

**ICANN**

**Moderator: Maryam Bakoshi  
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Wolf-Ulrich Knoben: ...then there are. Well it's Wolf-Ulrich speaking. Did I get it right? So we can continue with the next Slot G. Is that one? Okay great. Hi. Good afternoon.

So we are switching over to so-called in-house issues or NCPH procedural issues here and we just do some introductory remarks. Rafik and myself – we seem to be one of the let me say dinosaurs from the GNSO Council from the beginning where I've got experience with these in-house issues for several times.

I recall that for example – and if you switch over just for the next slide so I can show you these three items we are going to talk about – is about the GNSO Council, last year's election, the GNSO Council chair nomination and the Board Seat Number 14 selection as well.

And Rafik and myself – we managed well to get experience in at least I would say three GNSO Council chair elections when we – when I was a member of the Council and Rafik is still on Council, and also three times to find out how

we should find consensus on a board seat selection and even multiple times maybe with regards to the vice chair selection well of this house.

So we have got this experience on the one hand and we discussed in advance and we think – and you can see from that we started in 2009 with the – after the last GNSO restructuring with those issues well to talk about but that this takes time.

This takes even more time than some PDPs I would suppose so a PDP seems to be a – an easy job to me and internal house issues seem to be rather difficult to solve.

I don't know why really that is the case because the issues or the tasks are very clear but there may be some – well it's more different kind of views behind that that we couldn't come to an – to results over the years in some of these items.

So – but nevertheless the good news is that we have resolved one of these items right now and that is Number 1. It is about the GNSO Council vice chair selection and Rafik I'm not sure. Would you like to dive in with that one or with the board selection?

Rafik Dammak: its Rafik speaking. Thanks Wolf-Ulrich. I guess what we can try to do is yes to stay - that think we have agreement on that process and we used it the last time.

I think just the procedural question is how to document this and so maybe we can ask the staff in how we can add those to – as an annex. Maybe Mary can respond to this.

Wolf-Ulrich Knoben: Well now let's move this before you speak and let's move to the next slide so – because this is going to cover – and then before we – or Steve you have a question before we...?

Steve DelBianco: On that first one -- this is Steve DelBianco -- there are many people here who weren't even tuned in as we had our vice chair selection process so...

Wolf-Ulrich Knoben: Yes.

Steve DelBianco: ...could you and Rafik even just describe how it worked?

Wolf-Ulrich Knoben: Yes. So it – and that is – that's on the next slides here so we're just moving over to the next slides. And so we were discussing a document and were agreeing on that on this document, and this document fixes some of the steps we are taking together between the CSG and the NCSG well in term or to come to a decision about the – a consensus about the vice chair selection.

It's – I think that it's ten bullet points in total on two slides. First one is clear. Well it is that we say the vice chairs would serve on a one-year term. A second one is there could be a chance whether the vice chair who has been elected could serve on a second one-year term as well, but that would be then a subject of a review between the two partners/the two stakeholder groups in order to find consensus on that.

So one year is fixed at least. Second is an option of this finding consensus after the first year. If – and there are some steps so in case - so if one of the SGs is not or the other SG is not agreeing to that - the sitting vice chair is going for another term of one year, then there could be an objection to that but it must be – there must be a - reasons – extraordinary reasons for this rejection so there is a place for debate about that.

And then it's a next step so if a vice chair does not serve the second term because of any reason, whether he or she was rejected by the other SG or there was a different reason, then these vice chair's stakeholder group would have the right to nominate a candidate for the upcoming term of the second year for another one year.

And the new candidate would be subject to review and approval by the other stakeholder group so let me do an example. In case Rafik is – term is over one year and he would like to – not to continue as vice chair then this Paragraph Number 4 is the one – how we deal with that.

So that means the NCSG would have a right well to nominate another one, and then it should be approved as well by our SG as well – by the CSG so then it's clear.

After two years, which is the longest term of a vice chair, then that would be clear that a nomination should be done by the other Commercial Stakeholder Group.

If for example that in this case with Rafik so if he's going for two years and after that we would come from the Commercial Stakeholder Group and nominate another one.

So next slide for the other – yes okay. And then it's just about the nomination process here and then the CSG in this example would nominate a candidate for review and approval by the NCSG, and that would be done through a so-called listening tour process yes.

It's clear under Number 7 that both SGs in any case have to approve the candidate, and if there is not achieved an approval then the non-incumbent SG – that would mean - in this example would be the Commercial Stakeholder Group.

We would have the right - another – to nominate another candidate and that could be done up to two additional rounds if that would be necessary in order to find consensus about that.

And then it's – goes – if that is not coming to success then the NomCom appointee who is allocated to our house if that is still – I think it's – yes it – it's Kurt.

Erika if she's still appointed at that time then she or he should like to mediate between the two sides in order to find an acceptable candidate - a compromise.

So – and then, you know, also we were thinking about, you know, what's going to happen if that doesn't be of a success. Also note the next time is also, you know, in case - if one of the SG members, either the Commercial Stakeholder Group or an – or NCSG member, is becoming a chair like it is here with Heather this time so then it's clear that the other SG would get to select the vice chair.

Well that is very clear on that. Also well both SGs have to approve let me say also the vice chair. That is what we did with Rafik the last time so Heather was appointed as Chair and then Rafik was appointed as Vice Chair.

And there is another option here. If the – both SGs would agree to nominate the NCS – the NCA as the vice chair – the NomCom appointee then that would happen.

Then in this case it's just about the rotations and the tier – the two-year rotation. It is not to be affected and the rotation would continue after her term is or his term is over.

So it means we have imposed a two-year rotation and that would just be intermitted, you know, by – if in case the NCA is going to be selected as vice chair.

