GNSO – ICANN Nairobi Meeting
GNSO Open Working session
Non Contracted Parties House Meeting (NCPH)
06 March 2010 at 09:00 local time

Note: The following is the output of transcribing at the NCPH held in Nairobi on Saturday 06 March at 09:00 Local time. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record.

Marilyn Cade - CBUC
Martin Sutton –CBUC
Ron Andruff -CBUC
Steve Delbianco-CBUC
Berry Cob-CBUC
Flavio Wagner –ISP
Alan Bidron - ISP
Norbert Klein -NCSG
Thomas Roessler – WC3
Werner Staub -Core
Brendan Kuerbis – NCSG
Alex Gakura – NCSG
Amadeu Abril lAbril – CORE
Jon Nevett – Registrar
Jeff Eckhaus –Registrar
James Bladel – Registrar SG
Jothan Frakes -– Registrar SG
Judy Song Marshall –Neustar
Paul Foody
Aysha Hasssan

Remote Participation
Mike Palage
Mikey O'Connor - CBUC
Paul Diaz – Registrar SG
James Bladel – Registrar SG
Jeff Neuman – Registry SG

GNSO Council
Stephane van Gelder – Registrar SG
Tim Ruiz – Registrar SG - remote
Wolf-Ulrich Knoben -ISP
Jaime Wagner –ISP

Zahid Jamil – CBUC
David Taylor – IPC remote
Wendy Seltzer – NCSG
Bill Drake – NCSG
Rafik Dammak - NCSG

Staff
Liz Gasster
Marika Konings
Marco Lorenzoni
Olof Nordling
Glen de Saint Gery

Coordinator: Yes, the recordings are started.

Woman: Great. Thank you.

Marilyn Cade: May name is Marilyn Cade. I am the Chair of the Business Constituency and an alternate to the CSG. I'd like to make a proposal to the room for a topic that we might discuss in the non-contracted user house segment that's on the agenda.

                 I will just say that before we leave (Urik), maybe we can also figure out in - at the - and maybe it's the CSG, maybe it's some other approach working with the rest of the house on what the process would be for us to develop further agendas and reach agreement on not only agendas but how we're going to work as half houses as well as the full house on any topics and meetings we need to have.

                 But for this morning what I'd like to propose the primary focus be is a discussion on the review panel participation selection process -- I'm choosing my words very carefully -- and the evaluation activities that go on within the stakeholder group and then at the Council level on the two additional positions.

So that's the primary topic that I'd like to put forward from the CSG side. There may be other topics that others want to add.

Bill Drake: Hello everybody. We weren't even sure whether the meeting was happening because we weren't sure that the - I'm sorry. Oh, this is Bill Drake. I'm sorry.

We weren't sure the meeting was happening. The email prior was kind of ambiguous. So we didn't come in with any fixed agenda. There were some suggestions made briefly by Avri who is not here I guess who's the MPSG Chair that we should spend an hour on substantive and then an hour on procedural aspects.

And we suggested let's try and talk about what items we would fill in under that and (unless) there was no questions ensuing. So since then we haven't really specified anything in particular. Obviously we do need to - we are going to have the vote in the houses on the two review team slots and so certainly we should talk about that. No question.

I don't know. Are there other joint areas that we need to (touch) on? Olga by the way if people don't know sent an email this morning saying that she could not attend. Her child is sick. So she's still in Buenos Aires. So we don't have our house Chair.

So are there other areas MPSG people might identify that they think we need to talk about beyond the house vote and the review team slot? Mary? I'm sure Mary's got something.

Mary Wong: I think that's something that we could probably talk about to the extent that there's probably some things that both sides of this house needs to discuss. So perhaps you could start with that.

Marilyn Cade: I could follow up. It's Marilyn Cade. (Marco)'s joined us and I understand is the most knowledgeable staff person on this process. So what I propose we

do is to kick this off and deal with that topic. I'll just make one comment. We don't have a Chair of the CSG House at this point. So the CSG representatives are getting together and talking about agenda items like going back to the constituencies.

So, you know, we might - let's deal with the first topic and see how much time we have. And then we'll see what kind of agreement there is if there's any other topic. Or if we have time, we also need to figure out if we need to meet again as a house, (unintelligible) topic and go to (Marco) and ask him to (unintelligible). Is that okay with everyone? Being ascent, I'm turning this microphone over (unintelligible).

(Marco):   (Unintelligible.) Are you more interested in the processes or what has been done so far or in the call for applicants of the (unintelligible) information reviews? Both? Okay. A few minutes on one issues. I am not (feeling this) on the others.

Okay. So let's start with the processes. As you know, we established in - it was the 26th of December, a discussion paper containing some draft proposals on how to organize the review processes.

And we ran the consultation for (46) days. A pretty large number of comments received. So 32 from the top of my head which is (pretty) success for review related public comment period.

Main focus of the comments were on the methodology. Some supported the proposed methodology. Others considered that the methodology work too prescriptive. Others on the contrary were of the opposite view. So the methodology was not specific enough.

Several comments on size of the review teams. (Unintelligible) the very large majority of the community wanted teams larger than the originally proposed

size. So the originally proposed size was for a team between six and eight and the community strongly is opposed to this proposal.

