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**ICANN Transcription**

**GNSO Drafting Team to Further Develop Guidelines and Principles for the GNSO's Roles and Obligations as a Decisional Participant in the Empowered Community**

**Wednesday, 29 May 2019 at 2100 UTC**

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JULIE BISLAND:

Good morning, good afternoon, and good evening, everyone. Welcome to the GNSO Drafting Team Call on Wednesday the 29<sup>th</sup> of May 2019. In the interest of time, there will be no roll call. Attendance will be taken by the Zoom room. If you are only on the audio right now, could you please let yourself be known? Hearing none, I would like to remind everyone to please state your name before speaking for recording purposes and please keep your

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phones and microphones on mute when not speaking to avoid background noise. With this, I will turn it over to Heather Forrest. You can begin, Heather.

HEATHER FORREST: Thanks, Julie, very much. And thanks to the other Julie and Ariel for preparing all the documentation for our call today. You'll see that we have a full agenda. We have section 18.12 on special IFRs. This is our come back to and see, on the one hand, see if we're happy with where we've landed with the guidelines, the first one, [2.2A], the guidelines for how to use the GIP for a special IFR. On the second point there, 2A, we'll have a bit of an update with where we are with that, [inaudible] involving externalities engaging with the ccNSO and so on. Then we're going to move on to section 1.3 and I believe is it 2.1? There's a link right on the screen there. There we go, 2.2. Thank you.

I am as guilty as everyone else in not having a good look at 1.3 and 2.2 in that we only just discovered that, so [inaudible] and actually doing what we were supposed to do, that those links were not visible to all of us. So, with that in mind, we'll have a first look at 1.3 and 2.2.

Before we get started, anyone have anything they want to add to the agenda? Anyone have any concerns, anyone have any updates to their statement of interest? No? I see no hands. Okay, brilliant.

So, just by way of updating us to what has been done with 2A in the time that we last looked at this in our last call. You might recall

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that there was some additional language that David very kindly volunteered to have a look at and tweak and I went back and had a final look as well after that was all over with. So, we land with the final documentation that Julie is about to show us. Thank you very much to David for doing that final review.

So, you see the final version here. As I understand it, we only find one typo. David, anything you'd like to say at this point?

DAVID MCAULEY:

Heather, hi. No, not really. I went through it and I made a couple of what I thought were fairly clear but not all that significant tweaks and found one typo. I think the document is in decent shape is my point of view. I've never been through the GIP process before but I'd be interested what people think who are familiar with that process and whether this approach will crack the nut that we need to crack. But I'm fairly happy with it. Thank you.

HEATHER FORREST:

Thanks, David, and thanks again for your willingness to give input. Again, you have that super useful insight having membership on both this committee and the equivalent in the ccNSO.

As to you having no experience with the GIP, David, we're all in the same boat. Council has never used this before, as Steve has noted in the chat. This is a matter of first impression for everyone. What I think we ought to do ... David suggested while doing the final review, working with staff, that we go through this step-by-step and just make sure this makes a bit of sense, so if we just kind of isolate out, "Okay, this is what happens first," and then we

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move on to that, that might help us in the final sanity check for might we go wrong at any point or might we have missed anything at any point. I think that's a good idea. Does anyone object to taking that approach, just to sign off on our discussion here on 18.12? I see no objections. Great. So, let's go ahead and do that.

I think what we ought to do then is just highlight the steps and how, mechanically, how this is actually going to be used. So, the introduction, of course, not substantive for the purposes of what we're doing here. Introduction is just explanatory.

4.2 at the bottom of Julie's screen, planning for the initiation. We've said that there that the council isn't actually required to use the GIP. That was a point that we made right from the beginning, in case the council had some other mechanism in mind that it wanted to use that it still had the flexibility to do that.

4.3 then is our, if you like, first major step in concert with 4.4 how you go about initiating a GIP. That happens through a GIP initiation request. That document sets out a certain minimum number of details. You'll see those in 1.7. So, let's imagine the council member, so a single council member – any council member – submits a request to the council. I would imagine that would go to the council secretariat, as documents are normally submitted in the council context whether it's a motion or another agenda item. And that is not prescribed as such. There's no form that they would have to complete necessarily. They would simply provide this information and that would be sufficient then to at least commence that initiation process. And of course we've asked for any additional information, not stopping the council members from [inaudible] additional information.

