

**ICANN Transcript  
GNSO Standing Committee for Improvements Implementation (SCI)  
Saturday, 05 March 2016**

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Rudi Vansnick: Good morning, everyone. We can start our meeting; the first meeting we have this week. I think we are the ones who are kicking off in fact. Can we start the recording?

Woman: We're good to go.

Rudi Vansnick: Okay. So then we first have the roll call.

((Crosstalk))

Rudi Vansnick: Yeah, we go around the room. We'll start on my right, Angie.

Angie Graves: Angie Graves from the Business Constituency. Thank you.

Lawrence Olawale-Roberts: Lawrence Olawale-Roberts from the Business Constituency.

Wolf-Ulrich Knoben: Wolf-Ulrich Knoben from the ISP Constituency.

Rudi Vansnick: Rudi Vansnick, NPOC.

Julie Hedlund: Julie Hedlund, ICANN staff.

Mary Wong: Mary Wong, ICANN staff. And I'm going to hand it over to our newest members of the policy team who is also going to be supporting the GNSO so be nice.

David Tait: Good morning. David Tait also from staff.

Sara Bockey: Sara Bockey – oh is it working – Sara Bockey, Registrar Group.

Rudi Vansnick: And we have Lori who is on the Adobe Connect and on the phone.

Lori Schulman: Good morning.

Rudi Vansnick: Morning, Lori. Next on the agenda is the regular question about changes in the SOI. Is anybody having any changes to announce about their SOI? Seeing none then we can kick off with the first subteam report, Subteam A, and that had task to looking to the question about motions and amendments and friendly amendments.

I would like to thank Wolf-Ulrich for finalizing the last meeting we had in Subteam A. I think we are at the final stage so that we can bring to the report to the Council. We have to present it first today.

Julie Hedlund: So – and this is Julie Hedlund. So actually so this is the report of the subteams to the SCI. there will be an update of the SCI to the Council but not to present the results of this task.

Rudi Vansnick: Thank you, Julie. Rudi for the transcript. So maybe we can go through the report that is in the Adobe Connect for the moment. And the first issue we had to tackle was about the seconding of a motion. And the team agreed that for every motion there must be a seconding before the vote and that's what is

actually written in the procedures, there's really nothing new to announce here.

And the question – the second question that came up was should it be somebody from the same – or different stakeholder group or constituency. And again we agreed that there is no specific requirement to have a seconder coming from a different stakeholder group or constituency.

The third issue was about the deadline of the motions and that needed to be seconded. And again here we have been agreeing that as based on the flow chart that was provided by ICANN staff, the motion needs to be discussed – sorry – until the moment it comes to the Council for voting. And there is no need to have a seconder before the Council meeting takes place. I think I'm right, Wolf-Ulrich, that the discussion can go on until the Council meeting itself.

And at the Council meeting the motion should be seconded. That's the timeline we need to respect. And there is no change compared to what the actual process defines. Yes, Wolf-Ulrich?

Wolf-Ulrich Knoben: Yeah, thank you, Rudi. Wolf-Ulrich Knoben speaking. Well, to be accurate here, it was that, you know, as it is under Issue 1, the seconder – the motion should be seconded before the vote but to be clear, the – normally the motion is to be discussed at a Council meeting so we said – we were of the option, well, to say the motion should already be seconded before the discussion takes place on that meeting. So that means the motion is going to be provided in a – on a 10-day period isn't it, Mary, before the Council meeting, yes?

And it could be discussed on the list before that meeting but if it is going to be called at the meeting for discussion then it should be seconded that time, not just before it's going to the vote. The reason is to avoid unnecessary discussion of the motion in case it is going to – after the discussion nobody is

going to be second it. So to be clear, very clear with that. And this should be reflected in the rules as well then. Thank you.

Rudi Vansnick: Thank you, Wolf-Ulrich. Rudi Vansnick for the transcript. But that's I think what is actually written in the procedures today that you have the 10-day waiver for the motion that can be discussed up until the moment of the Council meeting. And at the Council meeting the first thing to do is to have a seconder for the motion before you start having discussions on that motion, no?

Wolf-Ulrich Knoben: I'm not sure whether it's in the procedures right now or whether this is to be done, that is our proposal to be added to the procedure, thank you.

Julie Hedlund: This is Julie Hedlund for the record. Right now just as a reminder, so one of the tasks that this – that the SCI performed at the request of the Council was to document the informal process that currently exists with respect to motions and amendments and then the discussion ensued from there on the four identified issues in the issue request that came from the Council which is what the subteam had addressed.

The question that also remains is do we then – does the SCI recommend that the procedures as they've now been documented and reflected in the flow chart, should these be incorporated into the written GNSO Council Operating Procedures because they currently are not there.

