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ABU DHABI – ccNSO Guidelines Review Committee  
Sunday, October 29, 2017 – 09:00 to 10:15 GST  
ICANN60 | Abu Dhabi, United Arab Emirates

UNKNOWN SPEAKER: This is the ICANN60 ccNSO Guidelines Review Committee meeting on the 29th of October 2017, from 9:00 to 10:15 in Capital Suite 7.

KATRINA SATAKI: Good morning. Can we start? So welcome everyone to -- is it possible to do something with the echo? So great to see so many of you already here in Abu Dhabi. Great to see and welcome our ICANN colleagues from MSSSI. I'm not sure I can tell what it stands for, but MSSSI. Larisa and Lars, thank you for finding time to come here. And that's probably how we start, we start with Operating Standards.

Who has read the Operating Standards? Please raise your hand. You wrote them. Okay. What about GRC guides then? So, since others haven't been so active, may I ask one of you to give us a brief intro, and then we start our discussion. Thank you.

LARS HOFFMAN: Thank you, Katrina. My name is Lars Hoffman. MSSSI does not stand for Ms. Sports Illustrated, so that's the tip I give you. On

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the Operating Standards, I've got a mixed slide deck, there's a lot about the reviews in here too, so I'm going to skip through that for a second. So the Operating Standards pertain to the specific reviews, so that's the SSR review, the CCT review, the RDS review, and ATRT. They're mandated by the bylaws. They have to be put into place. And they're kind of there to do a couple of things; to, if you want, bring together existing best practices.

These reviews have obviously been going on for a long time. They used to be the AOC reviews. Also, address some issues that arose from the current round of reviews, and kind of address a couple of issues that they need to address as per the bylaws. It's a 35-page document, roughly. And as Katrina said, you should most definitely read it. And also, hopefully, comment on it.

Here's a quick overview of how we got here. There were a couple engagement sessions over the past ICANN meetings. We had a webinar in February. There was also a webinar held last week which wasn't greatly attended, obviously, because the run up to ICANN60. But if you do have some time there's a recording and it provides a little bit more background than I can give today on the draft and how we got there.

The draft is open for public comment at the moment. Just a bit of background. It will be open until the middle of January, 90

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days. We've extended this because it's a long and important document. We wanted to give the community enough time to be able to respond, digest, and come up with other support or suggestions how to improve it.

And there's a cross-community session being held tomorrow, as you can see on the bottom here, at a 3:15 in Hall B. I hope you'll be able to attend. It's going to be an open round-table session supported by the ccNSO, obviously. We hope we're going to get some good feedback from the community and have some good discussions there.

I'm going to talk you to two examples that probably are the most important or pertinent ones, which are the selection process and it is described in the Operating Standards and in the scope setting as well. And the selection of the review team is to a degree prescribed in the bylaws.

So a review team is up to 21 members, anyone who is on the chair, the SO/AC chairs, make the final selection of the review team. But anybody who can be, who is up for selection, must be nominated by an SO/AC beforehand. If an SO/AC nominates three people or fewer, they have to be put onto the review team. And if the total number is lower than 21 -- so if one of the SOs only nominates one person, that person gets on and then the SO/AC chairs are free to select up to two other people from

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those SO/AC that is nominated more than three. I know it sounds complicated, but blame the people who wrote the bylaws about that.

And so, what the issue is, what we noticed in this round, is that the SO/AC chairs, or the way that the selection process has been handled, it's very difficult to assess the overall skill set of the review team, the diversity of the review team. Which is something that the bylaws prescribe the SO/AC chairs should do and to have the power to do. But because the SO/ACs nominate either just three people, so the chairs don't even have the choice to contemplate the entire team, they just have to move those people forward as per the bylaws. Or the SO/ACs indicate who they prefer if they nominate more than three.

Again, it seems complicated politically, or factually, to then reject or alter the preferences of the SO/ACs that have gone through a nomination process and have indicated preference for a reason. And we kind of propose in the Operating Standards to have, if you want, an additional step involved where the staff, the MSSI team, which really stands for multi-stakeholder strategy and strategic initiatives -- I'm just going to say that for the record. It took me a while to learn that as well.

But, where we would provide an overview of the people who applied, what kind of skills they have, and who might be good

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candidates, and we hope that they will inform the SO/ACs in their nomination process. Obviously, it's not for staff to prescribe who you nominate. But since we support these reviews and we know what kind of skills are needed, we might be in a position to add to the nomination process and thereby make sure or, hopefully, improve the way that the final review team is composed.

It's essentially the same way it has been done for SSR2 and for RDS, but with the additional step of providing this non-binding assessment of skills and diversity. And what is really important, it brings me to the second step, is the setting of the scope, which is very different in the Operating Standards to what is happening right now. At the moment it's the review team itself that sets the scope and I don't have to tell you there's -- Katrina wrote the letter about the RDS team -- it's that how can you apply or join a group if you don't really know what they're supposed to be doing?

Again, it drives from the bylaws that are, kind of, implied that the review team themselves do set the scope. But if you read it very carefully, it just said the kind of scope the review team should be looking at. It doesn't say that it's only the review team that can set that scope. And so that's kind of where we move this proposal and where we propose that the community

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should set the scope, obviously, but do it 12 months beforehand, form a review or a scope-setting team.

So, each SO/AC would propose two people. So we have up to 14 people who then have a year, essentially, to agree to a scope, put that forward for public comment, have, hopefully, that agreed upon by the community through the public comment process, and then the board would sign off on it, just to make sure that the scope is in line with the bylaws and the mission of ICANN.

And then the core of volunteers would go out with a scope set by the community. And I think what is also very important is that there's still the possibility for the review team itself to alter the scope while the review is going on. If they come across something, say hey, we actually need to look at this or actually this is superfluous because of something that has happened. There's a process in the bylaws by which they can change the scope as the review goes on with the approval, or through the approval, of the SO/ACs.

