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BARCELONA – ccNSO: Members Meeting Day 1 (2 of 5)

Tuesday, October 23, 2018 – 10:30 to 12:00 CEST

ICANN63 | Barcelona, Spain

PATRICIO POBLETE: Please, take your seats, please, to begin the second session. We begin the second session with a report by Stephen on an update from the Empowered Community Administration.

STEPHEN DEERHAKE: I want to give you a quick update on Empowered Community Administration activity since the Panama City meeting. It has mostly been a whole lot of paperwork. We had a GNSO standard bylaw change that triggered a rejection action petition expire without any action by any SO/AC as was expected. So we let the ICANN secretary know about that.

There was no objection filed by the community for the FY19 budget and operating plan, so that one expired as well.

We did have – and this will occur on an annual basis, so we’re getting a feel for the flow during the course of the calendar year of ECA activity – NomCom board seat appointments that had to be confirmed by the ECA. As you can see, they appointed three members for Seats 1, 2, and 3. We sent correspondence to the corporate secretary confirming those appointments.

Then we had a little snafu with Seat 2 because Louisewies had to withdraw her acceptance of a second term, and as a result of that we

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kind of got out of scope. There really is not specifically defined any mechanism in the bylaws for this type of thing. So nonetheless, the ECA concocted and I sent to the corporate secretary notice of her withdrawal. And then the NomCom turned around and selected Danko as her replacement, and the ECA confirmed that as well.

I want to bring upcoming board activities to the community's awareness because these will trigger the rejection action petition periods for community objection to board actions with regards to the FY20 PTI operating plan and budget when the board and the operating, [yes], the PTI and the IANA both.

I expect the board to approve these budgets toward the end of the year, either late December or very early in January. Both of these actions will trigger their respective rejection action petition periods if the community has any issues with what they propose for either PTI or IANA and launch a successful rejection action petition. It's probably likely that then we would go hold a public forum on those issues in Kobe at the next face-to-face meeting.

Personally, I don't expect anybody to really – I don't expect the community to mount a successful objection because I don't think there will be anything to object to really. So the timing is as defined and possible forums on that.

The ECA since its inception two years ago has had substantial personnel changes. The other SO/ACs tend to rotate their leadership on a really rapid cycle. In fact, I'm the only remaining charter member. Known personnel changes are that, first of all out of ALAC, Alan Greenberg is

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stepping down and Maureen Hilyard will take over chair of ALAC and thus will hold the seat in the ECA for ALAC.

Not on this slide but also known is that Heather Forrest is stepping down as the GNSO chair and they're holding an election on Wednesday. So we do not know yet who will succeed here. There are two candidates, and apparently it's a fairly spirited election. So the GNSO will also be sending a new member to the ECA. I believe that's it.

Last, if you want to see the correspondence, all ECA correspondence via the bylaw requirement is posted on the ICANN website, and you can find it in the link that's in the slide. Our archives and ongoing actions stuff can also be found at that second link. And that's it on the ECA. Are there any questions?

EBERHARD LISSE:

I wonder if we should not have a standard slide prefacing this presentation which is a routine presentation to shortly explain what we are talking about for newcomers and make it as a standard that gets prefaced on every meeting to this. Because I find this is very specific topic and newcomers might be difficult to follow it.

STEPHEN DEERHAKE:

Duly noted. I can do that. That's not an issue. I like the suggestion.

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PATRICIO POBLETE: Thanks, Eberhard. Any other questions? If not, then now is different, changes hat, and now he's the chair of the retirement working group and Eberhard is the co-chair.

STEPHEN DEERHAKE: Vice chair.

EBERHARD LISSE: Vice chair.

PATRICIO POBLETE: Vice chair. I am corrected.

EBERHARD LISSE: I do not want to be the co-chair.

PATRICIO POBLETE: Yeah, my mistake.

STEPHEN DEERHAKE: Not a problem. All right, with regards to the PDP working group on retirement, we have made, I believe, some considerable progress since the Panama meeting. As you can see on the slide, we've closed off three items and we have active discussion going on two items. I'll discuss all of these in detail.

The Bylaws Article 10.4(a) issue. As you can see, it's kind of dense. But basically, what happened during the course of the working group's

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discussion, we dived into Article 10 of the bylaws which covers ccNSO stuff. In 10.4(a) we decided that the definition of ccNSO member is really problematic. We spent a not inconsiderable period of time discussing this, identified where the change came. It came in the bylaw sausage making that led up to the set of bylaws we currently have as a result of the transition.

After further discussion, we decided that this was beyond our remit, out of scope for the working group. And at our face-to-face meeting here, which I believe was on Sunday, the working group authorized the chair, yours truly, to draft a letter to the ccNSO Council to describe to the council what we found, why we think it's a problem. I will be doing that after this meeting, and it will circulate within the working group of a couple of teleconferences. We have those every other week. Eventually, it will pop up in the council's lap for their consideration.