And the very last we saw is if there is no agreement to reach about the vice chairship after all these steps, then we would leave the vice chair open in the – in that meeting where we are going for – are supposed to nominate a vice chair for the Council.

So that is in total the process we agreed upon. This process should be in terms of timing should be in line with the timeline for the – which was agreed by the Council for the election of the Council chair and that is what we have agreed so far.

Officially that document is not yet included in any kind of form I will say either in – for – in the form of bylaws or any form of GNSO procedures, and that is the question I think which is to be finalized here and we should clarify with staff how we should proceed with that.

So if we agree of that then this procedure could be incorporated in the related framework and I would – so I guess it's the GNSO procedures where this should be added as an annex but I'm open well to learn also from staff.

So that's the process and let's just open for discussion for – if there are still discussions from and questions from newcomers here for example, and also comments/inputs from those well who were dealing with that as a process so let's start discussion about that. I see Steve. Steve go first.

Steve DelBianco: Thanks Wolf-Ulrich. Steve DelBianco. Two questions. Does the Contract Party House have it baked into the GNSO procedures for how they select a vice chair? And number two, how close is their process to this one? Thank you.

Wolf-Ulrich Knoben: Okay before I go to – Kurt to you let me just answer to them. I don't know. So I know they have for the board seats and they have this incorporated. I think even they're going – it's in the bylaws.

But this one I don't know. I don't know how - the outcome with the procedural is at. I didn't have any contact. Next question please from him.

Remmy Nweke: Thank you. Remmy Nweke for the records – NPOC. This – and the slide go back to the last – Page 3. Yes the – my concern or the question rests with the Number 5, which says, “After two years with one SG your vice chairship will be offered as a first nomination to the non-incumbent SG.”

In condition for this what – which one takes four minutes? Is it the occupant of the position or the SG? Is it the occupant of the position or the SG? Which one takes more permanence in terms of the consideration for the nomination, because we are talking here about non-incumbent?

Wolf-Ulrich Knoben: Yes. So – well let me describe and Wolf-Ulrich speaking here. Well non-incumbent means in that process the SG – that means, you know, before that time there was one SG providing the vice chair for two years.

That is the so-called non – the so-called incumbent because that was the incumbent SG and now it's the other side, you know, the non-incumbent. That is the meaning behind that. Is that clear?

So that means the right to nominate a vice chair is going to the other SG after two years. Is that clear enough or is it – please.

Remmy Nweke: My understand of this is that - the way you have explained it is that after someone has served for two years and - then he has to step aside. Am I correct? Thank you.

Wolf-Ulrich Knoben: Yes two years is the limit. Any more question for...?

Woman: So in the – Number 3 – sorry, I was not involved with this so I don't really know. Number 3 – it says that, “Review and consent by the other SG after the first term could result in a rejection but there would need to be extraordinary reasons for this rejection.” What is extraordinary reason?

Wolf-Ulrich Knoben: It's a good question. Thank you for this. So I open the floor for this discussion about that. Any ideas from both sides? Rafik first please.

Rafik Dammak: Okay I will try my chance here. Okay, I mean, first maybe you just remind that my understanding – this process was discussed in Iceland and there was an agreement on it.



Regarding Point Number 3 I think it was made to make – how to say – to make it clear that it's not automatic selection. There is a requirement for reviewing the performance of the vice chair and I think it's fair.

When making it as the extraordinary reason it make kind of the threshold for not – for rejecting is quite high. We need to extend - what was perceived by the other stakeholder group regarding the performance of vice chair.

I may say there was - some issues happened in the past. Okay it's in the past. So I think my – even the first and I think it's fair. And that put kind of an accountability on the vice chair that as kind of coming from the Non-Contracted Party House he or she needs to do her or his best to do the work for their – how to say – for their house.

So that – I think that's kind of the context or some historical context. I cannot go further but I think it's fair to add this provision here.

Wolf-Ulrich Knoben: Farzaneh you like to comment on that or – no? Okay and before you go – so – okay this is – I understand this is sensitive and it is really I would say, you know, we are waiting for getting this experience with this paragraph.

Yes so – and because it may be a learning curve so depending on well what's going to happen yes. So I think it doesn't make sense well to install a working team, you know, thinking about this extraordinary events, you know, what may happen and all these things just in case.

That is really not the way - how we should deal with that but it's – as Rafik was saying well the bar is very high, you know, and there is space for discussion to do that. So you had another point?

Farzaneh Badii: So I don't see any mention of diversity, gender diversity or, I mean, not binding but it would – been – it – we would look – come across as nice if we actually have something like that. I – so I'd say non-binding but go ahead.

Wolf-Ulrich Knoben: Go ahead Heather please.

Heather Forrest: Thanks Wolf-Ulrich. There are actually explicit provisions around diversity in the Article 11 of the bylaw. Article 11 is the GNSO section on membership so we're...

Wolf-Ulrich Knoben: Yes Heather you're right, you know, with that. So I think it's also in the GNSO procedures along – there is with that so I think that that is enough for this.

So any clarifying question for that? I have two. Let's go first to him and then you.

Sam Lanfranco: Sam Lanfranco for the record. Just to observe that the way it's set up extraordinary reasons cannot be used as a tool to fight between the houses, because the other house makes the replacement and they could replace it with the same person. Then you'd have a mess so it assumes a certain amount of good will.

Wolf-Ulrich Knoben: Please go ahead.

Remmy Nweke: Remmy again for the records. Oh if you look at the Item 4 there the – even if the vice chair is to be replaced for his – during the second year was a specific - whether that person is coming in to finish this two-term – two-year term supposedly, okay.

So I'll – probably that has to be specific so that if someone is coming in is he coming to finish the term of the former VC from their SG, or is he starting a fresh tenure so to say? Thank you.

