ICANN Transcription
GNSO Standing Selection Committee
Friday, 15 December 2017 at 1400 UTC

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Michelle DeSmyter :   Thanks, Welcome, everyone. Good morning, good afternoon and good evening. Welcome to the GNSO Standing Selection Committee Call on December 15, 2017.

On the call today we do have Susan Kawaguchi, Osvaldo Novoa, Frederic Guillemaut, Erika Mann. We have apologies from Rafik Dammak and Renata Aquino Ribeiro.

And from staff we do have Emily Barabas, Marika Konings and myself, Michelle DeSmyter.

As a reminder, please state your name before speaking for transcription purposes. And I will turn this meeting back over to Susan Kawaguchi.

Susan Kawaguchi: Thanks so much, Michelle. Is there - and welcome all, and thanks for - it's sort of a crazy holiday season, so I appreciate your time. It looks like we may have just lost Frederic.

Anyway, is there any updates to SOIs? Okay, and I'm going to turn this over to Emily Barabas to talk about the membership update and leadership confirmation.

Emily Barabas: Great. Thanks, Susan. Hi, everyone. This is Emily Barabas from staff. Susan, do you want to just do a quick run-through of the agenda first, and then I'll pop over to Item 2?

Susan Kawaguchi: Sure.

Emily Barabas: Or should I run through the agenda?

Susan Kawaguchi: I'll let you run through the agenda. It's early here.

Emily Barabas: Okay. It's a pretty simple one, so it should be quick. So we're going to do a quick update about SSC membership and the leadership confirmation. That's following the annual general meeting, each of the SGs and Cs, as well as the Nom-Com had to reconfirm membership. So we'll talk a little bit about that and what that means for us.

And then we'll go into a discussion of the charter review document that we shared earlier in Google Docs, and is also available in this right pod here under the agenda. If you want to pull that up, we'll be discussing that as well.

Welcome back, Frederic.

And then finally any other business. We'll talk about scheduling for upcoming calls, and anything else that folks want to cover. Does anyone have anything they want to add to AOB for now? Okay, great.

So on to Slide 3, and then 4, and then 5. You'll see here a spreadsheet of the SSC membership. And as you can see, the SGs and Cs have reconfirmed nearly everyone. So we have almost the same composition that we had before the annual general meeting.

The one change is that Julf is no longer serving as a Nom-Com representative to Council, and therefore is no longer eligible to be on the SSC. And so the SSC - I'm sorry, the Nom-Com appointee is - each had the opportunity to potentially join the SSC, and Erika Mann graciously agreed to be the new representative. So she's now a member of the SSC, so welcome, Erika.

So the next task on our sort of administrative agenda is reconfirmation of the SSC leadership. Now that we have - you're welcome, Erika. So currently we have Susan and Maxim, who were serving as the chair - oh, sorry. That says co-chair there. But it should just be chair for Susan, and then Maxim has been serving as vice-chair. And Julf was our second vice-chair, but Julf is no longer with the SSC.

So there's a few options here. The simplest option is if everyone's happy with the way things are set up now, we can keep Susan on as the chair and Maxim as vice-chair, with the option of either selecting a second vice-chair, or just keeping it with a single vice-chair.

And then there's also the option of selecting a new leadership team, if that's something that people are interested in doing, from the pool of members.

So that's something we can discuss over the mailing list; or if people have initial thoughts - let's see. Osvaldo asked, can we decide anything with a few members present?

No, I mean, nothing will be decided right now, given the small pool. But it could be something people can - if they have initial thoughts about, can speak up. Or we can raise it on the mailing list and there can be further discussion.

And, Susan, I see your hand is up.

Susan Kawaguchi: Thanks, Emily Barabas. I was just going to mention that if anybody's interested in chairing, I'd be more than happy to step aside. But I'm also happy to stay on as chair. And it did work well for planning purposes to have two vice-chairs, even though we're a small group. Maxim and Julf provided a lot of valuable input, so if anybody else is considering that. But if we have somebody that would like to step forward as chair, just put your hand up.

Emily Barabas: I see from Erika in the chat that she says that keeping existing structures is always a good idea if one is happy. And Osvaldo says, I support keeping the current leadership.

So it sounds like at least with this small group, the initial feeling is that it may be (unintelligible) so do I. So it sounds like at least with this group here that there's some support for keeping the existing structure. But staff can send a follow-up to the list and see if others have thoughts on that, and then we can kind of firm it up in the coming weeks; make sure everyone has a chance to weigh in.