KATRINA SATAKI:

Sorry, I think it's not in the bylaws, it's in the --

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LARS HOFFMAN:

Sorry, in the Operating Standards. I'm sorry, yes, Katrina, the Operating Standards. And this proposal of the scope setting is something that I would like to claim we just made up, but that is probably not our place to do so. But what we did is we -- and it applies to a lot of things in the Operating Standards -- we borrowed this from other parts within ICANN. So this is something that the GNSO does for their PDPs. They essentially have a charter team that terms the charter of the PDP that has been approved by the GNSO Council and then the PDP working group is formed.

And so, this is something we applied, essentially, here to the review teams as well. Obviously, a slight modification because there's different parameters in the bylaws. Meaning that it can't be exactly the same process, but we hope that the familiarity with this will ease people's worries potentially. That this is something new and different, but it's actually something that's actually been existent within ICANN for quite some time.

I could go on for quite a bit about the content of the Operating Standards, but I'm going to leave it at these two examples. If you have any questions on this or on anything else, feel free, either now or reach out. And I can also encourage you, as I said before, to come submit a public comment.

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KATRINA SATAKI: Yes, thank you very much. Thank you, Lars. Are there any immediate questions or comments? Yes, David.

DAVID MCAULEY: Hi, David McAuley speaking. I have one quick question. Are there any things, when the scope is being formed, are there any things that are mandatory to be within scope? Such as, revisiting open items from the last review or anything else.

LARS HOFFMAN: Thank you, David. Yes, that's a good question. The bylaws prescribe, depending on which review it is, in some cases they say, here's a list of items the review team may look at. And for other reviews, it says here's some items the review team must look at. And so, in those cases, obviously, the scope would be determined by those items. We would always encourage that they look at, obviously, the past reviews, even if it's just a 'may' in the bylaws, but it depends, essentially, on which review it is.

KATRINA SATAKI: Thank you. Any other questions? Well, I have a few. There are many comments on the document, but I think that yes, our group will ask the ccNSO Council to give us a mandate to prepare comments on this document. Because currently we do



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not have this mandate, but we will ask the council to entrust us with this role.

So, first question. You said that some best practice documents were taken into account when drafting the Operating Standards. Could you be more specific on that part? Which were the documents you consulted? Something that you took into account.

LARS HOFFMAN:

It's a little bit like the UK Constitution. It's an unwritten document of rules and procedures that under AOC that there was very little guidance in the bylaws. But there were certain things that happened and so that's what we kind of used as the rules and best practice to put into writing here, if you want, to codify the unwritten procedures how these reviews are conducted.

And it mostly refers, in these cases, to staff support, the way that minority opinions are incorporated. The transparency of meetings. The roles and responsibility of review team members and of the chair of the review team. So those kind of are administrative aspects of the review, are those that we have kind of taken on and looked at how has this actually worked in

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the past during previous reviews and try to put that into writing, codify that in these Operating Standards.

KATRINA SATAKI: Larisa, please.

LARISA GURNICK: Thank you. I'm Larisa Gurnick from MSSI. To elaborate even further on Lars' point, it was really best practices observed and lessons learned from prior reviews. We have a process in place. After each review, there's important observations and lessons learned. And we also work closely with the Organizational Effectiveness Committee of the board who now has the responsibility for the oversight of the process of specific reviews as well as organizational reviews.

So, by doing that, by reporting out on a regular basis about observations and lessons learned. We do have an ongoing practice of considering what has not worked as well in the past and how those kinds of things could be addressed or, conversely, what has worked really well in one review at one time and to see if it would be applicable. So that's the best practices. Thank you.

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KATRINA SATAKI: Thank you. Now, for some reason, I'm very concerned about institutional memory than different groups. You mentioned previous reviews. Were you around that time? So you remember everything yourselves or you have something, some of these lessons learned, written down and hidden in some mountain or a cave?

LARISA GURNICK: Personally, I was around for ATRT2. And that review, by the way, actually issued a recommendation relative to how future reviews could be improved. So that's a very specific and distinctive focus that our team has had to follow up and to implement that recommendation. And also, others on our team were there for the first SSR and WHOIS, so in the team, we do have that institutional knowledge.

KATRINA SATAKI: Thank you. Mirjana.

MIRJANA TASIC: Mirjana Tasic for the record. The idea to forming a group who will define the scope before the review team starts work, I like it very much. Because it will ease a lot of the work of the review team. On the other hand, where are the rules how those people

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who will define the scope of the review team who should be chosen?

Because my personal opinion is that those people who are building the scope of the job which the review team should do should be more qualified than the average -- let's say, should be some kind of expert. Thank you.

LARS HOFFMAN:

Thank you. To answer that, I could not agree more with you. What the Operating Standards say that there's a team selected, essentially, by the SO/ACs. And so, they are free to send up to two people onto the team for them to set the scope and hopefully they send people who know about the subject area. And as a caveat, we also, the bylaws encourage, obviously, I can't prescribe that, that those people who do set the scope are also eventually can apply and do apply to become members of the review team.

So that's something that in no way should be preventative, it's something that we think should be encouraged. But you obviously can't force anybody. But because the review is set, or has been set, by the -- sorry, the scope has been set by the review teams set by the community, we felt very strongly that that should remain within the community. So it's not for

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anybody else but the SO/ACs to determine who they put forward to set the scope, essentially.

MIRJANA TASIC: Sorry, my English is not so good. I didn't think like outside experts. The people should be from the community, of course. Because the community is doing the review. But somehow, okay, I agree completely with you, my English was not correct. It's okay. Thank you.

LARISA GURNICK: So just to follow up, do you think it would be useful for the Operating Standards to provide some suggestions about the skills of the people?

MIRJANA TASIC: Yeah, that was my idea. Thank you.