Rudi Vansnick: Thank you, Julie for the clarification. Rudi for the transcript. So I think we can move to the fourth issue that was on the list of the subteam which says – it's about the time limit of the deadline for submitting amendments to allow each stakeholder group and constituency adequate time to discuss them rather than have the Council deal with what could potentially be substantively new subject matter on the fly during a Council meeting. And when should the motion be deferred in certain circumstances, example given, competing amendments.

So the team decided that – or agreed that there is no specific requirement for a deadline for submission of amendments prior or during the discussion of a motion. I think we have a status quo at that level. There's nothing that will change the actual – the current process. I think with that correct we are – we covered the four issues. I'm just missing a page am I? Oh yes, Wolf-Ulrich.

Wolf-Ulrich Knoblen: Thank you, Rudi. Wolf-Ulrich Knoblen speaking. The – just to add something. So the reason why we did – we discussed it on the teams or whether the amendment should be in place before the motion is going to be discussed at the Council meeting, we didn't see that as a real practical way of doing it because, you know, from our experience on Council it's often happens that there may be at first misunderstandings with regards – some councilors don't really understand the motion or the phrasing of that or they have idea that this is kind of phrasing is not what – is not meant – what they expected it has to be.

So that is coming up just during the discussion on the Council and that there should be an opportunity also to amend the motion at this time and not just, well, having a strict deadline before the motion is going to be discussed. So we would like to leave it a little bit flexible more to the Council, well, in order to discuss motions. But it is open and should be discussed also then on Council level what is the meaning from their side and so that was our opinion. Thank you.

Rudi Vansnick: Thank you Wolf-Ulrich. Meanwhile I see other people joining the room. Are there any questions or any comments at this point on this first report of Subteam A? maybe it's good that those who joined us in the room will – I will go around the table, start with Amr.

Amr Elsadr: Hi. I'm Amr. I just walked in. Yeah, I'm with the Non Commercial Stakeholder Group. And primary representative of the NCUC on the SCI. thanks – and Council liaison.

Stefania Milan: Stefania Milan, also with NCUC.

Rubens Kuhl: Rubens Kuhl, GNSO Council.

Rudi Vansnick: David?

David Cake: David Cake, NCUC alternate.

Klaus Stoll: Klaus Stoll, NPOC NCUC.

Rudi Vansnick: Thank you. So we have a full room almost. Good. So coming back to the report of Subteam A, I don't know if there is any question or any comment on the proposed report as we will present in about an hour to the Council.

Julie Hedlund: This is Julie Hedlund. I don't think that there was a plan to present the report to the Council. The update to the Council in the slides that we prepared really just says these are the two issues that the Council – two, you know, this one that the Subteam A addresses and then the chair, vice chair elections are the two issues that the Council has, you know, given to the SCI. And then we just, you know, the SCI provides an update on where it's at, you know, indicating that it's discussed this.

But the SCI would still need to decide, for instance, should then these procedures, these informal procedures, relating to motions, should they be incorporated into the GNSO Operating Procedures. That would be yet another step because we do have some language drawn up but there's a certain level of formality I think when one draws up language for the Operating Procedures that of course staff can assist to do. And then that would have to be reviewed by the SCI.

And then the SCI would need to go to a consensus call because it does operate under full consensus. And then once that happens – and these are

the steps being presented to the Council today – then the changes to the Operating Procedures would go out for public comment. And then once then finally we'll be ready to present to the GNSO Council.

Rudi Vansnick: Thank you, Julie, for the clarification. I have seen the hand of Wolf-Ulrich.

Wolf-Ulrich Knoben: Yes, thank you. So well I couldn't add anything that was more detailed said by Julie. And so also I would suggest, well, on your presentation to the Council just talk about the status, what we did so far so where we are with that and what we are planning to do so according to that – to that rule so I think that that is enough if we agree all here. So if – the question for this meeting was, well, did you understand what the team was doing? Do we need some more – are there additional ideas from those who couldn't participate in the team meetings and so on as usual. And then we could proceed. Thank you.

Rudi Vansnick: Thank you, Wolf-Ulrich. Rudi for the transcript. I don't know, Angie, if you have any remarks as you're part of that Subteam A?

Angie Graves: I'm in agreement with the conclusions that were reached. Thanks, Rudi.

Rudi Vansnick: Thank you, Angie. So I would propose we move on with the second report, Subteam B. Who is the leader of that subteam? Is it Anne? Yeah, Anne is not able to join us. But we can – sorry, take the report on the Adobe Connect. And I will go through it as it is in front of us now. It's the discussion about the chair and vice chair elections issue we all know that happened a few months ago.