So I think that's all we need to cover on that. And unless folks have other things to add, we can move on to the substantive part of the agenda. Not seeing any…

Susan Kawaguchi: All right. Thanks, Emily Barabas.

Emily Barabas: I'll pass it back to you, Susan. Thanks.

Susan Kawaguchi: Okay, thanks so much. And I appreciate your support, and actually have really enjoyed this process. I think we're doing some good work here. So happy to continue as we are.

Can't speak for Maxim, but I think he's been very involved, so hopefully he will stay on, too. And Maxim, I think, was just having to join late today, so he should be on soon. Oh, he just joined. See? So, Maxim, we were just talking about you staying on as vice-chair. Or if you would prefer to be chair, we can switch roles. It's whatever. So we can make a decision maybe on the list on that.

So we do as - part of our responsibilities of when this standing committee was created, was to - you know, we adopted a draft charter. But then we're required to review that and make any changes that we see necessary.

So you'll see on Page 8, you know, that following the completion of two selection processes, the GNSO Council requests SSC to report back to the GNSO Council with its assessment.

So helpfully, the staff created a document for us for our review. I know several of us have been through that document. And so the purpose of today's call is to discuss that, and anything else that might have arisen.

And hopefully everybody's had a chance to review that document. I did put some comments into it. I think Maxim did, too. And I apologize. I did not review any emails this morning before this call, so others may have provided good input, too.

So on Page 9, on the mission and scope, the question is, keep the full consensus requirement for decision-making? And there was a suggestion by staff that that might be too high of a bar for us, and that a full consensus -- everyone agreeing on every candidate -- is somewhat burdensome.

I think we've done well with requiring full consensus. My opinion is that that way everyone representing an SG or a C from the GNSO is fully represented. And at this point we haven't come to a roadblock. So my recommendation was that we maintain the full consensus requirement, but leave it open to if we hit a roadblock and it becomes difficult to come to full consensus, address it then.

So I was wondering who - anybody else have any ideas or thoughts on the consensus requirement? And it looks like Erika says, agree with this approach. Frederic, go ahead.

Frederic Guillemault: Hello, can you hear me?

Susan Kawaguchi: I can.

Frederic Guillemault: Can you hear me well? Or…

Susan Kawaguchi: If you're a little closer, a little louder, it would be helpful.

Frederic Guillemault: Okay. If we - I like the idea of consensus. But is it possible maybe to have a kind of (unintelligible) super-majority, just in case we don't agree? Is it something that would destroy the consensus? Is it something that would be a Plan B, emergency hit?

Susan Kawaguchi: So you're proposing that we add something to the charter right now?

Frederic Guillemault: No, I'm suggesting that worked well. But what happens in six months' time when we have a - when we don't consensus? I can see I am going against the (unintelligible). But I don't know. To me, is it something really bad? I don't (unintelligible) to that, if you think (unintelligible).

Susan Kawaguchi: Okay. And so, you know, I can't see - you know, I mean, every group hits a situation or a decision-making point where it becomes hard to agree. So far we've been able to overcome that.

But it looks like - well Maxim's got a red X up. And he said, "Strongly disagree with the loss of consensus. It was the reason to create the SSC. And if we do not reach consensus, we deliver proper report back to GNSO Council." So I guess that could be the escape valve for us.

Emily Barabas, do you have something for us?

Emily Barabas: Thanks, Susan. This is Emily Barabas. I just wanted to clarify the suggestion a little bit, building on Frederic's comment earlier about sort of a Plan B.

And I think the intention is not necessarily that we would need to change the consensus model, but to think ahead a little bit about -- oh, welcome, Marika -- to think ahead a little bit about, what if we do reach the situation where there is a total impasse and, you know, a full consensus is not possible to be reached.

Or where that's something that's happening consistently, is it helpful to have something in the charter where we sort of write in a safety valve or some sort of measure about how that would be handled in the future. And I think the mention of potentially sort of passing it on to Council or something like that is one of the ways to potentially consider that.

And I see Marika has already got her hand up, and so does Maxim. So I'll pass it back to Susan to sort of handle the queue. Thanks.

Susan Kawaguchi: Okay, let's to go Maxim first and then Marika.

Maxim Alzoba: Maxim Alzoba for the record. Do you hear me?

Susan Kawaguchi: I do.