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I said there just for clarity in 4.4 that it's anyone that can do this if the GIP relates to a special IFR. What happens then is that council needs to vote on that via a motion. So, what would happen is someone would submit the initiation request to the secretariat. The secretariat would then post that to the council list if that wasn't already done in CC by the councilor in submitting it. The secretariat would then make note that if it was in relation to section 18.12 special IFR, that that would trigger the requirement under this process for council vote. That would then require schedule either ... Well, there are two methods for doing this and they're set out in the GNSO operating procedures. There would be the possibility of a [inaudible] vote. There would also be a possibility – the more likely possibility – of a council meeting. That council meeting would then be called [inaudible] in the notice provisions in the operating procedures and a certain delay. Let's say they would [inaudible] between calling the meeting and having the meeting. Possible that it would be an extraordinary meeting if the next council meeting was as soon as was required. So that would be the actual mechanics of that.

The meeting would take place. The attendance would be called and the motion to approve would be put onto the table and that would then be voted on.

Let me take a breath there. Anybody have a question up to this point? Anybody who noticed anything up to this point that they say is problematic? At this point, all we've done is initiated the GIP. Let's say we have a favorable vote to initiate the GIP. No? I see nothing. Alright.

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So then 4.5 takes us to outcomes and processes. The GNSO Council follows the procedures that we have in that GIP with the tweaks that we have here. Those processes ... Now, Julie, I'm going to throw you a curve ball. Is there any chance you can take us to the original GIP?

JULIE HEDLUND: Let me try to do that quickly. Sorry about that.

HEATHER FORREST: No, it's fine. I didn't think about it in [preparation].

JULIE HEDLUND: I [inaudible] document in Word. Let me just try to see if I can get it up quickly.

HEATHER FORREST: That's alright. I think we have it, Julie ... There you go. That's fine. Great. See? You're so speedy.

JULIE HEDLUND: That's Ariel, actually. That's not me.

HEATHER FORREST: Way to go, Ariel. Amazing. Ariel is amazing. Ariel, could you scroll us down to ... I think we should be on section six. Oh, five. There we go. Perfect.

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So, what this section tells us is that council will form a GIP team. The team then reviews the working group guidelines to understand how it's supposed to work. Likewise, this document that you're looking at here. Remember, this forms and annex to the GNSO operating procedures. It says then the GIP team is the group that really carries the show. They manage information. To the extent [inaudible] budget implications, they need to do that. And it's this group that solicits input from each of the SGs and Cs. So, this group is also encouraged to go outside and seek input from outside the GNSO.

So, remember what we're doing here. We're considering the initiation of a special IFR. We have formed a team who will investigate that, who will gather input from around the SGs and Cs and who will report back to council. What this does is it facilitates that you need not ... Provide, if you like, a ready-built structure that we don't have to call a separate work party and devise some sort of process on the fly if we don't want to. Council still has that flexibility but it doesn't have to.

Okay. Julie says I have a hand up which I can't see. So, that's great. Who has their hand up?

JULIE BISLAND: No, it's my hand up. Sorry. I can't raise my hand. It's a zoom quirk. Hosts can't raise hands.

HEATHER FORREST: I forgot, Julie. Over to you.

JULIE BISLAND: That's okay. I just wanted to point out a difference. It's in the other document where we clarify this, that the variance between how the GIP works with respect to consultation and how the internal document for the special IFR works. And that is that there is a requirement in the bylaws for when the GNSO and the ccNSO jointly determine whether or not to initiate a special IFR, they conduct a consultation of the SOs and ACs. So that is to happen as part of their joint coordination. So that is actually pulled out of this part of the GNSO internal procedures which would be then focused only on the GNSO community, the SGs and Cs because the consultation with the SOs and ACs would happen as part of the ccNSO and GNSO's joint coordination.

HEATHER FORREST: Julie, that's brilliant. Thank you. In fact, that is one of the key differences that we implemented here. So, super useful that you pointed that out to me. I'm just having a look quickly. As we scan through five, we see that what happened is the team developed the recommendation, if you like. What's called GNSO input. Bearing in mind that this process was designed for lots of things. Anytime the GNSO needs to give a response and it's not to do with policy development.