So the first question that is on the table is must the GNSO chair be a continuing, not new incoming, councilor? Should there be new incoming Council be eligible to stand for elections? And based on the section 2.2b which provides that a candidate for GNSO chair does not need to be a member of a house but must be a member of the GNSO Council. The ICANN

bylaws prescribing that the Council member's term begins and ends at the conclusion of an ICANN Annual General Meeting.

So Section 2.2b, as phrased, would seem to limit candidates for the chair to only incumbent continuing Council members. And the subteam agreed that a candidate for GNSO Council Chair does not need to be a member of a house but must be continuing and that's between brackets, it's something we need to finalize – continuing or incoming member of the GNSO Council.

And that's what – between the brackets is mentioned, continuing or incoming, and those are the changes for the GNSO Operating Procedures. I don't know if there is any discussion on this. I know that Wolf-Ulrich was also in that team. Yes, Wolf-Ulrich.

Wolf-Ulrich Knobon: Thanks, Rudi. Thanks, Rudi. Before discussing if I may I would like a little bit outline the, you know, the scene and the setting was because why we discussed because – and I'm very happy that a number of councilors are here, you know, in the room because we discussed that and the problem arised during the last election of the chair and the vice chair – the chair of the Council especially in Dublin.

And we had a long discussion after that about how to deal with that and how to improve that. And that the output was then the mandate to the SCI to deliver it and come up with question and proposals on how to deal with that. And that's the history of it. And I do hope that we can get input also from the – those – from the various houses of the Council who were available and have seen the drama of election last time.

So what we did in the team is – and staff at first coming from the mandate which was given to us to elaborate some issues, some questions, which came up from that mandate. And these are here packed in those one, two, four issues or three or four – four issues so that is the basic of our work. And



well there are some – we were thinking it's relatively easy what we discussed extensively. And so that is what the – what happened here.

So the first one is then that we say for a candidate for Council chair must not be a member of the – of a house, yeah. And important was that because the Council at the chair election meeting is just the new Council so all the newcomers and the new NCAs and all these members. So it should be given opportunity over to those newcomers to stand for chair election, not just the incumbent ones. So that was – that was important to us and that is reflected here – in – or the proposed with regards to the issue number one. So just to make that very clear. That is issue one. Thank you.

Rudi Vansnick: Thank you, Wolf-Ulrich, for the clarification and explanation about the reason of this discussion. Rudi for the transcript. But still we have to take a decision on the naming of – continuing or incoming. And as you said you are preferring to have the word “incoming” rather than having – that it must be a continuing member of the GNSO Council, that correct? That the correct feeling that you – that the team prefers to – yes, Julie?

Julie Hedlund: Actually, I think the change was that it's not a choice between continuing or incoming. Those continuing or incoming was the language that would be – was suggested to be added. So prior to that it read, “but must be a member” of the GNSO Council. The addition would be then “must be a continuing or incoming member of the GNSO Council” which then does allow the incoming members to be considered as well as those who are continuing.

Rudi Vansnick: Thank you, Julie. So the next – I don't know if there is any discussion from the present councilors on this, maybe David?

David Cake: Other than – yeah, David Cake. Other than to say no this is – I'm in full agreement, this is a very sensible change. The situation will arise quite often when incoming councilors will – be already very well known to the Council and we have every confidence in their, you know, suitability for the position.

So this is a very sensible change that removes essentially a sort of pointless bureaucratic limit.

Rudi Vansnick: Thank you, David. Rudi for the transcript. So Issue 2 is a bit more complex. Is there a gap to be addressed when the vice chairs' terms end at the same time as the term of the chair? And no chair is conclusively elected by that time. That's in fact what happened at the last AGM. And Section 2.2f says that for the vice chairs to serve as an interim chair until a successful election can be held if a new chair is not elected by the conclusion of the ICANN Annual General Meeting at which term ends, however the procedures are silent as to what happens when one or both vice chairs' terms of the Council which are set in the bylaws, also end at the particular ICANN Annual General Meeting, which was the case.

The bylaws state the regular term of each GNSO Council member shall begin at the conclusion of an ICANN annual meeting and shall end at the conclusion the second ICANN annual meeting thereafter. Each GNSO Council member shall hold office during this – his or her regular term and until a successor has been selected and qualified or until that member resigns or is removed in accordance with these bylaws. So this is what is written in the procedures and in the bylaws.

And the team has been taken into discussion, that issue. And there is agreed that there's a suggested new language for the GNSO Operating Procedures in the case where both vice chairs' terms on the Council end at the same time as the chair and no chair is conclusively elected this procedure would apply.