KATRINA SATAKI: Thank you. Any other questions or comments? I definitely have some, but maybe not all should be asked now. There are some things that are not quite to me. For example, first when we appoint members to the team, as you said the bylaws say that up to three go automatically to the team. And then, in case

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there is some of the review team members are removed for one reason or another, they leave, or they have to be forcefully carried out of the room, according to Operating Standards all of the sudden the procedure is different.

So we have some -- the SO/AC chairs can discuss, and they actually ask the SO or AC that the pointed member that had left the team. So all of a sudden, they lose the right to appoint whoever they want. Or, at least, that was my understanding of the reading of the document. So if I was clear enough. So if we appoint person A and so we appoint two or three people -- let's say we appoint two people and one person is person A, who at some point gets removed from the team, so we have the right to appoint another person, person B.

Despite the fact that, initially, we had the right to appoint and the right to expect that this person automatically gets accepted to the team, now when we appoint person B instead of person A, the process is different. So SO/AC chairs start discussing if this person is acceptable or not and blah, blah, blah. I can find the part which speaks about this second appointment. I think the second appointment should be carried out according to the same rules as the initial appointment.

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LARISA GURNICK: Thank you. We understand your point and we'll go back to re-read the language to see if that was the intention. But since we did develop that section based on some recent practices that we've actually had to figure out what to do with several members resigning.

In fact, the practice has been what you said it should be. In other words, it went back to the group that appointed the individual, they made their selection, and then just informed the SO/AC chairs of their decision.

LARS HOFFMAN: I can add to that. Just to give you some information, you are quite right. Just double check the language. What happens is that according to the Operating Standards, somebody resigns, a member of the ccNSO resigns, then the ccNSO, according to their own process, can nominate somebody else and then the chairs convene and agree, according to the draft here, agree by consensus that that's the right person.

The reason why this is slightly different, but you refer to essentially is the issue of if you only have one person you put forward, the SO/AC chairs essentially have no say on the matter, the person's going to be nominated. Right? If you read the bylaws the way it's intended, the expectation is that everybody

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puts forward seven people, it's the maximum they can, and then the chairs have, essentially, a pool to look at 49 people.

And so, for the replacement -- and so we felt the spirit of the bylaws gives the chairs the authority, if you want, to select the team as a whole and therefore have a say about the entire team. And so, here we have this consensus rule in there for that reason. To not also -- on the one hand, you say the SO/ACs have fewer power, but if you take the chairs out of the replacement process then you also take away power from the chairs that, according to the bylaws, they have. And so, I'm just giving you the rationale, I'm not saying this is right or wrong. I have no skin in the matter. I'm happy to change the language if that's what's going to happen.

KATRINA SATAKI:

It's just as we discussed the day before yesterday, chairs have no power whatsoever. Community has the power. So, again, giving chairs -- yes, according to the bylaws they kind of have to agree on the composition of the team. But still, it's the community. And if the community appoints somebody, I believe that the chairs should not be put in the position to -- so, thank you very much. We have a lot of, really many, many comments on this one and I'm sure that we will -- yes, I see your hand.



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**BART BOSWINKEL:** That's one of the things. But, it's as assuming this group gets the mandate to provide the comments, would it be worthwhile to invite Larisa and Lars again once this group has done its comments to go over them? Otherwise, they will get swamped away in the public comments, if any.

At some point, so that will be probably in a month's time, but we'll get in touch with you. And then because you can see there is a lot of detailed discussion in here. So that's more --

**KATRINA SATAKI:** Thank you. Actually, we won't go into many more details. It starts, initiates discussion and sets the tone for discussion. You wanted to add something?

**LARISA GURNICK:** Yeah, I just wanted to say that we really would appreciate that because, just in the discussion here, I think you can see that explaining the rationale and the thinking and the kinds of observed issues that we've been hearing about would be more effective in a dialog and a conversation. So we would certainly appreciate the opportunity to do that and would be happy to do that.

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BART BOSWINKEL: The only disadvantage for you, it's a Monday, at noon UTC. Maybe we can change it.

KATRINA SATAKI: Speaking about this cross-community session, anything you'd like us to prepare to facilitate a discussion and make sure that you get the feedback you're expecting?

LARS HOFFMAN: I think for us, it's those two things that are valuable for us. And that kind of came out here as well. So the principles, do you think that having the scope set beforehand? That's quite a radical departure from what has happened. But, do you think that, in principle, is a good idea? And then maybe the way it's proposed, improvements can be made. Nobody says that this is perfect process. So differentiate between the broader picture and the principle of the changes that the Operating Standards propose to the status quo and whether you think that's the right direction.

And then, on the other hand, also, when applicable, those details that you just came up with, that helps us also to make the follow-up draft something that is as much in line with the

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community thinking and the practicality of the review as possible. So I think to differentiate between those two, that would be helpful.

KATRINA SATAKI: Yeah, thank you very much. David.

DAVID MCAULEY: Thank you. David McAuley, again. I just want to second the idea of a dialog. I appreciate what you are saying. And also add into that the element of past practice, which you mentioned. And with respect to scope, I'll just state on high-level, I'll make a comment later. But on a high-level, to me, the setting of the scope does make sense like that, but then the ability for the panel to change the scope, I think needs a little work. Maybe it would be because it seems to me that there's quite a high bar to set the scope.

But then for the panel that's working on it, to revise the scope, there is some review of that, but it's not quite the same. And I think that maybe we should distinguish between narrowing the scope and expanding the scope, and there may be different standards there. So, anyway, that's my rough comment. Thank you.

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KATRINA SATAKI: Thank you very much. So definitely dialog, not monologue. So thank you very much for finding time to come here. I will definitely stay in touch and provide our comments. To the group, I'd like to say that, yes, there are some things that we'll need to change in our guidelines for our own internal procedures. Bart.

BART BOSWINKEL: To the internal review, because that's why Larisa is here as well.