Wolf-Ulrich Knochen: No it's the first thing so it means, you know, there's a slot of two years which is – which could be filled by one SG/by one stakeholder group for two years term.

So if the one – the vice chair is going well to leave the post after one year and he's going to be replaced by the same stakeholder group, then this is – the replacement is done for one year to fill up, you know, just the two-year term.

So – and now it says here that it's just in case also the new replacement has to be approved by the other stakeholder group as well.

Remmy Nweke: Sorry. Do you have any other clause assuming the replacement is rejected? What should be the next option?

Wolf-Ulrich Knochen: So that was just the – a consequent of the long discussion we had, you know, about that so – and just raising points, thinking about what is going to happen in this case.

So we – as we are human beings so we don't know exactly what may happen in future so – and so that is – there is no real experience with that but it was on the one hand I think a result of the – of this long-term discussion.

In former times I think before we came to this conclusion there was a lot of mistrust between the two stakeholder groups here with regards to okay how the other side is going to react in this case or for this nomination.

And so – and this is maybe – this may reflect that a little bit so just to leave it open just in case if there is something happening, which is not defined here but then there's an opportunity. Please go ahead.

Farzaneh Badii: Farzaneh for the record. Just to clarify this is already set in stone, right. Like this is just a presentation of what's been discussed and what's been agreed on, right.

So yes I think behind every single one there is a rationale that was discussed between the two SGs and I guess let's just move on I would suggest.

Wolf-Ulrich Knoben: Thanks very much. I would like to do that so – but I'm – on the other side I understand, you know, so we are fully – Rafik and myself so - because we are for a long term on the Council and GNSO so we understand that.

So – but there's - every year there are new coming – newcomers here so even, you know, the leadership of the BC changed right now and others so they have to step in so that's why we would like to give space well for more discussion on that.

So – but anyway if that is covered and we will be open well to answer any question also later on, you know, if there are questions coming up from the floor.

So then let's move to the next topic. This is – if you go to the next slide or even after the next one – yes. That is a little bit in context with the vice chair election.

So that is the question of nomination of the GNSO Council chair. You know, from the GNSO procedures and maybe even from the bylaws the GNSO chair is going to be nominated by every house.

You know, the - each house has a – the right well to nominate one candidate. Well it is described in the procedures and the bylaws the conditions under which, you know, what the – I think it should be a member of the Council who is going to be nominated so both can nominate it.

So we have within our house the right to nominate a chair. The last time – so we have not – there’s not a process which we have written in stone here. And we have – but even we have succeeded the last time when it came to the election of Heather here.

So what we had in the past is just well we are talking – so when we were thinking about, you know, how we could do that. It’s about a nomination. It’s not about election itself to May – to distinguish here between.

You know, it’s just to nominate candidates. Election is a very different thing, you know, which is coming then on Council level but it’s in the debate in the stakeholder group as well so there may be different scenarios to think about.

For example, if our house has no candidate, so there’s nobody stepping forward - volunteer for the chairmanship for example or is no applicant, that could be a case and there could be other cases well also that we have just one applicant, you know, from - either from the Commercial Stakeholder Group or from the NCSG or we have two internally so – where we have to find consensus in order to bring forward to put forward one nomination.

So these scenarios could occur and the question is right now how to deal with that and that is – it could be well also a starting point well to think about that and how to deal with that.

The question here behind of that is is it advisable also to come up with a sophisticated process here to write it in stone? Is that this kind of hard thing, we should think about that as we did with the vice chair because we have – the vice chair is a position here directly?

On the other hand it's here just a nomination question. And another question could be, you know, if we do that in order to think about a process how shall we do with the voting?

Is there anything to think about the voting in advance, you know? You know, remember we had discussion before Heather was selected well in order to be sure on both sides that we – that she will get the number of votes requested.

So these are questions right now so we don't have a suggestion here – specific one and so we could start well the discussion. Well maybe Rafik do you have any other thing well to add on that before we start discussion on that please?

Rafik Dammak: Okay thanks Wolf-Ulrich. This is Rafik speaking. Yes I – maybe for the context why we put this I'm trying to recall how many times the Non-Contracted Party House put the candidate and I only recall four times in – since 2009, so that's why we didn't really go into a process and we tended to work in ad hoc basis.

And I think for this year we find out that because a - kind of time constraints and how we did it created some I'm not going to say tension but just a lot of confusion and we tried to fix that.

So I guess for the future the idea is to get a process that will help us and maybe make it more, I mean, also help us more for planning because the kind of things – what happened this year is – and in term of the timeline we almost miss it – the timeline.

So having a process and the clarity that the Non-Contracted Party House need to deal with that yes – an annual basis, it will help in term of planning so that's why I wanted to add maybe as a context for help maybe to help for discussion.

Wolf-Ulrich Knohen: Thanks Rafik. So, while, while the action of chair is taken place every year, (John Kahn), as you know, the Council, Council member. So, well, it's time well to think about it really. So, also, just started, okay, that's how we're dealing with that.

So, any, any comment on that, so any opinion on that? Or, we should move forward with it, formally writing something in stone, posting Council to do that. Or, just setting a timeline for which is set by the Council and then, for the Chair selection. And then, going ahead, saying within that timeline, setting some points, from (Marcus), from our side where we should achieve some things. So, that means setting (Marcus), okay, for the first exchange on that and then, finding position until this is that time. So, and independently on a specifically within process, so that also could be an alternative.

Are there any opinions, any formed opinions for a formal way to go forward with that? Or, on the name and then Tony owns.