Each house should designate a new or continuing councilor, including the voting and nonvoting NCAs, to temporarily fill the role of the vice chair on an interim basis not as an elected vice chair. These individuals will co-chair the chair election and once the election is completed their service in those roles would end.

Candidates for the chair would not be eligible to serve as designated interim vice chairs to avoid potential conflicts of interest. That's what the team has been discussing and agreeing on. The action that should be taken discuss with the SCI whether the procedure would apply only when both vice chairs' terms end and to include when only one vice chair terms end the update to the GNSO Operating Procedures according – so that's the stage where that Subteam B actually is on that issue, that correct Wolf-Ulrich?

Wolf-Ulrich Knoben: Yes, thank you, Rudi. That is exactly the case. Just to explain a little bit, we would like to have it as – to be made as easy as possible so that means there shouldn't be a big process, you know, behind that in case it happens so that both vice chairs terms end the same time and the chair's term is going to end.

So to understand – so we used the word “designation” not “nomination” so that means there is no – shouldn't be a formal process behind that. Just, you know, people in that case it happens just huddling together and saying, okay, this one should do that. It could be the incumbent vice chair, it could be anybody from that house is our proposal just to do that job. So that's behind that.

The other question which should be discussed is should that just happen in case both vice chairs end. The consequence would be if we do that that in case one vice chair's terms end the other vice chair shall the only one performing the election. So that is behind that. But that could be discussed whether we need another vice chair also from the other house or not. So these are – this is status. Thank you.

Rudi Vansnick: Thank you, Wolf-Ulrich. I've seen the hand of Amr. Yes, Amr.

Amr Elsadr: Yeah, thanks Rudi. And thanks, Wolf-Ulrich. I completely agree that in the unlikely, hopefully, event that we go through this again or the GNSO Council goes through this process again, the process for each house should be very

simple and straightforward because there's a gap that needs to be filled, the Council will be devoid of any form of leadership. But to be honest I'm not very confident that the two houses of the GNSO can do this very – as quickly or efficiently as may be needed.

Designating a candidate for – as a temporary vice chair is also not – not necessarily something we could do easily. And I was wondering if – I'm just thinking out loud here because I've only been seeing this for the past couple of days, I was wondering if there shouldn't perhaps be a provision for even if an outgoing vice chair, and by outgoing I mean that the current vice chair is not just ending his or her term as vice chair but also leaving the Council.

I think it would be a lot more straightforward and a lot simpler if this individual would be allowed to continue on an interim basis as opposed to a house trying to appoint a temporary leader. I think that would make things more straightforward although there is an issue, I know of term limitations, but these are extraordinary circumstances and may require extraordinary solutions to make sure the Council does not waste time or slow down in doing its work.

The other point I had is – I was wondering what the relevance of the nonvoting NomComm appointee is to house designations? The – my understanding is that the nonvoting NCA does not belong to any of the two houses so probably shouldn't be mentioned here under the second agenda item unless I'm missing something.

It's understandable why the nonvoting NCA would be in the first issue because he or she should be eligible to be a Council chair. But I'm just wondering why it was mentioned under the second term. Thanks.

Rudi Vansnick: And I'm seeing two hands. First Julie and then Wolf-Ulrich.

Julie Hedlund: I will just note two things. Because the terms are designated in the bylaws there is a provision that can be called upon. It is described in the bylaws and also in the GNSO Operating Procedures of a special circumstance where one might be able to continue in one's term, the Council's term. Generally that special circumstance is left to the discretion of the house so for instance if there are no other suitable candidates then, you know, someone might be allowed to extend. But that has to come to a vote – I think it's a simple majority vote – in the Council for that to occur.

It does not actually specifically apply in a case like this. And so the SCI could perhaps decide whether or not there should be detail in the Operating Procedures that could say that the special circumstance would apply in a case, you know, in such case as we're describing here.

The other thing I'll note is that the – with respect to the inclusion of the voting and nonvoting NCAs that was actually language that the subteam agreed to include, specifically discussed and agreed to include. But I'll defer to Wolf-Ulrich if he has something more to say on that.

Rudi Vansnick: Yes, Wolf-Ulrich.

Wolf-Ulrich Knobon: Thank you, Julie and Rudi. Well, I agree, Amr, so we have discussed that also, you know, these possibilities just to extend the term of the so far vice chairs. Well, in case, you know, the first thing is those two who have to – or the one or two who have to do the job they have to agree to that, they have to be in agreement. So that's one thing. So there must be a question to them in a kind of designatory kind of what else, yeah. So that's one thing.