So, the staff deliberations then. They formulate some sort of conclusions. And now I think we can go back safely to the revised text and there exactly is the point that Julie pointed out in relation to the consultation. And that's all the language that we tweaked and read. So, I think we can scroll down from there. Great.



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What that actually looks like, what the GIP team comes up with, is dealt with in 4.6. So, they've had that opportunity to gather input. Again, just to remind ourselves, we're dealing with the initiation of a special IFR and they have reflected upon that. They've had consultation on that. They create a package information, if you like, and that gets sent to council. So, I think we can scroll down. You see the contents of what that needs to be.

It says there the proposed GNSO input should be delivered to the GNSO Council for its consideration for [inaudible] motion. So this is the second motion in this process. Remember, we needed a motion to form the GNSO input process team, the GIP team. Now we are putting this on the agenda in the very same mechanism that was used previously. Again, all of those divergent options of extraordinary council meeting, ordinary council meeting, following the [inaudible] procedures, so on and so forth. All of that applies. And we would have the motion put on the agenda and [inaudible] council meeting.

Preparation of the final input. There we said the modification on that is that there's no public comment period because of the consultation process that has happened as, let's say, baked into the process. There's some guidance there for council as it deliberates on that motion. Then 4.9 tells us what we need to do with that motion. That's pretty standard practice. Council procedure, having an instruction on where it needs to go and by what time.

So, with that, we've moved this thing all the way through council. In fact, if you like, we've moved through council twice. Once in the initiation phase, second in the outcome phase. Then we have

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clear instructions on where it needs to go. It goes within 24 hours and it goes to the GNSO's EC representative, who at the moment is the chair of council, who then can [inaudible] that onto the chair of the ccNSO. Steve, over to you.

STEVE DELBIANCO: Thank you. Just a quick question on the paragraph we're looking at right now. When we say the council shall transmit the results, do we mean the chair when we use the words "the council shall transmit" when you're on a 24-hour clock, I'm wondering whether we were counting on secretariat or is the chair of council that would do so? In that case, would it be the chair that would notify the chair of the ccNSO as opposed to routing it all through the EC rep?

HEATHER FORREST: Steve, what I understand this to mean is as we've gone through this, council has referred, in terms of the mechanical kind of items, has referred to secretariat. At the moment, the EC representative is the chair of council. It may not always be that way. I think what normally happens – my experience is, as chair of the council, is that secretariat would immediately following a council meeting send to me anything that I needed to action immediately.

For clarity here, you can see staff are in the document. We can say secretariat. I'm not convinced that it's needed just based on current practice of the council. It's certainly the case that after a council meeting, the secretariat communicates anything to the chair and they normally do so within two hours, never mind 24.

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But it's good to have that specified. And then the chair knows what his or her action is going forward. Does that help, Steve?

STEVE DELBIANCO: I think it does, and yet I would recommend the change that I'm putting in right now, right there. I'm recommending that, to say secretariat because of the timeframe. When it's that tight, we want to make it very clear who has to do what. If the chair of council doesn't really like the decision we just made, especially if it happens to be a contract party and we're recommending a decision that would impact management of the root and the IANA functions. Let's say it's the secretariat and the secretariat does two things: transfers to the EC rep and to the chair of the ccNSO.

By the way, in the next sentence we mention the secretariat explicitly as well. I'm just saying don't do a serial communication through the EC rep which happens to be the chair, I get that. But make it that the secretariat notifies both in parallel.

HEATHER FORREST: Steve, you've got support from David in the chat. I have no problem with that. I have no problem with the action, with the secretariat. What I do have a problem with is if we're ever in a position where you've got a council chair that refuses to carry out what council has actually mandated, we've got a much bigger problem than a GIP problem. I hope that's not the reason we're doing this. I hope it's for time and not that one.

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STEVE DELBIANCO: It wouldn't be a refusal. It's controversial. I wanted to make sure everything was clear. So I didn't tell the ccNSO chair. I was going to get to that. You know how things happen with a 24-hour cycle. That's all I would do.