Another issue that we had that we spent a considerable amount of time discussing was the applicability of the PDP to the community as a whole. The issue, of course, is would this policy apply to all ccTLDs whether or not they're ccNSO members? We discussed this whole issue of a lack of applicability and if we're not developing policy for all TLDs, what does this mean for us?

After further deliberation, we reaffirmed the principle that there's no existing policy to guide the IANA on retirements of ccTLDs. Further, we reaffirmed that the ccNSO is the appropriate body to develop such policy. After a dive into Annex C for further justification, we noted that we're developing this policy not for CCs specifically but for ICANN

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specifically the IANA to guide them and PTI in their activities with regards to a retirement.

What we also have now come up with is a firm definition of the triggering event that marks the start of a retirement process for a ccTLD. The consensus is that a triggering event is when a country code, two-letter code, ISO code point really is removed from the list of country names in the ISO 3166-1 table.

This, at this point in time, is a move by the ISO maintenance agency to remove a country designation and its appropriate associated code point. It has nothing, at this point, to do with the ccTLD. But we note that the code point is no longer in the ISO table, and since ccTLDs in 1591 are based on the 3166 table it triggers the process that will culminate in the eventual removal of that code point as a ccTLD.

We are deferring discussion of the IDN ccTLD question for a later point in time in our deliberations. IDN ccTLDs are associated with a ccTLD and if a ccTLD starts the removal process, the question is what to do with the associated IDN TLDs. And we're not at a point yet to discuss that, so we kicked that down the road.

We're currently discussing the process where we get from the triggering event to the actual removal of the TLD from the root zone. Among the things we have started to discuss are notifications that would need to go back and forth, how that process should work, the cooperation or lack of cooperation of the ccTLD manager of the retiring ccTLD, the question of transferring domains under management. And there are a couple of cases.

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It could be essentially a rename of a country. For example, when Czechoslovakia split into two they ended up with two. Or Congo is actually the better one. Congo renamed itself to Zaire, and so they ended up with – the other way around – and then they ended up with a new country code. That’s actually fairly straightforward process, but some of the other ones we looked at are not so we’re still kicking that around. We’re actively discussing the whole structure and framework that should be in place between the ccTLD manager and PTI on that.

We did come to a consensus that when a country code ISO code point is removed from the 3166 list, then eventually the ccTLD corresponding to that code point has to be removed from the root zone. As you can see the rationale here is that it’s entirely possible that down the road at some future point the maintenance agency might wish to reuse that old code point. We have an example here of .CS which was old Czechoslovakia and it was reassigned rather rapidly after it was taken out.

We’re also discussing the timeframe from the onset of the triggering event to the actual removal of the TLD from the zone. At our meeting on Sunday, we didn’t get complete consensus but we are close to thinking that it’s going to be a 5-10 year process. The reason we have a range is that it might be a simple process based on the TLD. For example, it’s a rename in the case of Zaire/Congo, for example. But it may take longer. There may be some resistance. There may be some other externality that we can’t anticipate, which is why we’re looking at a range for that removal period.

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We've started a discussion about to what extent or if we should take into [account] other factors, including economics, involved. Once a registry stops taking new registrations and new renewals, its income stream goes away. That could be something we need to consider as we look into this as well as the interests of registrants, the business surrounding those registrations, stability of namespaces, and other ancillary issues. So we've just started going down into those conversations in some depth.

Next steps with regards to the activity of the working group. We've got a question about what to do about exceptionally reserved and the IDN ccTLDs, as I noted earlier. We need to come up with what we believe would be an adequate framework for the oversight of the retirement process, which is monitoring what's going on between PTI/IANA and the manager of the TLD involved.

We also note that there's no formal TLD transfer process once the code is removed from the ISO list. It's kind of a theoretical thing, but actually we need to spend some time thinking about that and trying to wrap our heads around it.

We also, once we get a little further down in the policy, start thinking about how to stress test it.

Before questions, just to give you a heads up on schedule, between face-to-face meetings, we have teleconferences every two weeks and we rotate them six hours between each conference so we all share the pleasure of getting up really, really early or staying up really, really late.



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I expect that at our next face-to-face in Kobe, we will be discussing actual preliminary draft text for at least some of it.

Any questions?

PATRICIO POBLETE: Yeah, actually perhaps just one quick question. We are out of time for this part, this session. So no questions. Thanks.

STEPHEN DEERHAKE: Good. Thank you.

PATRICIO POBLETE: Now go to Katrina and Annebeth for an update on the current state of affairs for Work Track 5 and also some of the related topics from Work Tracks 1-4.

KATRINA SATAKI: Thank you very much, Patricio. Just to give you a brief summary, now we're going to talk about the PDP run by GNSO and that's a PDP on subsequent rounds for new gTLDs. Here we would like to highlight some issues from Work Tracks 1-4, and then Annebeth will give you a short update on the recent developments in Work Track 5 that deals with country and territory names.

As you probably noticed not so long time ago, this report from Work Tracks 1-4 was published for feedback from the community. I know that many of you, many ccTLDs including regional organizations like APTLD

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and CENTR, issued statements noting that we do not like, let's say, we see issues with proposal to have two-character top-level domain names. Of course, the ccNSO Council also issued a statement, submitted a statement, and here I'd like to highlight some things from that statement.