On the other thing we were thinking designating doesn't exclude this case. So I understood you, if I understood you correctly you were asking whether we should just mandate this process in that way (unintelligible) they have to do the job. And full stop, no discussion on Council. Well it's straightforward way, you know, so if they agree, okay.

So that was discussed that way. And we were thinking about also if those Council – those vice chairs will not be available after that to ICANN or to the GNSO what is going to happen then so we have to do something. That's one question.

The other question the nonvoting NCA doesn't belong to any house but each house should be given and can be given an opportunity well also to include them, him or her, well in that process, in the designation by not – he's also a member of the Council and can do the job. So that was not to exclude somebody just to exclude people who are standing for the chair election. So to – not to have a conflict of interest here in this sense but not any other member of the Council should be excluded. Thanks.

Rudi Vansnick: Thank you, Wolf-Ulrich. I see Amr, you want to comment and then David?

Amr Elsadr: Thanks. Just a follow up question because I'm actually not entirely certain of this. But, Wolf-Ulrich, the last point of the nonvoting NCA are you suggesting that a nonvoting NCA is eligible to be a vice chair representing a house or are you just suggesting that they may be – they should be allowed to be included in the discussion within the house to designate a temporary vice chair. Thanks.

Wolf-Ulrich Knoblen: Well if I may? So thank you. Wolf-Ulrich speaking. But this is up to the house procedures. If say – if they have in their procedures, which we don't have, you know, but if there would be something which allows them, well, to designate a vice chair or to nominate the NCAs and nonvoting NCA as vice chair, they could do that. It is up to the houses.

And well in case for the – for this kind of designation in the role of this vice chair for this job is just the role performing the election, is nothing else. So that's what we understand. There shouldn't be any task – any further task allocated to that interim vice chair. So we call it vice chair but because it

should be designated by the houses. But it could be – well it could be somebody performing the election, not in a role of a vice chair, but just doing this job.

Rudi Vansnick: Thank you, Wolf-Ulrich. I have David in the queue now.

David Cake: Yeah, so as far as I'm aware, I'm pretty sure I'm the only person here who'd been in this position of being a vice chair, had to take over after a failed chair election. I think that where it is possible that it is almost certainly a better idea to have vice chairs continue in their roles rather than, you know, elect a temporary replacement. There absolutely will be circumstances where that is not possible, I mean, people – particularly, I mean, we can't compel vice chairs to keep doing it if they don't want to.

But where possible I think to simply continue – have people continue in their role is almost always preferred. We avoid a political, you know, we avoid having to do a house election in circumstances that, you know, likely politically complicated. But there is often significant work that needs to be done in that period.

The chair election process is mandated to take a fair bit of time, we can't do it overnight. So there will be at least a month where, you know, these vice chairs are acting not just – not just overseeing the election process but having to provide actual leadership for the Council. Certainly this year some relatively significant things – decisions had to be made, I mean, not, you know, dramatic ones but we had to deal with things like scheduling all of, you know, some very major votes and things.

And, yeah, and the – and things to do with, you know, meeting procedure and, you know, well meeting details and scheduling and people to come and talk to the Council and so on. There can be a fair bit of work to be done and I think having people who are already have a working relationship with the staff in that role as well will also help keep things running smoother. Having to

bring people into that role of dealing with the, you know, what the chairs do only for one month I think is going to be almost always not, you know, a less helpful idea.

So I just wanted to say, I mean, I realize that there are fairly significant implications of having someone who is no longer a Council member continue in that role. And I think that merits the discussion. But where a chair is a continuing – vice chair is a continuing Council member I think we're almost always better served by having them remain in that role. So that's just my comment.

And I would like to see a process where that is the default rather than a possible outcome. That's my comment. Thanks.

Rudi Vansnick: Thank you, David. Wolf-Ulrich, you want to comment?

Wolf-Ulrich Knoben: Yes, fully appreciate this. And that was, you know, our first approach as well, make it easy; keep it simple. And I understand the incumbent vice chairs are the ones who were dealing with that, you know, the best. So could we – if you think about that, you know, there is one position, well, to make it mandatory in that way so more that the other one to keep it flexible to the Council in terms of if, you know, those vice chair may not be available .

If we put some words into that proposal like, well, including the voting and nonvoting NCAs, but preferably the incumbent vice chairs or – similar, you know, so in this direction, which leads the Council in this direction to think about and tell, okay, this is the easiest way to do that, or how would we proceed to doing this? Thank you.

Rudi Vansnick: Thank you, Wolf-Ulrich. And I see Mary, you have your hand up.

Mary Wong: Yes hi. This is Mary Wong from ICANN staff. And so following up from Wolf-Ulrich's point I think that the question then for the SCI and obviously for those



who are providing feedback on this as it's going through the decision process, is how much do you – it's not just how much specificity you want to add to the Operating Procedures, that's one issue, is the language.