KATRINA SATAKI: Okay, now we're going to internal review part. This is not a specific review, this is organizational review. And organizational review also needs to be carried out according to some timeline. Thanks to the board, they accepted our request to defer our review by one year. So we have one-year time. Now, probably 11 months left. We have to prepare for the review. Again, we don't have a mandate yet, but we will ask the council to give us mandate to prepare everything to be prepared for the review.

We have some recommendations from the previous review that was carried out in...

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BART BOSWINKEL: 2010.

KATRINA SATAKI: 2010.

BART BOSWINKEL: It was completed in 2013.

KATRINA SATAKI: Yeah, there are some recommendations we had there. Some completed, some were scheduled estimated completion in 2012 or 2013. So we have to go through, again, all the recommendations, see how far we've moved with developing our internal procedures. How well we have implemented all the recommendations, and if we haven't, if we have ignored the recommendations, there certainly was a reason for that. So any guidance, any recommendations from your side, really appreciate.

LARS HOFFMAN: There's a couple of points in the slide, but you don't have to put it up. I think it really comes down to three or four issues that we would recommend as best practice as you initiate.

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First, create a review working party. So that's normally a group. It could be this committee or any group of ccNSO members or even outside if you wanted to. Who supports the review, who can provide feedback, factual corrections. Who can work with the independent examiner when the review starts. And work with our team prior to the review when it comes to setting the scope of the review. So the scope that the independent examiner will be looking at. So to have a group in place. The size is up to you, it's optional, but a model has worked very well, and we very strongly recommend. And we would also recommend that you start putting that into place relatively soon.

What we would like to do, you said quite right, the review is postponed for a year. It's due to start in August 2018. This means we have to have an independent examiner in place by then. Which includes procurement process. For the procurement process, we need the scope to be in place. And so, from our timeline, ideally, we would like to have the scope to be in place in March.

And while the scope is set out in the bylaws, Section 4.4, it is something that we want the feedback and the input from the community on the review to make sure it hits the right mark. It will be approved by the OAC, that is the body that -- the

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Organization Effectiveness Committee of the board. It's the body that oversees the reviews from the board's side. But we are cooperating, it's very important to us and to the OAC for that matter, that the community has an input.

And so, how the process would usually work is that we would work with the OAC and submit a draft scope to the ccNSO, in this case, and then make sure we work out together and come to an agreement that whether this stance is right. And that will then be published as part of the request for proposals. So the independent examiner, or the people who applied to conduct the review, know what is actually asked of them and then they would be selected and then, hopefully -- that usually takes three to four months. So, therefore, that should really be in place in April. To then have them in place to start working in August 2018.

The board is also encouraged to conduct a self-assessment for the ccNSO. That's something that is optional. It is, essentially, looking at what the bylaws require so that the implementation and the effectiveness of previous review implementation has that all implemented and has it worked as intended? Looking at the continued purpose and role of the ccNSO within ICANN. And looking also at accountability and transparency.

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Again, these are issues from the bylaws that will form the core of the scope itself, or the review itself. And for the ccNSO to have a self-reflection beforehand to see where you think you stand, is something that, from experience, is very helpful to inform the independent examiner when they start their work. Because they can see where you think there might already be room for improvement. They see your opinion of where you see the previous implementations have gone and how useful they have been.

And so, that's a very helpful thing to do. We would be happy to supply you with support in this, in terms of documents, potential questions that you might be able to look at. So that's something we have in one of our vaults and are happy to dig out. I would encourage you to start with that as well. Maybe early next year and then take it from there.

Again, if you conduct this, by the way, it is optional. It is up to you. Also, the publication is up to you. Maybe this is something you want to make public. That's certainly encouraged. But if you think there's some sensitive information in there or things you don't necessarily want to share, that is also up to the ccNSO. There's no expectations that it has to be made public or be shared with anyone.



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LARISA GURNICK:

As you think about this, the other area -- so there's three or four key elements that are included in the RFP that we'd like to get input and agreement with, in this case, it would be with the ccNSO. As Lars said, it's the scope, even though it's determined by the bylaws. But how it's applied to each ICANN organization is a little bit different and we've gone, in this cycle, we've already gone through the GNSO review and the At-Large review and, as you know, a couple are underway right now. And in each one of those cases, there were some tweaks that needed to be thought through to make it applicable and relevant to those organizations. So it's that kind of thing.

But then there is also the criteria for selecting the independent examiner. We find that it's really important that there be agreement between the OAC and yourselves. What would you like to see? What kind of special skills? Special knowledge? Or, specifically, the kinds of areas of knowledge and experience that you would expect from the independent examiner in order to make it an effective review for this organization. As an example, for At-Large, regional knowledge was really important. So that was the kind of thing that they added, contributed, to the list of criteria. So that's something else that we would be coming back to you and asking you to think about that.

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As well as criteria for conducting the review. We start, in all these areas, we start with a standard template that we use, but then we would really encourage you to provide us input to make it relevant for this particular review for this organization.

KATRINA SATAKI: Thank you very much. Any questions from the team?

BART BOSWINKEL: Although this is more for clarifying for the GRC itself. It was suggested, if I understood you correctly, by the OAC to do a self-assessment. To what extent does this self-assessment affect the review by the independent reviewer? And the reason why I'm asking is, one of the easier things -- and this group is, more or less, created to do this -- they've been working and reviewing everything that came out of the independent first organization or review of the ccNSO. So they started looking at an update on where we are, or where the ccNSO is, with respect to all these recommendations in the past.

Now, if you would look at it, it's almost everything is green, because this is an ongoing process. So the question is if they would do this in a little bit more formal way, looking at this, to what extent does this impact the review in the future? Because doing this it is an effort, but if it's done anyway so then it's the

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question, why should this group do it? Because they will be mandated, probably, by the council to take the lead on it anyway.