So requests are for teams that are size from 12 to 15. So there are different proposals and all of them are being consolidated in the final - in the final comments.

Other comments were on timeline. As you know, the timeline is quite aggressive because we have to come up with a very final deadline which is end of December this year for the first of the reviews. So accountability, transparency.

So the majority of comments are noted this kind of external constraints. But that's for - in any case we respect all the public comments culture that we have in ICANN in order to ensure that sufficient time is allowed to community to give input on the key review phases.

And other comments, there has been a very interesting discussion on public interest. That was indeed the first discussion that happened on this public comment. So what kind of public interest is ICANN supposed to serve? And is there the need to define this public interest function of ICANN before even starting the review process? And who has to be involved in this kind of discussion?

And several comments were received on that. So all comments have been consolidated as normal practice and they are being published mid February, the 15 or 16 of February, something there.

The intention now is not to prepare a second version of the paper. The paper has a main function, which was really to catalyze the discussion from the community. And it served its purpose and now the definition of the methodology would be in the hands of the review teams.

So the review teams will have to select their own working methodologies. And it would be provided with the original proposal and all the comments that we have received and the consolidated comments. This is the present state of thinking unless the Board would decide to go for a (consideration) of the methodology. But this is the present state of thinking.

On the second aspect, which is the call for applicants, the call for applicants is still open. We extended twice. The final deadline for the call - for the call for volunteers wishing to be members of the review teams and the final deadline is tomorrow at 2359 UTC.

We received so far something like 16, 17 applications. The majority of them came from GSO and ALAC community. Other applications should arrive today and tomorrow. We are still expecting some applications from - maybe there is an additional application from (Gaspar). I had forgot to mention that we got also three applications from (Gaspar). We have been announced that some applications from ccNSO and ASO. So we should receive them by tomorrow.

Then after the deadline, the different supporting organizations will have the 17 of March to inform of their endorsement or not endorsement of the (unintelligible).

So this is the present situation. We are about one month late in relation to the original plan due mainly to the fact that the deadline for call for applicants has been extended twice. So it is extremely urgent now that the two selectors of the first review team would make the final decision about the composition of the team by (maximum, maximum) the end of March in order them to start the work beginning of February so they can respect the final deadline.

Some phases in here for (everything).

Bill Drake: Has there been any clarification about how many slots on the review team there will actually be for the (unintelligible)?

(Marco): No decision yet. No decision yet. And the call was launched even before discussion on this. And any decision will be entirely in the hands of the two selectors. There have been different proposals from (unintelligible) and from other members of the community on different architectures.

((Crosstalk))

Marika Konings: Can you please mute your line when not talking? Thank you.

Woman: Also can you state your name when you are talking?

(Marco): So some propose two, some propose four. They are really different proposals and they have to be considered by the two selectors who are a member - the Chair of the Board and the Chair of the GAC for the final decision on that.

Ron Andruff: Thank you (Marco). Ron Andruff, Business Constituency. Thank you very much for clarifying all of that for us. It's very important. You made a comment about the review teams will select their own methodology. And I just want to understand. Is that the review teams who will make the selection of the review teams? Or is that the review - the final review teams who will actually then make a methodology?

So I'm a little concerned if you're going to establish a group of people, then they will figure out how they're going to review the (AOC) for example. That's where I was a little confused.

(Marco): You're right. And there's also a question of terminology. Okay. So let's call selectors the two person that will make the selection of the composition of the review team. And in the case of the first, as we mentioned, review so (unintelligible) transparency as we know are (unintelligible). And let's call the

review team the group of people who would make the review. So the review team will decide methodology.

Man: They're deciding the methodology, but they're not deciding their - the topic which is already pre-established.

(Marco):   Right.

Man: Secondly, I believe that they have to develop a TRO. As I look at this process (Marco), I believe there are four or five public comment processes along the way, one of them being in relation to the TOR, the terms of reference, that the - (unintelligible) would develop and then put forward. Is that right?

(Marco):   There has been just one public consultation phase. In this public consultation phase we had the full discussion paper. And the comment and the discussion paper contain a proposed methodology for conducting the review and proposed the selectors (for the first) review team.

And (as I'd like) to say the review team have now to decide the (subject) of the review because it has been already established in (definition).

Marilyn Cade: We have other questions for (Marco) because the other thing I think we want to talk about is also the prospects within the SG and then the related activities within the house.

I have one question. (Marco), having read all of the - all the comments which you (unintelligible), I noted that there were a number of comments as you said that calls for the size of the review panel to be larger than six to eight. The community seems to feel very strongly about this.

Granted there's broad agreement across the stakeholders of ICANN that idea of a panel of six to eight is too limited. Their reasons, you know, some of us

might question the single authoritative suggestion about organizational development methodologies.

But we have other challenges. We have geographic diversity. We have some gender diversity issues. We have cultural issues. And we have really scope and scale of the kinds of topics that have to be addressed and the assessing accountability and transparency.

So given the community feels so strongly about this, what's the - and there is going to be (unintelligible). Will there be an opportunity for other comments on (unintelligible)?