But also how much discretion you would want to give to the houses because our understanding from the staff side that's behind this proposal is that it would be the houses that would have the full flexibility and that could include, and it does right now say, David, as you pointed out, that any house, one or both houses, could say, you know, in this particular circumstance the new nonvoting NCA is, in our opinion, the best choice to be interim vice chair.

I think the assumption is that that may not be the most likely of events but that ability to make that choice is being recommended by this subteam to be given to the houses. So that's, as Wolf-Ulrich is saying, that is sort of almost a complete pivot from where the subteam started which is closer to what David is proposing.

So that's just something that we thought we should point out that that should be the consideration. So going to Wolf-Ulrich's suggestion, there could be something generally prescriptive to say, that, you know, to take into account all the circumstances but that in general it probably ought to be someone who is a continuing rather than a new Council member.

That's not what we're necessarily recommending but in some ways that would be the halfway point. But that's really just a question of how much discretion you want to leave to the houses.

Rudi Vansnick: Thank you, Mary. Rudi for the transcript. Well I think that there's probably some work still to be done in this specific case. There are so many possibilities here that I think – and I have the feeling that we need to have different steps in the process to clarify what if – so that we can have a response for almost every possibility in this issue. I see Amr, you have your hand up.

Amr Elsadr: Yeah, I did raise my hand but I hadn't noticed the time so if we're short on time okay. Yeah, I generally really like the direction where everyone is taking this. I think we all want the same thing. If the NomComm appoints a nonvoting independent appointee to the Council who doesn't belong to any house and one of the houses under these extraordinary circumstances finds that this NCA is an appealing option then the NomComm probably did a really good job in its appointments.

But again, I'm just – I'm a little concerned with the balance of sort of giving a house the flexibility of taking an action in the situation where – that exists more or less because that house failed to take an action in an election. And sort of balancing that out with trying to keep things running smoothly on the Council. So I'm wondering if sort of decreasing this flexibility with the house in the Operating Procedures may help towards that end.

And again, I stress these are extraordinary circumstances and they may require extraordinary solutions. Julie pointed out earlier that if an outgoing councilor who is a vice chair could possibly continue on in an interim basis this would still, according to the bylaws, require a vote by the house. And again, this is a constraint that provides the flexibility to the house but still does not allow for the Council business to continue as smoothly as it potentially could.

But, again, these are all just thoughts. And I'm hoping the subteam will take them into consideration and so I'm not really making a concrete suggestion right now. But just food for thought. Thank you.

Rudi Vansnick: Thank you, Amr. I see a hand up from Rubens Kuhl.

Rubens Kuhl: Rubens Kuhl for the record. One of the things that we should strive for in such a situation would be predictability. So we could add roles that have predictable outcomes in case a house couldn't appoint a vice chair like the

defining that the oldest man or woman becomes the vice chair. So we can add some last resort rules that in case the house can agree to something that rule comes with a predictable outcome. So that possibly useful for ongoing future of the Council but that's just a suggestion so the SCI group can take it in and consider. Thank you.

Rudi Vansnick: Thank you, Rubens. Rudi for the transcript. I think that indeed as the situation is that in reality we don't know if an election is going to fail so it's conditional. And some predictable situations would be good to help defining how to get out of the problem as you don't know if it's going to fail, the election so you don't know if you need this special process being kicked off, you don't know. And as David was mentioning. It takes some time before you have things underway as it can easily take two months to go to the process of elections of the chair.

I am just thinking about is they are a requirement that says that you need two vice chairs to be able to accomplish the elections board can only one vice chair do it?

David Cake: One will do fine. It probably is without its share of any kind you essentially have no ability to even put things on the Council agenda which makes things a little complicated. I mean, I think actually we could probably have an election without its chair of any kind – I think that would probably be within the rules. But you essentially can't get any Council business done in the meantime, the Council will grind to a halt as it would have no one who was able to agenda a meeting. So that's my understanding.

I'm not 100% sure whether we could -- how we would deal with having a meeting or whether the Council could appoint someone to chair or something like that. But certainly we'd be well outside the existing rules to get anything done at all. But mind you, there's no need to have two, one would be fine.

Rudi Vansnick: Okay, thank you, David. Rubens is that still an old hand or new hand? I'm sorry. So we are close to the hour to the end of this meeting. Perhaps it's good that we consider that. There is still some discussion needed to get through the definition of how this process will take place. I'm just wondering, is this something that the Subteam B would do as a team and then come back to the SCI with the report on how to proceed that allows us to give a hand to the Subteam B again. And you will be able to finish it within...