LARISA GURNICK:

So back to the -- I'll answer your question with a little story. Back to the lessons learned. What we find makes for the most effective outcome from a review, is if there is an understanding and collaboration between the group that's being reviewed and the independent examiner, they have to be independent. We cannot influence their opinions, you cannot influence their opinions. But, together, information can be discussed and shared to make sure that there is clear understanding so that the best outcome comes out of that. And one way to do that is to compare notes, compare your views to their views.

So what we find, if you were to take the time and the energy to do a self-assessment, it would definitely be an input to the independent examiner. They wouldn't necessarily agree with everything, it would be for them to assess. But having that information and the formulation of your views and your experience would help. From a documentation perspective, I think it would probably save a bit of time. So I would think that it would be worthwhile exercise.

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And, by the way, on specific reviews where the implementation -  
- so I'm changing gears a little bit, but just for comparison,  
where the implementation work lies in most cases with the  
ICANN organization or the board, we actually do something very  
similar. When the review starts up, we present the review team  
with an update where the implementation stands and how far it  
was implemented. We don't necessarily comment on how  
effectively it's been implemented because that's for them to  
determine, but at least we provide information and facts on the  
progress of the implementation.

KATRINA SATAKI:

Okay. Thank you. Anyone would like to ask anything to our  
guests? If not, then thank you again for coming to discuss our  
organizational review as well. So thanks, and see you around  
pretty soon. But if you wish to stay, of course, you're welcome.  
It might help you to understand how we work and how well we  
are prepared for everything. So thank you.

So everything's clear about the organizational review and how  
we have to prepare for that. Yes, we have to ask the council to  
give us a mandate. And I'm sure they will happily grant us any  
rights we would need because this is something that needs to be  
done and we have experience. We already worked with the

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document. So it's way more easier for us than for anyone new that's come to do the work.

We've spoken about Operating Standards, internal organizational review. And then the most exciting part of our work, it's Rejection Action Procedures. We have this guideline.

Next question. Who has read the draft guideline? Please raise your hand. Okay, Martin. Okay, you think we start with the presentation? Because there are two things, actually. We have a draft guideline, that's one thing. Another thing, we have to think how we present it to the community in a most meaningful way so that people first understand the structure of the guideline, the contents of the guideline, and what they are expected to do with respect to the current draft. Probably for us to understand what we need to do to improve the draft.

Steven, this is actually your party. How would you prefer to do that? Will we start with discussing the draft? Or you want to start with this presentation? I would propose to start with discussing the draft. So you just give us a brief intro to the document and then we can comment.

STEVEN CROCKER:

With regards to the draft, since we met via teleconference last week, there's been very little progress. I do owe this group an

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apology because I made some commitments that due to extenuating circumstances last week, I was not able to devote the promised attention to getting the revised draft, which will be version five, out the door and to the GRC list for that review. But I will be endeavoring to get that sorted out soon enough.

This presentation is what I put together for the session on day two. I believe it's in the late morning, I can't remember now. And this would be for the general community, so there's a lot of material in this slide deck that is very familiar and a repeat of previous presentations. Because I discuss at the outset both the approval guideline, very, very briefly and provided an overview of what's required in the bylaws for rejection actions.

And then I pivot, and you remember Bart's graphic from last week, is incorporated into this slide deck. And then I pivot into discussing the rejection action guideline with acknowledgment that we have adopted option two that came out of our discussion in Johannesburg in that day two meeting, that one-hour meeting that we had there. And I emphasize in the slide deck as to at what point does the community have input to question or reject what the council has done and where the council decision points are. So Katrina, how would you like to proceed?

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KATRINA SATAKI: Since we have the presentation, maybe we start, you present us whatever you're going to tell to the community and then we can tell you if it's clear enough if something needs to be added if we would like to see something changed, and so on.

STEVEN CROCKER: I'm happy to do that because this is a second draft, as you know, and I'm still not convinced it's at its most clear, let's put it that way. Who's running the slides?

Okay. Next one then. So I start with, again is the presentation that will go out presented to the community when we get around to that ECA approval guideline stuff. And so, I do a broad introduction here as to why we're discussing this. This is all pretty self-explanatory. I do provide a couple references if people actually want to go look this stuff up.

Next slide. I give an overview of the bylaws themselves so that they know that we're talking about something fairly substantial and what parts of it we're focusing on.

Next slide. Again, further, why are we here discussing this stuff? And I enumerate the reasons behind all that and point out that we do have unique responsibilities given our broad international nature and structure.

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Next slide. So, I remind the community that we have got approval actions and rejection actions and define what they are.

Next slide. I go back over, this is probably the second or third time, just what the approval actions are.

Next slide. And what rejection actions are. When I get to this section, it is my intent to point out that we will be seeing on a periodic basis rejection notices from the board, with respect to the ICANN budget, the IANA budget, the operating plan, and strategic plan. Because these things pop up on a periodic and predictable basis. We're about to get into that budget season in January, so the ECA will be coming back to life. And we, as the SO, need to be positioned to start handling these, deciding what to do about them.

Next slide. These are the remaining actions that the board has to send rejection notices for and I'm planning to point out that if we ever start seeing that we've got real, real problems with ICANN. Because what we're getting into here is serious problems with PTI, to the point where the last two are, with regards to separating the PTI function out from ICANN to a third party. So I want to make it clear to the community that if we start seeing these, we've got problems. And these are black swans in my book. We shouldn't ever see these. But, again, we have to be prepared to deal with them.



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Next slide. So I just give a quick summary here as to where each of the guidelines stand. I've got to edit the last one a little bit, but that's just -- this takes us up to where we currently are. And then I pivot into discussing the rejection action in some detail.

Next slide, please. So I acknowledge the feedback that we got in our session in Jo-Burg. It was made pretty clear by the community show of cards that it was option two that carried the day after not carrying the day on our first round of discussion in day one. There's a change of heart by a lot of the community overnight. And so, option two, which is to give the community an opportunity to veto council decision. So I point this out to them.