HEATHER FORREST: I agree with it. I note Tatiana's concern. Tatiana, you share my concern. I will say this. To Steve's point, there were lots of times that we had a council call that while I was chair ended at 2:00 or 3:00 or 4:00 in the morning my time. And for me then, you're right, it's not just about serial communication but it's about time. If we allow the secretariat which is dispersed around the planet to take on that role, it means that the council chair isn't sitting up until, whatever, 5:00 waiting for that final version to come in from the secretariat that they can then send on to others.

I do note, however, I have a fundamental problem with this idea that we have a rogue chair. I do. I would hope that that's ... Again, the outcome is the same but my reasoning would be very different from that.

STEVE DELBIANCO: But we don't need to come up with reasoning. If we think this a more ... This is a more straightforward, unambiguous set of responsibilities that are given to the entity who is most well-equipped to carry it out on a 24/7/365 basis, then we should say so. And the sentence that follows that says the secretariat will post the results on the web and the Wiki, convey it to the EC admin,

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indicates that we already think it's the secretariat's job. So let's just make it consistent.

HEATHER FORREST: I don't have a problem with it. And you're right, we don't have to give the reason. For the record purpose, I wanted to make that super clear.

STEVE DELBIANCO: There is no record. There is no real record, for the record. I know we always say that but ...

HEATHER FORREST: Yeah. Well, I get it, Steve, but if anybody ever came back to this conversation and I didn't speak up on this point, it would be remiss of me in the former council chair not to point that out. It really would. Tatiana, how are you on this now?

TATIANA TROPINA: Yes. Heather, thank you very much for saying this. Again, as you said, if someone listened to this call or someone reads the transcript, I would like to record my objection. Technically, I do not have any problem with this and Steve is right. This is the point. But as a lawyer or as an ICANN community member, I can say there is the letter of law and technicalities and there is the spirit. And by doing this, we are basically discarding in a way the spirit of the GNSO Council and empowered community and GNSO chair as the representative of the GNSO Council.

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I understand the need for fast communication for timelines, but I do believe that by supporting this, I am basically discarding the idea of good faith of communication of empowered communication, in a way, and I don't want to. So, I just want to have it on the record. Thank you.

HEATHER FORREST: Thanks, Tatiana. And Steve, I don't mean to give you a hard time. We all agree on how it looks and the changes are good. Can we take secretariat out of brackets and [inaudible] out of brackets? Because I think those are useful amendments. Thanks, Steve.

Is everyone comfortable with what we've discussed here in relation to 4.9? David?

DAVID MCAULEY: Thank you, Heather. I have a comment and a question. The comment is I think this is all in decent shape. My comment is while I think it's in decent shape, it's going to be an extraordinary circumstance to get past the remedial part of the PTI and also the CSC [steps]. It's going to be really a strange circumstance. It will be so serious that I think there will be people paying attention to this and willing to work with speed. And I think Steve raises a good point about the speed that's going to be required.

I wanted to make another point but I've just been distracted by my phone. I think of it and put it in the chat. I've lost it. Thank you.

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HEATHER FORREST: Thanks, David. It's Murphy's Law of ICANN calls, getting a call on your phone at the same time. Any further comments on 4.9 and the language that we have added here and Steve has added, Steve's comment [inaudible] has to accept the changes. We'll do that. We still have a few red lines in here, Steve, so I think we'll tidy them all up. David, your hand is back up.

DAVID MCAULEY: Yes, thanks. The one thing I wanted to mention is we will be ... In consulting with the ccNSO, we will not be as motivated as they are. They are all ccTLD managers. If there's this kind of a problem with PTI, they're going to be ready to roll. We, on the other hand, have registries, registrars, non-commercial, commercial, IPC, BC, everything you can think of. So, we need to pay attention somehow to who's appointed to the GIP and make sure that the people that have issues with IANA are well-represented in that group. That's very important. Thank you.

HEATHER FORREST: [inaudible] practical point and one, David, that helps us segue into our next item. But before we do that – and we're [inaudible] on time. I was thinking we'd like to probably wind this one off by half past.