If you haven't paid enough attention to the discussions around this Work Track 1-4, this is our feedback on the proposal to question from that report whether two-character, which means a single letter/single digit combinations, as a gTLD string would be acceptable.

As you know now the ccNSO ccTLDs are too familiar with the issues of confusing similarity. Therefore, of course, we noted that usage of single letter/single digit combinations could be potentially confusing to consumers. In the council's statement, we also noted that and highlighted that. In this case, for example, .1v would look very similar to .lv and .1t to .lt and .C0 would look very much like .CO. That would be very confusing.

Therefore, in the statement, the ccNSO Council requests the current reservation be maintained and not available for registration. Very much in line with what regional organizations also noted in their statements. However, if we talk about the council statement, we also stressed some other issues that were in this report. Those were not described in papers submitted by regional organizations or ccTLDs. Therefore, I'd like to stress some few more points that the ccNSO Council highlighted in the statement.

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One was about IDN gTLDs. As you know, and in a few minutes we're going to talk more about IDN ccTLDs, we had – still have – ccTLD fast track rules which are going to feed information into IDN overall ccTLD policy. Here we also need to talk about the use of single and two-character IDNs whenever we can talk about characters in terms of IDNs and development and impact of an IDN variant management framework.

What we suggested in the statement is that maybe ccNSO and GNSO should consider establishment of a small working group to assess the ongoing discussions and efforts. The goal of this working group would have been to avoid diverging or different sets of rules pertaining to management of those variants.

Another thing is that with the fast track process we gained a lot of experience and [the area] of confusing similarity and how to address those concerns. We also believe that a common approach for assessing this confusing similarity for gTLD strings and ccTLD strings would be really beneficial because when we have a clear set of rules and it's clear how to assess this confusing similarity, it's easier to operate. But if we have different rules for IDN gTLDs and IDN ccTLDs, first, it's hard to justify why would these rules be different. And second, again, it would add even more confusability to the thing that is already too complicated. So that was another thing that we highlighted in the council's statement with respect to this report from Work Track 1-4.

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That's about the statement, and now I'd like to give the floor to Annebeth for the recent update on Work Track 5 development. Annebeth?

ANNEBETH LANGE:

Thank you, Katrina, and hello to everybody. I've been acting as one of the four co-chairs in Work Track 5. We are especially given the mandate to look at how to use geographical names as top-level domains. One co-chair from each of the stakeholder groups: the GAC, ALAC, GNSO, and us. We have been meeting regularly for nearly a year, and we are now considering a draft initial report that will be sent out late November after the comments received at this meeting have been taken into the report as good as we can.

It's a long report, 89 pages. What we are doing now is that we just sent out an e-mail to those of you that's a member of the Work Track 5 working group that we need – it's been suggested to form a little group to make a summary or an executive summary of the initial report. Just to make it easier for you when we're discussing it at home, giving it to those who are important to discuss with before you send your comments, and make it easier for you to understand what's in there because it's quite extensive.

So one thing I will start to say is that it's important then that at least one from the CC community is represented in this small working group. It will not be time-consuming. It can't be me because the co-leaders will also be assisting in this. But it will be the staff that – and the staff is excellent – but they will do the writing, but it's important that it will be

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one from us as well. Already signed up one from the GNSO and we want the summary to be as good as possible also reflecting our interests. So if one of you are interested, please come and talk to me afterwards.

As for the initial report, it will be sent out with preliminary recommendations after the discussions in the Work Track. When it has to do with [country] territory names, which is our main concern, it's more or less like in the applicant guidebook. It is not impossible to find a solution that all stakeholder groups could agree on. As I have said before, it's quite [divergence] there. On the one side, some want to liberate it even more and remove all reservations, all protection. On the other hand, some want even more protection.

So then the easiest thing and the most probably thing is that we will stay with what we have, which after all was four years of work at that time from 2008-2012. Try to remove some minor things that didn't go very well and approve some of the suggestions that have come in to make it better. Both in the beginning when the application period is there, try to talk together more when we see that it is more application for the same word, both brand, generic, and geo names, to try to find some tools to help those who have applied to avoid conflicts as much as possible.

It has also been good suggestions and propositions for what we do afterwards. The objection procedures should be better. It should be perhaps some in those cases where you need support or a non-objection letter from the authorities, that the authorities should have a

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timeline that you couldn't go on forever. All these suggestions that come in will be incorporated in the initial report.

For the recommendations, one thing that's important is that there have been no consensus calls, which is one of the things they do in GNSO, and not for the Work Track 1-4 either. The reason for that is that if you make up your mind very early in the process, it's much more difficult to listen to others and to change your view when the comments come in.

The way this is going now is that when the initial report has been sent out and all comments have come in, the Work Track 5 will discuss it again and try to make a final initial report which will be sent then to the GNSO and the council will also discuss it.