Farzaneh Badii: I, Farzaneh Badii speaking. So, I don't think we should make it too formal, but I think we need to have a process. It could be a light-weight process, but at

least because, what's, we faced this year was that we did not have a process and we were kind of like confused as to what was happening. And we didn't know Heather was nominated for what, I think, that was the situation, and this was neither (Heather's) fault or our fault. It was just because we didn't have a process.

So, Heather suddenly remembered, "Oh, I should tell people", and then, as she, yes. So, sorry, so it was kind of like we were like thinking about this going to the deadline and then, you reached out to us, right? Would you like to correct the record?

Heather Forrest: Thanks Farzaneh , this is Heather Forrest. I think we all just kind lost sight of the deadline. It wasn't a case that I realized at the last minute that I needed to reach out to you. I realized that nobody else had, I think we all just got busy, and lost sight of the deadline. So, I think if we do something that's, you know, on a light-weight process, it would make it easier for whoever the possible candidate would be. You know, rather than process ourselves to death here, procedure ourselves to death.

If we have some kind of a trigger, whether it's almost the ex-COM or whomever. To say, "X number of days, weeks out, let's start to think about this", you know? Let's just bake that into what we do in the House and say, you know, "If the election's going to be held at the end of august, in the beginning of August, let's kind of trigger it." I think we just lost sight of, you know, we've had transitions in leadership and everything else. It became clear to me in the process that there were a lot of people that weren't in discussions at whatever the ICANN meeting number would have been at that point, 60, which would have been 59? So, there were discussions that happened at 59 and didn't get reported back and that kind of thing.



So, if we just put in a figure sometime in early August, let's have these discussions and I think that'd be, that would mean, you know, completely eliminate any of the confusion that we experienced.

Farzaneh Badii: So, I just want to separate that. Just process for communication. When the nominee should reach out and inform people and start a conversation. I think that would be like a light-weight framework for this.

Rafik Dammak:: Okay. So, tell me one more, I want just to maybe comment quickly on this. In fact, we have the trigger, the Genesis staff send us the communication that we should, about the timeline, and about nominations. So, we go this trigger, having the process would just make it more, that we would work on that. But, yes.

Wolf-Ulrich Knoen: Okay. Tony Holmes, please.

Tony Holmes: What I was going to say, I think, has been said. I agree, we need a process, that's fundamental. We can't get into a situation we've been in the past. And as part of this process, I think we do need to define timelines for the one actions as part of that process as well. Because we always find, whenever this is triggered, we're up against really tight deadlines that we struggle with to meet.

So, at least let's define the process and put some timelines on that for each step along the way. And then, I think, well, we can talk about the deals, about how far we need to go separately. But if we agree that is a first step would be a good thing.

Wolf-Ulrich Knoen: Okay. Thank you. Philippe, you would to join?

Philippe Fouquart: Thank you. Yes, just in support to what is being said already and to the points of a possible vote extension on the Slide. I think that if we were to get to such, to such means, I think a week victory would mean, a short victory would mean a week down to dates and that's, that wouldn't be looking good for the prospects of that candidate. So, if there were to be a procedure, I certainly agree with that. But a vote, I don't like that much. Thank you.

Wolf-Ulrich Knoben: Yes. Thanks. So, collect (Candyce), you are in favor of the process, but not on a voting scheme? Yes. Okay. Because it's about a nomination or the final consensus on a nomination about that. there's no need now to vote on that from my understanding because the Council is going to vote on the election?

Well, so, I understand and there is a desire for having a process finding out well, let me say, alongside these various scenarios maybe and this was a timeline of communication to find, to set dates, for the communication between the both stakeholder groups. Well, I would like to know, because, you know, it is for the next term, usually the Council Chair is going to be selected at the AGM, the Annual General Meeting, and which is in October or November.

So, and before that, so the process is going on also to come up to nominate. And I'm referring to other staff, maybe (Mary), do we have in mind, well, the existing, the present process we have. If I recall correctly, we had already, we started already before the Summer ICANN meetings, well, there's nominations for that. Is that correct? So, if you could, let me say, share here in the group the existing present process, that would be helpful. Where we are aware of, where we are opposite at the time being, and what we have to do.

Are there, before we talk about to go further with that, are there any other ideas or any other comments on that? Mary, please?

Mary Wong: This is Mary from staff in. Thank you for allowing me to speak. It's just an indirect response to your question, Wolf-Ulrich. I will past the link in the Adobe connect room but in the one section of the GNSOs operating procedures, there is actually a time table or a timeline for the GNSO Chair election.

And Wolf-Ulrich, I believe that's what you're referring to and it does start generally at the Summer ICANN meeting. The date itself does vary depending on the meeting date. So, I'll past that link in the Chat with the page reference and in relation to the non-contracted parties house, because it is two stakeholder groups and there is this sense of, you know, whether a Vice Chair and a Chair coming from the same stakeholder group or a different one.

It may be helpful for you to take a look at that timeline and then, in some ways, plan forward or backwards from there as the case may be. And staff can take it as an action item working with each of the Chairs to try to develop a timeline for the Vice Chair election based on that framework.

Wolf-Ulrich Knoben: Okay. Thanks very much. Good idea. So, let's, I would suggest let's do the following, if that's, as we wish for having a process on that. So, we should have a, let me say, not a big team on that, but to come up with just some bullet points or ideas with regards in context with the timeline which are the activities we have to do, alongside the timeline. And maybe who, are there any volunteers from our group, I have to ask this way to do that? Otherwise, I'm going to volunteer Rafik and myself.

Okay. Well, it's not a big thing but, you know, but what we're going to do is relative and to share it on the list here as soon as possible. So, for the first ideas on that and then, I think we can move ahead with that. Anyway, so we driven by the timeline for the next Council Chair election and it will with our effort, I'm sure, you know, in our deliberations here. Okay. We found a way how to move forward and put it into the action item list.

