
ICANN Transcription

GNSO Standing Selection Committee

Wednesday, 06 April 2022 at 12:30 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 6th of April 2022.

In the interest of time, there'll be no roll call. Attendance will be taken via the Zoom room.

We have apologies from Sam Lanfranco (NCSG), Olévié Kouami (NCSG), Brian Winterfeldt (IPC). We have a tentative apology from Osvaldo Novoa (ISPCP). He may join late. Brian has assigned Glen de Saint Géry (IPC) as his alternate for today's call.

All documentation and information can be found on the Wiki space. Recordings will be posted on the public space shortly after the end of the call. Please remember to state your name before speaking for the recording. And as a reminder, those who take

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part in ICANN's multi-stakeholder process are to comply with the expected standards of behavior.

Thank you, and with this, I will turn it over to Arinola Akinyemi. Please begin.

ARINOLA AKIINYEMI: Good morning, good afternoon, everybody. Thank you, Julie. I want to welcome everybody to our call today, the 6th of April. Basically, the call will be to work through the charter review as been approved by the Council. I thank you all for making time to be here and I thank the staff especially for their wonderful support so far. I'm hoping that we would be able to run through this charter review.

The essence is basically to help us get a better document out there that will give a better representation of the SSC and what we do, and to have proper guidance, especially considering that over the period we had different [terms of] members of the SSC.

To run us through this, I would also be counting on the ever ready support of Emily to run us through the various edits and comments that we have put on the Google documents so that we would be able to discuss through this. Thank you, everybody. Emily, over to you.

EMILY BARABAS: Thanks, Arinola. Hi everyone. I've just shared with you the charter document and redline if you'd like to open that up, and I'm also going to share a summary spreadsheet of the input if you prefer to

look at it that way. Feel free to open that up as well. I think it might be easiest for us to focus on this one for now, but we can refer to the other summary if that's easier down the road.

We'll run through some of the suggested edits and the input received and I'll hand it back over to Arinola to facilitate any discussion on these items. Any comments before we get started?

Okay. So on page one—just as a reminder, the charter hasn't been reviewed or revised since I believe 2018, the last version was May 2018. So some of this is housekeeping, cleaning up some things that are out of date, and then there are a few substantive questions that we need to dive into a little bit more that have come up through some of the discussions recently with members.

Our first item is in section two, the bottom of page one. As noted on the mailing list, when the SSC was originally formed, it was envisioned that it would regularly do the selection of the GNSO representative to the empowered community administration. But since then, a different process has been developed that does not involve the SSC for that selection, so the suggestion here is simply to remove that from the list of regularly occurring appointments. Any questions about that edit?

Okay. Page two, the objectives and goals, another similar reference, and again, we're just removing that to keep the text up to date and aligned with the standard assignments.

And right below that, deliverables and time frames. When the charter was originally drafted, this section described the first task

of the SSC in 2017 which was to create a standard process document outlining the steps of the selection process that could be adapted for each individual assignment.

Obviously, that's from a number of years ago now, so it's not a current regular deliverable. We've actually just recently updated this based on a conversation of the leadership team, but the intent here is to update the language to make clear that the key deliverable for the SSC these days is simply to make recommendations on its assignments, but there is this resource document that was produced as a deliverable some time ago in the past. So hopefully there'll be time for everyone to review the exact text, but again, this is meant to be an update and clarification and not a change to the content of the charter in terms of what the SSC does.

In addition, there are a couple of updates here. So the list of examples of standard processes that are used for the SSC so that's up date and consistent with the assignments that the SSC receives.

I know not everyone has seen this or read it since some of the edits are new, but if there's questions about the intent of that, please feel free to ask, and otherwise, you'll have time to review afterwards and comment on the mailing list if there's any issues with the wording.

Okay, seeing no additional comments, the next item is a more substantive one, the beginning of Section 3. Looking at the membership criteria, there was a suggestion by one of the members that the mailing list should allow observers. Currently,

the SSC has members and that's the only role. Well, that's not entirely true.

Alternates can be put into place as described later in this section if a member is not able to participate in a process, but there aren't standing alternates. For example, typically—although Glen is a little bit of an exception in this particular case because she's stepping in as an alternate somewhat regularly, but as a standard process, you sometimes see in working groups that there are members and alternates on every call.

With the SSC, the main role is the member. An alternate will step in to replace a member when necessary. There aren't observers either on the mailing list or on calls. The mailing list is public in terms of the fact that you can see the archive. The recordings of the call are public. It's just the live call that's limited to members.

So the question here is whether that should be changed. I think the rationale when the SSC was first formed was that because the SSC is discussing specific candidates, it might be uncomfortable on a call if there are people listening in who are not members.

