BARCELONA – ccNSO: Guideline Review Committee - Meeting
Sunday, October 21, 2018 – 10:30 to 12:00 CEST
ICANN63 | Barcelona, Spain

KATRINA SATAKI:	Good morning. So, we are here for Guidelines Review Committee Meeting. We have a very packed agenda for today. Frist, I think we haven't received any apologies for this meeting. The first agenda item is discussion on the template of communication that we would like to propose to the ICANN Org and our colleagues from other SOs and ACs so that it's pretty clear what we're doing and what information we try to circulate. Is it possible to open the template? I received some comments from Stephen. As soon as he stops chewing, he will be able to comment himself.
	I will give a brief intro. First of all, currently, this is only about rejection actions, because at the moment, information they send out is a little bit messy. It's difficult to understand who is sending it. It's difficult to understand what we are talking about. It's difficult to see what's on the screen. A little bit bigger. Thank you very much. So, we would like to propose some standardized way for communication.
	First, it must be clear that it comes from ICANN secretary, not from staff member I'm sorry to say I've never heard about before. Then, in subject, proposal is to have date and number. Then, I think somebody missed something. Yeah, probably only date and number. So, the proposal is that they start numbering those actions because currently they go unnumbered and it's difficult to refer to anything because of that.

Another thing that is currently left for SOs/ACs to do … When I say left to SOs/ACs, I mean Stephen because he does the counting. He actually counts all the days and tells others when we have the end of rejection action, petition period, when rejection action, petition support period ends and so on.

So, the proposal is that it's done by ICANN work. They counted so that we do not need to do that. Of course, Stephen … I'm sure that Stephen will check if the dates are correct, but all in all, I think that it would be really helpful for others as well.

Actually, after our discussion on the phone, I had some tweaks, first of all, for example here. For your reference, there's a list of all the documents that are attached to this e-mail and then – can you scroll next pages? I also think that we can come up with templates for other communication. For example, if other SOs/ACs are looking for support from other SOs/ACs of their petition, what to write if another decisional participant supports petitions submitted by another decisional participant and so on. So, I think that it would help SOs/ACs to do it in case they decide to move forward.

So, Stephen, are you ready?

STEPHEN DEERHAKE: Yeah. This is actually pretty much right on point. Currently, the ICANN corporate secretary, as Katrina noted, does not provide any identifying tag, number, PNR, whatever you want to call it on rejection action petitions and that would be useful.

The other caveat with regards to these things is that the expiry times for the rejection action petition period and the support period that follows are expressed in local Los Angeles time which is rather inconvenient for the rest of the world. So, having JJ calculate that, ICANN calculate those end dates and times would be useful. I in my role as ECA rep would of course double check these things just to make sure.

The last caveat in all of this is that, per annex D, all communication between decisional participants needs to be forwarded to the ICANN corporate secretary and I believe that they would consider it to be a disqualifying step if any correspondence – and by that I mean e-mail or one of these supporting letters or solicitation for support letters – if they fail to reach the corporate secretary. I think that would qualify in their mind as a disqualifying event. So, if we go down this path, and we have an opportunity to go down this path early next year with the PTI budget, we need to be really careful with regards to the correspondence and the paper trail there.

KATRINA SATAKI: Thank you very much, Stephen. Any other comments? Yes, David?

DAVID MCAULEY: Thanks, Katrina. And thanks, Stephen. I just want to make one or two comments. I'm sorry I didn't comment on list, but I've just … Anyway. I'll say this. Let me just give a brief backdrop to my comments. I'm saying it as someone who used to be a corporate lawyer and got into some notice disputes. I mean, notices is obviously quite important, and

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critical in fact. Stephen just made the point that ICANN Org could consider it non-effective notice if it wasn't received. So, people get into arguments over what was sent and what was received, and so sometimes there's proof of what was sent, when it was sent, time stamps. It goes on and on. It's quite critically important.

Anyway, my comment on the document is there are some that say, "Dear decisional participants," plural and there are some that say, "Dear decisional participant," singular. So, my suggestion would be on the assumption that the sent-to address of EC administration includes all decisional participants. I would suggest that it be a plural. No big deal. That's a typo, in a sense. And the question is or the comment is, my hope is, that EC administration as an address to deliver does include all decisional participants. They all do get this. So, that's it. I wanted to just underscore the importance of notice. Thank you.

KATRINA SATAKI: Yeah. Just to make it clear, on the EC administration, they have representatives of decisional participants. For example, our representative is Stephen. But I think that … Actually, Stephen, I think forwards everything that goes to EC administration list and I think I also [read in] copy for that. Stephen?

STEPHEN DEERHAKE: You do [read in] copy. The ECA list includes myself and all the other leaders of the other SO/ACs. The ccNSO is the only SO/AC that does not

send the head of their council or the head of whatever elected structure they have to the ECA. But Katrina reads in copy.