Wolf-Ulrich Knoen: Two weeks I think.

Rudi Vansnick: Two weeks, okay. Good.

((Crosstalk))

Wolf-Ulrich Knoen: Sorry, Wolf-Ulrich speaking. We are going to call for a meeting after the ICANN session so the week after I would say and then it will need one meeting I think for this aspect, yeah, and then we can come back, yeah.

Rudi Vansnick: Thank you, Wolf-Ulrich. So I think we can then end with that presentation of the reports. The last agenda item is what are the next steps. And I think it's clear that one of the next steps Subteam B goes forward with – sorry, Wolf-Ulrich?

Wolf-Ulrich Knoen: Yeah, not finished with the report. We have two other items, two other issues with regard to the publication of the results and the question of the timetable which is also – I think which needs sometimes to be discussed about the timetable of the election procedure itself.

Well, Rudi, I think that GNSO start at 9:30 isn't it? So is there a possibility to extend by five minutes or so over the time of the hour or is it...

Rudi Vansnick: I'm looking to staff to see if we can extend...

Mary Wong: This is Mary Wong from staff. On the official schedule there's no meeting starting right now but there might be an issue in terms of the facilities that we have for remote participation and recording some looking over to - we can continue for another few minutes at least so please go ahead.

Rudi Vansnick: Okay, so Wolf-Ulrich, I'm giving you the floor.

Wolf-Ulrich Knoen: So just briefly, so sorry if somebody has to leave so please. So if the issue number three was, you know, just a method for posting election results. So because it was written in the procedures in a very informal way. The board should be informed in an appropriate way. So we suggested, well, there is no need to change the procedure about that. However there be a requirement for staff to follow up on every election whether successful or not to publish that result and to send a note to the full Council enclosing the results.

So that came from last time it was not clear after when we saw the discussion what was the real result in voting, you know, how did it happen. So it should be made available as soon as possible. After that I think there is a time period is given in the procedure. And so the question is just should it be sent – should the secretariat send to Council or should it be published. Publishing means it shall be put to the GNSO Website so that is the status we discussed so we are open, well, to - if there is a feeling well publishing is a more transparent way and we put that into the report. Thanks.

Rudi Vansnick: Anybody having any opinion on the proposal? Looking essentially to the councilors.

Amr Elsadr: Yeah, just this is Amr. Just has there been a problem in the past with how -- I'm not clear on this. Has there been a problem in the past on how councilors are notified by election results or the board? What exactly is the problem we're trying to solve?

((Crosstalk))

Amr Elsadr: Thanks.

Wolf-Ulrich Knohen: Sorry, it's Wolf-Ulrich. Well it's just the last time that the results have not been available. So I came to that when we started the discussion so it's more or less a reminder, well, to do so and to follow up that, yeah. Thank you. A friendly reminder. So coming to the very last one so Julie, could you put up the timeline so that might be interesting.

So just with regard to the timeline it should be taken into consideration from the beginning where the nomination period for the various constituencies, houses also is going to start until the election takes place in between, that there is room given for internal discussion, for internal discussion with the candidates, also for the newcomers of the Council to get acquainted with what is going on and to know about the election, and also to know about the candidate. And that's why we put that together.

It's a little bit unclear to me to read, Julie, is this – okay I can follow on the screen here. So, Julie, you did that from the last time, you know, because we put dates here in it coming from the last election. Is that - but you also counted the dates backwards from the election, did you?

Julie Hedlund: Yeah, this is Julie Hedlund for the record. So what I did is I took the timeline as it stood for this most recent election and then projected it as if we were looking at the next election, so wear those dates would fall. Alternatively one can do it as I've shown at the bottom here where you just say well, you know, in any election, you know, there will be X number of days to the election that the timeline is announced, procedure and timeline is announced.

Then 60 days the NomComm selectees are announced, you know, and 60 days also there is the house nomination, you know, election period. That's going to be a period of 60 days then. And then 30 days before the election

the house submits their nominees, at least 18 days before the election the candidates make their statements.

Then during the, you know, the ICANN meeting where the election falls there are meetings with the candidates and then of course, you know, we end with the election itself. So there is two ways to look at this, you could actually look at hard dates for let's see what would happen if we plan for the next election or you could say well just in any election these are the number of days.

And really they are somewhat arbitrary because I selected them based on the amount of time that was allowed the last time around. It's possible we could say well actually we think there should be more time for candidate statements or more time for House nominees or less time or whatever but that's where I started.

Rudi Vansnick: Thank you, Julie. Amr.