Next slide, please. I'm then proposing to put Bart's flow chart that he presented at our meeting, teleconference, last week up. And use this structure, this visual, as a way of walking through each of those points. I have a slide backing up each one of those. Pretty much in the order in which they're shown here as well.

Next slide, please. So I begin the introduction to the rejection process to the community by pointing out that it begins with the board notice of a rejection action. And what happens at this point, that it starts the rejection action petition period, which is the 21-day period. Point out that a rejection action petition

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must have the support of, at least, one other SO/AC. And I also point out that there is no role yet for the ccNSO community with respect to council's decision-making at this point because there's nothing in front of us at this point. During this 21-day period a member of our community, if they are so inclined, can submit a petition.

Next slide. And this is discussed on this slide. We can get a rejection action petition from any ccTLD. There's no requirement that the ccTLD be a ccNSO member. I will point out that the petition must meet certain requirements which are going to be detailed in the annex, as we discussed last week. And point out that the council has to make a decision as to whether to accept this rejection action petition.

Next slide. And also point out that within the rejection action petition period the council, if the council has decided to accept the petition from the community member, we have to solicit the support from another SO. And also point out that there is no role yet for the ccNSO community with respect to this rejection action petition. So now we've got a petition and council has decided to accept it, and push it, and chase support for it from other SO/ACs.

Next slide. So the alternative situation, which is illustrated in Bart's graph on the right-hand side, is that the council is

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solicited by another SO/AC to support their rejection action petition. And, again, the council has to decide whether or not to lend our support to the rejection action petition proposed by one of our sister organizations. And there's no role yet, even though council has decided to support this rejection petition from another organization, there's no role yet for the ccNSO community with respect to this decision.

Next slide. This one illustrates the responsibilities that the ccNSO has pending any rejection action petition. And this applies to petition that we have initiated, a petition that another SO has initiated, that we've agreed to support, and a petition that another SO has proposed that we weren't approached to support, but it's out there. Say, for example, ALAC came up with something and they got the gNSO to support them and didn't ask us, we still have to participate in the process. And I outline the processes, combination of one or more conference calls, and one or more public forums. And, again, point out that there's no role for the community with respect to having input on ccNSO council decision at this point.

Next slide, please. So then we come up to the council decision point. This is after the teleconferences if there were teleconferences, and after the public forums, if there were. At any point, the council can rescind its support for either rejection

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action petitions we initiated if we have a change of heart based on what was discussed at the public forum, for example. Or if we decide, well, we don't really want to support the GNSO's petition after all, as an example, so we change our mind at that point. This is the point on the option two, as we agreed in Johannesburg, that council will make their decision with enough time to give the community the right to challenge the decision of the council with respect to the rejection action petition, as per the rules of the ccNSO.

Next slide, please. So that's where we are, currently, with everything. Draft, version five, is a reorganization of version four as we discussed. Two annexes are underway and need to be completed. The steps I see going forward are further review by the GRC, a review by ICANN legal, submission of the council for their approval, public comment period for community review, and then final adoption by the council.

And I believe that's my last slide. So that's my attempt to trying to explain all this and input is welcome.

KATRINA SATAKI:

Yeah, thank you. Can we go one slide back? I think on this slide we definitely need to have this final deadline when we want to have this guideline be adopted.

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STEVEN CROCKER: I can certainly do that. And the answer to that question is it really needs to be adopted by year end or very early into January, if at all possible. Because beginning in January is the initiation of the IANA budget cycle and we're going to have to have some input on that and have something in place to help us along.

As you recall, we kind of winged it this year, as did ICANN itself. Because their timeframe for adopting the budget was such that they overran into the current fiscal year and went through the 10% temporary reduction. Until the rejection stuff played out, there were no rejection petitions submitted by the community with respect to the budget. So they to go play on thin ice for a few weeks, but they got by it okay. But this year, given the time frame, we really need to get this adopted as quickly as possible. Thank you.

KATRINA SATAKI: Thank you, Steven. Bart.

BART BOSWINKEL: Steven, just going back and I think the next meeting with the SOP is probably the best to check this, so if you go back last

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year, the SOP didn't even bother to look at the IANA budget. The reason was it will be rolled up, ultimately, in the ICANN budget. And if you look at the timelines we have between now and end of January, it's probably not realistic if you see what we need to do to have it finished by then.

STEVEN CROCKER: I never said it was realistic.

BART BOSWINKEL: No. So I think what is more important to have a realistic timeline and say this needs to be ready because if there is anything that will happen, it will be around the ICANN budget, 5 years operation planning process.

STEVEN CROCKER: Understood. Seeing I said on the SOP, we're meeting in here after this meeting, I should have, by noon, a better idea of what those timeframes are. I kind of have them in my head, but I don't have them nailed down sufficiently yet. But I should know after Zaveh does his presentation for us. Thanks.

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BART BOSWINKEL: The thing is, probably it's more important to have a more realistic timeframe than one we all want to have.

STEVEN CROCKER: I think a realistic timeframe would be March. And I think, actually, if my understanding of that budget cycle is half-way correct, that will probably work for us. Yes. I will argue that'll work because that's the end of February.

KATRINA SATAKI: That's excellent. And at ICANN61 we can start appointing people according to the guideline and according to our internal processes. And speaking about appointing people, I think that one thing that is missing here is the process for the community. How we envision this process for them in the guidelines.

So first we have this rejection action manager, then we have committee that reviews all petitions submitted to rejection action manager. Then it goes to public comments, well ccNSO comments, we try to solicit their support or on the contrary, their disapproval of the rejection action and so on. You don't have these clear blocks of the process that we have in the guideline.

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STEVEN CROCKER: Do you want that in the slide deck then for presentation tomorrow?

KATRINA SATAKI: Not tomorrow. It's not tomorrow.

STEVEN CROCKER: Day two. Yeah, I can do that. Can you send me a note with what you are looking for?

KATRINA SATAKI: Okay. I definitely will send a note. And another thing that I would like to -- sorry, before I move with my questions, are there any questions from the group? Yes, David.