I think, though, David, the solicitation for support, for example, which is what's up there, needs to be directed – needs to be copied to the ECA, but it needs to be directed to whatever SO/AC the soliciting SO/AC is seeking support from. In that case, if the GNSO wrote us and said, "Will you support this rejection action petition that we're pushing?" that should go to Katrina as chair of council with a copy to the ECA but it should not be the role and it is not the role of the ECA to forward that communication back and forth.

KATRINA SATAKI: Yeah. Thank you. Any other comments? Okay, then, I'll go through the template again and see what can be improved and then I, again, send it to the list. You have another look and then, at some point, we should start … Yes?

STEPHEN DEERHAKE: If we could, it would be nice to finalize it on our next call. As I pointed out earlier, and I'll discuss this in the members meeting tomorrow, but around year end early next year, ICANN board should finalize the PTI and IANA budget and operating plans and that will trigger in early January a rejection action petition period.

KATRINA SATAKI: Yeah. Thank you. But we still need to discuss it with our peers and from other decisional participants. And we have to convince ICANN Org that this is the way forward, which probably will be the most difficult part here.

STEPHEN DEERHAKE: We won't be able to use it, but it will be nice to have it finalized so that we can run it by the other SO/ACs at least. I can't imagine that JJ would have an objection to some sort of numbering system for these things.

BART BOSWINKEL: I could imagine. Without any arguments. It's in the stars.

KATRINA SATAKI: Yeah, but at the same time, I can also imagine other ways how to force them to do things—

BART BOSWINKEL: That's one thing. I think it's more setting realistic expectations if we have this completed or this completed on a decisional participants side by Kobe. I think then that would be great and we have to live with until Kobe. That's more realistic because by then you go into the budget, which is probably even scarier than PTI budget.

STEPHEN DEERHAKE: I think you're right. The odds of having a rejection action petition be files by an SO/AC let alone get the requisite support on the PTI budget I

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think is extremely low. If in the event that happens, no doubt we would schedule then a public forum for the Kobe meeting because that timing works out, but as Bart correctly points out, the real action begins after the Kobe meeting and in the run up to the June meeting which involves the ICANN budget, an update to the five-year plan.

KATRINA SATAKI: Yeah. Another short update from the meeting on Friday between SO/AC chairs and CEO. The issues that we try to address here, they were also raised with David. Actually, not only by me, but also by some other chairs who keep receiving correspondence from [unknown] people at ICANN asking for something and they send e-mails directly to chairs e-mails, which sometimes it makes very difficult to fist understand that this is not some extremely rich [inaudible] gravely ill riddle asking for help to the transfer of funds, but it's really something very important that needs to be addressed, needs to be forwarded to the community and so on.

So, there is already a proposal from the policy department how to address the issue that chairs have raised and we will have some … There will be clear rules who and how and to which address should send all the requests and they will be also received by support staff so that – this is a first step to organize this correspondence and to make it somehow – put it into certain boxes to make sure that nothing falls in between the cracks. This could be actually the next step. Stephen, I see you want to say something.

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STEPHEN DEERHAKE: Yeah. This is also a problem for the ECA. We've been getting e-mail from unexpected ICANN staffers that we've never heard of, for example. I'm in beginning discussion with Mary about trying to get that sorted. I'm glad to hear that you guys brought it up at the leader meeting as well.

I will also add, just for the record, that ECA suffers from high turnover. Yours truly is the only charter member left. As a result, there's a real lack of education amongst most of the ECA members with regards to what the requirements are and that is something I think needs to be addressed but not in this form, obviously.

KATRINA SATAKI: Well, not in this form, but probably I could also share some of our experience from the last summer when we learned that we … Actually, yeah. From the last summer when unfortunately we had to grab and do things not the usual way, let's say. Therefore, we decided that there's a need for some contingency plan and part of this contingency plan we started building internal knowledge database to make sure that even if staff members or chair, councilors are not available, then people who step in their role have clear guidance what to do and how to react. So, we have started already a Wiki space and put all things that we do, e-mails that we sent or that we just can use them as examples and so on. So, this probably is something that needs to be done for ECA as well. Yes, David?

DAVID MCAULEY: Thanks, Katrina. It's a question, Stephen, for you really and I'm somewhat surprised to hear that the ECA has had a high turnover. I guess I was operating under the assumption … To me, the ECA list and the contacts are critically important and the empowered community to me is one of the crowning achievements of work stream one of the accountability group. So, anyway, I guess I was working on the assumption that that list or that group would be only infrequently busy and it would be that – their busyness would be unpredictable but it would be intense when it happened, but by and large, it wouldn't necessarily be constant. So, I'm surprised to hear there's turnover and maybe I'm operating under the wrong assumption. Is that the case?