(Marco): Definitely. Yeah. Definitely so. There will be opportunity for public comment on the floor on the session (not to mention) reviews. And as I say, I mean staff doesn't have a voice on this. The decision is to be made really by the two selectors.

So Marilyn is absolutely right when she say the large majority of the community was against the (proposition) of having small size team. And this is what the selectors have in their hands for making a decision.

Steve DelBianco: (Unintelligible) with Business Constituency. (Marco), I wanted to ask whether you had read into 9.1 in the affirmation of commitment section that establishes the team size. This is a follow up to (Marilyn)'s question because a lot of us will read the way that that agreement between ICANN and the parties (being assigned) (unintelligible).

(It says) - it enumerates GAC's share, enumerates two or three others and then it says and representatives, plural, from the following stakeholder groups. Do you interpret that to accommodate multiple representatives from each of the stakeholder groups? And would the agreement have to be modified or amended to accommodate an increase in the number of these?

(Marco): But this can be an outcome of their viewpoint.

Steve DelBianco: What I'm talking about is 9.1, which describes the first review, the accountability review.

(Marco): Yeah.

Steve DelBianco: So for that review panel to come together, it has to figure out how many people it should and can have on it. And if you read the middle paragraph, it does enumerate one from the GAC. It enumerates representatives, plural, from the stakeholder groups.

So if for instance there were to be more than one GAC representative, does that require that ICANN or the Commerce Department amend this agreement? Or can we just simply interpret it in a way that allows multiple representatives?

(Marco): Good question. (Unintelligible) question because I told you it's not up to staff to decide the size of the review team. Of course (information) is something that needs to be interpreted and yeah - and comments of the community are (frankly) - (unintelligible) in going in the same direction of this.

Steve DelBianco: And I would hope, just to close out, I would hope that we can all agree to interpret the agreement to having some flexibility to accommodate the widespread desire to increase the size of that first team. So thank you.

Marilyn Cade: I saw Zahid and then Wolf and then I'm going to close this down and (unintelligible).

Man: (Unintelligible) was in the review panel but that just sort of (unintelligible). I'm so sorry. Okay. The question that Steve raised; the word says includes. So includes the GAC share, the Board share, representatives of (unintelligible), does that mean that in effect you could have representative of each and

every (unintelligible), the two boards yet and you could actually then, apart from independent (unintelligible) you're going to get other people.

Now how will we or is there a process to identify those other people and is there a number that's already in mind as to how many of those others if I can call them that will be (unintelligible) here.

And it's interesting because the affirmation reviews in fact does (spells our) for the first review team the GAC share or (unintelligible) or (negate) the board share or (negate) (unintelligible) volunteer members of the relevant voting organization as advisory committee. So here there is an issue. To be (told) by directors about relevancy, the difference of supporting organizations for instance to discover each review.

And then it mentions independent experts. So doesn't say anything about the number of independent experts and what area affects (unintelligible) need to be - need to be represented.

We got some comments too, public comments, about the area of expertise that need to be involved in this sort of review process (unintelligible) or some (unintelligible). I mean we have some comments in (dissent). We also have a couple of comments that focus the need to put more independent experts within the panel - within the panel, sorry, the review team in order to bring some external views into the process.

So there have been discussion of this but this I will say no decision has been taken about the final size the composition of the team, which has been the discussion by the selectors.

Woman: (Unintelligible.)

Ron Andruff: No. I understand. So this was - one of my questions got answered. We don't know what the size will be. But the composition is there are categories; so

there's the (Board share), (GAC share) and actual representatives and independent experts.

But it doesn't stop there. It doesn't say limited to these people. It says it could include these people. That means there's another unknown out there sort of other category that could be developed. People could be pulled into this review team other than being representative of the (outsource).

If I could just read on - say's will include the following. And I'm just wondering whether that is being interpreted by us as the (unintelligible) of the people listed or sort of open ended.

(Marco):   Well, we (receive) no comment at this time. It's very interesting by the way the that (unintelligible) that we receive no comment at this time. My interpretation, but once again it's the kind of interpretation based on the comments we received.

My interpretation is that likely those who responded to the public comments considered other (unintelligible) independent experts. I imagine because really we didn't get any comments on (unintelligible).

Ron Andruff: Follow up. So when we say others, this brings up a very interesting question. So those who applied as independents - so there's the question of those who are going to be as independents, what process by which are they going to be selected?

Are they just people that could just be picked up by the selectors and there's no specific criteria per se apart from their, you know, criteria of who they are, et cetera, but no specific process for the selectors. But there is a process for the GNSO. Just want to get clarification what applies to these independents?

(Marco):   There have been a - even more, I think three, four comments from people from within GNSO and with ALAC asking to be involved as community in the

identification, sorry, of the independent expert to be selected. So not to leave the selection only in the hands of selectors but adding a dialog with the community on their identity or at least on the areas of expertise they have presented.

Wolf-Ulrich Knoben: Yeah. (Unintelligible) constituency, Marco, on question to the process of (unintelligible) deadline on Sunday; are you going to send all the applications to all of the supporting organizations or are you going to filter them out to which as you are going to allocate candidates? What's the process?

