
ICANN Transcription

GNSO Standing Selection Committee

Wednesday, 12 October 2021 at 18:00 UTC

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JULIE BISLAND:

Good morning, good afternoon, good evening, everyone. Welcome to the GNSO Standing Selection Committee call on Wednesday the 12th of October 2021.

In the interest of time, there'll 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 recording and please keep your phones and microphones on mute when not speaking to avoid background noise. As a reminder, those who take part in the ICANN multi-stakeholder process are to comply with the expected standards of behavior. With this, I will turn it over to Carlton Samuels. You can begin, Carlton.

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CARLTON SAMUELS: Thank you, Julie. Good morning, good afternoon, good evening, everybody. Welcome to the meeting. I will just ask you first of all to indicate if you have any updates to your statements of interest. Seeing no hands up, I will move right into the agenda.

You see the agenda page in front of you on the screen. Are there any concerns about the agenda? I see Raymond has a hand up. Raymond, you have the floor, sir.

RAYMOND MAMATTAH: Hello. With update to statements of interest, I just want to [inaudible] that I've been selected by NomCom to ALAC and I'll be taking that role at the end of the ICANN 72 meeting. I'm yet to discuss with the NCSG that I represent if this will be any source of conflict of interest and as to whether I'll be able to continue in my second term for this role. Thank you.

CARLTON SAMUELS: Thank you, Raymond. So noted. We will leave it to you to take it up with the NCSG. But insofar as this meeting is concerned, since you are still in [inaudible] we would think that you're okay. Thank you.

NAVEED BIN RAIS: Do you hear me?

CARLTON SAMUELS: Hello.

NAVEED BIN RAIS: I have a similar—

CARLTON SAMUELS: Naveed, you're gone.

NAVEED BIN RAIS: -serve on ALAC. So I have to again refer back to the same thing that my colleuage said earlier.

CARLTON SAMUELS: All right, Naveed, so noted. I would just let you know that since we're not in the new dispensation, we believe that insofar as official representation is concerned, the committee would be good for you right now. Thank you.

Any updates to the agenda? Osvaldo.

OSVALDO NOVOA: Thank you. It's not about the agenda but about the result of the poll. I don't know why, but my poll wasn't included in the results. I think perhaps I didn't complete it or something, I did something wrong. I was struggling with filling the poll.

I just want to say that I agree with the result of the poll and I voted in the first place to Jeff Neuman, but I think the three candidates are very good. That's all. Thank you.

CARLTON SAMUELS: Thank you, sir, for mentioning that. We will move—I'm presuming there are no updates to the agenda proposed. If there are no updates, can we move to the second item which is review of the poll results? I am going to ask staff to help me with this and lead us through it. Julie, you have the floor.

JULIE BISLAND: I think Emily is going. Thank you.

EMILY BARABAS: Hi Carlton. Happy to walk through the poll results. We have circulated the poll results on the mailing list and hopefully, everyone has had a chance to review them. I'll just briefly go over what you're seeing on screen here and give folks an opportunity to speak to any of their comments that they've put into the survey tool as well.

As you all know, the polling questions reflect the criteria that were included in the expressions of interest announcement, and the first question was about the candidates' understanding of the specific and limited nature of the role and the ability to perform those duties with the necessary restraint.

The responses were positive across the board, which is the case for all these questions. The scores were quite high for all three candidates. And as you can see, the responses for Jeff are just a little bit higher than the other two with Sebastien following and Cheryl just following that.

A few comments were put in specifically about this, and I don't know if anyone wants to make any verbal interventions about the specific question or if you want to save that for the discussion, but I'm just going to scroll through them briefly here.

Overall, again, fairly positive comments about the qualifications of the candidates. Question five was specifically about the knowledge of the subject matter. Again, here all the candidates scored quite highly, with Jeff scoring the highest of the three. And the comments while relatively brief sort of reinforce what you're seeing in the numbers above. There's confidence in the expertise of all candidates, but some noted that Jeff was the co-chair throughout the entire PDP, demonstrates quite a bit of knowledge on his other experience as well, contributes that knowledge.

Question seven is about the ability of the candidates to act in a neutral manner, especially when there are diverging views within the GNSO. Again, here, high scores across the board with Jeff leading followed by Sebastien and then Cheryl. I don't know if anyone wants to speak to any of the comments here.

Question nine was about the candidates' familiarity with the dynamics and operations of the GNSO Council. Again, high scores across the board with Jeff taking lead followed by Sebastien and then Cheryl, and a few reflections here on some of the specific rules that they've played.