STEPHEN DEERHAKE: Thank you, David. The turnover within the ECA stems from the fact that, other than the ccNSO, the heads of the other SO/ACs are their SO/AC representatives. For example, the Address Supporting Organization turns over their head person on a fairly frequent basis. The GNSO has turned over I think twice since the ECA started. ALAC is turning over. Maureen is taking over for Alan Greenberg. So, we have had on a fairly regular basis new faces. One of the consequences of that is yours truly holds the pen for the ECA and I do all the correspondence.

And with regard to the workload, David, it's fairly predictable. You know what the budget cycles are for both PTA and IANA and also for the ICANN Org as a whole, so we have a potential rejection period after the approval to PTI budget which is very early in the calendar year. Then, we have another known rejection period coming up closer towards the

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June meeting with the board's adoption of the next fiscal year's budget and operating plan and updates to the five-year plan. So, we know about those two cycles.

The ones that are not predictable are standard bylaw changes which are very infrequent. The GNSO had one. That's the only one that I recall since the transition and the occasional approval reaction which we had shortly after the transition of fundamental bylaw changes. So, those are not predictable but the budget stuff is predictable and the workload actually is fairly trivial.

You also have a known period of ECA having to notify ICANN Org of NomCom board nominations and SO/AC board nominations. That's a simple confirmation letter as well. And that's a predictable cycle. You know when the NomCom is going to put out their recommendations and the election cycles of the various SO/ACs are also predictable.

KATRINA SATAKI: Okay, thank you. Let's move forward with the plan as just discussed. I summarize it and then circulate it again. We try to finalize it at our next call and then we reach out to … Actually, maybe you, Stephen, just send it to your ECA colleagues.

STEPHEN DEERHAKE: I can do that. I can do an introductory and pass that along as ECA function and have them consider it.

KATRINA SATAKI: Yeah. And then we'll need to figure out how … Yeah. I think first we agree with other DPs and then we just say that this is decision of decisional participants, that we want to do it that way.

STEPHEN DEERHAKE: If we get unified buy-in from the other SO/ACs, then that's a point in time to take it to ICANN Org.

KATRINA SATAKI: Okay, thank you. So, let's move to the next agenda item. It's about travel funding guidelines. Something that seemed very simple and straightforward in the beginning turned into endless work on different iterations and modifications. So, this is the current guideline.

Normally … As you remember, we had it ready. We sent it to the council. We received objections and suggestions, so we reworked, redesigned the entire guideline. We even changed terminology used in the guideline. So, technically, if we all are good, we all agree with this version, we send it back to the council and if council is okay, then we send it to the community for two weeks comment period so that they can read and spot something that we haven't spotted, despite our endless attempt to improve the guidelines.

So, are there any comments, anything you'd like to say about this guideline? No? So, can we move forward with the plan? So, we send it to the council and then send it to the community. I hope that by the end of the year we'll have it adopted.

What is important, though, is that our travel funding committee is already using those criteria that we suggested and it seems that everything works fine. They're pretty happy with the way we proposed. Hopefully, we will be able to put this to the big pile of things that are already done.

Then, discussion about the board nominations guideline. Again, as you remember, we were tasked to add everything around these due diligence checks. Bart, would you like to talk more about this?

BART BOSWINKEL: Can you scroll to section 3.5, please? If you recall on I think the previous call or the call before, we discussed a procedure how to include the due diligence as part of the acceptance process and the reason for putting it at that stage is that all candidates who put their name forward will undergo this due diligence check, and if they disagree or do not want to, that ends their nomination. So, for whatever reason, it's part of the exceptions process by the candidate and then you go into the next step.

So, that was what we discussed. The only thing I've done following that discussion, I've inserted it into the and replaced the former section 3.5 on acceptance by the candidate and it's now 3.5 in the updated version. We can go through it again, but I think that's all that's needed. That's what happened.

KATRINA SATAKI: Thank you very much, Bart. Any comment? David?

DAVID MCAULEY: It's a question for Bart and I apologize again. I've been away for a bit on something else. One of the things I was concerned about is, in a prior draft, when an investigation or whatever you call it – due diligence check – on someone came back, they would have the option to step out or something like that. But I was concerned at one point that there was not a chance to rebut it, to say, "Gee, that's not accurate." Is that included, Bart, or is there simply not time to do something like that?

BART BOSWINKEL: It is included. In a way, if you would scroll down, the acceptance said it's the due diligence – it's acceptance of the candidacy and you can look at it in two ways. It's acceptance of the candidacy by the candidate itself, but also by, I would say, the council because, at the end of the day, the chair and vice chair will be informed unless they designate somebody else because they are candidates of potential issue, and it has to be a high-strung issue that's clear as well because that's the good thing of using standard due diligence checks.