So, what's next? Next, we have the Board Seat selection. Yes, number 14. It is, well, (Shibala) and the last point, so we do have yet an agreed process. But what we did here, I figured myself, is where we put together where we are with that discussion. So, we have a little bit more time here for that because we came to an agreement with regards to (Matthew Sheers) in last year. And the next selection round is in 2020, so two years from now, or 2-1/2 years from now. Well, it seems to be long time, but, as usual, it's not too far away but to think about.

So, where we are here, we had last year discussed in Iceland about that and we took, on the CSG side, we took the process which was accepted, adopted, by the contacted parties house. And we adopted it to our potential needs here and offered it, well, for discussion also to the NCSG. But there was comments from the NCSG, but, so we couldn't find agreement on these points. So, that is still, you know, the situation. But we didn't have full-out discussions on the process because we were busy, busy with election itself and to get it through and then, so the process is still where it is now.

So, nevertheless, we succeeded in selecting a Board member, (Matthew). So, the idea could be, we did something, so we had an exchange on emails and other views. And well, let's look back on what we did and can we use some of these parts, what we did, in proxy. Then, and take it for future selections as well, so, because it maybe acceptable to that. However, I was checking, you

know, all these emails exchanged, so, at least, I have gone on to the NCSG and I couldn't find, you know, specific things, you know, that we could take here.

Others and, you know, it is offered, you know, are you agreement with, so, if it comes to a vote and well, how are you going forward, you know, and is it, are you aligned with the NCSG and CSG and these kinds of things. There was nothing else, you know, specific steps, you know, which I could offer this. So, that's one point.

Well, and the other point of more or less ideas, points, relative to think about to take into consideration. So, which is different also from the, or the CPH, the Contract Party House is doing. So, the idea, one idea is relative to include the non-COM appointee of the House in the selection process. It is not included by the Contract Party's House. I have a firm opinion on that, but it may be different, you know, here.

Then another idea was also in the past, we, I think we experienced, we just to come up with this every stakeholder group with suggestions, who should be nominated, who could be nominated? So, we never had a kind of call for expression of interest, for example. Neither in the House, neither in the stakeholder's groups. Maybe we should think about that and from that procedure, include and identify candidates. And then there is, you know, also to solve for the questions, is if there is just one candidate for the House, how to deal with that. If it's acceptable by both parts or not or if there are multiple candidates for this job.

So, that's just for some points, bullet points, relative to things to talk about that, and then, let's talk about, you know, as a procedure, how to move

forward here with that thing. Just points, ideas. So, open discussion. First Steve and then Rafik.

Steve DelBianco: Well, Wolf-Ulrich forward, I'd be interested to hear from our NCSG colleagues why the Contract Party House procedure, receipt 13, wasn't satisfactory? It's relative simple, there's links to it in the Chat, but I would love to understand ways in which it didn't serve the interests and aspirations of the NCSG so that can perhaps tweak it and literally solve what we couldn't solve when we were together in Iceland, right?

And honestly, Wolf-Ulrich, if you have an understanding of what parts of it didn't work, let's just lay those out now. I think we'll accelerate the process of coming to consensus on a process.

Wolf-Ulrich Knoben: I would call it first, Rafik, the one most the NCA, it was the NCA question. Others maybe different in addition, and I think we could really go this.

Rafik Dammak:: It's obviously, yes, one of them is about that we wanted to NCA to be involved in the whole process. I think that's one of our comments responding to?

Steve DelBianco: What do you mean by whole process?

Rafik Dammak:: No, I mean...

Wolf-Ulrich Knoben: It's very clear, you know, the NCA and the CPH is not included in this selected process. So, he couldn't be in the CPH as a candidate for Board seat, for example, the NCA. So, that is the difference in how the NCA Chief would like to have NCA of our House also be included in a potential selection.

Steve DelBianco: May I just clarify, I read their process and it doesn't mention yes or no on NCA? Nominating Committee Appointee? The Contract Party House's don't even mention it.

Wolf-Ulrich Knoben: Well, it's not included but it's...

Steve DelBianco: It's not excluded, Wolf-Ulrich. So.

(Rafik Dammak I mean, okay. So.

Wolf-Ulrich Knoben: It is excluded.

Rafik Dammak:: Maybe, do we mean this is not involved in the vote? Anyway, that's for CPH, but for our consent, is to participate in the whole process, like the nomination and voting and so on. That's the one that we made. Here is we think with Treasury (Deegan) the difference may at least and the Google doc. And so, maybe our collection has not occurred, but that's what we get for now. So, one, is for about NCA I think we just clarify how you can participate.

Others was also about say, this would be showed, I mean, for the vote. So, it need to be eight votes. I think that's in the different round. So, and the other one I think is about nominating many candidates. That should not be only two candidates, one from a stakeholder group. The idea that we can have more than candidates and go through at least maybe two or three rounds of votes.

Wolf-Ulrich Knoben: Steve?

Steve DelBianco: Thanks Rafik. So, if I can summarize. The Contract Party and the non-Contract Party House both have two stakeholder groups of equal number of

votes. And they have each a nominating committee appointee. And since the Contract Party House procedure that we were willing to emulate, just requires the two stakeholder groups to work it out, then I see your point. The way that's designed doesn't involve this nominating committee appointee, who I'm very fond of, but they have no accountability at all to the stakeholder groups underneath.

So, I did see where it made sense, they're not part of the conversation because they're not part of either stakeholder group. They're just part of a House, they're not the stakeholder group. So, I get your point that you think they should be but you haven't said how yet. And then, to your second point, I know the third one was more than two candidates, one from each stakeholder group. And then, the second point was the thresholds, and the Contract Party House design since they have three votes each, they say the first one that gets to eight. And since we have six votes each, right, you would think that our number would be different, is that your point?