I'll just keep speeding through unless someone raises their hand that they'd like to speak. Question 11 was about the availability of the candidates to devote the necessary time to this role. Again, high scores across the board with Jeff taking the lead followed by

Sebastien and then Cheryl, and a few comments specifically on the availability.

And then I'll just stop here with some of the final comments, because I think folks can verbally speak to anything that they'd like to hear. Carlton, is there anything else you'd like me to elaborate on or anyone else have questions? And again, Osvaldo, I do apologize for your poll results not being entered here, but please do speak up as much as necessary to make sure that your views are captured. Thanks.

CARLTON SAMUELS: Thank you, Emily. I really don't have any questions. I think it's very clear that the decision by members was well thought out. Maybe Osvaldo, since your comments may not have been involved in there, I would ask if you would have comments to share, you have the [record.]

OSVALDO NOVOA: Thank you, Carlton. My poll was very in line with the result of the group. I think the three candidates are very good candidates. I think that Jeff is a bit more qualified than the other two, but the difference is very small. I have a good reference for three of them, but I ordered them in the same way as the rest of the group: first Jeff, then Sebastien, and third, Cheryl.

I worked with the three of them, in the Council with Sebastien, with Cheryl, and Cheryl also in a working group [inaudible]. So I have nothing else to add to what the rest of the group said. Thank you.

CARLTON SAMUELS: Thank you, Osvaldo. So we have the poll results and it's fairly clear that by the polling, Jeff was deemed to be the preferred choice for the membership here. I want to move to item three to see if there's any further discussion that members would like to entertain here. the floor is open for members.

Thank you, Marie. You have the floor.

MARIE PATTULLO: Thank you. In some ways, this was easy because we had such fantastic candidates, all three of them, and we are so lucky they came forward. But I would like to, if I may, take us back to Council, and here I'd be really interested in what Tatiana thinks as well.

I know there's been a lot of misunderstanding about what this role might be. We've been very clear that it's a liaison role, it's a communication role, that the liaison cannot, will not speak to substance, certainly not to any interpretation. So I think that when we actually appoint the liaison—and here I'd be very interested in Tatiana's perspective from leadership—that we find wording to make it really clear so that those from the outside reading it will understand that we are providing an expert liaison to the ODP.

That does not mean that the ODP can ask questions of interpretation to the liaison. It doesn't mean that the liaison will be able to give interpretations. That if the liaison answers questions, it will be factual or something like, "Yes, this is how the GNSO works, this is what the procedures are." But the ODP can't rely on the liaison—Jeff, I assume—for questions like, "Okay, Jeff, what

did this actually mean? When they were drafting this recommendation, what did they mean?”

I hope you understand what I'm saying, Carlton. I think we want to be very clear that we let the ODP know, as well as anybody else looking at this process, that this is nothing about influencing the ODP itself. And if it's okay, I'd really like Tatiana's view on it. Thank you.

TATIANA TROPINA:

Thank you, Marie. Sorry, I didn't raise my hand. I'll just speak. And I'm with you here, Marie. I do think that we have all three absolutely excellent candidates, but at least two of them will co-chair in this group, so there is always some sort of—how do I say—vulnerability to fall into the trap that liaison will start providing the expert view just because they accumulated so much knowledge, be it Jeff, Cheryl or even Sebastien.

And I do think that what we can do here, of course, is to note in our selection—or you can note, because I'm part of the Standing Selection Committee only ex officio—that the Council ex officio representative and from the information of the Council, it was clarified that this is a very limited role. We would like to note—and I really don't know if this is in the capacity of the Standing Selection Committee, but we would like to highlight that in the description of this role, there is that the role should be neutral, and we want the GNSO to enforce it.

And certainly, I do think that this can be brought up. And unofficially, of course, I can bring this up with the leadership.

Marie, I hope that you would be okay if I will refer to you, because I do think it is a valid concern, and you are a Council member. So to have the [candid] communication from the Council to ODP or from the Standing Selection Committee to the Council about this, to say that we have to reinforce the point that ODP liaison is a very neutral role and nobody can rely on expertise, it is the role of the [medium] to pass the information, to provide the update, to be the liaison.

And I also think what is important here is that the liaison should be [inaudible] in the Council as well, not to provide opinions and whatever, but to really provide information in the most neutral manner. I do think that this point can be reinforced, and if you're comfortable with this, I will also bring it to the GNSO leadership and perhaps this was discussed with the Council itself.