In terms of the mailing list, I think it's a bit of a judgment call and something that maybe the group can discuss further whether it makes sense to allow others to subscribe to the list beyond those who are members.

So I'll hand it over to Arinola because this is one we haven't had a lot of substantive input on. Sam and Osvaldo both said that they're not sure.

ARINOLA AKIINYEMI: Thank you, Emily. Like it was noted, the SSC is peculiar in its task and its membership formation. However, I would open the floor for the discussion. Sadly, we do not have Osvaldo and Sam with us. It would have been lovely to get their perspective, and also, Brian who actually suggested it initially is not on the call.

But I would like to listen to every other person and hear your perspective about this. So the floor is open for everyone. Alan, go ahead.

ALAN WOODS: Thank you. On this one, I would agree with Sam and Osvaldo. I think when people to be invited to calls and whatnot, it's more about an economy of time. And for something like past experiences with things like the EPDP where you have several long meetings regularly scheduled, it would be harder for people to follow up afterwards and follow through, that they could do it contemporaneously enough at the same time as the meeting.

In this instance where the input or the meetings are sporadic to say the least, I don't think, when you take into account the fact that there is a public mailing list and the recordings are available, that there is a need to complicate matters to invite people to that meeting and to be on the list at the same time.

I personally think in the context of what is a light touch with a small amount of meetings and generally a small amount of e-mails back and forth, I think it probably is fine to leave it the way it is.

ARINOLA AKIINYEMI: Thank you, Alan.

Q MISELL: I agree, I think it works how it currently is and there's no clear reason to make the change.

ARINOLA AKIINYEMI: Thank you, Q Misell. Glen, please go ahead.

GLEN DE SAINT GERY: Yes, I would also just like to concur with everything that Alan said. I agree that it should stay as it is.

ARINOLA AKIINYEMI: Thank you, Glen. Do we have any other input from anyone contrary to what has been shared? So I think on this item, we have full consensus to leave that part of the charter as it was. Do we have any objection to leaving that part of the charter as it was? No objection, I believe, so back to you, Emily.

EMILY BARABAS: Thanks, Arinola. Next item is about conflicts for a particular appointment process. Currently, the charter does not provide a lot of detail about what a conflict might be, it simply provides the example that if a member of the SSC is actually a candidate for a process, that's a pretty clear conflict and they'll step away and have an alternate in place.

A question came up earlier this year if you're a colleague for example or have a personal relationship with a candidate, should that be considered a conflict? So we could consider putting additional text in the charter to address that question. The lightest touch way to do that, I think would be to simply say if you have something that could be considered a conflict, for example, a personal for professional relationship with a candidate, that you should mention it to the SSC and that they should use their best judgment in determining whether that is an appropriate process for them to participate in or whether it's best to have an alternate in place for the process.

Of course, there are heavier touch alternatives that could be put into place, but we welcome your input on whether anything is needed here and whether this route is the right one or something else. Arinola, over to you.

ARINOLA AKIINYEMI:

Thank you, Emily. If I recall correctly, when the question was asked, there are also instances where we can have—if you have a professional relationship with someone or even a personal relationship, it's not clearly itemized here. However, I think I will still leave it open for inputs on everyone so that we can know if there's a conflict in that case. So I'll turn the floor over to input from everybody. Thank you.

Q MISELL:

I think the way that's been pushed is good. I don't think you should be required to completely exclude yourself from the decision

making, because I would think we're all capable of making rational decisions without being influenced by personal relationships. But I do think it shouldn't be members are encouraged to declare, I think members should be required to declare so that the rest of the Standing Selection Committee can decide amongst themselves how much influence this person should have on the decision making given their declared relationship.

ARINOLA AKIINYEMI: Thank you, Q Misell. Alan.

ALAN WOODS: Thank you very much. I agree with Q. I'd just put it on the table, I was a person in the past—just to give context—that I had raised this in the past and I thought it was handled exactly right by the chair and the leadership team where I worked with the person who was up for the [inaudible] but I put it on the table and I said this is my conflict, do you think that you want me to recuse myself or not? And the answer came back if you feel this is appropriate or not. And in that instance, I was capable of drawing a line in my brain on that one.

So I think I agree with changing it to required. Making it completely open and transparent is probably the best way to go forward. Thank you.

ARINOLA AKIINYEMI: Thank you, Alan. Paul.