Rafik Dammak:: Yes. This thing, yes, because I think how we design many times is that we avoid simple maturation. Not just seven votes, because the idea then, whoever get the NCA will win. And we added that addition, I'm not sure if also it's coming from the operating procedure, saying it should be 3 short of 60 persons?

Steve DelBianco: We should solve this right now. Isn't this why we're here, Wolf-Ulrich?

Wolf-Ulrich Knoben: If that is the case and we could solve it, well, it would be very good, you know? And so, because, let me just, first come back to the NCA question, yes? So, that is point and also, I personally, I was checking well, against the bylaws and the NCA procedures, you know? The NCA is a member, is a part of the House, she/he belongs to the House. So, that is very clear from the



bylaws. I was also confused why the CPH excluded all these, not really included the NCA here. So, when I was raising that point to a public comment with regards to the, I think it was for the modification of the CSG procedures, the last one. So, but that was then commented and let me say, sent back to ICANN. In order to say, "Well, we should discuss it directly with the CPH and not on the basis of a public comment."

So, that could be a point that we'll discuss in Puerto Rico, for example, in our meeting with the CPH. That's one thing. And the other thing with the voting, I think it comes also from the bylaws, that the Chair has to be selected by 60% vote of each House, if I'm correct. And it, at the Board. But yes, you know, they say something also in the files, which says, 60% vote or maybe we have just adopted that from the other, from the election. And 60% makes 8 votes in our House so that's where the number 8 comes from.

Steve, are we asking, whether we could solve the open questions right now here? So, you know, in order to do that, so, we have to find really then consensus on both sides on that, you know that? And I'm asking whether how we can deal with that and how we could move forward? I'm really with you is why, I would like to move it forward. If we can achieve for now, a result on that, that would really helpful.

First Rafik and then your colleague here, please?

Rafik Dammak:: Okay. Thanks Wolf-Ulrich, this is Rafik speaking. Yes, I understand that maybe we should try to finalize today but I'm not sure that everyone is familiar with the last draft we have, that we got in Iceland. So, when I discussed with Wolf-Ulrich one idea is that, what happened last year is we started the draft but we got the timeline that emergency to get the candidate. And so, we went on more of an ad hoc basis. This year have done, we don't

have an election, but we can put kind of dateline for us to get this done. I'm not going to say Puerto Rico, but let's say that by Panama, that we need to have this already finalized.

And so, if we need discussions, I mean, if we get like small team to work on that and then, just a discussion between the two stakeholder groups to maybe clarify or, I don't know, any issue? And then, by Panama, we agree that we should kind of agree on that and move on and document the process. So, I know, maybe we should try at this meeting because this, how say, this is kind of agenda item coming every, for every international session. So, our goal should be that we don't have that in the next international session.

Wolf-Ulrich Knoben: And (Mr. Gill). Yes?

(Mr. Gill): Okay. Sorry, Wolf-Ulrich. I wanted to seek a clarification. When you spoke about 60% of the organization, is it at a sit-in of a meeting or as in membership of the stakeholder groups?

Wolf-Ulrich Knoben: Well, it's about Council Members, you know? The council is take, you know, we were taking about the Board, the Board members, you know? So, it's not about Council Chair here. I'm sorry, I have to ask, Rafik, if we have any idea of that idea, that's a good question now. How this is vote is going to be done or if it's a voting scheme well to be taken. Because we don't do that on Council level.

Rafik Dammak:: So, we have a Council, if I'm not mistaken. We have to elect six months before the AJN, that's the timeline. So, we need to elect or select Board Member six months and from there, we can work now a timeline. And usually we conducted the vote in electronic manner. So, like we do 4, 7, or 10 days and it depends on sometimes on how many rounds we need. So, it's electronic

vote, it should be done six months before the AJN. And then after that when we do the selection, we just send to the Genesis Council just for, I think, for confirmation if I'm not mistaken. Maybe, well, I can just confirm that. Yes.

Wolf-Ulrich Knoben: So, it's stands, the voting is done by the Council members?

Rafik Dammak:: Yes. Council members. Yes.

Wolf-Ulrich Knoben: Yes? Okay. That is, because the voting is done by the Council members and that makes it, you know, we have six Council members each stakeholder group. So, and then, the 60% is, so it's counted. I believe it's not...

Steve DelBianco: I just put it in the Chat, Wolf-Ulrich, there's nothing in the bylaws requiring any 60%. It's whatever procedures and if the Contract Party House puts its procedure forth for Board Seat 13, they get to designate that. We don't vote on it. Same thing's true for the non-Contract Party House. I don't know where that 60%'s coming for. I just quoted the section in the bylaws.

If the Contract Party House has a procedure by which they pick Board Seat 13. And we have a procedure that we're trying to agree upon, where we would pick 14. There isn't any 60% requirement in there.

Wolf-Ulrich Knoben: To be clear, the Contract Party House is doing that by majority?

Steve DelBianco: Take a look at the link that Mary, it's only one-page long, and they do a majority when they can't agree, and they work their way down and they go to a majority. It's on the last paragraph, on the second page, of the link that Mary put in there.

(Mr. Gill): Sorry. I will like to suggest, we admit there's some select observations on the bylaws or timelines. Can it be projected? Can it be projected so that everyone should be on the same page? And then we can look at it together. There seems to be adjusted and it should be decided by the House or whatever? I don't know. It does matter. Thank you.

Wolf-Ulrich Knoen: But I think we are talking about, you would protect the timeline here? Or, I didn't clearly get it all?

(Mr. Gill): The link that Mary shared earlier, if it could be projected, since he said it's one page document. Am I correct? Yes. So, everyone can see and then pull up and put around a discussion around it. There are 60%, no 60%, and then, there.