Maxim Alzoba: Okay. My thinking is the current group, SSC, was created to actually do some homework for the GNSO Council, because someone needed to sort out all these files of (intimation) to understand strong sides - yeah, qualifications of candidates, et cetera, et cetera, actually to save time, and to make some initial deliberations.

And the decision is done not by SSC. It's done by GNSO Council. Whatever we decide, we only report to GNSO Council. And if we identify impasse, it's only up to GNSO Council to decide what to do. Because we need to properly show what went wrong, where (unintelligible) were shown, and which bodies of GNSO decided to support which candidates, et cetera, et cetera.

And since we (impossibly) identify lack of consensus in GNSO, it's up to GNSO Council to resolve, and not to us. And trying to set some degrees of rough consensus or anything beyond full consensus means the opinion of one GNSO body is going to be left beyond the other group.

And it's not my personal opinion. It's the opinion of Registry ex com. And (unintelligible) situation is consensus-only decisions, we think that it's not going to be supported by Registries. Definitely. The reason is the current composition of the group does allow to leave opinion of Registry or Registrars behind, and we don't think that it's wise. Thank you.

Susan Kawaguchi: Okay, Maxim. I absolutely understand your point of view, and to be honest, agree. So, Marika, please go ahead.

Marika Konings: Yeah, this is Marika. Thank you, Susan. To follow up on what Emily Barabas said in detail, the staff flagged this issue as indeed, you know, what happens if the group cannot reach full consensus. And Maxim already alluded to, you know, that stage just gets tossed back to the GNSO Council and, you know, they should sort it out.

One thing you may want to consider, and it's also to one of the other points raised, and it was, I think, originally in the charter it was proposed, but at some point I think it was taken out because there was concern about the overall number of members, but whether you would want to consider bringing back the idea of having the GNSO chair or one of the vice-chairs participate ex officio in the SSC.

And on the one hand, that would allow that there's always a direct link with the GNSO Council. I mean, now we're lucky. We have Erika, we have Susan, that are members of the Council and are able to, you know, take back instructions or, as well, make motion. But that may not always be the case.

But it may also allow for that person to serve in the role of a facilitator (unintelligible) consensus not be achieved, as the person kind of stands outside of the decision-making and, you know, that person may serve in a role if it really becomes difficult. And of course both the chair and the vice-chair in the current role also have a vote and a voice.

So again, that may allow for that. And it would also then allow, you know, should the SSC not be able to achieve full consensus, for the chair or the vice-chair then to take back that conversation to the Council and kind of say, okay, this is my assessment of why that got stuck. You know, we're now expected to deal with it. But I need - you know, I can provide you with the full picture, especially being the kind of neutral observer to that group.

So that could be one of the suggestions -- not to change the full consensus, but at least to have a kind of back-up option that could be used should it be really hard, at some stage, to achieve a full consensus.

Susan Kawaguchi: So would that - so you're saying that the chair or vice-chair would have a vote, a regular vote? Or would they just…

Marika Konings: No.

Susan Kawaguchi: …be monitoring - go ahead.

Marika Konings: Exactly. Yes, no. So this is Marika. So exactly. It would be ex officio, and it wouldn't have a vote, wouldn't have a voice. It could just observe the conversation. And SSC could turn to them, you know, if there would be specific questions, or if instructions are not clear from the Council.

Or also if, you know, there would be a need for kind of a third-party moderation of conversations if there's, for example, a big conflict in the SSC and no full consensus. Or, for example, as case as well where maybe the vice-chair or chair are conflicted because they're the candidates for something.

Again, just to have someone that could step in, that doesn't have a vote, is there as a neutral observer, and also provides that kind of permanent link with the GNSO Council which, you know, we currently have, but it's not a requirement for an SSC member to be a member of the Council. So we may be in a situation where, you know, no one is a member of the Council, which may make certain things more difficult.

Susan Kawaguchi: Okay. So that is a possible solution. Maxim, is that an old hand or a new hand?

Maxim Alzoba: Maxim Alzoba for the record. It's a new hand. I have two notes.

First, for the situation where SSC members have conflicts of interest of some sort, we actually successfully - yeah, passed these, appointing of other representatives from the same GNSO body.

And the second thing, recent full consensus, as I understand it, not the target. It's the desirable way to deliver the report to GNSO Council. And if the

consensus is not found, and we have all the (unintelligible), it will allow GNSO Council to make proper decision, basing on our information.