If it's only one candidate, it will mean – and this is before the candidate formally has accepted the nomination, so it will not be known but only to the council, that there will be a new call for volunteers. So, that's one.

If there are two or, say, if there is, say, three and one of them steps out, he will be removed from the list and there will be a selection. And before that selection process takes place. I don't know if that answered your concern.

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DAVID MCAULEY: It may. I'm happy to let it go forward. Since it involves council action, I would hope that if a report comes back against someone disqualifying them, that when it gets to council, that person would have an opportunity to say, "That report is simply incorrect." I'm just looking for a fundamental right to make a statement.

BART BOSWINKEL: Yeah. There will always be a conversation between the candidate and the leadership who will see the report before it goes to council.

DAVID MCAULEY: Thank you.

KATRINA SATAKI: Okay. Any other? Yes, Stephen?

STEPHEN DEERHAKE: Does the candidate see the report as well?

BART BOSWINKEL: That's not included. The council doesn't see the report, either. They will just be informed there is an issue. I think – and it depends a bit on the way the procedure with the independent reviewer works or the independent researcher what is shared with the candidate, but I assume – and this is my assumption – there will be a very much an in-

depth discussion between the leadership and the candidate before it goes public. That means he will be informed about the findings.

KATRINA SATAKI: Personally, I don't believe it should be the way that candidates are … If there's something wrong, then candidates right to see what sort of data.

BART BOSWINKEL: Yeah. Detail it as much as you want, and the more detail you put into it – that's at least my sense – the more difficult it will become.

STEPHEN DEERHAKE: I agree with you there, but I really feel pretty strongly that the candidate has a right to see the entire report that has been prepared about them to prepare. I mean, they should be able to see the evidence that's being used against them, basically.

KATRINA SATAKI: Yeah. I think that, according to GDPR, definitely that's the case. Young Eum?

YOUNG EUM LEE: Thanks, Katrina. I also very much agree with Stephen and maybe we should put something in there that indicates that if a problem is identified that the candidate … Yes.

BART BOSWINKEL: Please go ahead.

DAVID MCAULEY: Thank you. I agree with Stephen and Young Eum. On the other hand, I also understand Bart's point. I raised this the last time we spoke about it. My concern was that the candidate had the chance to address it with the council.

Bart brings up a good point and that is when you go out … When this independent group or whoever just goes out to seek background information, someone is going to ask them before their interview, "Are you going to share what I tell you with the candidate?" That's going to affect what they say. Oftentimes in these things, there's a procedure whereby the information that's shared is not attributed. So, I personally think that's what's most important here is, if there is a report, it not necessarily be attributed to anyone, but that the candidate understands it and has a chance to say to the council, "That's incorrect for these reasons," or whatever it is. It's a difficult balancing act. I take your point. So, the more detail we put in, the more we might be painting ourselves in a corner.

BART BOSWINKEL: I think what we need to be careful is – that's another reason. It's also a matter between the independent reviewer and the candidate itself, because at one point, the independent reviewer, that's the experience to date – the independent reviewer will reach out. They have to be …

The candidate needs to consent to the independent reviewer to do this. Independent of whether he accepts this candidacy or not. So, that's relationship between the candidate and the independent reviewer. I could imagine that, in that relation – and we could prewarn them, say, "Make sure that you are informed about the results." But that's between the independent reviewer and that goes well beyond, I would say, the scope of the ccNSO internal guideline.

KATRINA SATAKI: Yes, I agree with that. There are certain things that we can put into our guideline and there are certain things that, even though they are right and we have the right to demand them, we still cannot put them into our internal guidelines if our internal guidelines are not binding to external parties.

BART BOSWINKEL: There may be one more additional point. I think that's far more important. The concern that you raise, I think people on council, whatever council there is and whatever leadership there is, if it's a reasonable council and reasonable [that] leadership, they will be very aware of these concerns and will act accordingly because it's one of their community members and this is not a lightweight decision to take.

KATRINA SATAKI: David?

DAVID MCAULEY: Thanks. I just want to say thanks, Bart. I would agree with your observations of the councils that I've seen is no concern. I would imagine that these things can be handled fairly. Thanks.

KATRINA SATAKI: Let's hope so. Thank you. I think, again, we'll give some time to GRC members to read the guideline and add some edits or comments, if you want, if you notice something that needs addressing. Again, this is something that we should approve at our next call. Yes?

BART BOSWINKEL: What are the next steps, say, assuming it is approved on the next call? The language has been out now for four weeks on the section 3.5. Now you see it in full—

KATRINA SATAKI: I think they go to the council again together with the travel funding guideline. The question is what to do with the public comment. Should we ask help from the community? Because this is just one part of the guideline that has already been approved. We can do that and say that this is the due diligence part that has been … Yeah. We did consult with a way to do it, but this is the exact implementation of the … Maybe we misunderstood the guidance given to us by the community. So, we'll send both of the guidelines to the community.