PAUL MCGRADY:

Hi there. Yeah, this is an interesting one, because you say if you're friends or you have a professional relationship with somebody, if we're all doing our jobs, most of the candidates that come in here will be people that we know from ICANN. So for example, the last appointment of Chris Disspain, he's a chair of an EPDP on the IGOs that's wrapping up. I'm on that PDP. I liked the guy. I think he did a good job. I consider him a friend. But I don't know that there's necessarily a conflict there.

So I think the light touch here is fine, and I would be very surprised if round one of—I hate to call it a conflict because it's not a conflict to have friends and to like people or to have professional relationships with people. Conflicts come in when there's economic interests involved, usually, or family issues involved, like if my cousin is up for something, I can say this candidate is my cousin, or this candidate is my law partner, or a customer or something like that.

So I think the idea here is right, but we have to be really careful on how we word it, otherwise we're all just going to—everybody will be disqualified from everything because if we're doing our jobs, we're doing it in a friendly way and making friends as we go. Does that make sense? So the input is, okay with the concept, but let's spend some time on the wording to get that right, because we don't want to call something a conflict of interest when it really isn't, it's something less than that. Thanks.

ARINOLA AKIINYEMI: Thank you, Paul. I think you misconstrued me there. It'll be that you will declare. That's just it. It doesn't mean there is a conflict there if you declare it. Declare it so that we can know, and then we can—Emily, please go ahead.

EMILY BARABAS: Thanks, Arinola. And I guess this is a clarifying question for Paul since staff will probably be doing a first cut of the drafting. So I think we can avoid using the term “conflict” as Arinola said with respect to personal and professional relationships. So here, we refer to conflicted and just use the example of being a candidate yourself, which is a pretty clear conflict. But perhaps we can just say if it is the case that there is a personal or professional relationship, you've got to say something about it. And maybe there's something we can say other than professional relationship that might make clear that it's not just about someone you know in the ICANN community, because for the most part, as you mentioned, Paul, it's a small world and people work together in many capacities.

I don't know if direct professional relationship or employment relationship or something like that is more clear, but I think to the extent that there are suggestions for a specific word, that'll certainly be helpful for us as well.

ARINOLA AKIINYEMI: Emily, if you check the chat, I think Alan put in something fantastic there.

EMILY BARABAS: Alan, thank you. I see.

ARINOLA AKIINYEMI: Thank you, Alan, for that. [inaudible]. I think that's all. Okay, so the consensus, I want to believe here, is we all agree that there is need to reflect that part and take out the conflict there rather than for personal and professional relationships, and instead go with wording from Alan, which is that may be perceived as having a material impact to the decision process.

Do we have anyone who disagrees with this particular wording? I think everybody is agreeing with it from what I can read in the chat.

PAUL MCGRADY: I'm sorry, I got skipped over in the last round, you moved on without calling on me.

ARINOLA AKIINYEMI: Oh, Paul, [inaudible].

PAUL MCGRADY: So I'm just sort of elbowing my way back in here. Sorry. So I'm not much of a person for drafting super on the fly, so I just want to put a note down saying I think we have to be really careful in this space and I think staff has the concept and the idea well in hand. But I'd like to say that instead of just agreeing to what's in the chat, let's all wait and see how it turns out in black and white and react to it then. Thanks.

ARINOLA AKIINYEMI: Thank you, Paul. Peter.

PETER AKINREMI TAIWO: Thank you. I quite agree with Paul, because when you're looking at it, if I tried to play devil's advocate here, you might not necessarily [inaudible] that there is a material impact or interest there to have the conflict of interest when trying to make a decision or in the process of making a decision which can [inaudible]. So let's be careful with the way we construct the conflict.

I would suggest that we should look at what constitutes, what denotes conflict as it's used in this context. So let's then agree on what the conflict is before we change the text. That's my suggestion. Thank you.

ARINOLA AKIINYEMI: Thank you, Peter. Well, Paul, to answer your suggestion, yes, we will be reviewing it for another time period. The essence of asking the question at hand is so staff could put it into the wording of the document and then we can review again. It's an ongoing process. Thank you. Emily, back to you,

EMILY BARABAS: The next item is at the bottom of page three. This is about the role of the chair. Currently, there's not a lot of guidance around the role of the chair in the group. And often in group charters, we have a

little bit of guidance about what the chair does and what their role is. For a lot of GNSO groups, the chair is a completely neutral facilitator and is discouraged from sort of contributing as a member, but this group is obviously smaller, it's pretty focused, and noting that we've had some trouble getting volunteers in the past, the role has traditionally been that the chair serves as a neutral facilitator but can also essentially change hats and contribute as well as a member. So some of that is just for efficiency, and yeah, noting the resource constraints.

So the suggestion here is simply to document the status quo in the charter itself for transparency purposes and so that it's clear for any new chairs stepping in.