So this - I do not believe that this committee was created only to reach full consensus. It was created to resolve issues with candidates. And if some issues identified which cannot be resolved on this layer, it's just reasonable to posit to the (unintelligible) to GNSO Council. Thanks.

Susan Kawaguchi: So it looks like we have to mechanisms we could put in the charter. And Marika is noting in the chat that currently in the charter it says we're not able to put forward any recommendations to the GNSO Council, as currently written in the charter.

So it sounds like if we decide to stay with full consensus and use Maxim's thoughts on if we can't get to full consensus on a decision, then we pass it back to the Council. We need a process in the charter to that. And that would actually be good to line out and really understand how that would work and when, you know, we sort of pull the trigger and say okay, we definitely have tried very hard and we can't come to full consensus.

And the other method, which I don't see as an either/or on this at all, is having the GNSO chair or vice-chair participate on this committee, which I don't have any opposition to that. I think some of the original thought was at least this would take some of the work off of the officers, you know, the chair and the vice-chairs. And so but if that's something that they would be - one of them would be willing to do then, you know, we can definitely choose one of these paths forward or both. Or are there other suggestions?

And so, Maxim, you said you have a question about reporting in case of identification of a conflict?

Maxim Alzoba: Yes, Susan. It's Maxim again. Does our current charter allow for the request of additional information, or report of any kind to GNSO Council?

Susan Kawaguchi: I am not that familiar with the charter, though I've read it several times. Emily Barabas, please help us out.

Emily Barabas: Thanks, Susan. This is Emily Barabas. So just to clarify, Maxim, are you talking about the - are you talking about reporting back to the Council in the case of an identification of a conflict? Or are you talking about - sorry, I sort of didn't fully understand the question. Can you just clarify a little bit?

Maxim Alzoba: Maxim Alzoba for the record. Yes, I meant the - when SSC members try to resolve conflict -- for example, the last time when it was a (unintelligible) to review team selection -- and like in the end, all members came to the same opinion, but we spent some time on that.

And hypothetically if, in that case, we would not reach consensus, which mechanism would take place? Thanks.

Susan Kawaguchi: So, Emily Barabas, did you want to finish…

Emily Barabas: It looks like Marika has her hand up, so I'll let her hop in.

Susan Kawaguchi: Okay, thank you. Marika?

Marika Konings: Yeah, thanks. This is Marika. I don't think the charter is explicit in that regard. I think it just specifies that the SSC is expected to provide full consensus recommendation.

But I know from experience that once there is no full consensus, then (unintelligible) becomes very sensitive or political how disagreement is communicated.

So I've seen at least in other groups that then it's not easy then how that messaging is done to the GNSO Council, because often some feel that the

way it's communicated may be biased. Because if you're telling them, you know, one person is holding out, you know, you're really exposing that person for holding out.

So again, I think as the charter's written, it doesn't prevent the SSC from sharing with the Council we didn't come to a recommendation for these and these reasons.

But I do know from experience that sometimes it then becomes very difficult how that communication around why you didn't receive - achieve full consensus is communicated. So sometimes it just comes down to we didn't achieve full consensus, and we're handing it back to the GNSO Council.

Likely the GNSO Council would then come back and ask, can you give us more information or details as to why you didn't achieve it? And so at some point that information will need to be shared.

But again, the charter is not explicit on that point, and I would as well caution against having that explicitly pointed in there, because it at least allows for the flexibility, and again, need for the SSC then to work together on how disagreements would be communicated in a way that addresses all the concerns the issues that may have been raised.

Susan Kawaguchi: Okay. That is a really good point, but I do think we could sort of line out a process, you know, draft a process that we kept - I guess, which you're cautioning us is the details and the explanation, we want to be sure we weren't biased. Maxim, go ahead.

Maxim Alzoba: Maxim Alzoba for the record. First of all, we all are not (unintelligible) of GNSO bodies. And thus it's not actually damaging to know which particular member - or see - relate which kind of information, because it's information from GNSO bodies, not from them personally.

And the second thing, it's just a suggestion to the process, that not to lose useful information obtained through the previous process. I think we need to institute report of the parts of information or candidates some legal body, some GSNO bodies, agreed upon.

And we need to provide minority or maybe majority notes which reflect why those candidates were not supported by particular members, and what considerations were based on what, so GNSO Council, at the first glance, sees what was in common between opinions, what was different, and what reasoning was behind. And each would allow them to make some knowledgeable decision. Thank you.