Next one, it's about liaisons and observers. Again, as you remember, we needed to add only one tiny piece about time limits. Again, it turned out

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into a little bit more work than initially anticipated, but I hope we solved everything.

The idea is that even though the bylaws distinguish between liaisons and observers in a way that we do not – sorry?

BART BOSWINKEL: Section 3.something.

KATRINA SATAKI: Yes, a little bit scroll down. So, we decided that for the simplicity of our internal communication and taking into account our historical, the terminology we have been using through years, so we stick to the term liaisons. So, even if they are observers according to the bylaws, we still call them liaisons, just to make it easier for the community.

For the purpose of this guideline and internal use of the ccNSO, liaisons and observers, as defined above under section 3.1 shall be called liaisons. Probably can not write it as a headline, but the idea is this. Then, we introduce … A bit down the guideline, we introduce a time limit for our liaisons. Liaisons are eligible for reappointment. That's fine. But, every two years, the council may issue a call for volunteers and find new or reappoint the same liaison.

Okay. This one is really a tiny, tiny tweak on the guidelines, so I do not think we need to send this for community consultation. If we're fine with this, we can send it to the council and ask the council to approve

the guideline. Any other comments? Any suggestions? No? Everybody is fine with this. Next one, yes.

Okay. Principles for selection of ICANN-related review team and committee members. This is something that we discussed briefly. So, sometimes, we're asked to appoint people to different committees and so on and we do not … Well, what we did, we did write guidelines for appointing people, members, to CSC. We have a guideline to appoint our representative to RZERC. Of course, all these big committees, when we have some specific requirements, we have it covered, so we have separate guidelines for that.

But now, every now and then, we receive requests to appoint people, for example, to fellowship, to review fellowship applications. We are asked to appoint someone to be a mentor. We are asked to appoint someone, I don't know, to clean rooms. We do not need guidelines for each of these cases. Usually, we don't even have time to develop a guideline for each of the cases.

So, the proposal was to have one guideline saying that all those appointments that have not been covered by specific guidelines, should be carried out according to this procedure. And just have a guideline for the council to decide whether we can have a call for volunteers, [inaudible] for nominations or we just have three days to pick someone from the council to appoint, to do the task.

So, what could be the principles here? Any suggestions how we can move forward? One thing, we can take one of the existing guidelines, one of the simplest ones, and use it as a starting point to move forward.

Later today, we will discuss the way we count points when councilors submit their list of preferences, so I think that also could be part of the guidelines, so it's clear how we count the points, because actually, at the moment, it's nowhere in any of our guidelines. We cannot find explanation of how we are assigning points and who is the winner. David?

DAVID MCAULEY: Thank you, Katrina. What I would say is I think your idea is a good one. Let's pick a guideline where we have that would have a good list of things that we need to consider to put in these principles. But I just wanted to comment that the one thing that we [should] be sure that has, I think, is a good conflict of interest provision requiring either ineligibility or at least disclosure, that kind of thing. I love the idea of picking something we've already done, as long as it has a conflict of interest part to it. Thank you.

KATRINA SATAKI: We usually have it in all our guidelines that deal with appointments. Bart?

BART BOSWINKEL: What should it look at in the conflict of interest? Should it be around those who make the selection or what do you have in mind? Who could be comforted in a selection procedure?

DAVID MCAULEY: Thanks, Bart. It's hard to say without knowing what it is we're putting somebody on, but it seems to me that there are a lot of committees or whatever where people are chosen to serve where there could be sort of a corporate or a personal interest at stake.

BART BOSWINKEL: A conflict of interest of the candidate.

DAVID MCAULEY: Yes, I'm sorry. The candidate.

BART BOSWINKEL: You're looking at … But, that should be more a requirement … That's a more general thing and this is about the selection committee, I would say. The people who select a potential candidate.

DAVID MCAULEY: Fair point.

BART BOSWINKEL: You're right. We don't have … That's why I've asked. You have a conflict of interest for the candidates. That's one. But also for the committee itself. For example, if you would vote for somebody else. If you would be on council, you vote for somebody else, a candidate who is related to Verisign. There is a conflict of interest for you, as a committee member.

DAVID MCAULEY:	Fair enough. And I was speaking … When I read selection of members, I was reading it as the members, not the committee that's picking them. So, that's what I'm speaking of. That's the principle I'm concerned with or mentioning. Thanks.
KATRINA SATAKI:	Yeah. Okay. Thank you. Which, actually, it leads me to another idea. Maybe we should not have those clauses dealing with conflicts of interest in each guideline, but maybe we need a separate document where we could write down all the principles that we consider – that need to be considered when we speak about either applying to something or evaluating requests. So, one separate document. Bart, you seem skeptical.
BART BOSWINKEL:	Sometimes it's a bit overkill. I'm scared about overkill.
KATRINA SATAKI:	That's true, but if we have separate clauses in each. Again, it's … Stephen?
STEPHEN DEERHAKE:	The proposal also goes against what we always have done with regards to guidelines, which is to have them as standalone documents. I point

this out because I wanted to do such a thing with the approval and rejection action and I got shot down.