DAVID MCAULEY: Yes, David McAuley. Just a comment, and again, thanks to Steven. I know this is tough sledding, no question about it. My only comment about the slides is I think it might be worthwhile to have either a slide or on a slide, just a notice to the community that this is an unusually complex area with an annotation to Annex E. And that timelines for responses will be beyond what is normally expected. Just to, sort of, set the



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expectation that this a little bit different to what we're accustomed to, I think. Thanks.

KATRINA SATAKI: Yes, thank you, Steven.

STEVEN CROCKER: Thank you, David.

KATRINA SATAKI: Okay, so about some things that are in the draft. One thing, for example, is that in the draft there's a proposal that we have this rejection action manager and it will be listed on the ccNSO website as the person to whom rejection action petitions should be sent. I think, first I think this person could change from year to year, right?

And for that, I think we better have some role account, email, so that people don't have to check every time it's John or it's Peter so that they know where to send the petitions whenever they feel like sending one. Steven, you want to respond to that.

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STEVEN CROCKER: Yeah, that's my thought was that would be a role account and the secretariat would direct to the person who is playing that role at that point in time.

We had also discussed, or maybe I discussed with myself, the idea of having a number two rejection action manager given the tight timeframe. If for whatever reason, the primary rejection action manager had to suddenly step aside due to life or work issues. We would have somebody in place who's familiar with it.

And also in the event that we find ourselves handling multiple rejection action petitions in back to back type thing, there is a requirement if we do get multiple -- if the community submits, the SO/AC submit multiple rejection petitions, there's some work the UCA has to do to identify is the one submitted by, say, ALAC essentially the same as the one submitted by say us and then combine it and so on and so forth.

But regards to submissions from our community, I think the idea of having a number two is a good one. A second rejection action manager in place, just in case.

KATRINA SATAKI: I think that's what we have with IANA, not them, but ccNSO membership requests as well. So we have a primary person and we have a backup plan.

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Another thing I think that we have to go carefully through the draft and eliminate all, how to put it -- okay, I'll give you an example. For example, the ccNSO Council shall meet, either in person or via teleconference, on the 20th day of a rejection action petition period. So any certainties, I think should be eliminated. We should write, like, no later than on the 20th day. Because if we write on the 20th day --

STEVEN CROCKER:           Agreed.

KATRINA SATAKI:           -- it might be pretty tough. Yeah, I have some other comments on this one. Probably not worth bringing up here.

One, for example, in their voice that is a non-native speaker believes that rejection action review committee will evaluate any rejection petition received by the rejection petition manager to ensure that it meets the requirement. I think it must be ensure because I don't think we're going to insure anything. But, that's my inner-voice, which again, is a non-native English speaker.

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STEVEN CROCKER: A lot of this got written at weird hours, so anything is possible, but I'll go through that.

KATRINA SATAKI: Yes, and as Martin pointed out, we should use the same terms for identifying people, their roles, and names of committees and names of whatever documents we have.

Okay. So any other comments on the presentation or on the document? This is really complicated and maybe we should use, as David suggested this timeline. Maybe we could use slides that we used in Johannesburg where the graphically illustrated timelines. I think that could help people to refresh their memories. If they have any, of course.

STEVEN CROCKER: I'll try to dig that out and incorporate it in there. So my plan then, Katrina and Bart and Joke, is I will work on this and probably have something to you guys this evening. And you can rip it apart and we can start again tomorrow, okay?

KATRINA SATAKI: Thank you. Thank you very much. If there are no more questions. So what we have on our agenda next.

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BART BOSWINKEL: Maybe process to move forward with the guideline itself.

KATRINA SATAKI: Actually, yes. Because I wanted to ask we want it to be reviewed by ICANN legal. This is something that is out of our control. First, how long it takes. Second, can we probably book a slot on their busy schedules? Already now, say we will submit it to you on December 15th or something.

STEVEN CROCKER: Right. This leads me to a question regarding this slide. Is that sequence correct, do you think? And that's posed to both Katrina and Bart.

BART BOSWINKEL: I think that's safe. The first step is around draft version five and how we proceed from there. I think it would be -- Steven, if you could update it, say, to current version to version five and then ask somebody else to have a fresh pair of eyes looking at them. Yes. So, Martin, you volunteered, I believe. So that's the first step. If we could do this over the next week or so, if that would be feasible, then we have a process forward.

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I will get in touch with ICANN legal, see what's -- and probably request ICANN legal to have a look at it. That's all somebody who is deeply involved in it, would be useful, put it that way. Because this will become public and so we haven't asked them, and I can ask some of the people from ICANN legal whether they're willing to do this. I can do that this week as well, or over the next week.

STEVEN CROCKER: I believe we got a commitment from Sam with regards to that.

BART BOSWINKEL: Yes, but I know she's not around, that's the issue.

STEVEN CROCKER: Yeah, exactly.

BART BOSWINKEL: So just to be on the safe side, it will happen. It's just a matter of presentation.

STEVEN CROCKER: Correct. Is the sequence, do you think, is that reasonable?

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BART BOSWINKEL: I think it is. If you look at the sequence, the GRC itself needs to complete its work first. Then have a review and then get back to the final editing thing by the GRC and then send it to council. I think that's the way.

STEVEN CROCKER: I would assume what happens when the GRC is happy with it, then we send it to legal, legal sends it back to GRC, and then the GRC chews on it a little bit more, and then it goes to council after it's finalized. Okay. Thank you.

KATRINA SATAKI: So there might be an extra step between review by ICANN legal and submission to council, but it might as well be not there if ICANN legal is happy. I'm more interested in how long it might take for ICANN legal to review. I understand that you don't know. If you ask them to review, so maybe you could ask also.

STEVEN CROCKER: When I start work on a realistic timeline on this, I think I'll just put in a month for ICANN legal.