Susan Kawaguchi: Thank you, Maxim. And I do agree with you, but I can see where Marika's caution is on sometimes that could sort of appear to be an issue for those that have held out and said, no, I can't agree.

So I think because we have the seven candidate slots that we're always providing to the GNSO Council, that we usually quickly come to the consensus of which seven will - which candidates will be listed in that seven, list of seven. But it's sometimes the ranking that we've had a problem with.

So that might not be completely true with the last selection, but I do think that there is a possibility that we, you know, could deliver to the GNSO Council not a full consensus of how the candidates are ranked, but maybe this is our list -- GNSO Council, you make the decision on, you know, who's first, second and third on the list. So it seems like we probably need to draft up a process and so – then - and include, you know, details on exactly - if we hit an impasse and we feel like we need the GNSO Council to weigh in that we then present it in this manner.

And actually, you know, Maxim you just made the point. Score is always subjective. We do have each of those sort of surveys or polls that each of the SSC members fill out, so that would be something pretty easy for the GNSO

Council to look over and say, "Okay we see, you know, the BC representative on the SSC has scored the candidates in this way.

But then, you know, the Registrar Stakeholder Group never has scored it in this manner." So they could see that that might be something that we decide to provide to the Council.

So Marika is saying, "You could say something - in case no full consensus is achieved the SSC will inform the GNSO Council accordingly, providing the details as necessary and agreed by the SSC as to why it was not possible to achieve full consensus."

That sounds good to me but I also think maybe we should, you know, sort of provide ourself some guidance and steps. So are we all agreed that we're going to maintain full consensus because I don't think anybody on this call – obviously there's other members that could not make it so we'll have to do this via email too.

And it looks like Frederic says yes and then – yes I think so too. So – and Erika's saying full consensus so we'll stay with full consensus and then use Marika's language and also some maybe bullet points.

And I can provide a draft for this on, you know, if we don't reach full consensus and we're sending it back what are we agreeing to – what information are we agreeing to send back?

So I'll get something out on that and then do we also want to include the chair of – or one of the vice chairs on the committee? Should we make that request also?

Does anybody have a feeling/a position on requesting the chair or vice chairs join us – just one of them I would think? Yes. So one of the ideas that Marika talked about just a few minutes ago was having the GNSO chair or

vice – or one of the vice chairs participate as an ex-officio, not having a vote and – but participate in our discussions so that if we do come to an impasse, or if there's some issue we need to address with the GNSO Council we have that direct connection to the GNSO Council.

And Erika's saying yes to that and a couple of others are typing, so Maxim please go ahead.

Maxim Alzoba: Maxim Alzoba for the record. Actually in the past we invited GNSO chair as I understand to one of our meetings and it allowed us to significantly shorten the time because we managed to clarify some things.

It was a meeting about the replacement of the yes GNSO chair for example for co-chair or something like that, and I think it was a positive experience. Thanks.

Susan Kawaguchi: Okay and I agree with that too. So we'll have two things to decide on and I'll work with staff to get language out to the committee on adding chair/vice chair as ex-officio and then having a process to actually – unless we can't come to full consensus send it back to the GNSO.

So all right, I think we can get through those. So Maxim you're not sure it's possible to draft it before the New Year. I'll get it out next week but obviously with the holidays and I guess IGF is next week, which I know a lot of people are – so we'll figure it out, you know, timing wise.

But if we can get – if I can get the language out there and – so we have an organized thought process then at least it's - beginning in the New Year we can hit the ground running.

So the next one – so was there any other questions on the full consensus or the decision-making? I think – so it doesn't look like there are. So delivers – deliverables and timeframes – the suggestion is to add a link to standard

process document on wiki. Emily or Marika could you give me a little more detail on that? Emily.

Emily Barabas: Thanks Susan. This is Emily. This is a – should be a relatively non-controversial one. It's just that now that we have a standard process document that we've been working on or at least a draft document that – that's something that we could link to in the charter to show that this is a work product of the group that we use as a reference point for the process.

So hopefully that's not something that anyone has objections to but it's more of an administrative item. Thanks.

Susan Kawaguchi: Okay and Maxim was just confirming I think what you said too. So I don't have any objections to that at all. That makes absolute sense. Does anybody have any concerns about linking to the document?

And Emily just put the link in. Yes. Okay and I agree with that that we will have faster – it will make – give people the resource they need to understand the – okay so let's go ahead and do that. We agreed to that.