MARIE PATTULLO: Carlton, may I reply?

CARLTON SAMUELS: Thank you, Tatiana. Sophie, you have the floor.

SOPHIE HEY: Sorry, Marie was about to interject, so if she'd like to go before me, that's absolutely fine.

MARIE PATTULLO: No, you first.

SOPHIE HEY: Thank you very much. I did want to raise a concern that maybe this isn't necessarily the role of the SSC, to be actually going ahead and saying these are the restrictions that should be put on the liaison role, because as Tatiana and Marie have both said very well, the liaison works with the Council and the ODP, so it should be about that relationship.

So yeah, I see Tatiana's comment in chat. So I think my approach would be more that potentially, it's Tatiana who raises this, or during Council, it's amended to whatever motion comes forth from the SSC, because my understanding of the role of the SSC is to appoint candidates, not then turn around and attach conditions. It's for Council to—we just make a recommendation to Council for who should take on the role. Thanks.

CARLTON SAMUELS: Thank you, Sophie. Marie, you have the floor.

MARIE PATTULLO: Thank you, Carlton. I'm sitting here nodding. Absolutely, Sophie, and I apologize if my comments weren't clear. It's just that I wanted—I think it's important that we scope not just the decision but the way that it's going to be presented. So Tatiana, thank you very much, yes, bring it up with leadership. Please be clear it's nothing to do with—I'm not in any way being negative, I'm not worried. I think this is a great role. I would just like us, for the optics from the outside, that they understand what this role is, and

in particular that the ODP themselves understand what the role is.
Thanks so much.

CARLTON SAMUELS: Thank you, Marie. Naveed, you have the floor, sir.

NAVEED BIN RAIS: I agree that we don't have the mandate to have a decision on such kind of conflicts or anything like that, but what I think on top of that is that as a group of people who select these candidates and who need to understand the role that they're going to perform, I think SSC can provide its observation if it feels that the role has some kind of—or can have potentially some kind of conflict or the problem that we are talking about.

To me, this has been discussed in the last meeting as well, that this is a very specific role. But when it comes to the bridging between the two parties—for example, the ODP versus the Council—the comments from the liaison that it takes to either group becomes extremely important. And if there is a bias in that, that can potentially create a problem. I'm not saying this is going to happen, but just for the sake of observation, I think we can raise the point if SSC feels like that.

CARLTON SAMUELS: Thank you, Naveed. Just before I bring in Tatiana, I wanted to emphasize something that Tatiana said. It's about ensuring the neutrality of the messaging back to Council is important, because I think it's important not only that you're seen not to be making

decisions for Council but the conveying of the information back to Council, the interpretation, is neutral as possible. Thank you. Tatiana.

TATIANA TROPINA:

Just to highlight that I absolutely understand what was Marie's reason for raising this, and I agree that we have to be clear, not only to the liaison because we can discuss with the liaison anyway in flight, but we have to be clear to the outside world in the first place. I think it's rather natural that somebody who participated in the process and has a great expertise and experience on the issue can be considered from the outside, especially by those who do not understand the intricacies of the GNSO process, the need for neutrality. It is hard to grasp how limited this role is. Remember when we had some discussions about this.

So Marie, I can assure—I don't know what you will decide as the Standing Selection Committee to highlight it in the minutes or whatever, but I can assure that I will bring it to the Council leadership and ask for guidance here. And perhaps we either can reinforce it in the motion about the appointment or we can ask the Council to clarify. We'll see how to go about this, but I certainly believe that this clarification is needed, not for liaison but rather for the outside world and for the ODP itself. Thank you, Marie, yet again, and thanks to everyone who contributed your ideas and points. Thank you.

CARLTON SAMUELS: Thank you, Tatiana. So we had the discussion and we've seen [inaudible]. I think what I'm hearing is there's a sense that while the SSC itself might not dictate the Council how they present the role, it is important for the report from this committee to pass on the sense of the committee that it was important for messaging the outside world that this was seen as a very neutral position, it was meant to carry messages between the ODP and the Council in as neutral a manner as possible. We've seen the explanations from both Marie and Tatiana, and the other comments from Naveed.

I think we're going to depend on our usual expert staff to frame the message that we wish to send in a way that would comport with us. So before the report goes out, members will have a chance to see what the staff recommendation is in the way we message our issues, concerns to the Council. Are there any other questions? Emily, you have the floor.

