
MONTREAL – Community Action Approval Forum
Sunday, November 3, 2019 – 08:00 to 09:00 EDT
ICANN66 | Montréal, Canada

STEPHEN DEERHAKE: Good morning, welcome to the second ever Community Approval Forum held since the IANA Transition occurred in October of 2016. For the record, my name is Stephen Deerhake and I am the ccNSO representative to the Empowered Community administration.

Joining us today in this suboptimal arrangement, which is why we're sitting here looking at you instead of having our backs to you, is Axel Pawlik, representing the Address Supporting Organization, Maureen Hilyard, representing the At-Large Organization, Keith Drazek, representing the GNSO, and Manal Ismail, representing the Government Advisory Committee. Also joining us this morning are Chris Disspain and Nigel Roberts, the ccNSO board-elected representatives, and Katrina Sasaki, who is chair of the ccNSO Council. And we have other Board members scattered amongst the audience.

So, the plan of the morning here is Katrina will explain the fundamental bylaw change that brings us together as the Empowered Community, and I would be remiss for not thanking ICANN Staff for their help both in the scheduling and logistics for this second ever approval forum. So we're gathered for this approval forum under the post NTIA bylaws. I'd like to take a couple minutes to outline the role of the Empowered Community in this process, the role of the Empowered Community administration in this process, and introduce

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the fundamental bylaw change. After that I'm going to turn the floor over to Katrina who will make the case for the proposed bylaw change and answer any questions that you may have regarding it.

So, as a reminder to the community, the post NTIA ICANN bylaws have enshrined in them the concept of the Empowered Community. You sitting here this morning represent that community, and you're here as a check and balance on decisions of the ICANN Board, because you have an oversight function with the ICANN Board makes a change to a fundamental bylaw. For the Board's proposed change to go into effect, it requires the explicit approval of no fewer than three advisory committees and supporting organizations with no more than one AC/SO formally objecting to the fundamental bylaw change.

So, this is a pretty high bar for ICANN to clear, to get a fundamental bylaw passed. Your responsibilities here are to ask questions about this proposal, return to your SO/AC silos, debate the merits of the proposal to the Board and to guide your SO/AC leadership towards the decision to either support, oppose, or abstain from a decision with respect to the Board's proposal before us this morning. Lastly, please be advised that you will have 21 days from conclusion of this ICANN meeting to have your SO/AC leadership render a decision and notify the Empowered Community Administration of that decision for your vote to count, basically.

With regard to the ECA itself, its role is strictly clerical. We don't participate in the decision making. We basically push paper back and forth between the ICANN Secretariat and the SO/ACs. We do make

requests of ICANN as permitted under the bylaws to organize community forums such as this one and we count the votes of the SO/ACs and forward that result back to the ICANN Secretary.

I do want to also mention there is an Empowered Community Administration website within the ICANN website, you can access it off the homepage, it's all pretty apparent and you will find all the correspondence from day one on that. So, with regard to the bylaw change we're examining this morning, it is a change with regard to Article 18.7, and it relates to the composition of the IANA Function Review Team. And at this point I will let Katrina take over and make the presentation on behalf of the ccNSO and the ccNSO Board members. Katrina, the floor is yours.

KATRINA SATAKI:

Thank you very much, Stephen. Good morning, everyone. My name is Katrina Sasaki, the Chair of the ccNSO Council. I'm very glad to see so many people despite the early hour, but on the other hand, last night we were given back one hour and probably the first time in human history, this extra hour is used for community forum. This is how the community forum looked the first time in Johannesburg, for some reason, unexplainable reason, I imagined it to look exactly the same. This time, I have a little bit different setup. Nevertheless, knowing that it's pretty early, when I prepared the slides, I made them a little bit wavy, I hope you won't mind. Next slide please.

I'll start with some background information. Next slide, sorry, I can't change them myself, and I long stopped asking people to change slides when I wave the hand because I keep waving hands and they change slides all the time. So I'll say next slide, yeah, thank you.

So this is Article 18 IANA Naming Function Review, just to remind you what it's all about. And it says "The Board, or an appropriate committee thereof, shall cause periodic and/or special reviews (each such review, an "IFR") of PTI's performance of the IANA naming function. Next slide, please.