And Emily is that a old hand or a new hand? Okay. It went down so it's an old hand. So membership criteria suggestion: clarify language to specify that members are expected to be selected from the membership of respective SG/Cs and NCAs.

I didn't have any issue with the proposed language in that. Emily you want to give us an overview?

Emily Barabas: Sure. Thanks Susan. This is Emily. So this is something that Julf actually pointed out that may have actually been an oversight or an error in the original text of the charter, which is that for NomCom representatives the language states that the member of the SSC should be selected from the current NomCom members serving on council, whereas for the other groups

it is a little less clear and sort of seems to indicate that the SGs and Cs would be selecting members but doesn't specifically say that they're expected to be selected from the membership of the SGs and Cs.

So this is a suggestion to correct that language to make it consistent across all of the members of the SSC that they are in fact members of the appointing group. I hope that makes sense.

Susan Kawaguchi: Okay. And that does make sense because that was the intention of this so is anybody – so it's on Page 9 – bottom of 9. Does anybody have any issue with that clarification?

No. Okay. So actually I guess we sort of jumped into – Frederic please go ahead.

Frederic Guillemaut: Yes Frederic speaking. Regarding this think this clarification – it's useful but I'm – I was wondering would we feel inclined to make it mandatory for someone to be nominated to come from the SO from the case – the constituency?

It is mandatory but not for me. I represent the registrars. I think – and that's the reason I belong to a – the Registrars Stakeholder Group and I - typically out of this subject.

Susan Kawaguchi: Okay so I guess I'm not quite understanding. You are not a member of the stakeholder group or constituent – well probably stakeholder group – that you are representing. Is that accurate?

Frederic Guillemaut: No. No I wanted to know if I read that members are expected to be selected, so does it mean it's mandatory or it's expected but it could be something different?

Susan Kawaguchi: Emily please weigh in.

((Crosstalk))

Emily Barabas: So this is Emily from staff. So I think it might be helpful to just go back to the charter text and explain where the ambiguity is. So in the current text under Membership Criteria it states that, "The SSC shall consist of a total of nine members appointed as follows: one member appointed by each stakeholder group and Contracted Party House, one member appointed," blah blah blah blah blah.

So it's sort of saying that these different members are appointed by different groups and then at the end it says, "One member from one of the three Nominating Committee appointees to the GNSO Council."

So as the text currently stands for the NomCom slots those need to be appointees – one of those three members whereas for the others it's just saying that the groups are appointing but not necessarily specifying that they – that the appointees need to be members of those groups.

So the proposal is that it would be required that those selected for these slots would be from those groups. And I'm just noting in the chat that Marika said, "You could argue that SGs and Cs are representative bodies so they could determine who would represent them best while NomCom appointees serve as individuals," so that's another perspective on it. I hope that's helpful.

Susan Kawaguchi: Okay. And thank you for that because I wasn't quite following that. And then Maxim?

Maxim Alzoba: Maxim Alzoba for the record. As I understand do we always have to – yes, I mean, could it be a hypothetical situation where the particular GNSO body decides to – yes to use services of some person with the confirmation that he's of – representative of that GNSO body without accepting this person into

membership or this person's organizations for example in membership? Thanks.

Susan Kawaguchi: So I think that's what we're trying to clarify and I'm trying to go back to when we drafted this to start. I think the intention was – is just to leave the representation up to the SG or C.

And we assume that they would be a member of that organization so what's suggested here is that we confirm that they are a member. I don't know. Yes Marika could you tell us what the downside would be if they weren't a member and – but they were selected as the representative or say the BC decides to choose someone that isn't a member? Marika go ahead.

Marika Konings: Yes this is Marika and from a staff perspective that is really up to stakeholder groups and constituencies. So I think it need – there's also a discrepancy and Emily already highlighted between the language of the stakeholder groups and the Contracted Party House and the NomCom appointees.

But similarly for some reason for the members for the CSG constituencies it also talks about, you know, members from while the other one says appointed by.

So again from a personal perspective I would suggest that for stakeholder groups and constituencies it should be appointed by and it's up to those groups to decide whether that's a member/someone associated with, because the assumption is that they would pick someone from their either membership or, you know, someone that's clearly affiliated with their group to represent them in that community.