EMILY BARABAS: Hi Carlton. Thanks. I think there's two potential ways to frame this. One is—and Tatiana, please tell me if I'm misunderstanding the way that you were kind of presenting this. One is a more informal approach, which is for Tatiana to take back to Council leadership sort of a summary of this discussion and some of the things that were discussed and kind of brainstorm with Council leadership a way to, if appropriate, kind of take into account that discussion either in the motion or in subsequent instructions if Council thinks it's appropriate, to the liaison. So I think that's one possible way to do it.

Carlton, I think I was hearing from you that there might be the possibility of a more official communication from the SSC, sort of talking about some of the things that were discussed on this call in making its recommendation. From a staff perspective, I think it's a bit of a borderline case in terms of the SSC's remit is really about making a recommendation for who the candidate is and can certainly provide context on its decision to recommend a candidate based on that discussion, but in terms of making a recommendation about how the Council acts with respect to the remit of the role, that feels to me sort of outside of potentially what the charter anticipates the SSC to do.

And I see that Tatiana is saying that she'll be taking it to leadership anyway. So just pointing out that there's two different ways to deal with this, potentially simultaneously, or not. Thanks.

CARLTON SAMUELS: Emily, to tell you the truth, I'm happy Tatiana takes it. What I would wish, at least what I'm hearing, is the membership would see that the recommendation is contextualized properly. And that's what I think the members are saying, that we need to contextualize the fact that it is important, as we make the choice, that we make the choice with knowledge that the person that we have presenting is neutral and what that means in context.

If it means Marie or Tatiana will whisper in the ears of leadership that this is the case, that's fine by me. I don't suspect any member would be so bothered. But we want to ensure that out of all of this discussion, a message is forwarded to leadership about the context in which the selection was recommended. Thank you.

EMILY BARABAS: Thanks for that clarification, Carlton. I don't know if there are other perspectives on that or if Tatiana wants to comment on whether she thinks from the Council perspective, it's sufficient to handle this through informal channels or whether there's a preference for a more official communication [inaudible] welcome.

TATIANA TROPINA: Sorry. I just wanted to say, as frankly I do not see any remit rather than just noting that there was a discussion about it, without official communication from the SSC. You will probably put it into the meeting notes anyway. I don't know. I don't think that it should be shared in the suggestions to the GNSO. But as a note that this was discussed during the meeting.

I certainly will bring it up with the GNSO leadership. I wouldn't say that this is absolutely formal, because I'm here ex officio and I'm here to liaison, channel the concerns, without providing the opinions, right? So I will bring it to the GNSO leadership, because I think this is my remit and this is my responsibility after all. So let's consider it as unofficial but still official because I'm here ex officio. So yes, I will go ahead with this. Thank you so much.

CARLTON SAMUELS: Thank you, Tatiana. I hope that works for members. If you have an objection to this, you can always—Naveed, do you want to say something?

JULIE BISLAND: I think his line was just unmuted by mistake. I muted it.

CARLTON SAMUELS: Okay. So I think we're pretty much agreed on the approach that we're going to take here. I think members spent time talking about this, so it's clearly of some importance to members. And I'm totally noting the role of Tatiana as ex officio anyways, I'm totally happy with the approach that is suggested.

So I see no note from anyone wanting to say anything. One last time, is there any other comment from anyone, any member? Okay, that being said and seeing no hands up, could I go to item four, AOB? DO we have Any Other Business from any member? Emily, I see your hand up.

EMILY BARABAS: Thanks, Carlton. So just confirming next steps. Typically, what we do from the staff side is send an e-mail following a call like this just saying the group seems to be provisionally agreeing to recommend Jeff as the candidate for this role and put it out for nonobjection on the mailing list for 24 hours. Does that work for the group?

CARLTON SAMUELS: I think speaking for members, this has always been standard operating procedure, so unless any member has an objection to doing this again, I should think that this is okay. I see in the chat affirmation from members, so I think we're good. Thank you, Emily.

That being said, we are at the end of the agenda. Can I then call for an adjournment for this meeting? Thank you all for coming, thank you all for the discussion. It was lively, it was interesting, and we have the next steps to us. So I call this meeting to an end. Thank you all for showing up, thank you all for participating, thank you, staff, for supporting us as usual. See you all. Take care. Bye.

JULIE BISLAND:

Great. Thank you so much, Carlton. Thanks, everyone, for joining, and this meeting is adjourned. Have a good rest of your day.

[END OF TRANSCRIPTION]