So the war is not over, but I think that we have achieved a result that we are more or less content with if it ends up the way it is today. What I need from you since I am the co-chair, I have to be very neutral. I cannot flag my own views on this. So when it's time to send in your comments, I will contact everyone on the Work Track 5 list and say that now is the time. Please react and do something.

That worked very well with Work Track 1-4. It was actually 27 from the CCs that reacted and sent in comments to the Work Track 1-4 on this digit/letter issue and only 3 from the G side and naturally brand owners and that was no surprise. So I'm really very happy that it was so active participation from the CCs, so thank you very much for that. And I hope you will continue to be active when we come to the next report sent out from the Work Track 5. And if there's anything I can help with, please let me know. Thank you.

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PATRICIO POBLETE: Thanks, Annebeth. Now we do have time for questions, but we don't seem to have any. So perhaps we could go immediately to the next part of the session. Again, Katrina and here it says Bart. Is Bart coming?

KATRINA SATAKI: Yeah, Bart is sitting there, and we agreed that I will try to do this presentation, including all historic overview, brief history even though I wasn't part of the historic development. I joined ccNSO a bit later. So this is not going to be a historical overview of an eyewitness. More like a student who has read a history book.

You may remember, those of you who were around at that time, may remember that IDN overall policy development process was launched as long as ten years ago, more than ten years ago actually, in October 2007 with two main objectives. One is to develop the policy recommendations for the selection of IDN ccTLD strings and inclusion of IDN ccTLDs in the ccNSO. It's still not the case [as you fully understand]. Nevertheless, we do hope that this will change, and I will talk a little bit more about that.

While working on this policy, it was clear that there's a need to do some tests to see how the policy works. Even though the policy was adopted in September 2013, this fast track process was launched before that to test the policy and to see how it works. The idea was to use the learnings from the fast track process to feed them into the overall policy. That's

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why by mutual agreement this IDN ccTLD overall policy has not been discussed and voted upon by the ICANN board.

I already told you that this fast track was developed in response to this need to have IDN ccTLDs. You may remember those discussions when many countries realized that there is a need for non-Latin script being presented on the Internet, being used on the Internet. The methodology for the fast track development took almost six months and implementation almost one and a half years.

Again, I'd like to stress that the idea of the fast track is just to experiment, to test how it works, and feed it into the overall policy. The overall policy will replace this fast track process.

How did that fast track go? Actually, I was pretty surprised to see this slide. I think I can tell that it was pretty successful because during the time this fast track was – well, it still is in place, the process – 58 ccTLDs for 40 countries have been added to the root zone. So many people around the world can use domain names in their own scripts.

So what is the current status of the fast track process? During the implementation and the application of these rules the process was updated to include Extensive Process Similarity Review Panel. It was suggested in April 2013 and became operational in November same year. Again we reviewed the policy and updated – actually currently the fast track process is being updated to include a panel to evaluate risk mitigation measures.



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The idea is that whenever EPSRP realizes or discovers that there is a confusing similarity of strings and comes up with their report, their evaluation, the applicant or requestor of a ccTLD strong should be given an opportunity to present risk mitigation measures to address the concerns expressed by the EPSRP experts.

You may remember I think it was a little bit more than a year ago we had our EPSRP working group that proposed measures to address those concerns about confusability of strings. Came up with a report and the report was submitted to the board and SSAC objected to the work of the report, the proposals in the report that was developed by our EPSRP working group. Since then we're working with the SSAC to make sure that we reach this mutual understanding.

Actually, I say that really it was – I still believe it was a misunderstanding. Of course, SSAC has their concerns about security and stability of the Internet, but the requestors of IDN ccTLDs really do not want to break the Internet. They just want to use strings in their respective languages. Of course, in many cases those concerns can be addressed by some measures to mitigate risks. There are many possible ways. Of course, each risk can be addressed differently.

Again, as stressed by the working party created by ccNSO and SSAC to work toward mutual understanding of these issues, it's pretty clear at the moment that, well, I'm sure that we can reach understanding. So this working party, we've had several exchanges. We've had phone calls and face-to-face meetings. So I'm sure that we will address all the

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issues and all those learnings or experience during fast track will be first fed into this IDN ccTLD overall policy. That's one thing.

Another thing, and we already discussed that with the GNSO Council yesterday, we can share our experience with the GNSO to help them to address, because apparently at some point they might face the same issues, to help them to shape their policy for IDN gTLDs. They welcomed our suggestion to work together or they asked for some input from our side, a summary of experience and how we address our issues.

We have proposed updates to the policy. Again as I already mentioned, we received some feedback from SSAC, and now we just need to probably maybe include some more technical terminology into the report to make sure that it's understandable by techies and by policy people who maybe are not too familiar with IDNA 2008 standard. But nevertheless, the requirements are there.

Again, when we talk again about the overall IDN ccTLD policy, we need to update it with our experience from extended similarity review, with a risk mitigation panel. That's the panel that would evaluate those risk mitigation plans submitted by those requestors whose strings have been found confusingly similar.