(Marco):   Yeah. No, we are going to - we are indeed already sending all the applications to the (unintelligible) supporting organizations. So we are receiving as we (made) the applications that are already complete and other applications that need some essential data.

For instances, some applicants did not mention the supporting organization they wish to represent. In this case we go back immediately to the applicant and they usually respond in one day or in a few hours getting the (unintelligible).

In particular for GNSO there is a further set of information to be provided and in case this set of information is not provided immediately, it's usually provided the following day (unintelligible).

We are sending the application immediately after they are completed. So you know that the (unintelligible) organization to have them immediately and the last (sending) would be done on Monday morning, first thing on Monday morning.

Wolf-Ulrich Knoben: Are you avoid that there will be (unintelligible) - how are you going to avoid that maybe two or more (SOs) will manage or handle the same candidate?

(Marco):   That means so that the first candidate was not sure about the supporting
                 organization he wishes to represent. So in these case we gave the contact for
                 this candidate of the two different supporting organizations that were
                 mentioned giving him the choice to select one of them and then the selection
                 was made and the application has been sent to the (finally) selected
                 supporting organization.

Bill Drake: (Marco), Bill Drake, further to Wolf's question. If I understood you correctly,
                 you said you're sending them all out to everybody. We have only - in GNSO
                 we've only received the ones that said that they're applying for GNSO.

(Marco):   Yeah. Yeah. We are sending - I mean to the GNSO those applications
                 mentioning their intention to represent GNSO and...

Bill Drake: Is there - shouldn't there be a Web page with all of the applicants that we can
                 look at the entire pool and understand?

(Marco):   Yeah. It is...

((Crosstalk))

(Marco):   Yeah. It is our intention as soon as we close the application...

((Crosstalk))

(Marco):   …to publish all the candidate (source) including all the supporting documents
                 to the candidate (source). And this has been mentioned explicitly in the call
                 for applicants.

Marilyn Cade: Okay. It's Marilyn. I'm going to thank (Marco) and take us to the next set of
                 discussions, which are more about our internal (unintelligible). Guys, I'm
                 going to propose we do a roll call because I think for purposes of the

discussion it's helpful for us to just have a record of everyone that's in the room. Glen's going to do it. Fantastic Glen. Thank you.

And also probably - yes.

Glen Desaintgery: Yes. Good morning everyone. Shall I start from this side? Bill Drake, Wendy Seltzer, Rafik Dammak, Jaime Wagner, Wolf-Ulrich Knoben, Amadeu Abril, Mary Wong, Ron Andruff, Steve DelBianco, Zahid Jamil.

And for staff we have over there Olof Nordling, Marika Konings and Liz Gasster. And at the back as participants, Werner Staub, Brenden Kuerbis, Norbert Klein, Berry Cobb and Flavio Wagner, Alan Bidron and Martin Sutton. And somebody has just walked into the room. I'll get their name.

Marika Konings: And those of you that are on the phone bridge, please identify yourselves so we can take note of that.

(David Calib): (David Calib) here.

((Crosstalk))

Michael Palage: Michael Palage.

Man: (Unintelligible).

Glen Desaintgery: Alex Gakuru has just joined us in the room.

((Crosstalk))

Mike O'Connor: Mike O'Connor is here. Can you hear me?

Marika Konings: Mike O'Connor now.

Mike O'Connor: Yes. I've got several in the room here (less) that I can mention. We have
                   Jonathan Frakes Paul Diaz, James Bladel, Tim Ruiz and (Judy Song
                   Marshal) and me Mike O'Connor.

Marika Konings: Thank you. Anyone else on the conference bridge?

Mike Palage: Mike Palage.

Glen Desaintgery: Thank you.

David Taylor: David Taylor as well.

Glen Desaintgery: David.

Marilyn Cade: Could I - I'm told that maybe Bill or someone else might actually be the most
                   expert on the discussion on the internal (unintelligible). (Unintelligible) just do
                   a quick making sure everybody has a good grasp of the internal (process)
                   (unintelligible) or questions of where we may need to work as a house or just
                   make sure that information flow happens.

Bill Drake: That's fine. Bill Drake. The process that the drafting team put together that
                   the Council approved and it's - was it the last call I guess is as follows. We
                   the Council nominate up to six people although we don't know how many will
                   actually be taken by selectors. We're hoping at least two.

                   I should preface by saying this whole kind of mechanism was defined before
                   we had any idea what the pool was going to look like. And as it turns out, the
                   pool is pretty small which may make some of the bureaucratic sets that we
                   define unnecessary.

                   But on the other hand, even if it turns out that that's the case, since we had to
                   essentially decide that due to the very compressed timeframe and the fact
                   that the dates kept slipping and changing, we weren't able to figure out how

we were going to make all the stuff work. We decided to essentially say this would be a one time process and that a final process will be approved in April by the drafting teams as recommended to the GNSO.

It may well be that even if we don't end up using some aspects of this process that we've defined for this time fully that at least we will have learned something through the process of defining it that we'll be able to take forward in review team rounds that are left (compressed).