KATRINA SATAKI: Okay. Any other comments? So, what do we decide to do?

BART BOSWINKEL: My suggestion to the group would be, say, first focus on a selection procedure. That is, say sometimes it's very unclear and I assume there is a conflict of interest of those who select. You want to avoid any issue there. And we do have it in some of the guidelines that those councilors who have somebody who is candidate and they are related to the same organization, they abstain. Or if a councilor is candidate, him or herself, then he doesn't vote. So, that's the most obvious one. That's one of the principles.

I think the second principle could be knowing [in] clarity with the councilors is what does it mean if you abstain or do not list somebody? Have clear guidance around this, because sometimes, people feel that some candidates do not have the necessary skills and therefore do not list somebody.

A third one might be something like come up with a template or something where it's very clear that, say, you avoid the misinterpretation of [inaudible] most favorable candidates whatsoever. So, these are already three – not one is more a principle than another – but areas that could go in such a general selection procedure, I would call it. So, probably there are more. If you would go

… I think the latest IFIT selection procedure does have some elements based on the experience to date, and if you evaluate them, there is a little bit … Say, the clarity, what does it mean if you do not list somebody and potential conflict of interest that [makes it clear]. And maybe a quorum rule as well for the councilors, again, based on the experience with the IFRT selection process.

So, these are some elements that you could easily embed in selection that might be useful, too, that we produce something for the next meeting of the GSC because I think the IFRT provides a good basis. And maybe as a suggestion for this group, do you want this special role, as was the case with the IFRT, for the leadership so the chairs and vice chairs, in case there is … You need to select candidates based on geographic diversity criteria.

KATRINA SATAKI: Not only geographic diversity. There could be some sub-selection of selection whenever there are some additional criteria that need to be met. Okay.

BART BOSWINKEL: Maybe a final one – and I think that's a basic principle that should be cleared. Say, the skills and experience are paramount and that you write this in as a starting point for selection but also for candidacy for candidates.

KATRINA SATAKI:	Yeah. Well, most of the cases, yes, we can do that, but if the bylaws specifically require one per region, so … Then, unfortunately, skill set is secondary. Okay. Again, we'll take one of the guidelines as example and we'll start building upon it and try to add all the things that we discussed here.

Next one is implementation of recommendations from WS2. I'm glad to say that Jordan is here with us today and he will help us to understand. So, what does ccNSO need to do, or assuming that those recommendations will be adopted by everyone, including the board. And if yes, if they [inaudible] for GRC, so what could we do? What is your view, if you could help us to understand a way for us to head right after recommendations are adopted? That's one thing. Another thing, is there something that the council needs to tell us to do? What are your views, Jordan?

JORDAN CARTER:	Thanks, Katrina. Jordan Carter, dot-NZ for the record, one of the long-suffering and now-finished co-chairs of the [work stream] to CCWG. Look, I was reading through the recommendations this morning and I realized that it had been about nine months since I had actually looked at them. That's how long it's taken to the approval side of this. So, I'll make two points, really. One is that once the report is accepted by the chartering organizations and gets sent to the board, there's a process where ICANN Org does a feasibility study of the implementability of these recommendations and then it's going to send that to the board and the board isn't going to make a decision about the package until it

has that from ICANN Org. ICANN Org seems pretty busy with a few things, GDPR, etc., so I don't know how long that's going to take, but I'm pretty sure that the report will be approved by the chartering organizations at this meeting. So, that will start that process.

But, regardless, I think there is a role for the GRC because what has to happen is that, particularly for the recommendations that are actually applied to the SOs and ACs, each of them needs to be tested to see: are we already doing this? Then, if we're not already doing this, should we? Because a lot of them are in the nature of best practice suggestions. So, there does need to be a kind of triage or assessment process and that can only be done by people who are part of the ccNSO. It isn't something that's easy for ICANN staff in an abstract way to do.

The GRC seems to me, from what I understand at the ccNSO, to be the right place to manage that. So, I don't know if you do subgroups or anything like that, but I think it's literally a kind of table that takes each of the – I don't know. I can't remember how many there are. There's quite a few recommendations. And just looks and says, "Applying that to us, do we already do this? Great. No problem. Do we not do this and we should? Okay, well, then we can work out a plan of action whether that's a guideline or putting together a package of changes to the ccNSO rules or whatever it requires." Then, if we identify things that are a problem, that we don't agree with the recommendations, we might decide not to implement them and that will hopefully come out of the members' discussion a bit on Wednesday.