Again, this is one thing that we stress in our discussions with SSAC that it's really difficult for a requestor to submit a plan in advance without knowing that their string might be similar to some other existing or non-existing string. Of course, if you have concerns if you already know that your potential string might be similar to some existing string, then you can already submit some proposals to mitigate those risks.

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But if you get this report from the similarity review panel and those experts think that your string has been similar to something else, then you must be given an opportunity to address those concerns. Not just your string will not get into the root zone, but you really need to give registries a chance to show that they are serious about having this string, serious about mitigating all those risks.

Of course, in the overall policy, we still have some placeholders. That's management of variants because in certain scripts IDN labels may have these variants. Again, we need to review the policy to see how it meets those demands that we have today.

Some areas to review and possibly update include definitions and references. Also, we need to see how they correlate to those recent changes in the bylaws. We need to create a table of validated IDN ccTLDs. We need to document all the changes. And also we need to review eligibility criteria. Some of that might include, for example, currently in the fast track it's said that there can be only one IDN ccTLD per script. So the question is, is it a reasonable limitation? Or maybe there shouldn't be any limits.

Of course, also need to update the bylaws to include IDN ccTLDs saying that they also can be members of the ccNSO. That's one thing. Another thing is if there are several different entities managing different IDN ccTLDs for countries, how they are going to vote because clearly it shouldn't be one vote per ccTLD. It should be one vote per country, so they need to work out and find out how they're going to vote.

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So next steps. We agreed with the board that we review the policy that we submitted, but it hasn't been envisioned in the Annex B that speaks about ccPDP, Country Code Policy Development Process. So we need to define mechanisms how to reopen this PDP. Technically, it's not closed, but again there's no role for the ccNSO theoretically. But anyway, we still can decide to reopen it or we can probably launch a new PDP and do all the necessary changes which would mean, of course, that we need to define scope

And again, according to Annex B, we need an issue report. And then, of course, we also will need volunteers to do the work, and here again we look at you and hope that especially those who are concerned about IDN ccTLDs will join us in this very interesting and very exciting work.

With that, I'd like to thank you. I don't know if there are any questions. I think we still have time for that.

PATRICIO POBLETE: So questions? Well, any volunteers?

KATRINA SATAKI: Are there any IDN ccTLDs represented here? May I ask you to raise your hand?

UNIDENTIFIED MALE: [inaudible]

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KATRINA SATAKI: Oh, you see? You see? So many.

UNIDENTIFIED FEMALE: [They just volunteered.]

PATRICIO POBLETE: Thank you for volunteering.

KATRINA SATAKI: So no questions at all? None of the sessions? Are you awake down there?

PATRICIO POBLETE: So we thank all speakers in this session. Oh, a question finally!

UNIDENTIFIED MALE: Yes, thank you for the update. I honestly believe that it's not because there's a lack of questions or there's a lack of interest. It's just that there is incremental process in lots of these updates that you're giving, and I think people truly understand what the value is of the work you're doing.

I just had a practical question for Annebeth on the timing. So you're asking ccTLDs to contribute commenting on that report. Can you tell us a bit more again on the timing? Maybe I missed it, but thanks.

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ANNEBETH LANGE: The timing is that the Work Track 5 and the staff will finish the report in November when we get back from here, start with that work. And it will be sent out toward the end of November. And it will be at a minimum 40 days review period or time for comments. We know that will be the Christmas time for many and a busy time. But if people need more time, I'm sure that will be arranged so we'll see. At least 40 days. Was that okay? Yeah? Thanks.

PATRICIO POBLETE: Okay. So with this, we finish this part of the session and then we go to the review session. Should we wait until 11:30, or do we just go ahead?

UNIDENTIFIED FEMALE: [inaudible]

PATRICIO POBLETE: Okay, please. Okay.

MIRJANA TASIC: I'm not sure. Should I wait to exact time, or should I start earlier? Okay, because this is my first time to chair the session in ccNSO. I am coming from Serbian registry .rs and I will chair this session. We have two items in this session. The first one will be the presentation of the Meridian Institute, update on the second ccNSO organizational review, community consultation by the independent examiner. We have these young ladies here. They are Kristy Buckley and Mallorie Bruns. So please. Yes, please. Yes, thank you.

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KRISTY BUCKLEY: Good morning, everyone. Thank you for the opportunity to introduce ourselves. My name is Kristy Buckley. I'm a senior mediator and program manager at the Meridian Institute. I'm serving as the project director for the ccNSO review. I'm joined here by my colleague Mallorie Bruns.

MALLORIE BRUNS: Good morning, everyone. It's a pleasure to be here with you. Thanks for being here. I'm Mallorie Bruns. I'm a senior mediator and program manager at Meridian Institute. I am just here briefly to also mention there are two additional members of our team who are not here in Barcelona, but their names are Sara Suriani. She's a project coordinator. And Annika Freudenberger is a fellow with Meridian Institute. And the three of us are here to work with and support Kristy on this effort.

KRISTY BUCKLEY: Thanks, Mal. So maybe just a little bit about our organization since most of you probably are not familiar with us. Meridian is a nonprofit organization that provides facilitation, analysis and strategic advising, and independent third-party services. Our mission is to help people solve complex problems and sometimes controversial issues and help diverse groups from civil society, policymakers, funders, companies, research institutions to collaborate, make informed decisions, and come to consensus.