We've got support for that approach from Sam, Olévié and Brian, but welcome any other input as well. Over to you, Arinola.

ARINOLA AKIINYEMI: Thank you, Emily. I think this is pretty straight forward. We got a comment from Alan already, no objections. So do we have any objections from anyone?

Would anyone want to have any discussion on this, or even a suggestion? None that I can see. Emily, back to you.

EMILY BARABAS: Now in the middle of page four, there are two places where the charter refers to the working group guidelines and the GNSO operating procedures. We had a suggestion from Arinola to add links to those documents in here and staff has suggested just

adding links to the page on the GNSO website where the latest versions of those documents are posted. So as any new updates come through, this'll still be pointing to whatever is the latest. Any feedback on that? I hope it's not controversial.

Okay. On to page five. When the charter was originally formed, the rules of engagement lists the step three here—I'll start with step two, actually. This is the standard steps that are followed for a selection process.

In step two, it's mentioned that the SSC reaches out to SGs and Cs to confirm the affiliation stated by candidates. This is something that staff just does in the background when we receive applications, we touch base with the staff supporting each SG and C and make sure that if someone says they're an NCSG member, that they are in fact affiliated.

But the second piece in number three currently states that each SG and C should be provided with sufficient opportunity to provide this confirmation as well as any other information the SG or C deems useful for the SSC to consider as part of this evaluation.

I think in practice, the first part of this obviously is that they should have sufficient opportunity to confirm. I think we can move that up to two. But the second element about input from SGs and Cs, I think in practice, what has happened is that members of the SSC are encouraged to coordinate with their groups and get the necessary input so that they can contribute with that input, but it doesn't explicitly say that here. So the suggestion here is that it may be useful to reword this. And Sam has provided support on that to basically say that it is the role of the SSC member to

coordinate with their groups and provide their input on the candidates with that input to the extent that the group wants to provide that input, of course, also drawing on their own experience and the application materials. Over to Arinola for the discussion. Thanks.

ARINOLA AKIINYEMI: Thanks, Emily. I want to believe that all of us were appointed here of our SGs and Cs and we have always had [of course to] always go back to that. But I would open the floor for discussion so that we can share ideas and understand each other.

ALAN WOODS: My view on this one would be this seems to be more of a call of the specific SG or C as opposed to something that should be in the charter for the SSC itself. So as a member of the Registries Stakeholder Group myself, I'm given my marching orders to come here and to report back, and I think that should be left to the SG or C to define. It shouldn't be an expectation within the charter of this body to expect people to report back.

So I think we probably need to just leave it the way it is, is my impression of it.

ARINOLA AKIINYEMI: Thank you, Alan.

Q MISELL: I agree in principle with what you said, but I think the wording as it currently exists leaves some room for interpretation as to how that input is provided. I think it should be made more explicit that the input is provided via the SSC member and not directly from the SGs and Cs.

ARINOLA AKIINYEMI: Thank you, Q Misell. If I understand you correctly, maybe it'll say something like each SG or C—[inaudible] via its member representative or something of that nature.

Q MISELL: Yeah, that works for me.

ARINOLA AKIINYEMI: Thank you. Do we have anybody else who would like to take the floor? Thanks, Alan, thanks, Paul. I see the support for that change there on both of you. Seeing no further input, I'll leave it. Thank you. [inaudible]. Okay, now we all have the same—I yield the floor back to Emily. I think we agree on this.

EMILY BARABAS: Thank you, Arinola. What an efficient group. Okay. We're almost there. The next one is on decision making methodology. This is at the bottom of page six. Sam suggested that we repeat the text included earlier in the charter about what the SSC should do if it is unable to reach full consensus. In this case, the SSC informs

Council that it could not provide consensus and offers details of its process and outcomes.

And I see that Olévié agreed with that suggestion. Other comments on that? I'll pass it over to Arinola to facilitate.

ARINOLA AKIINYEMI: Thank you, Emily. I would open the floor to everybody to come in with their suggestions. Do we have anyone who would like to discuss on this? Would like to hear from you all. Alan, Paul, Q Misell, Glen?

ALAN WOODS: I don't necessarily have any real issue with this, no objection going in.

ARINOLA AKIINYEMI: Thank you, Alan. Do we have any other persons? Okay. Seeing no hands, I have no objection either so I yield the floor back to Emily.

EMILY BARABAS: Just a couple of additional small items. We had suggestions from Sam in a couple of places where there are references to his/her or he/she. I think there was another one above that I didn't pause at. But I think our standard best practices for ICANN drafted documents—and I guess we can adapt that for community documents as well—is to for example refer to the member as opposed to his/her/they etc. So unless there are any objections,

we'll just make those changes for consistency throughout. And Alan is expressing support in the chat. Thanks for flagging that, Sam. And if anyone wants to speak up, of course, please do.