So that said, what we did was (unintelligible). First to say it's simply because of the diversity of interests and the fact that it was probably going to be difficult for everybody to agree on one or two candidates that would represent the entire GNSO, we decided that we would try to de-politicize the process by basically saying up front that each stakeholder group can nominate one person who will essentially be - so each stakeholder group essentially gets a fixed allocation.

You can be ensured that your stakeholder group will have somebody in the pool that selectors will look at. But then of course we didn't want to limit it to that because that could be construed as essentially fixing a category insider type of game where only those who are actively engaged in stakeholder groups could be put forward as nominees, represent the GNSO.

This would leave out for example not just the NCAs but any other persons who don't see themselves as being particularly affiliated or primarily affiliated with one group or another. So we wanted to have some possibility for other people to be considered as well.

So we ended up deciding to have two more slots and to have those slots be open to competitive selection and a voting process. And the voting process is simply that they - to go forward as a GNSO nominee, the person would have to get a majority vote in both houses.

Now there's some questions about what happens if that doesn't work and we can return to that in a moment. So there's two slots that would be like that. One is reserved for people who are not affiliated or do not see themselves as being affiliated with a particular group unless we are able to clearly identify that they are indeed active in a stakeholder group in which case we would treat them as part of the stakeholder group.

And then one other slot that's essentially open to anybody which can mean essentially that stakeholder groups can put forward additional candidates, up to two, and the house will vote. And if it turns out that they - the registries end up with two, well then that's fine. Both houses voted for a person, then that's okay.

So then you would have a pool of six from which selectors would pick. Hopefully this would given them enough options to be able to define the team that makes sense in relationship to the larger mix that they're putting together from the other (SOs) and (ACs).

The problem of course then becomes number one, ensuring diversity; so that's felt strongly. That there should be geographic and gender diversity in the pool that the GNSO puts forward. Others were less certain that that should be hardwired into the process.

So we went with a sort of compromise type formulation that says essentially unless the applicant pool does not allow no more than two nominees should come from the same geographic region. That's to say if we don't have enough people to make that objective realized, then okay, fine.

Similarly, unless the applicant does not allow, nominees must not all be of the same gender and the distribution between genders to be no greater than 2/3 to 1/3. So in other words, hopefully if there were six nominees being put forward from the GNSO, we would not have six white guys from the United States. We would have instead hopefully at least two women in the pool of six

and hopefully we would have not more than two people from the same region.

Now this is should language and of course it's aspirational and if at the end of the day that's unsustainable, then we have to deal with that reality. And it would be unsustainable if the applicant pool doesn't provide the range of people, the range of names to be able to even get to that.

If the diversity goals are not met after the first round, let's say the four stakeholder groups have all put forward a name and the house has voted two additional names and we look at it and we go oh, well, we ended up with a very non-diverse group, then we put in place the mechanism to try to deal with that.

And that mechanism was in the first instance there's something called the evaluation team that will be performing a certain function of assessing the candidates and making some recommendations to try to help the Council decide and how (ET) will work is a whole other set of questions we can get into. Because the assumption was when we did this we might have a large pool and not everybody would be able to read all the applications. (I'll call on you in a second Jamie).

So there's - we decided to create this evaluation team to serve that function. But in addition, in the event that we ended up with a non-diverse pool, we would ask the evaluation team to consult with stakeholder groups and the non-com appointees and with the candidates to try and see if perhaps we can come to some sort of more flexibly defined compromise that would bring us closer to the diversity objectives.

That's a work in progress and exactly how that's going to work. Now actually given the nature of the stakeholder - given the nature of the pool, I think it's probably not going to be the case that we'll have to use that mechanism. But we don't know for sure yet until we see the final results.

Marilyn Cade: Bill, would you stop and take questions?

Bill Drake: I will stop right now and then...

((Crosstalk))

Marilyn Cade: Because I've got...

Bill Drake: ...there's a number of different dimensions to come back to. So Jaime.

Jaime Wagner: Jaime Wagner. I have one question to Bill. You said that the two slots in the
                  pool would be covered by one of a known affiliated people and another from
                  people indicated by the (FGs) that were not selected the first. Did I
                  understand that you said that these should be limited to two people per (FG)
                  or is - I mean if we have 10 people and we choose one, the nine don't go
                  automatically to the pool?

Bill Drake: Each stakeholder group can nominate up to two people for that competitive
                  slot. That was (unintelligible).

Jaime Wagner: Okay. And do we have a - could you please (unintelligible).

Bill Drake: I said that the agreement was that each stakeholder group could nominate up
                  to two people for that open slot. So in principle then each stakeholder group
                  is putting together - putting forward a total of three names. One for the
                  allocated slot that will be guaranteed to be in the nominee pool and then two
                  other names that might be considered in a competitive election for the fifth
                  slot.

Jaime Wagner: It's just that this is an understanding I didn't have. Okay. The correct to my
                  previous understanding. Thank you for that. And also I would ask another
                  question too. Do we have - could you please help me to understand the

schedule we have or had each day because it's a tight schedule and I think we are (mentioning) is we will have to be covered here in Nairobi? So who has the schedule?

