have the floor.

MARIE PATTULLO: Thank you, Carlton. Hi, everybody. The transparency, that comment was from me. I have to start by saying I completely agree with Craig where we had excellent, excellent people who came forward for this, could not have asked for better people, to be frank. To my mind, what we're trying to achieve here is two things. One, somebody who understands the GNSO and, two, somebody who understands the accountability mechanisms that we've put in place for ICANN post transition.

The reason that I think it would be very interesting to have Donna in that role is that clearly she understands the GNSO. Not only she's the former vice chair, she was the chair of her stakeholder group. I believe she was also in Org. She was also in the GAC before that. So she clearly understands ICANN itself, but then all of them do. But I do think that it is important when we are talking about who we want to represent—no, that's the wrong word, forgive me—who we want to understand the GNSO and its quite complicated setup. I think it would be good to have somebody Contracted Party, somebody Non-Contracted Party. And yes, both Flip and Heather happen to be in the IPC, and we're already lucky enough to have Heather in role. And this is why, to me, while recognizing that all of them are excellent and all of them would do a great job, I do think that for the reasons that Craig stated and I've just reiterated, I am leading toward Donna. Thank you.

CARLTON SAMUELS: Thank you, Marie, for that explanation. It's something for us to think about. Your reason that I'm [inaudible] and I hope others will tell us their own views on it. Raymond, you have the floor, sir.

RAYMOND MAMATTAH: I'm also aligned with the fact that we have to get one person from the CPH and another person from the NCPH, considering the fact that all three candidates are very, very well qualified for the role. So that marriage should be considered.

CARLTON SAMUELS: Thank you, Raymond. Craig, is that a new hand? Do you want to have another go?

CRAIG SCHWARTZ: I'm sorry, that's an old hand. Let me take that down.

CARLTON SAMUELS: Okay. Thank you. So it's before us, the question that Marie brought in and Craig. I really do believe that they could be material to this. Would we want to reconsider if we had to use those as criteria? What is the sense of this room? Do we think we would rebalance our decision? Sophie, you have the floor.

SOPHIE ALICE HEY: Thanks, Carlton. I don't think this is necessarily about adding an extra criteria or rebalancing the poll results. I think the poll results, if anything, showed just how high quality the candidates are, and this is really sort of splitting hairs between the three of them. So I think for this one, it's about when we take a step back and we look at the GNSO as a whole including this group, we sort of have a look and go, "Okay, look, there's Contracted Parties and there's Non-Contracted Parties represented in here, how do we feel we want those represented in the CRG?" Appreciating they're not going to be advocating on behalf of those ones but having those as background interests. I think I'd be inclined to move forward with what Craig and Marie have said to support Donna, simply because of her extensive background in the CPH and her overall understanding of the GNSO. Thanks.

CARLTON SAMUELS: Thank you, Sophie. So the views are up. We hear the comments. I see Mary has her hand up. Mary, you have the floor.

MARY WONG: Thank you so much, Carlton. Hi, everybody. It's Mary from staff. I'm not speaking for or on behalf of or making any comments on any of the candidates that you're considering or on your views now. I'm just wanting to offer the possibility that as you are looking for two representatives to this group that will select the composition of panelists for future IRPs, that one consideration could be that what is the, I guess, aggregate collection of skills and expertise that both your candidates should possess, so that in

the aggregate, they are going to be the best persons to be the GNSO's representatives on this group.

CARLTON SAMUELS: Thanks for that, Mary. Yes, that's absolutely what we're trying to get at, what is the aggregate. We went into it by talking about the Non-Contracted and the Contracted Party House, so to reflect the entire GNSO interest. We really did not think of it that way when we went into this, but it gives us an opportunity right now to probably recalibrate who we would think would be most representative in aggregate of the GNSO interest. Marie, you have the floor.

MARIE PATTULLO: Yes. Thanks, Carlton. Thank you, Mary. It's very important what you just said and I fully agree. That was my concern and comment that I made here on question seven. Because we have Heather who is fabulous, there is no question, and she is the IPC. She's the current president of the IPC which is very clearly both IPC and very clearly Non-Contracted Parties. So if we bring in Donna, we have the other side of the table, the other side of the other house who is not in the IPC and who is not in the Non-Contracted Party House.

Flip, for clarity, of course, I think he's a great, great candidate but he is in the IPC itself. So I do think that we would limit the knowledge of the operation of the GNSO and who may feel should be appointed to the IRP. Not that I'm saying Flip would do a bad job, quite the contrary. But I think being given this wonderful

choice, if you like, similarly excellent candidates, this is why together, Donna and Heather, to me would be ideal. Also, on one at Donna level, we have proof that Donna and Heather work together extremely well when they were chair and vice chair of Council. Thank you, Carlton.

CARLTON SAMUELS: Thank you, Marie. That's one little wrinkle that you added there at the end that I think is probably useful to add to this, the fact that both representatives have worked together and have worked well together before this. I'm persuaded, I'll tell you, based on these three things that I had really not considered before, that maybe we could do pivot and agree to support Donna for the second seat.