And, you know, the downside – if someone would really decide – you could hypothetically see if a certain constituency is not interested to participate but another group would lobby them to say, "Hey can you appoint another one

from our group," then in theory, you know, then they would get two seats on the SSC.

But as it's, you know, if you're sticking with full consensus it shouldn't really matter because, you know, you can still then say, "Hey we think it's unfair so we're not going to agree with what, you know, those two members are trying to push forward."

So again I think that's the safety valve that you have so I think having SG/Cs have that language as, you know, they appoint, they can decide, you know, whether that's a member or someone else that they want to put forward.

However, with NomCom appointees you may want to consider their – because of course they serve on individual titles. You know, they're not appointed or not representing a group so you may want to consider keeping it as is that for the NomCom appointees if they want to participate, it should be one of the three that is appointed to the GNSO Council because otherwise there you may create a situation where they could, you know, bring in someone or a group that may already be represented as part of stakeholder group and constituency appointments, and it might become awkward because again they're not there representing a certain community.

They're there as the NomCom appointees appointed to the GNSO Council, which is, you know, the three people that are in place at that stage so that could be one approach of looking at it.

Susan Kawaguchi: Okay and so currently it says that it's mandatory to be the NCA – one of the NCAs? And I should have the charter out but I don't.

((Crosstalk))

Marika Konings: The way it's currently written it says, "One member from one of the three Nominating Committee appointees to the GNSO Council," so it's very specific that it needs to be one of the three.

Susan Kawaguchi: Okay and so – but we need to – for the SGs and Cs we need to change it – the language so it says appointed by, correct?

Marika Konings: Yes and that's only for the CSG part and I think the reason for that is I think that was changed at a later stage, so I think that's why the language is not consistent.

Theirs says all appointed respectively from so it's more restrictive than appointed by. So my suggestion would be to make it all appointed by and that from each – I think it's more to clarify that each one of those has a – one seat.

So – but again I think that the most important thing is just to have consistency between how a stakeholder group and constituencies are expected to appoint, but as said at this stage the way it has worked, you know, staff has never gone back and checked or confirmed that people are actually members.

The assumption is if they're appointed or confirmed by the leadership of a stakeholder group or constituencies, you know, that is the person they have selected through whatever means or whatever criteria they deemed appropriate.

Susan Kawaguchi: Okay. That seems reasonable to me so we should add that language and then, you know, send it out for full review by – via email. Well let's – so we're starting to run out of time here but this a good discussion.

So let's move to Page 10 and it looks like you had some of this language and questions in here that - I didn't scroll to it. So the first one I think we covered.

Second, "Are any adjustments needed to language regarding alternates? In practice, members who need to miss a call participate via mailing list rather than identifying an alternate."

And the current language – "If a member is not able to attend that member will be responsible to identify an alternate who is expected to participate in the SSC deliberations in case of absence of the member in cases where – or in cases where members may be conflicted whether they're a candidate.

Members or alternates do not need to be Council members but they do need to be approved – appointed, excuse me, and/or reconfirmed by the leadership of the appointing SG and/or C." And you're suggesting that that needs more clarification so Emily.

Emily Barabas: Thanks Susan. This is Emily. So basically the suggestion here is that the current charter language indicates that if a member is not able to attend, that they would be expected to identify an alternate.

And it's a little unclear here because it just says not able to attend so it's unclear if that's attend a single meeting or attend an entire process. And in practice if a member is not able to attend a single meeting they'd just - participated over the mailing list and still have a full ability to weigh in on consensus.

So we may just want to clarify the language here to say something like, you know, if the member is not available to participate in a selection process or something like that so that if the person is on leave in addition to potentially being, you know, otherwise unable to participate that there's a process in place, but make it clear that it's not the expectation that, you know, if you're on vacation for a day that you would need to have an alternate in place.

Susan Kawaguchi: Okay and I can't remember what I did or who I got to fill in when I recused myself from the RDS RT selection process. I think someone else filled in for me so yes I would agree with that.

Emily Barabas: Yes.

Susan Kawaguchi: Does anybody have any…?

((Crosstalk))

Emily Barabas: Yes and I was just going to add one thing about that.

Susan Kawaguchi: Go ahead.

Emily Barabas: Well just that – yes so the language does say and we can clarify that a little bit is the – as well that I think it currently sort of says that the member will be responsible to identify an alternate, but we could be a little more specific and say that, you know, to be clear that if a person is conflicted that it is their responsibility that they – to step away and to have an alternate in place, which is what you did and what others have done for selection processes where they were a candidate.