Bill Drake: Thank you. Bill Drake again. The schedule is as follows. And there was, by the way, a action plan that we approved in the Council which has the preliminary dates but then we had to change things because the subsequent changes that were given to us by staff about the deadline. And so we sent out email I believe in the Council list with the final timelines.

But I will repeat again. So the applications are due at ICANN by March 7, okay, which - by I assume that probably 2359 UTC. Okay. Then by the 14th of March, stakeholder groups are to notify the GNSO Secretariat of their nominations and provide guidance to their counselors on the votes for the two slots.

This being ideally what I would hope would happen. On constituency day it would be really ideal if each stakeholder group could get their act together and decide who they want because no later than the 14th they have to notify; but obviously the earlier the better because in parallel the evaluation team has to be looking at the finals and making some suggestions. Okay.

So the 14th is the drop-dead date for the stakeholder groups to notify the Secretariat. So if it's possible for the CSG to reach closure at its meeting, that would be fantastic. I know that NCSG I believe will have its nominations by the 7th and be able to notify.

So that's that. Then parallel now I have to come back to - well let me just do this timeline and then I'll come back to the - what the evaluation team is about. By the 14th, the same date, and unfortunately this is very compressed and in some ways it's illogical in my view, the evaluation team is to report to the Council and its assessment of the candidates that have been submitted.

Now I'll talk more about what the ET is going to do. But that has to be done by the same date because the tight deadline. Then we will have a Council vote - do we - Glen, do we have a final date on the vote on when that meeting is? When the vote will be? We did a doodle right?

((Crosstalk))

Bill Drake: We did a...

Woman: ...by the 17th I would think.

Bill Drake: No, we have to notify the selectors by the 17th.

Woman: By the 17th. So we have to get it done by...

Bill Drake: Right, we - well we should do it before - we have to do it earlier because of that and I think we were shooting for the 15th in case there has to be any post-talk tweaking from a diversity standpoint or anything else.

So there was a doodle sent around and I don't recall what the status was. But ideally the Council will be having a special call on the 15th or maybe the 16th during which the two houses would vote. So that's the basic timeline; 7th, 14th and 15th or 16th for the vote.

Jaime Wagner: Thank you Bill.

Marilyn Cade: So my follow up question - it's Marilyn. Just to reiterate here. So what you're - we're saying that the evaluators and (unintelligible) have selected an evaluator, right? Evaluated as four people are going to be working in parallel using all of the candidate information that they have received while the SGs are also making their decision of the one plus two alternates.

So let me just give you a hypothetical. Let's say that the CSG ends up with six candidates that he names into the (unintelligible). (Unintelligible) one designated and the - out of the remaining pool of five, we send forward two names only.

And the other names that appear in the CSG or appear in any other SG (unintelligible).

Bill Drake: Yes. I mean that is the function of the bottom up process within each SG to decide who they want to put forward for those names and, you know, we were again dealing with the possibility that there be a large pool. So we had the (winner), right.

So and when you think about how the two houses are going to do a vote, if we gave them an enormous pool to vote from, you could have ended up with the votes divided in such a way that nobody could get anywhere near a majority. So we decided we had to limit it so we made it two.

Marilyn Cade: So the thing I'm kind of struggling with is the timeline for the evaluators and the Council if the SGs all meet the deadline - all meet a date of the 10th, that gives the - that really doesn't give the evaluators much working time.

Bill Drake: Thank you Marilyn (unintelligible). The whole concept of the evaluation team was something we debated quite a lot and I was very skeptical about whether we needed to have it in the first instance. But there were others in the drafting team who felt that we should just in case we had a large pool. So we decided to go with it.

But given the timeframe, we ended up in this very compressed situation because obviously the logical thing would be to have this sequence where the stakeholder groups put forward their names. Then the evaluators are able to take a few days, put forward some suggestions and then that helps the Council to vote.

Instead, we're having to essentially move in parallel. There's no way around it because of the deadlines we have. Now the pool is not so large that that will be so problematic. The evaluation team has already started looking at the pool. And we should also be clear about what the evaluation team is doing.

Initially it was suggested by some in the drafting team that the evaluation team should rank the candidates by some criteria, i.e., the types of criteria that the GNSO and ICANN specified in the call for applicants.

I and I think one or two other people also had some real problems with that. I mean I couldn't see how objectively you could really do rank - just aggregate people and do ranking according to such things as team spirit, willingness to learn, things like that. It just didn't seem very realistic to me to try to do that in any way.

And I thought that if we tried to assign some sort of ranking like that that essentially we would probably be opening ourselves up to post-talk criticism. So we decided that essentially we would be making a more sort of holistic overall assessment of an applicant's pick with the general tenor of the requirements specified by ICANN and the GNSO.

Now those of course - and the assessments that we put forward don't have any particular weight. The stakeholder groups and the houses will vote however they're going to vote. This is simply advisory. This is in the event that people don't want to take the time to read all the files and they just want to know essentially what if people who've been looking at this more closely, what is their assessment?

So we are going to try an evaluation team to if we can identify one candidate for each of the two slots that we think is particularly outstanding or at least have some kind of rough ranking that here's a - here's three people that are particularly strong, et cetera.