Is there any objection to a proposal that we pivot and support Donna? Can I hear from everybody? I see several "no objections" in the chat from Osvaldo, from Raymond, from Naveed. Marie supports that Craig is getting no objection. I think we have a consensus. The meeting is of the view that we should—hand up. Emily, you have the floor.

EMILY BARABAS: Hi, Carlton. I didn't mean to interrupt. Please finish up and I'm happy to just follow on.

CARLTON SAMUELS: Okay. I was just kind of reporting what I think is the consensus of the room, that we support Donna to be the second GNSO representative to CRG. And I was just putting it on the record

directly. Based on what I see from the chat, everyone supports this position. So I think we have a full consensus, at least of all the attendees in this meeting of the SSC, that we should propose Donna Austin as the second GNSO rep to the CRG. I think that's what we're showing here. Emily, I'll let you have your say now. Go ahead, please.

EMILY BARABAS:

Thanks, Carlton. I was just going to follow up with a couple of process questions about next steps, given that it seems like there's agreement on this call for a candidate. What I'd like to suggest is that we do sort of a 24-hour period of non-objection over the mailing list. And if we do that and there are no objections, that actually means that we can submit this recommendation for the April GNSO Council meeting. We were anticipating doing it for May just to give the SSC a little more time in case that was needed, but it's possible to just submit it for April. The motion deadline is Monday this week. So if there are no objections, that would mean we could submit the motion on Monday and have it considered this month. I'm just confirming that that works for everyone, and if so, you'll get a follow-up e-mail from staff after this meeting. Just allowing people to respond if they have not had a chance to do so on the call. Thanks.

CARLTON SAMUELS:

Thank you, Emily. I think that's a good way to proceed. I believe all of us would agree that this next step is really good to cement the decision here. So I would say we all agree that that is the next step and, yes, we should be in a position to report a

recommendation to Council at the next Council meeting. Can we move to the final agenda item, AOB? Craig, you had something you wanted to add at this point?

CRAIG SCHWARTZ: Yes, please. Thank you. This might be best directed at Mary or someone from ICANN staff. There was a briefing document put out on December 16, 2020. It's called the briefing document for GNSO Standing Selection Committee. If I could find it quickly enough, I would have posted the link in the chat, but I'm sorry, I couldn't.

There's a sentence in the introduction that states, "The slate of nominees selected by the Community Representatives Group will be sent directly to the ICANN Board for its consideration on behalf of the SOs and ACs." Does this mean that the ICANN Board's role is just to approve the nominees that have been selected by us to the CRG, or does the ICANN Board have a bigger role such as not approving some and approving others? Just a process question.

MARY WONG: Carlton, shall I go ahead and respond to Craig?

CARLTON SAMUELS: Yes. I'm sorry. I was reading it. I'm sorry. Emily, could you please go ahead?

CRAIG SCHWARTZ: I think that was Mary.

CARLTON SAMUELS: Oh, Mary.

MARY WONG: No worries. It's staff. Thank you, Carlton. I just didn't want to be rude or speak out of turn. Thank you for the question, Craig.

This is the first time, obviously, that this is happening so all I can do is respond by noting the Bylaws-mandated process for this, which is laid out and it includes the called for Expressions of Interest from potential panelists that ICANN is going to issue. But part of the reason or a big part of the reason why this Community Representatives Group was formed, as I know this group knows very well, is to really document and make transparent and robust the process that is also mandated in the Bylaws for ICANN to work with the Supporting Organizations and Advisory Committees and the Board to identify, solicit, review, and vet the applications received.

So I'll just start off by saying that the process for Cs obviously that ICANN is going to facilitate it but that there is a role for the SOs, the ACs, and the Board. Then we get to the point where the SOs and the ACs—and again here we're going to do it through the Community Representatives Group—shall nominate a slate of proposed panel members. And here I'm just going to quote from the Bylaws so that I'm not making a mistake here. The last step then is "Final selection shall be subject to Board confirmation, which shall not be unreasonably withheld."

So, Carig, I don't know that fully answers your question but that is the process and that is what the Bylaw says the role of the Board is vis-à-vis the SOs and the ACs. I hope that's helpful.

CARLTON SAMUELS: Thank you, Mary. It seems that the Board is responsible to deliberate and that line "shall not be unreasonably withheld" suggest that they may indeed have some issue that they could actually make a decision that varies from what is advised. Does that answer your question, Craig? Do you have a follow up?

CRAIG SCHWARTZ: No. That was great, Mary. Thank you.

CARLTON SAMUELS: Thank you very much, Craig. So it seems that we are at the end of the meeting unless any anyone, any member has anything else they might wish to add. Can I ask if there any other comments that members would like to make here? Okay. I see no hands. I think we're at the end of the meeting.

I want to thank everybody for showing up and being very efficient in getting through this meeting. I especially want to thank Marie for making that comment that extends the set of considerations in making the selection. I believe that we've come to a very good decision. Thank you all very much. Thank you, staff, for supporting us. I think we can call this meeting to an end then we're in good time. On behalf of the SSC, thank you all for showing up. Have a good day, everyone. Take care. Bye-bye.

JULIE BISLAND: Thank you, Carlton. Thanks, everyone, for joining. This meeting is adjourned.

[END OF TRANSCRIPT]