The article in question of 18.7 talks specifically about the composition of IFR or IANA Function Review teams. And points A and B of that section say that two representatives shall be appointed from ccNSO membership, so ccTLDs that are members of the ccNSO, not all the ccTLDs are, and B, one non-ccNSO ccTLD representative. In addition to that, Next slide, please, we have an additional requirement. All three of our appointed members to IFR teams should come from different geographic regions. Now it all seemed very nice in theory, but then when we had to appoint those three members we faced reality. Next slide, please.

There are 248 ccTLDs around the world, and those are those two-letter ccTLDs. In addition to that, 61 IDN ccTLDs is also there. Not all, but most of those IDN ccTLDs are run by the same organization that manage two-letter ccTLDs. Nevertheless according to the current version of the bylaws, IDN ccTLDs cannot become members of the ccNSO, but as I said, there are only a few of those who are not

managed by a two-letter ccTLD manager. And currently, as of October this year, we have 172 members, the most active ccTLDs are members of ccNSO. Next slide, please.

So, how did it all go? We issued three calls to find those people according to the requirements. The first call was in August last year and the result of the call was that we had no volunteers. So we issued another call, did some more string pulling and everything. As a result, we had five volunteers and all of those volunteers were ccNSO members. What I wanted to stress here is that when we say that there is volunteer fatigue, those are not just words, it is a fact, and we must be really happy and thankful to those who step forward to do the job.

In case of the ccNSO or ccTLDs, we really should not distinguish between members or nonmembers if we have qualified candidates to do the job than we really must appreciate their commitment. At that point we appointed two members, one from European region one from Latin American/Caribbean region. And another third one, just to make sure that ccTLDs are properly represented, we appointed one interim member from North America region. And I'm going to say that all three still are fantastically qualified and great experts in their areas.

So we appointed a third one as an interim and asked community or other SO/ACs and SGs to support that. Well we haven't received any official objection, but apparently there was some reluctance to go forward with this and so we went forward with the bylaw change. But in any case, it would never apply to the call that was issued previously. In Marrakech the Council decided to issue yet another call, now asked

specifically for non ccNSO member, ccTLD to apply, and we had to add additional requirement that the non ccNSO cannot be from European or LAC region because we already had members from those regions.

So a result, one volunteer, again thanks a lot to that volunteer, a volunteer from African region. So, now we're good to move forward. And you can also see all additional efforts that we tried to do to make sure that we get people on board. Next slide, please.

So, what is the proposal to make sure that we are not at the same situation again? This is the new wording and here we have those three ccTLD managers appointed by the ccNSO Council and regardless of their membership status at the ccNSO, we will be happy to have them on board. So this is the actual wording. It has same requirements for example that we use regional ccTLD organizations, there are four of them, to spread the word and invite more people to join, but at the same time I have to say that it looks that currently ccTLDs in the top members of the ccNSO, they are more ccTLDs than there are members of regional organizations.

Nevertheless, regional organizations are the ones that probably contact, well, work very closely to ccTLDs in those regions. So we are very thankful to those regional organizations for their input and their attempts to make sure that we can perform our function. Thank you, next slide.

And with that, I would like to ask other decisional participants to support the change and with that, we thank you. If there are any

questions we will be happy to take them. Thank you. Stephen, back to you.

STEPHEN DEERHAKE: Thank you, Katrina, we have a roaming mic and I encourage the community members present here to ask questions of Katrina on this proposal, or to express either support or opposition to it. Do we have any takers this morning? We do.

UNKNOWN SPEAKER: Thank you, I'm [inaudible]. In my personal capacity, I just wanted to understand what problem this is solving? Because if there is a process and somebody is not responding to that, how do we know that with the new process, that problem will not come up again? Thank you.

KATRINA SATAKI: How can we ensure that we still have a constant flow of volunteers? I think we can't ensure that, but we can make it as simple as possible. If there are volunteers to do the job, if there are qualified volunteers to be on the team, then yes, we can welcome them on board. Again, regardless of their status at the ccNSO.

One thing I probably did not mention that we have the same issue with Section 19.4, that's about separation working group. It also has this requirement to have a non ccNSO member ccTLD on that group, but again, that's another very important group. I hope nothing like that would ever happen, but still, we have identified the same issue

there. And probably, at some point, we will again ask for your support to change that. Have I answered your question? Thank you. We have one here.