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We approach our work by keeping in mind three major dynamics that have been empirically grounded in a diverse range of multi-stakeholder and multilateral processes. They include people and group dynamics, which includes the key parties and stakeholders, how they can effectively engage. The second dynamic is the substance of what is being negotiated or discussed, including what data and information people need and see as trusted. The third dynamic is the context, which takes into account what is happening outside of the process that is relevant and that is influencing parties' behavior or decisions and that needs to be taken into account. When we design processes or conduct assessments, we try to keep all three of these dynamics in mind.

Our core values are serving as a trusted third-party and customizing our approach to address the unique needs of the people and institutions involved. We're often engaged to help partners and clients navigate new relationships or ways of working together to solve problems. Impartiality, integrity, inclusiveness, and respect for differences are integral to our organizational culture and our work. We bring these values to every project that we undertake.

Next I'll talk about our role with respect to conducting the ccNSO independent review. We are approaching this review in a collaborative spirit, and we really see our role as facilitating bottom-up, multi-stakeholder feedback with the aim of informing continuous improvement of the ccNSO.

We're taking a multi-modal approach to data collection and analysis. There are three data inputs to this review. The first is the document



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review. The second is the interviews, many of which are being conducted this week, also following ICANN 63 by phone. And we'll also have an online survey following this meeting. We aim to validate the data that we're receiving to ensure accuracy and to analyze it to inform our reporting and any recommendations.

Throughout the process, we'll work collaboratively with colleagues in the review working party to ensure accuracy and that our recommendations are specific, measurable, achievable, relevant, and timebound.

A quick overview of the timeline. We'll aim to collect and analyze data by the end of this year, 2018. From January through April of next year, we'll be focused on developing a draft report and draft recommendations, which will include a public comment period. And we'll work in consultation with the review working party, the RWP, to serve as a sounding board for our findings and recommendations and help refine those in advance of generating the final report and recommendations in May/June of next year.

A bit more detailed timeline. And all of this information is on the ccNSO review working party website. It's publicly available, but just to give you a better sense of some of the milestones that you can expect between now and middle of 2019, including opportunities for public comment.

As I mentioned, there are three data inputs. This list on the slide shows a set of documents that we'll review to help to get the baseline of the ccNSO's mission, its functions, operations, and processes. As I mentioned, we'll also be doing an online survey to diverse constituents

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– ccNSO members, other members of supporting organizations and advisory committees. The online survey is not yet out but will be developed and shared following ICANN 63 in consultation with the review working party on the questions which will be developed based upon the interviews we’re having this week and next.

We’re right in the middle of conducting interviews. Many of you we’ve already spoken to or are scheduled this week. If you don’t get a chance to speak with us and you would like to, we’re happy to set up a telephone interview following the meeting. The interview questions are semi-structured and they’re designed around the three objectives of the review – looking at the continuing purpose of the ccNSO, its structure and operations, and its accountability. We plan to do a minimum of 40 interviews to inform our review. And of course, the same people that we’re interviewing are also welcome to take the online survey as another way of providing input.

A bit about the data analysis. We’ll be looking for any deviant cases or perspectives to better understand why that’s the case. We’ll also be fact checking information against the available documentation and in consultation with the review working party. And we’ll be coding data to identify the main categories or themes, and then within those categories identifying main concepts. The survey results we hope will provide an opportunity for more quantifiable data combined with the more qualitative data from the interviews.

This slide gives you a sense of the groups that we’ve reached out to in terms of requesting interviews. You should have received information

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from ICANN MSSl staff on scheduling those. If you're interested, please feel free to contact Lars or Jennifer or Bart and indicate your interest, and we'll try to arrange that call.

This concludes our presentation. We welcome any questions or comments right now, but we'll also be available during the lunch break if you want to just come over and have a question or if you just want to say hello. Any questions right now?

MIRJANA TASIC:

I got your presentation yesterday to see what you intend to speak today, and one thing just something popped up in my head. Somewhere you have said that you will compare the work of ccNSO with similar – let me find other glasses. Sorry for this. That you could identify some other organizations which are similar to ccNSO and make some comparisons. Did you identify those organizations, or maybe I misunderstood something?

KRISTY BUCKLEY:

Sure. Thank you for that question. The scope of our review is really focused on the ccNSO. I think to the extent that in the interviews if people identify an area for additional improvement or enhancement, we're certainly looking for recommendations, but we're not comparing the ccNSO to any other organization. Does that answer your question?

MIRJANA TASIC:

Yeah, it's okay. Probably I understood it in the wrong way.

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KRISTY BUCKLEY: That's okay.

MIRJANA TASIC: Thank you. Any other questions? Because, please, our presenters for the next item are not here so we have some time. Please, I saw a hand over there.

UNIDENTIFIED MALE: [On the next presentation, we are here.]