But really in this first instance, the evaluation team's assessment is going to have to be pretty flexible in its construction and flexibly interpreted by the Council when it comes to voting. I mean I think I really wouldn't attach too much weight to the evaluation team operation in this instance.

It may be in future review team rounds, we have a bigger pool, we have more of a need for the ET to be doing this kind of assessment and there'll be a different timeframe within which ET will be able to function after having received inputs from stakeholder groups. But given the way all this is working this time, it's really seat of the pants. So it's just one more piece of information. It's a data point.

Marilyn Cade: Bill, it's Marilyn again. Just one more clarification. As you said, there's - the guidance - the SGs will vote as they're going to vote. But actually in this - for those two seats, it is the Council that votes. Right? For those two names, not seats. Those two names, it is the Council that votes, not the SGs. SGs no longer have input.

Bill Drake: Well, the Council - the two houses vote. But obviously the SGs constitute the houses. So their people, you know, it's however they vote that's going to determine whether or not somebody gets the simple majority and gets accepted.

Marilyn Cade: Let me see if I can...

((Crosstalk))

Marilyn Cade: ...clarify. Let's see if I can clarify my misunderstanding. The Councilors - so not the houses.

Bill Drake: My apologies.

Marilyn Cade: Okay. I just wanted to be clear...

((Crosstalk))

Bill Drake: Councilors for the two - yeah.

Marilyn Cade: Okay.

Bill Drake: The Councilors vote. And the Councilors should have received guidance from
                   their stakeholder groups about their preferences. That's the idea. So in other
                   words, prepare - for NCSG we will look at the pool. We'll go through the
                   names.

                   We'll ask people - talk with people about which of these - how do you feel
                   about these different candidates? They'll provide us with guidance and then
                   the Councilors from NCSG will say okay, fine. Even if those are not NCSG
                   candidates, this one seems strong. We'll vote for him or her.

Marilyn Cade: So five till eleven. We need to end by 11:15 or pretty (unintelligible).

Man: (Unintelligible) speaking. So just drawing your attention back to the timeline
                   really. So also we'll point out that the SGs would have time until the 14th of
                   March (unintelligible) from their nominations. I would like to encourage all of
                   the SGs (to come up) earlier in order to facilitate (unintelligible) for the
                   evaluation teams. Because okay also, if you don't expect really a mass of
                   candidates but it would help us because so the evaluation team has at least
                   to do something in - for one or two days.

                   So if you could come to a result to a nomination within the SG meeting on
                   Tuesday, it would be very helpful.

Bill Drake: And may I add one other last point that I didn't get a chance to get into? For
                   the voting itself, the question becomes what happens if no candidate wins a

majority in both houses? But there are essentially two different options, right. I mean one is we can throw up our hands and say well, nobody won and so therefore we just forward the four names that were pre-allocated by the stakeholder groups to the selectors.

The problem with that in my view is that's potentially unfair to unaffiliated persons because you could actually get people making calculations that we'll, I really would like my stakeholder group's nominee to be given a stronger chance to be considered by (Yanis and Peter) so I don't want to dilute the pool by having six. I'd rather have four. Therefore I'll vote in such a way as to ensure that no candidate gets to a majority.

And that would be unfortunate. I don't know that anybody would actually do that but again theoretically one could say that they're intended to do that if one wanted to.

We do want this to be an open process. We don't want to have it look especially for an accountability and transparency team like essentially the stakeholder groups are colluding to control the process as only people approved by the stakeholder groups can be forwarded as GNSO nominees.

There really ought to be a fair opportunity for people who are involved in or identified with the GNSO but yet are not strongly plugged into the stakeholder groups to be taken seriously as candidates.

So my - what suggestion has been in the ET discussions and I think we haven't resolved this with finality yet that if the first vote doesn't yield a simple majority in both houses for anybody that there - we should then have a (bit of) recalibration and do a second vote and try and see if we - if the threat of having to continue at the (stuff) and kind of spur people to maybe compromise, shift their votes and say okay, well, this person fell just short.

He or she is good enough for me. I'm willing to throw my vote to the - you do a second round and hopefully we get to an outcome. I think it would be - I think it would be better for us if the houses can agree to put names forward for those two slots than to not put names forward. My own view.

Marilyn Cade: What process is the Council (unintelligible).

Bill Drake: I tried to start that conversation and I haven't been able to get a lot of takes in the ET interested in specifying it. I think that people feel like we can do this pretty (old panel). It's a pretty small pool of names and I think people are inclined to just do an open vote on the Council call.

Marilyn Cade: Okay. Any other comments or questions about this (unintelligible) on whether the CSG is going to (unintelligible) members are not present here. So the CSG is going to have to (unintelligible) friendlier time slot. We (unintelligible). So (unintelligible) taken but you can (unintelligible).

Zahid Jamil: This is Zahid Jamil. Bill, I can't see because I have a pillar between you and me. But nonetheless let me ask this question because it's - you may have (AI). There are some people who may belong to certain SGs who have applied as independents or non-affiliates. And I don't know where to have this discussion so I'm going to ask.

How do we feel about them from different - people not identifying from those stakeholder groups are being members and wishing to be sort of evaluated for selection by the selectors apart from the GNSO? Just a question.