Wolf-Ulrich Knoen: Do we have this, Steve, do we have this document available to project? Please, Steve, go ahead?

Steve DelBianco: While you're projecting that, it might even be easier if each of you clicks on the link that Rafik put into the, into the Adobe Chat? What Rafik put there was what the commercial stakeholder's group grabbed from here, and changed the words contract and non-contract and handed it to you in Iceland. And like Rafik said, we were overcome by deadlines in Iceland, so we didn't quite get there. But you can all click on that document that Rafik put in the Chat. I wonder how 12 months got changed into 12 minutes, I see, on the second line. That's amazing.

But that's the document that the commercial stakeholder's group was willing to go with, right? And so, I thought we were doing that when we gathered here for this segment? I was wrong, I'm sorry. But it's right here in front of you. Let's use a few minutes, the NCSG can look at the document that Rafik

sent us and what in here would need to change to make this acceptable? Thank you.

Wolf-Ulrich Knoen: Thanks. So - Wolf-Ulrich speaking. Rafik, any comment on the NCSG side, please?

Rafik Dammak: Okay. This is Rafik speaking. Okay, I'm not sure how much we can cover today but we can at least start. So what I can say in the first, let's say, one, two, and three, I would say one and two is about candidates. So if we can agree here that we need to get - we can get multiple candidates, I think that may be acceptable for...

Man: Say that again?

Rafik Dammak: I think that, first, bullet points one and two is about the nomination here. So we can - if we can agree on this, I think we can get it covered. So I would say NCSG to ask members to identify possible candidates, and the same for CSG. So we are assuming here that we can get more than one candidate for each stakeholder group.

Steve DelBianco: You can read that down on five.

Rafik Dammak: Yes, five. Yes, so that's - I think that's the scenario, more than one candidate. Okay. So I mean it's we can agree on this one, the first one.

Steve DelBianco: I guess what you're suggesting is NCSG might have two candidates and CSG might have one so that we have certainly have more than one candidate but you wanted to know how to accommodate more than two candidates. Is that - do I hear you correctly, like multiple, three candidates?

Rafik Dammak: More than two, yes.

Steve DelBianco: Right. That is complex and we probably wouldn't work that out before everyone here would get exhausted and run to the bar. But is that something you decided in the NCSG, you decided on principle that there are times that you just couldn't make up your mind on one candidate and therefore you wanted to put two or more forward? Tell us about that.

Farzaneh Badii: I can be possible. I wonder how CSG is so short that they will agree on one candidate at all times.

Steve DelBianco: If the rules tell us we have to. We're business people, we follow rules. If the rules...

Farzaneh Badii: Oh we do too.

Steve DelBianco: If the rule - and it keeps things simple, right? We try to minimize choices, and all we did here, this wasn't something we designed, Farzi, we just simply copied it from the contract parties. That's all we did. And in the interest of simplicity, it narrows things down. Each stakeholder group picks one, if any, and so that's the starting position. So if you want to differ from that, I'm asking you about why. Would it be because you had two great candidates, you couldn't make a decision, they were tied? What's the process you would go through?

Farzaneh Badii: Well - so you're saying that that's something that we have to internally resolve and come up with one candidate and then - well that would be - I have to think about this because we don't have the process for the moment and I don't know how possible that would be. We are a diverse group and we follow rules, you know, too. Go ahead.

Tatiana Tropina: Yes, I was wondering if this can actually cover the last year's situation where we had a great incumbent and a great new candidate. Both are great. And it's not like we couldn't make up your mind. I believe that Commercial Stakeholder Group supported the second great candidate. So it might happen, and it's not intentional from us, it just happened because we had a great incumbent and great new person.

Steve DelBianco: And eventually though we did pick one candidate in the CSG and I think it - eventually you picked one candidate in the NCSG. And what Farzi said earlier, we don't have a mechanism to pick a candidate. As you read on, on this little one-pager, there are other points in this process where each stakeholder group has to pick a candidate, has to indicate its preference.

So we'll have to develop those mechanisms in order to have the ability to run this through. Even if you allowed two candidates to come from NCSG, you'd eventually have to know how that voting occurs within the Non-Commercial Stakeholders Group. So it's clear to me it's going to be too complex. I ask for a rationale. I guess I heard one and I can see we're probably not going to solve this today.

Farzaneh Badii: No, we - I don't want to - I understand your point and I don't want - but I cannot take a rash decision now, but we need to think about this and see how internally we can resolve it and we might come back to you and say we can go with one candidate or - there is Tatiana Tropina that wants to speak, and the rest. Oh, and Rafik.

Rafik Dammak: Okay. So trying to respond to Steve why. People have heard by principle that we should maybe allow more than one candidate to run from NCSG, to have more candidates, because also the thinking so we can have more - I mean

more than two rounds. So to see who we like to talk to, candidate can get the vote and so we can go to the second or the third, if needed. So even if we have so many candidates, with many rounds it's just we will, you know, we can end in the second round with the top two candidates and from there we can decide. So.

Tatiana Tropina: I'm really sorry for being so insistent, but correct me if I'm wrong, and I'm working with the wrong memory lately, you know, I think after we had two candidates last year, they were rounds of interview with them and whatever. So there was a kind of a, you know, maybe self-organized but there was a process, right? So we can learn the lessons from the last year, because I believe that we were very close on the timeline. It was a tight timeline, right, because we had to onboard the candidate after election and whatever.

But I think we might base it on this. You know, like Rafik said, we can have two rounds. We can narrow down the selection, but if we do have two or three great people, why don't allow them to come forward? I have no personal interest in this, I'm just really thinking, you know, aloud.