MIRJANA TASIC: Oh, you are here. Sorry, I didn't see you. Sorry. Again, my eyes. Sorry. Okay, thank you very much. Thank you very much, please. I didn't see you. Sorry.

TOM BARRETT: I don't know if my ICANN support is here or not, but I'm happy to go early because I now I'm between you and lunch. Yes? Ah, here they come. I am the chair of the review working party for the NomCom. I'm also a member of the ccNSO for .pw which is Palau. I also run two ICANN registrars. So I've been around within the ICANN community for many years.

We wanted to give you an update on the NomCom review working party which we've been working on. It's part of the review you just heard about, so similar seven-step process. We're at step five of that process. What that means is so far we have gone through our version of an

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independent evaluator, similar to the Meridian group. We used someone else.

They published a draft report back in June or so. It went out for public comment already, and we did receive some comments from ccNSO members. The final report with 27 recommendations was published in June, and we're now at what we call the feasibility part of this review where we go through each of the 27 recommendations. We are making some refinements to them, and we're also trying to get a consensus on whether or not we support those recommendations as a review something party. And we're coming up with what we call an initial implementation plan for each of those recommendations.

And then our plan is hopefully by the end of the year or early first quarter we will submit our feasibility report to the OEC, which is the Organizational Effectiveness Committee of the board. They will look at our recommendations, submit it to the full board, and once that gains approval we then enter the third phase of our review which is called the detailed implementation plan and we actually implement the 27 recommendations. So it might be a slightly different process of what the ccNSO will go through. Ours is more of a community wide effort.

We do have a scorecard which we publish on our wiki. I realize you can't read this from where you are, so I'll quickly summarize it. There are about 14 members of our review team representing most of the constituencies within ICANN. We're getting about a 49% participation rate since June. We've been together for well over a year. But since we've started this feasibility phase, we've met about ten times and

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we're about three-quarters of the way in our effort in terms of assessing the feasibility of these 27 recommendations.

What you see on this scorecard behind me is we've grouped the 27 recommendations into five categories. The first category has to do with skills and training, which is what type of members should be appointed to the NomCom. What should they understand in terms of what their role is? Do they understand what a board member does, for example, or what a council member does? Do they understand how to recruit and assess candidates for those positions? What kind of training should they have in terms of how to do interviews? Because you are in a way an HR person. You're recruiting people to join the ICANN community, and do you understand how to consistently interview those types of candidates? We have four recommendations in that category.

We have recommendations all about the recruitment process in terms of how we go out and do outreach. We oftentimes use an outside consultant to do that recruitment. In the past, that recruiter has been based in Europe, so there's always been questions about whether or not they are good at finding potential candidates in Latin America or Asia or Africa. And if we want to find candidates from that part of the world, perhaps we need different recruiters.

The third category here has to do with the evaluation or assessment process. We have a fourth category that revolves around the charter and the bylaws. And finally, the fifth category, which may resonate with some of you in the NomCom, which is the level of interaction between

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NomCom and the rest of the community. Are they being accountable? Are they being transparent in their operations, etc.?

So that's an overview of the NomCom review. It's obviously a little different from our SO review in the sense that there's some overarching themes that are coming out of this. One of them is the desire to make the NomCom process more professional. We're trying to recruit high caliber candidates, oftentimes from outside of ICANN, and we do that in a very professional manner in terms of how we identify, assess, and interact with those types of candidates.

Clearly with the overarching theme of ICANN of being transparent and accountable, many people feel like the NomCom falls short in those two aspects. So how do we make the NomCom more transparent in what it's doing rather than being a very confidential black box? And how do we make it more accountable? How do we make sure that, in fact, it is meeting the needs of the community in terms of recruiting high caliber people to participate in the various committees in the board? How do we make sure they are responsive to the skillsets that the community is saying they need, they want the NomCom to fill?

So that's really our overview. As I say, we hope to finish up the feasibility report by the end of the year. We're actually looking for more feedback and input, and so we'd love to get some more participation from the community. There are some ideas that may directly impact the ccNSO. So, for example, some of the recommendations have to do with, first of all, making sure that – one of the recommendations, for example, is that we want two-year terms instead of one-year terms.

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We want to allow the nonvoting members to have voting rights. There are some groups that feel like we should rebalance the NomCom and see if everyone is fairly represented within the community on the NomCom. So academia, for example, feels like they should have a seat. There's still an unfilled seat held by the GAC. So should that remain open for eventual filling, or should we eliminate that? Are some constituencies overrepresented, etc.?

One of the more creative ideas is one of the issues with the NomCom is that it starts over every year. Because of their confidentiality, there's very little in the way of institutional memory. So for example, they didn't remember. The ccNSO has told them many years ago here are the requirements for appointees to the ccNSO, right? So that's not carried over from year to year. So how do we build the institutional memory?