Bill Drake: Zahid, you read my mind because that's the last point I wanted to come to but I didn't want to Bogart the microphone too much as we used to say back in my day.

This has been a point of some discussion as well. We did agree in the Council on a procedure for allocating candidates to the slots. And that is in

the action plan. And one has to assume that the Council's agreement on this mix that definitive approach.

And the agreement was - in the first instance we asked candidates to say in their application which stakeholder group or constituency they feel most closely affiliated with. If the volunteer is unclear about or chooses not to identify his or her affiliate, I'm ready now; the Council will follow the procedure outlined below.

Council knowledge of membership in a stakeholder group or constituency we assume association with that stakeholder group or constituency. Council knowledge of membership in the ALAC environment, we assume association with ALAC although the ALAC people said hey, wait a minute, you know, we have our own process, which I fully understand.

No membership of any affiliation or connection to either the stakeholder group or constituency, we assume and treat them as an affiliate. Now, we've already had once case in the pool, somebody who says I am a member of a given constituency. However, I wish to be treated as an independent.

Now this raises questions obviously. If you allow that process, then you could get people gaining as follows. Well, my guess is that the competition for the unaffiliated slot is thinner so therefore I want to say that I'm an unaffiliated person to increase my chances of being a nominee.

We decided I think in the original process that if there was knowledge that a person is a member of a stakeholder group or a constituency that they would be allocated to that and that's the deal I think. Now if that person is a member of a constituency or stakeholder group that they believe is not going to support their candidacy, you know, sorry.

On the other hand, other people still can vote for them. I mean, you know, unless their name doesn't go forward as one of the two from that group. If

they get enough support to be one of the two, they go to the pool to be considered and others can vote for them.

But, you know, we can't have - I mean imagine if Marilyn or (Milton) were to say I want to - I have no affiliation. I'm an independent person and I'd like to be considered for a review team.

Marilyn Cade: I'm a globally cosmic person.

Bill Drake: I recognize your intergalactic characteristics Marilyn. But nevertheless, I think we tend to believe that you were just CSG. So I mean we can't really have people, you know, who are identifiably members of groups saying they're not members of groups.

Zahid Jamil: Thanks Bill. That does clarify quite a bit. I think we're getting to where I thought we were going to get to. But there was no discussion between (me) and (unintelligible) so there's no cross stakeholder groups.

But I just wanted to ask a question. I understand this addresses how we're going to vote within the GNSO. But am I mistaken in understanding that people were actually saying we should not be - that this should be considered unaffiliated or independent are basically asking that selectors directly look at them. And so there's really nothing that we can do.

And if there's really nothing we can do, and I could be wrong about this. Is there something we would like to do to be able to sort of convey our or communicate our source on this as you stated?

Bill Drake: Could you clarify what you mean by there's nothing we can do?

Zahid Jamil: Sorry Bill. You can do anything.

((Crosstalk))

Woman: Actually can I jump in there?

Bill Drake: No, I don't understand that you're asking Zahid.

Zahid Jamil: No, what I meant was that there's a group of people out there who applied to ICANN, right, as volunteers. It really doesn't help them - I can't see you right now. But they're applied directly to ICANN. Some of them who are GNSO related will come to us. Those who are not GNSO related will either not come to us or we won't even nominate them. Fine.

But they're still out there. They're still volunteers, which the selectors will have to either reject or accept. And I'm just wondering about that process. And do we have views and feelings and anything we wish to communicate to the Board, et cetera, or the selectors about that process? And this is (experts) of who is trying to bypass the GNSO process. How do we feel about that?

Marilyn Cade: I think Mary has a comment and then...

Mary Wong: Actually it's more of a question. I just wanted to say that that really was my question. We're looking at the GAC really because the way it goes is everybody applies to ICANN but they're potentially people who are going to apply to ICANN who within the GNSO and within the Council we might be able to fairly say we could attribute this person to a group.

But this person says I'm not seeking GNSO endorsement. And I think that was your question. That was also my question and the problem is is this something that - we obviously can discuss it. But do we just discuss it and the Council basically says since they're not seeking GNSO endorsement, we will just leave it to the selectors to make the best choice or should we also make the recommendation even though that's not within our niche?

Marilyn Cade: I'm going to make a comment and just do a time check here. I have seven minutes after which means we need to (unintelligible) start another topic and turn it over to the Council Vice Chair.

But I'm going to make a comment about what you just said Mary. I think it would be mythical for me to assert that I am not affiliated with the CSG. But I also think that the CSG or the NCSG or the registries or registrars meet so maybe I'll say this differently. SGs and the houses I think recognize if people are being actively engaged within their work. And I think you guys ought to think about saying so. That's my personal view.

I've just been - I've just been given the privilege of announcing we're closing this session and we're having a break in between. So is there anything else that you need (unintelligible). Is there anything else you need to announce about the logistics for the change? Okay. So this call is closed.

You get five minutes and we're going to change the phone bridge and there are instructions from Marika that you need to dial back in to the different bridge. And each session has its own password so that there's a separate transcript for each session. And the pass code for this upcoming session is whois.

                                        END