JAMES GALVIN:

Good morning everybody. James Galvin is name. I think in part I am responsible for some of this as I raised some of the concerns through the GNSO, I really just want to call out that I really do support this, because as tedious and as process-laden as this is, this is the way it should work.

So the bylaws were written during the transition with certain things in mind. And as time changes and as the community composition changes, this is the appropriate way for us to move through these issues, and I raised the informal concern about swapping out contravention of the bylaws a ccNSO member for the nonmember, and instead I really did push to go through this process.

Because number one, I think it's important for the community to have gone through these processes of the fundamental changes. I think it's also important that we don't just, when it's inconvenient and when times have changed, we choose to ignore the bylaws instead of actually going through the processes that we designed and we created to be able to solve these issues. So, thank you to everybody who has gone through this and I know it's been a lot of work and it is a hassle, but this is the right way to do things and I think that's important to recognize

KATRINA SATAKI: Thank you very much, James. One additional comment on this, something that was raised by some of our community members; sometimes by not breaking one part of the bylaws you inevitably break another part of the bylaws, so how do you choose which part to break?

JAMES GALVIN: If I can, I think that's an important point and the bylaws are not perfect. We wrote them very, very quickly during the transition and we know that there are issues that we need to work through. But we've also built these processes that we're going through right now in order for the community, and this is the one of the new things that we got, we have the Empowered Community right here, is that we are now in the driving seat.

And where we as the community find loopholes or flaws, or contradictions within the bylaws, it's up to us now as the communities here to raise these fundamental bylaw changes, to come back to ICANN Legal with proposals on, oh hey, we've seen a conflict here between these two requirements. This is really our role now in order to solve those conflicts.

KATRINA SATAKI: Thank you. Nick?

NICK WENBAN-SMITH: Thank you, Nick Wenban-Smith, .UK for the record. I am obviously on the ccNSO Council. I am 100% in favor of the bylaw change, to be clear. My question is more around, with my councilor hat on, when we're choosing people for these important reviews and the wording, I suppose, obviously I support the change, I of support the wording, it's not particularly the words I would have used in terms of a legal requirement through the bylaws for the Council to use an inclusive process, when I think that's quite a subjective term and we're going to be having to balance up other factors such as skills and competence and qualifications of the volunteers and also things like representation geographically and those sorts of things.

So I think it's quite an interesting balancing exercise that we're going to go through. So my question is really, how are we supposed to do that in terms of an inclusive process, which is the legal requirement, and yet pick people who are well qualified for those reviews?

KATRINA SATAKI: And your question is addressed to?

NICK WENBAN-SMITH: Anybody who feels, I suppose perhaps you as the leader of the change.

KATRINA SATAKI: Thank you very much. Well, I firmly believe that at least to my knowledge, as far as I can remember, ccNSO has always been very open and very inclusive. So any ccTLD, again, regardless of their

membership to the ccNSO, they can participate in any working group, in any process, in any discussion.

Yes, they cannot vote, they cannot nominate or second candidates to the Council or take those two seats on the Board, but in any other respect all ccTLDs are and have always been, and I really hope will always be, equal. Yes, we are probably very strict when it comes to evaluating professional qualities of the candidates, but every candidate is welcome. I don't know if that answers the question, but it's really up to us to be inclusive and open and transparent, yet select professionals to do the job.

NICK WENBAN-SMITH:

I hope that it goes without saying that there would be a proper process for the appointment of these things, it's just that it specifically requires inclusivity and that seems to be put at a higher level than actual competence or diversity. And I just wondered why that was chosen because it seems to be deliberately chosen that way.

KATRINA SATAKI:

Yes, we want to be as inclusive as possible, yes. And that certainly adds certain level of responsibility.

STEPHEN DEERHAKE:

Thank you. Any other questions from the community? Comments? Well, I think not seeing any, we can draw this to a close, and in closing, I want to thank Katrina, I want to thank the ccNSO Board members for

showing up, and I want to thank the majority, if not almost all the Board that has shown up as well this morning. It is appreciated that you guys have pitched up at this hour. And I especially want to thank the community members who came out this morning early to participate in this second ever community approval forum. So, at this point I will call this to a close, and I thank everyone for participating. Thank you.

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