Otherwise, I think there was just one additional item here. Oh, at the very end, this text about appeals was excerpted from the section 3.7 of the working group guideline. It refers to the appeals process, and I think Arinola identified that perhaps the working group guidelines should have referred to appeal process in the singular rather than the plural.

As a non-lawyer, I will leave it to you, the lawyers, to let us know if there is an error there and to be corrected. But I think that that's actually the final item for us to talk about. Thanks.

ARINOLA AKIINYEMI: Okay, thanks, Emily. Also, if you go through the document that you're referring to, the footnote, it's still appeal process. I think that appeals was just a typo. There is no S.

EMILY BARABAS: Okay, so it sounds like we'll make that change.

ARINOLA AKIINYEMI: It's open to discussion. Do we have anyone who would help us through this? Thank you, Paul and Alan. So we agree that the S should go.

EMILY BARABAS: Okay. Thanks, everyone.

ARINOLA AKIINYEMI: I think we've gone through the review process in record time. I'm so glad to have this fantastic team to work with, both staff and members. It's awesome. We would expect the staff to send the revised one to us, I'm sure Emily will do her magic as always, with Julie supporting. When we get them, we should please try to review and get back to our SGs and Cs so that they could—at least some of them have served on the SSC prior to our coming on board and probably, they might see things where we have not seen or they would have experienced something we have not experienced.

I'm waiting to—I've already [placed a card holder] on the BC call for tomorrow to be able to share with them this revised version so that we could also have their inputs and their perspectives. Emily, the agenda, please.

Okay, AOB. Do we have anyone who'd like to bring up anything? Okay, I see one hand up. Alan Woods.

ALAN WOODS: I just wanted to point out the fact that for the Registries Stakeholder Group, our next biweekly meeting is in two weeks, so just want to make sure that that's built into the process because I would like to obviously just have the opportunity to provide it at that meeting. So if the timelines could reflect that, I would appreciate it. Thank you.

ARINOLA AKIINYEMI: Okay. Thank you, Alan. Emily, over to you.

EMILY BARABAS: Thanks, Arinola. There's some flexibility here. This is obviously not an item that has a specific deadline, so we want to make sure of course that all the groups have the opportunity to circle back with their members and get the necessary feedback. So exactly that kind of feedback is helpful, Alan, in terms of process.

What we're going to suggest here is that the leadership team will go back, do a couple of redlines, we'll export this Google doc into Word just to make things a little bit simpler, and then we'll recirculate it to the group. It sounds like maybe two weeks would be helpful to have for folks to review the updated version and coordinate with their groups on that, although if folks need more, that's okay as well. And then if there are any either adjustments to the edits or additional items that people want to raise, they can do that on the list and then we can determine if we can resolve any of those on list or need another call.

And then I think the last step once we have done that is to do basically a consensus call on the mailing list by non-objection on the final text, and then it will be submitted to Council for approval.

So the document deadline for the May Council meeting is I believe the 3rd. I do not have it handy. But I think ultimately, even if it goes in the June Council meeting, that's okay too. In terms of time sensitivity, it's not urgent. So let's make sure everybody has the time they need.

So, is two weeks sufficient for folks to—it'll probably take 24 to 48 hours for the leadership team to get out the fresh set of edits, and then it would be two weeks from now, say, the 22nd or something like that, of April. Does that sound okay for everyone, or do folks need more time to review the next set of edits?

Q MISELL: Two weeks works for me. I think the next RrSG meeting is on the 18th. So if it's the 20-something-th, that will be totally fine with me.

EMILY BARABAS: I see Alan and Paul are plus one-ing, so that's great. And then if we do, say, a week for the consensus call, that'll still get us to the end of April and that should be enough time to submit for May. If we do need another meeting, of course, things get pushed back a little bit, but again, it's not a problem. So we'll just continue to chug along and see how we do. I'll pass it back to Arinola. Thanks.

ARINOLA AKIINYEMI: Thanks, Emily. Thanks, everyone. Thanks for the next steps. I think since there's no other business—do we have anyone who'd like to say anything, suggestions? Okay, not seeing any hands, I would like to give back to everyone about 15 minutes of your time.

Thank you for coming on the call, thank you for your inputs and suggestions. They're greatly appreciated. Hope to hear from you in the [mail] and to see you. Have a lovely rest of the day. Thank you all.

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

[END OF TRANSCRIPTION]