The thought is maybe you need an Empowered Community or a standing body to essentially provide some linkage between what the NomCom is doing but really its processes and its knowledge base so that that can be held by the community and managed by the community. So you know, for example, ccNSO has certain requirements for its appointees. Let's make sure that's enshrined in a job description that is written up for the NomCom appointee to the ccNSO. That has been missing in the past. So there's this idea of a standing body or some mechanism that provides training, that provides a knowledge base, that thinks about the budget, which by the way was set a year ago for this year's NomCom. So it's trying to think about some of these meta



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issues that haven't been handled very well within the NomCom process.

I'll stop there and invite comments or feedback from any of you.

KATRINA SATAKI:

Hello. I have a question about – well, I have to admit I haven't read the report even though it's on my to-do list somewhere under Number 177. But have you identified any issues with the composition of the NomCom? I think you obviously know why I'm asking that. We have only one seat when ALAC has five, GNSO has seven if I'm right. Thank you.

TOM BARRETT:

Thank you for that question. There are two recommendations in here. One that has to do with diversity, whether or not the diversity of the NomCom should be changed in some way. And that recommendation actually says, no, we shouldn't do anything explicitly in terms of the diversity we already have.

But more specifically to your question, we have this recommendation that's called rebalancing the NomCom. And that's the idea that one constituency in particular feels like they're underrepresented. I'll summarize that as being academia for the non-commercial group. But the bigger question for us is this rebalancing idea is enshrined in some of the past documents that have been delivered. So the question is, what criteria do we use to decide who should be represented on the NomCom and does that model make sense going forward as to how we constitute the NomCom or should it be constituted in some other way?

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So I don't know what the right answer is. I don't know what the criteria should be. And I don't think it's our job to decide that. We want to come up with a process to figure out what does it mean to rebalance the NomCom and how do we decide who should be represented on the NomCom. Remembering that the current scheme you're not appointing a representative to the NomCom. They don't represent the ccNSO. They act in their personal capacity when they're on the NomCom.

So for example, because of confidentiality, they should not be coming back to you and giving you, "Oh, we saw these five people, and this guy is no good because of this, but this guy would be really good." So they're supposed to be really confidential about the identity of the candidates. And some people think they go too far and that they're even confidential about the questions they're asking. That's considered confidential as well and it's not shared from year to year.

So that obviously is counter to the idea of being transparent and accountable because certainly you folks should be providing a detailed job description every year. Because it will change. It's not going to be static. "Here's the kind of person we want to be appointed to the ccNSO, and why don't you ask these five or six questions of them." You could go that far so that you know that all the candidates being evaluated for the ccNSO are being asked the same questions every year.

Because right now, it's made up every year with zero consistency. So if you want to help us professionalize what the NomCom is doing, not only for the ccNSO but for the board, the GNSO, etc., there needs to be some consistent policies and procedures and documents that are

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shared from year to year. And if they're going to change, which they do because circumstances change, how does the public become aware that things have changed and perhaps weigh in on it? "No, we don't like the change you're doing this year." How do we make the NomCom more accountable back to its community?

Any other questions or comments?

STEPHEN DEERHAKE:

Might you – I was in the midst of that issue where the NomCom forgot guidance that we gave them a few years back. Could you guys not come up with some methodology whereby institutional knowledge is held by the ICANN staff that supports the NomCom?

TOM BARRETT:

Prior to joining this review working party over a year ago, I was actually on the NomCom for two years. So I can just talk from personal experience. ICANN staff, of course, has records going back 20 years or however long it has been in terms of what was produced every year. It simply isn't shared. They are working under a constraint where everything is considered confidential. So we're under instructions that when we've finished our NomCom cycle, we're supposed to purge every document we ever received related to the NomCom. So we couldn't. Even serving two years consecutively, I was not allowed to talk about, "Well, I have this thing from last year. Could I just carry that over?" No. That was considered confidential.

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So this is part of the mystique of the NomCom. That's the way it has always been run, and it's a cultural thing that we need to figure out how to fix.

STEPHEN DEERHAKE: What's the rationale of a) considering confidential and then b) purging at the end of the cycle documents that are published on the website?

TOM BARRETT: I'm simply relaying to you the way it works. So it's a cultural issue that we need to figure out how to fix. So this review certainly is identifying those issues. It certainly impacts the efficiency of the NomCom, which by the way is really there to [recruit] improve board governance which I think we're all invested in. To make sure that as ICANN grows and becomes more sophisticated, it has a \$300 million a year budget, for example, at the ICANN organizational level, are we recruiting candidates who understand board governance of an organization that size? It gets into how do we become more professional. Perhaps we need to make more use of outside consultants who understand this process because it has grown up and is bigger than perhaps it was even five or ten years ago.

I can hear your stomachs grumbling, but any other thoughts or comments? Again, feel free to approach any of us offline. We'd love people to participate or give us feedback. We definitely want to figure it out. This is a different review where the entire community needs to be

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engaged because it really does impact everybody. So we'd love to get some more participation. Thanks, everybody.

MIRJANA TASIC:

Thanks, everybody, for being here. A small announcement at the end. After the lunch, there is a ccNSO and GAC meeting in another room. So please don't forget to come back after this meeting because we have question and answer session with the future council candidates. So please come back. Thank you. Thank you.

**[END OF TRANSCRIPTION]**