Okay, we've looked at 4.9. We've tinkered with the language with 4.9. Staff will come back and accept those changes. Is there anyone that has, in the process of doing this walk through, identified anything that they say is problematic?

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Steve says when we say GNSO and ccNSO “must consider the outcomes” –

STEVE DELBIANCO: Go to 4.5 and scroll up a little bit, please. Look at 4.5. The very first instruction is that they must consider the outcomes of two prior procedures that happened already – remedial action and problem resolution. We assume they both already occurred. If so, what is the word “consider the outcomes” mean? Do they have to respect the outcomes or simply acknowledge them? What does consider mean?

HEATHER FORREST: Yeah. Good question, Steve. Let’s see. David stepped away.

STEVE DELBIANCO: Good. So, consider is the word in the bylaws, so this is our chance to add value by indicating what we think it means.

HEATHER FORREST: Yeah. The CSC remedial action procedure and the IANA problem resolution process. We probably need to look to see exactly what the outcomes are before we even consider what you do with them in the IANA naming function contract.



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STEVE DELBIANCO: So, acknowledge the outcomes but not necessarily have to ... I just wonder if we know what consider means. If we don't, then leave it alone and we'll leave it to their interpretation.

HEATHER FORREST: So, Julie Hedlund is going to bail us out. Julie?

JULIE HEDLUND: Thanks. There's a lot of action bound up in the word consider and it might be helpful to add a little bit of explanatory text here. Essentially, these are two fairly heavy processes, the CSC remedial action procedures and the IANA problem resolution process.

Once they get to ... They have an outcome and an outcome, and perhaps ... I'm not trying to ramble. What I'm trying to get to is those are [two weighty] processes and if they get to the point of failure, then the ccNSO and GNSO have to decide what to do with that. If they get to the point of failure and that failure cannot be resolved, then both of our groups need to decide what to do. Then, thus, our GIP.

What probably could be useful here is to have a little bit more language around what consider means and that could be pulled from another part of the bylaws actually which talks [inaudible] what situation we're looking. It's not a decision to do or not do something. In fact, there will be – probably it will be helpful here ... And this is a really helpful question, Steve, because some of this is actually in the joint ccNSO-GNSO guidelines as well. That is

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that there is going to be ... If there is a situation ... I'm having trouble with my audio. I'm sorry. Am I back?

HEATHER FORREST: Yeah, you're back now.

JULIE HEDLUND: Sorry about that. If we have a situation where either the [wrap] had a failure or the PRP has a failure, then both the GNSO and ccNSO would be notified. If neither of those can be resolved – and those would be two separate things – likely one or the other would happen, not both. Then that's a point at which the GNSO decides whether or not to initiate a GIP. If we see that there's a failure that's not resolved, then we initiate the GIP for the special IFR. So, there's probably a little bit more that needs to go into that initiation piece, too.

This is the value I would say of David McAuley's point of stepping through this and cook-booking it in a way, to see if there's anything we've missed, because I do think that there needs to be a little bit more background there to help guide. That was a pause on my part, not me cutting out.

HEATHER FORREST: Thanks, Julie. Steve, your thoughts. [Good catch].

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STEVE DELBIANCO: I'm looking for words of what we want them to do. Do they simply have to acknowledge it and move on or do they have to consider it as they make their decision on what to do next?

HEATHER FORREST: My understanding is it has to be considered in the context of how we respond.

STEVE DELBIANCO: And in both cases it would be the prior outcomes of just completed remedial action and PRP.

HEATHER FORREST: Correct. Not the decision. It's not considering a final decision. It's considering ... Hence the use of the word outcome. The outcome, as I understand, is a determination of failure. If they said we've gone through this process and we agree there's a failure, we believe there's a failure, send it over to us to take that on board ... I'm not sure. Acknowledge simply says, "I understand that exists." Consider says, "I understand that exists and I take it in mind when I make my decision." And I would be careful with "on successful outcomes" because that could, actually, be misinterpreted as these remedial action process and the other one happens, problem resolution process happens, and we weren't able to come up with an outcome. Tatiana, over to you.