So, I think there is a role for GRC because it seems like the right kind of procedurally based part of the ccNSO to be able to take a structured look at the package and say, "What do we need to do?"

KATRINA SATAKI: Thank you very much, Jordan. Actually, just now I realize that even if we or the board do not adopt a recommendation to the package as something that we must look into and try to implement, there are still good principles and they have been discussed at great length, really great length, by members of different communities, including our own community and I believe the principles, they are really very good, so we can look into those recommendations regardless of the fact they had been approved by the board or someone else. So, those are good principles, and if we could try to implement the in our guidelines and take them into account, it would be very good and helpful for the entire ccNSO.

Another thing is, as Jordan already mentioned, on Wednesday, 10:30 I think, we have a session about, talk about these recommendations and we'll have a breakout session where we will have these community discussions and I would like to ask GRC members to be active participants there and see … Well, first, to participate in those discussions. Second, see who are those people who are active in those discussions, then write down their names because we will try to recruit them for the GRC. We'll ask the council to issue a call for volunteers, so that we could have work stream two within the GRC dealing with these recommendations because apparently we'll need help again, even

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though we have new members and that's great. They are very silent at this particular moment. Okay, any comments, any questions? David?

DAVID MCAULEY: Thanks, Katrina. I would like to second what Jordan said, like you just did. I had participated in the accountability group and there are recommendations coming out of at least two subgroups, one on the framework of interpretation on the human rights bylaw and the other on the SO/AC accountability subgroup that will have particular relevance to us and I think GRC – I agree with Jordan. GRC is probably the best place to have the focus that we need on that. So, good idea and thank you.

KATRINA SATAKI: Thank you, David. Any other comments? Stephen, you have nothing to say? You're not feeling well?

STEPHEN DEERHAKE: I don't have anything to say, but I will have something to say at the council meeting.

KATRINA SATAKI: Yeah. That's threatening. Okay. Thank you. Thank you very much, Jordan. Let's move forward, then. Latest on the IRP. What is expected from the GRC? Any ideas here? David?

DAVID MCAULEY:	Thank you. If I'm not mistaken … And I believe, Joke, I think this is true. I'm going to be speaking IRP during Members Day, so I'll try and be short and more pointed to the GRC.

The latest work of the IRP Implementation Oversight Team – that's the team that I had – is that we've taken what I call the new IRP, October 2016 bylaws IRP, which is much different IRP. It has the ability … IRPs now have the ability to issue decisions that are binding, enforceable, and they're precedential. So, they're important.

In any event, the IOT (the Implementation Oversight Team) has completed work on what are called interim rules of procedure. It's something we've been working on for an incredibly long time. And it's quite possible the board could take that interim rules up for action at this ICANN meeting. That may well happen. So, that's an achievement.

The reason they're called interim rules is there's two rules that are not yet final. One is on the time that someone has within which to file an IRP complaint and the other is on which parties can join an IRP complaint. Both of them are different than the previous IRP. Hopefully, the rules will become final in the coming months.

The other thing that's boiling is the IOT, the Implementation Oversight Team, through the ICANN policy group is going to probably be seeking new members for anyone that's interested. We've had the same struggle that all teams have post IANA transition and people were tired. There's a lot of work going around. But we're going to be looking for new members, so keep your ears out for that. I think David Olive will maybe be organizing that.

Then, thirdly, you'll hear me repeat the need for SOs and ACs – this is their job. It's not the IOT's job to come together and work on creating what's called a standing panel of IRP panelists. And it's important because once there's a standing panel, those members of the IRP panel are going to be trained in the unique identifiers that ICANN manages, but they're going to become knowledgeable about the ICANN world and they're not going to be arbitrators simply picked at random from arbitration lists. And that's a good thing going forward.

So, that work needs to get going. I think it's developed urgency by the passage of time. It doesn't have a self-determined deadline like the EPDP does, but two years have passed. So, to me, that creates an urgency now.

Anyway, those are the three things I wanted to mention and you'll hear a little bit more about this stuff from me on Members Day.

KATRINA SATAKI: Thank you very much, David. Bart?

BART BOSWINKEL: Just a question out of curiosity with respect to the creation or say the work around the standing panel and the role of the SOs and ACs. It looks a bit like the chicken and egg question we've seen in other areas as well of the SO/AC or where the SOs and ACs are expected to take the initiative. For example, with bylaw changes around specific reviews and organizational reviews.

Maybe it's helpful, just what I see from observing all these processes, that the IOT would really come up with a kind of roadmap how it could be done as a start of for discussion because I think, from itself, the SOs and ACs are so self-contained and looking at their own, I would say, dance cards, that they don't see this as urgent and they don't have a way forward how to organize this. It's like with bylaw changes.