Amr Elsadr: Yeah, thanks. This is Amr again. Just quick comments on the timeline. The timeline will become very important I believe, I mean, clarifying the timeline and making sure all the stakeholder groups understand that it will be very important in the future particularly if a change in the Operating Procedures is made that allows incoming councilors to become eligible for the chair elections.

And I say this because particularly from the Non Commercial perspective our elections run rather late. So by the time this election timeline may begin the Non Commercial Stakeholder Group may not even know who their incoming councilors are. If this timeline becomes obvious and changes in the Operating Procedures allow incoming councilors to be eligible for the elections then the Non Commercial Stakeholder Group may elect to adjust its own election timetable to accommodate this and make sure that their own incoming councilors have the opportunity to participate in the elections. So thank you for taking this up.

Rudi Vansnick: Thank you, Amr. Wolf-Ulrich.

Wolf-Ulrich Knoben: Yes, I would like to suggest, well, that if you are clear with that, you know, and you do not have specific questions right now so you go back to your stakeholder groups and start to discuss that. This is the proposal to deal with it so it looks like you give a kind of – a time period from 60-30 days before the election starts, yeah, it takes place for the houses to clarify internally there their candidates. I know it happens in our part of the house as well, you know. So we have discussions about that within the constituencies, you know, themselves so you have a more complicated because you are a house level you are submitting nominations, yeah.

We don't do that, we just have elections on constituency level. So that's different. So please take that into consideration and come back with that. And comment on the SCI list to do that so that we can incorporate that in our discussion in the group as well. Thank you.

Rudi Vansnick: Thank you, Wolf-Ulrich. With that I think we completed the report of Subteam B. I'm just trying to not prolong too long so that we don't have issues with the recordings.

As said the Subteam B will go into a bit more discussion on Issue 2 to get this clarified. And the Issue 3 and 4 of course will follow accordingly. I'm just wondering if the case would happen that at the timeline was presented and the final elections result doesn't give a chair what's going to happen in that case. Is that something that needs to have some attention if there is no chair elected, could that happen?

Wolf-Ulrich Knoben: No. Wolf-Ulrich speaking. So the procedures are very clear, you know, on that cycle, you know. This is – it will happen once.

Rudi Vansnick: Yes, Amr.



Amr Elsadr: Sorry, I wasn't clear on the question exactly what – what is the question?

Rudi Vansnick: The question is if at – as the timeline is presented at the end if there is no chair elected what is the process? Is there any situation where that could eventually happen that you have no chair elected?

Wolf-Ulrich Knoben: Well, you know, the rules. You know, Wolf-Ulrich. There is something happening so we have to go back to the houses in order and a nomination period is going to be start again with new Council – with new chair candidates and this is all reflected in the – in the procedures, well, the Council work, if that happens so maybe on hold, you know, during that period because in case, you know, you have just some interim vice chairs. I'm not sure about that so – but normally, well, I think that's the case, yeah.

Julie Hedlund: This is Julie Hedlund. Yeah, so, I mean, we did follow this procedure last time, you know, we did, you know, have a situation where we had no chair and, you know, the sitting vice chairs then, you know, you start the process again. The procedures are clear on that. The sitting vice chairs help direct that process.

I don't think that there is – I don't think that any other work continues until you have a chair. I mean, and so, I mean, other than you proceed with the election again in order to get a chair but go ahead, Wolf-Ulrich. That may not...

Wolf-Ulrich Knoben: Just last word, yeah, I think well if you have nominated vice chairs from the houses they can take the tasks and perform all the tasks. The chair has to do until a chair is going to be elected. So in between. So the question here is then so what is going to happen if there is not a really nominated vice chair available. But I think that is the next step then, yeah, thanks.

Rudi Vansnick: Thank you, Wolf-Ulrich. And Rudi for the transcript. I think it's good that there is some clarification. As I noted that in our discussions it's the chair who calls for a vote, I think we need to be complete in announcing if there is not the chair is the vice chair's calling for a vote or are the vice chairs taking immediately the seat of the chair or the responsibility of the chair.

I think that's something we need to consider also because if you look into the wording itself it always says the chair who calls for a vote, what if there is no chair elected? Is it the – are the vice chairs the ones who are going to call for votes for the process in the Council? Maybe it's some – the discussion that we need to have in a next call. As I see we are 11 past the hour.

It's clear that there is still some work to be done. And as said, we are going to have a quick update at the meeting in about an hour I think. I would like to thank already the subteams for all the work they have been doing. So it was quite intensive. And I personally learned a lot on how complex the process is in the Council and in the procedures. And it's good to have experts like Wolf-Ulrich who was helping us through a lot of discussions and putting up a good proposal.

With that I think we can close this meeting and we see each other in GNSO Council meetings. Thank you.

END