So it's just a matter of firming up that language a little bit to be in line with the actual practice. Thanks.

Susan Kawaguchi: Yes I would agree with that too so I'm assuming nobody would disagree just making this more clear on what happens. And I don't think if you're going to miss one meeting that you need to have an alternate by any means, but if you are going to be gone – and if somebody has a month's leave or something from work and can't participate or they are recusing themselves because they're a candidate.

So I would agree with that. Let's go to the next page interest of time. It's Page 11, Committee Formation, Dependency and Dissolution. "State that SS leadership will be reconfirmed," so we sort of did that today anyway but I agree with that.

And Emily is this a new hand? No. Okay. "Outline the process for reconfirming members." I agree with that. "Make recommendation regarding term length.

Current language: Upon establishment of the SSC it will make a recommendation for staggering of the original membership by either agreeing on a one year term limit or a three year limit for a number of the members or a combination thereof."

So we haven't hit our year yet as far as I can recollect. I think we came together sometime like April or so. Emily go ahead.

Emily Barabas: Thanks Susan. This is Emily from staff. So again here there's a little bit of a lack of clarity and the suggestion is to firm up exactly what the intention is here.

And since the reconfirmation process happens after the AGM each year the natural thing is for the cycle to sort of be a one year cycle beginning and ending with the AGM, which is a little off in the first year because most people started in the spring with the exception of Rafik who started in the fall.

So you could sort of call that a ramp up period and say that the term begins this November with the end of the AGV – AGM in 2017, and that this is your first official year or you could say that it was – last year it was a short year and that was your first year with a potential for a one year renewal.

You could also say that some people serve longer to allow for staggering, but I think there's an argument that, you know, now with all this documentation

that we have and the fact that there will naturally be some turnover over time in the group, it may be the case that you don't need to do the staggering, that it will just happen naturally. So then the…

((Crosstalk))

Emily Barabas: …decision there would just be is it one year starting in 2017 – AGM 2017 with the option to renew twice, or is it one year starting at the end of 2016 with the option of renewing if that makes sense?

Susan Kawaguchi: Okay. Anybody – just – we got two minutes here so anybody have any opinion on when the – if we just count the year as starting with the AGM in Abu Dhabi or did you want to count the last year?

I sort of feel like that was a ramp up and we're – and it would be wonderful if everybody stay on until, I mean, we've – we confirmed everybody anyway but, you know, that everybody makes a commitment through to the AGM of 2018.

And it looks like we've got several people typing. Okay and Erika's agreeing. Just wait for Osvaldo. So it looks like we still had several items to discuss but I think we can do that via email.

Is there a need to limit the duration of a member in the SSC? Yes Frederic so in 2018 that AGM – that will be finishing one year. But then there is a limitation in the charter right now Osvaldo where you can renew for one – you can renew twice I think but we can look at that also so – with an option of a one year renewal I guess.

So this has been a really good discussion. Our time's up. I'll work with staff to get some of these agreed upon changes into the draft if they're not already there and then we – and start the discussion on the things that we didn't get to today.

Just a quick note. The – one of – James Gannon -- I don't know if you heard this -- has resigned from the SSR2 so it looks like we may have another candidate to vet and nominate to the SS, you know, to the GNSO Council for the SSR2 so that will be coming up in January I would assume and I agree Maxim.

We need to have a poll of email confirmation for all these items. Yes we won't decide anything without the full group via email. Marika or Emily any last points of information?

Marika Konings: Yes this is Marika. Just one note on the S – oh sorry I'm (unintelligible). Just one point on the SSR2. Just to note that, you know, that will need to be confirmed by the GNSO Council, you know, first of all whether or not they want to replace James Gannon and then whether or not that the SSC will be tasked to take care of that.

I think as you know the SSR2 is currently paused in a lot of conversations happening in relation to how to restart it and, you know, what that may mean as well I think for skills composition.

In indeed there may be further work but I think at this stage it's not exactly clear yet what that will entail and will the – or when that will happen.

Susan Kawaguchi: Right. But it, I mean, it – it's very likely or – and I – I'm hoping that's the – that we follow our process in that so – all right. Well everyone have a good day or evening wherever you are and thanks for all the hard work and look for an email on Monday. Thanks all.

Woman: Thank you Susan. The meeting has been adjourned.

((Crosstalk))

Woman: Operator please stop the recordings for us.

END