DAVID MCAULEY: Thanks, Bart. Let me answer that and let me also speak about the role of the GRC which I did not speak about and I overlooked. Sorry about that.

Anyway, the answer to your question – chicken and egg question – is, yes, that's a very astute observation. This is a problem. The bylaws that were created from work stream one and that were adopted in the summer and went effective October of 2016 are very rudimentary. They simply say that when it comes to creating a standing panel, ICANN Org and the SOs and ACs have a role in that and there's a lot describing the role of the IOT in the bylaws and it specifically excludes that.

So, there's a concern in the IOT, we have to be careful about boundaries, but you bring up a good point. This is an esoteric legal area that SOs and ACs, what do they know about picking arbitrators? So, it's very difficult to come to grips with.

So, in the IOT, understanding our struggle, we're hoping to get new members. We've discussed that, whether it could be a roadmap, appointment of an expert to help the SOs/ACs, all those kinds of things.

And we're looking to ICANN Org for some assistance in that respect. Hopefully, there will be steps along those lines because this simply has to get done. But, you raise a good point. What on Earth? SOs and ACs, how do they organize? How do they get started? It's very difficult. I have urged the members of the IOT to help their respective SOs and ACs and I've said to the SO and AC leadership, "We will do that. We will be there." I participate, for instance, in the ccNSO and also in the GNSO as a member of the Registry Stakeholder Group, but I'm more than willing to do that. And those offers are out there.

So, you're right. We have to find a way. The community, I'm speaking of, has to find a way to do this. It's becoming critical, so it's getting more attention from iCANN Org, the policy group, and it's getting more attention from my group. So, I hope that there will be a way forward.

Let me then talk about the GRC. I don't think there's really anything of urgency for the GRC to do right now, but when IRP questions and issues come forward for comment and things like that, I think the GRC is the best to sort of focus the ccNSO's efforts, I would think. I mean, this is typical of what we do. We will see requests for public comments perhaps on the final rules. The two that I mentioned that are not done, time for filing a claim and jointer, those are pretty important. Those are important issues in an IRP.

I'll just give one example. The bylaws on jointer allow a person who lost an arbitration for the new gTLDs … You know, they have these string similarity reviews. They have community objections, legal objections. If

you lose there, you have a right to bring an IRP and have the IRP panel review that.

Well, clearly, the bylaws didn't state this, but clearly the party that won there should be able to join in that IRP. They can't be frozen out. So, parties have … There's going to be a discussion about who can join IRPs from the sidelines. And that's important.

So, there will be a request for public comment. It seems to me that, in our group, Katrina, that the GRC is going to be the one that's best focused to do that. There will probably requests for comment or at least input on standing panel that the SO and AC leadership [inaudible] come up with. So, those are the things that we will have to sort of do, but there's nothing immediate that we need to look to. Thank you.

KATRINA SATAKI: Thank you very much, David. Any questions? Okay. If not, then let's move forward to my favorite topic on the agenda. One of my favorites. My second favorite, AOB. Any other business? Anything you'd like to raise? Nope. Then, let's go to my number one, my most favorite one, next meeting and closure.

So, next meeting most probably will have … So, let's have one week off. We do not have it next week. After ICANN meeting, we take one week off just to digest everything that we've discussed and consumed. Then, another week to finalize these documents and prepare the new ones for the discussion and then, on Monday, we can have … I think it's 12, yeah. Monday, November 12. The usual time.

UNIDENTIFIED MALE: [off mic].

KATRINA SATAKI: That's a good question. Actually, we're moving back to from summer time to normal time, so we can have it 1:00 UTC, 13:00 UTC. Stephen?

STEPHEN DEERHAKE: I'd like to point out that the 12th of November is a holiday in the US and Canada.

KATRINA SATAKI: That's fine. We're operating under UTC. Well, you don't have to be on the call. Of course, we will be there. Okay. So, you propose to have it a week later?

STEPHEN DEERHAKE: The 19th would work for US and Canada.

KATRINA SATAKI: No, 19th is actually a holiday in Latvia.

STEPHEN DEERHAKE: Wow. There we go.

KATRINA SATAKI: Yeah, because 18th is our National Independence Day and since it's Sunday, we move it to Monday.

STEPHEN DEERHAKE: Yeah. We have the same situation because Sunday, the 11th, is Armistice Day in the US and so we have a federal holiday on Monday. I personally don't care. I can show up on the 12th call.

KATRINA SATAKI: Yeah. Okay. So, let's do it on the 12th. Okay. Thank you. With that, we close the meeting. Thank you for your contribution, for your work. Let's move forward according to plan. Thanks.

STEPHEN DEERHAKE: Thank you. I keep it turned off for a reason, Bart.

[END OF TRANSCRIPTION]