Steve DelBianco: It's mostly in the interest of simplicity and we are able to achieve a decision from the Commercial Stakeholders Group and the Non-Commercial. So it would seem to me if the Google Doc is there and let's take assignment. Come back with edits that you would support, and maybe you'll have multiple candidates for the edits, I don't know, but try to come up with a counterproposal to this so we can react to it.

Farzaneh Badii: So - Farzaneh Badii speaking. Steve, if you remember, this session was actually my idea. I wanted to talk about procedures and get something done at the intersessional or something that we can do in the future, so certainly. The problem with that, I could not attend Iceland and I have to be brought up to



speed and then understand exactly - we cannot take rushed decisions. It's very important for us. So for sure, we are going to follow up on this. If you want, we can also have a deadline on discussing this and make changes to the Google Doc, come up with a counterproposal. And go ahead. Yes, Rafik?

Rafik Dammak: Coming back, I mean one proposal is just having a small team. Let's work on this, get this done at maximum by Panama meeting. I mean we got the opportunity to that we don't have to rush this year because we don't have a board seat election. So we proposed from the beginning is to start with this document and people will see if there any concern that we can fix.

So, Steve, I can promise you if join this drafting team and work on this. I mean honestly, I mean this - I went through three board seat election. I want this process done because we tried many different ad hoc approaches, so let's get this done this year.

Wolf-Ulrich Knoben: Thanks. I think that's helpful discussion. This is Wolf-Ulrich speaking. I think that is what we wanted to achieve really. So this is - well, to get this process being moved ahead here. So I wonder whether we could just establish a small team. My suggestion would be, well, to do it here on the leaders' level. So that means Farzi, Tatiana.

Tatiana Tropina: I'm not the leader, I'm just a GNSO councilor.

Wolf-Ulrich Knoben: Okay. Well it's something leading.

Tatiana Tropina: I can do it.

Wolf-Ulrich Knoben: Okay. Good, you will join, Tatiana, as well. Steve, can I ask you also, well, just to join, well, the email list of this group?

Steve DelBianco: Sure.

Wolf-Ulrich Knoben: Yes, sure. And Rafik and myself. So. And the first step would be, so I understand, a reaction from your side to that document, yes, so that we have the points clear, you know, in written form, and then we move forward in discussing that and exchanging and finding out before we go to the big round, really, to come back with that. I think that would be helpful.

Well, you - Farzi, you suggested also that you are prepared, well, to talk about a timeline for the first step. Any idea from your side?

Farzaneh Badii: You want me to tell you when we are going to provide the counterproposal?

Wolf-Ulrich Knoben: Yes.

Farzaneh Badii: Oh, wow. I didn't know I was going to be put on the spot here. It could take us like a couple of months. I'd say - well we are not in a rush. I think by Puerto Rico we can tell you.

Wolf-Ulrich Knoben: Steve?

Steve DelBianco: Yes, when - Rafik, when I asked you to lineate the things you didn't like about what we put on the table, the first thing you said was, well, you said that it restricted you to one candidate. But then all of us in the room have been reading and this doesn't restrict you to one candidate. Read on. It says if there's more than two candidates, it has all these rounds of voting.

So you may have misinterpreted that and then I went with your misinterpretation. And we may you wrapped around the axle for nothing for

nothing. But the Contract Party House procedure, as well as the one that Wolf-Ulrich - Rafik had in the Google Doc, that doesn't restrict you to one candidate per house. It doesn't. And it's only one page long. So we actually may be closer than we thought.

Rafik Dammak: Maybe, Steve. I think one problem is just like we started discussion last year and we stopped in the middle and it's hard to document the kind of discussions between the mailing list and the Google Doc and what was agreed and not agreed in Iceland. So the idea is that we get kind of clean up here, kind of clarify - resolve any issue and get the two stakeholder groups to agree on this. So.

Wolf-Ulrich Knoben: Okay. Anybody else who would like to join from within the Commercial Stakeholder Group? Vicky, please.

Vicky Sheckler: I will join and I would love to get a real commitment, because we've been floating this thing for at least two or three years. I would like to see a response from the Non-Commercial Group in a month.

Farzaneh Badii: Yes, definitely, Vicky. I - when I say that we are going to deliver, we are going to deliver. I did not know that this is actually something that the NCSG has to discuss extensively and then come back. I thought we had the counterproposal. But for sure, we are going to provide the counterproposal in a month and then, yes, go from there.

Wolf-Ulrich Knoben: So, well, I'm going, well, to set up this email list, yes, to summarize and sending around the document so that we are all in line, and then the first step would be as Farzi was saying, so in a month from now. In a month from now? I heard that correctly?

Farzaneh Badii: Yes. When I say I'll do it in a month, I'll really do it in a month. Steve knows that, right?

Wolf-Ulrich Knoben: Thank you very much, yes. Good. That's before Puerto Rico and then we have something to discuss in Puerto Rico. Thank you. Okay, great. So we are still on time, but we could also go - what is our timeline? Yes, do we have another item for that? I'm not sure. Let me just look for my (unintelligible). No we covered, you know, right now these three items here from chair election - vice-chair election, chair nomination, and the board seat election we have so far. If there is - we have an action to do and - so if there are no comments anymore, I think - but...

Rafik Dammak: Wolf-Ulrich, maybe for clarification, because in the previous process we said that we would work for the chair candidate nomination and we have now this. So is the same team to work on both?

Wolf-Ulrich Knoben: Yes. I would say yes, yes. Okay, with that I think we are done with this part of the meeting. Thanks very much. The session could be closed. Thank you.

This is Wolf-Ulrich. Benedetta, I have a question how to continue because we have on the agenda right now the summarizing - summary of the session chairs. So how is that going to be done? Heather, please.