KATRINA SATAKI: I hope.

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STEVEN CROCKER: I hope it's two weeks, but who knows.

BART BOSWINKEL: The real issue is probably, as far as I understand ICANN legal, is having a slot. Once they've got focus and once they focus on this, they can do it rather quickly because they understand the process and they go through it. But what you can't do is say you've got a month, and yeah, we don't know when it's coming in a month.

And they have other stuff going on as well. And so, they want to have a more precise slot, so they can book it, probably, well in advance. It's something, once we know where we're at, probably, that's the -- so I'll ask them, again, reconfirm the intention that they will review it. And then closer to the time the GRC is ready, try to book a slot with them so you can have your feedback.

STEVEN CROCKER: That sounds good Bart, thanks.



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KATRINA SATAKI:

So it looks like we have a plan. I think that it looks like a good plan. So thank you and next on our agenda. What do we have next on our agenda? Our work items.

Okay. So, currently, we are with this rejection action. This is something that needs to be done and we need to concentrate on that one.

Then we have, on Wiki, we have this now we decided to have monthly plans. I will update the plan for November. So there are still some things that we need to do. We will need to go back to our board election guideline. We are waiting until the end of election process when we receive a report from our nominations manager. But those are the recommendations. So this is something we will need to address.

As you heard, most probably, we will have to -- not most probably, we will have to update our guideline on specific reviews.

Plus, additionally, we have to prepare comments and submit comments on Operating Standards. So, Operating Standards, that is something that is hot on our plate.

Now, because these specific reviews are important for successful functioning of ICANN, and having those reviews carried out according to plan. It was a very essential requirement that NTIA

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put to ICANN with respect to IANA stewardship transition. So this is our responsibility, and we have to show that the community is able to take care of itself and carry a successful review of its work.

So Operating Standards are important. And I think that, currently, thanks to everyone involved we finally go to the right direction with that. Setting scope first, having a call for volunteers second and carrying out review third step.

Of course, as you may know, there are some problems with current reviews. SSR2, ATRT3 hasn't started yet. Hopefully will start. But, SSR2 has problems with setting the scope. There are different views in the group. According to the current process, they are the ones who have to set the scope and it proved to be really difficult, if a team has different views on that. Especially if the team has different views with the ICANN board. So, currently, the SSR2 review team has been put on hold for half a year or something. Anyhow, they need to come up with agreement on the scope.

So that's why we really need to look very seriously at Operating Standards and help to develop them. A state that they can be successfully applied to all the reviews.

Okay. Anything else that should be on our plate? Dejan?

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DEJAN DJUKIC: Nothing additional. Just a question regarding reviews. What will be our role in preparation for the ccNSO review? Do you know at the moment? It will be only for development of guidelines or something else?

KATRINA SATAKI: So, as you heard, we were asked by the board when they agreed to defer our review, according to our request, by a year. They encouraged us to do a self-evaluation, a self-assessment. And somebody has to do that, and I think that we will ask the council to extend our mandate and let us carry out this self-assessment. Present it to the council so that the council could maybe some two cents to the self-assessment, self-evaluation, and the council -- I think the process should be that then we publish it to the community.

The community could give its input. Especially how the parts where some improvements are needed, maybe community has some certain views on how things should be improved. What's probably not going well at the moment. And then when we have this self-assessment finalized, we'll present it to independent reviewers.

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BART BOSWINKEL:

Joke, could you pull up the other document around the self-review, or show it a little bit more? A nice starting point is to go back to the -- because you heard Larisa say this as well -- go back to the recommendations of the previous review.

So this is, what you see is an overview of the recommendations from the 2010 ccNSO organizational review. If you look at it, and if you would read it, you would see that the ccNSO has been asked to provide guidelines, etcetera. Now, this is the reason for suggesting that this group will do it. Its name is the Guideline Review Committee, the GRC.

So one of the easy and low-hanging fruits go back to this overview and check the current status of the suggestions at the time. And as you will see, some of these suggestions were not taking into account by the board OAC, at the time, and they're still less relevant. That's in the other document that was shared with you last week.

So, I think, just going over this in preparation of one of the upcoming calls is already a good start to start the self-assessment and to see where there is work needed. Because this group has done a lot of work already in these areas by an overhaul, review, and adjustment of the guidelines that were in place. Because that was, effectively, the role of this group.

KATRINA SATAKI:

Yes, thank you. Does that answer your question? Okay. Which means that, again, I think I say it almost every time after every face to face meeting, it doesn't look like we're going to finish our work anytime soon. So we'll still have a lot of things that need to be done.

And speaking about our next meetings and how we're going to organize the work, it's now quite clear what we need to do. Maybe we could rest for three weeks and then we go back to our bi-weekly calls and discussions.

So we addressed rejection actions, we addressed this review of implementation of recommendations, self-assessment, and all other guidelines that we still need to develop or need to update. Bart, please.

BART BOSWINKEL:

So, effectively, what you suggesting is starting the 20th November? Monday the 20th of November. I assume the same time, noon UTC? And then the 4th of December? That's two weeks later. Again, noon UTC. And a final one for 2017 on the 18th of December, noon UTC.

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KATRINA SATAKI: Martin, any problems? No problems. Okay.

BART BOSWINKEL: And then may I suggest that we reconvene again on the 8th of January.

KATRINA SATAKI: 8th of January. Good. Sounds great. Great plan.

BART BOSWINKEL: And then on a bi-weekly basis afterwards.

KATRINA SATAKI: Yes, yes. Or sometimes it might be that we cancel a call because probably not enough done to show to the group and to discuss. But in general, yes, I think that's a bi-weekly pace is needed. We cannot afford to have calls every three weeks. It would slow down the progress of the group.

Okay. Any other business? Anything else you'd like to raise? If no, thank you again for coming to this meeting. Thanks for your work, for your input, and see you around. Thank you.

**[END OF TRANSCRIPTION]**