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TATIANA TROPINA: Thank you, Heather. Correct me if I'm wrong because I haven't been participating in these since the beginning and I'm still [inaudible] my head around this and I'm not a native speaker. Am I right to understand that consider also means not only to acknowledge but act upon? I'm very much uncomfortable with unsuccessful, with the word unsuccessful there. But I do believe that consider means that they have to take it into account and act upon. And correct me if I'm wrong and if there are better words to express these, but if it is so, we might come up with some words that will mean both, to acknowledge and act upon which is definitely not consider because it is too vague. Thank you.

HEATHER FORREST: Thanks, Tatiana. Julie, I'm going to turn to you and then what I think we might do is take this tiny bit offline rather than trying to draft on the fly if we can't nail it immediately. Julie?

JULIE HEDLUND: Thank you, Heather. I just wanted to point to the steps that were happening behind the scenes. This is based on some information that Bart had given me from the ccNSO. Essentially, there will be a notification coming out of the CSC that a [wrap] has reached a level three of escalation to ICANN Board of Directors. So, that is the remedial action procedure.

Then, if the CSC reports then that the remedial action procedure did not result in the resolution of the performance issue, then that's the point at which the ccNSO and the GNSO are activated, so to speak. One of those actions to the CSC to notify both that

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there's been no resolution of this failure, at which point the councils would consider that outcome.

I'm just checking the bylaws quickly with respect to 18.12. Yes. And this is where we get the word consider. 18.12 special [inaudible] will say the ccNSO and GNSO shall have considered the outcomes of the processes set forth in the preceding clauses 1 and 2. That's the remedial action procedures and the problem resolution process. And shall have conducted meaningful consultation. So, that's where the word "considered" comes from.

HEATHER FORREST: Thanks, Julie. Wolf made a sensible suggestion in the chat. Wolf, last word on this.

WOLF-ULRICH KNOBEN: Thanks. I don't see any problem with us saying either consider or taking it into consideration. There's no doubt that it shouldn't be discussed any result of the outcomes of the CSC remedial action. That shouldn't be discussed in that course but should be taken into consideration in providing advice here. So, my suggestion would be just taking that into consideration. Thank you.

HEATHER FORREST: Thanks, Wolf. Tatiana and Steve aren't convinced that that necessarily is any different. Look, I think we're all at a point on this one where we haven't resolved it immediately. What I'm going to suggest that we do is isolate out this clause. We'll work on it offline. Leave it for now. Give some time away from this call. We

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can come back to it if we think it's critical. I'm not sure that it hampers the council in terms of this GIP team is going to feel, or the council rather is going to feel so confused by this that they don't know whether or not they can initiate the GIP team. So, I'm not sure this one is fatal but let's leave it for the moment. Wolf-Ulrich, your hand is up. Old hand or new hand? Okay. Tatiana agrees let's leave this for now. Great. We're going to lose Steve soon which is a bummer.

Let's go ahead and take us back to the agenda, remind us where we are. Okay. B. Julie, are you able to give us an input on where we are with 2B?

JULIE HEDLUND:

Yeah. Thank you, Heather. We do have draft guidelines. We have made some changes based on a discussion that staff had with Bart. So, this is a fairly final first draft. What we haven't gotten clarification yet from Bart is whether or not he feels it's good to go to their GSC and ccNSO to review but we, as staff supporting you all, thought it would still be worthwhile for this drafting team to take a look at these guidelines as well, particularly in the context of the internal guidelines that we just reviews because these would be conceived to follow that section 4.0.

David notes that there's a call on June 3<sup>rd</sup>. Our hope was that these would be able to be put on the [ccNSO, GNSO] agenda for that call on Monday and we don't have confirmation on that from Bart. So, Heather, I'm not sure if it's worth spending time going through this document now or not. I don't anticipate it would

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change greatly based on any comments that Bart might have. I'll pause there and seek your guidance.

HEATHER FORREST: Thanks, Julie. Look, I'm inclined to say if you are willing to just give us a quick overview, like five minutes of what's in this document ... So, we're looking at the introduction because I think we're looking at Ariel and Julie's screen, or your screen. Just show us what's in this that the ccNSO will have to consider and then I think we'll come back to the substance once they have done that and have any comments. Thanks.

JULIE HEDLUND: Thanks. Happy to do that quickly. Again, in the introduction, there's just a redux of the text from the bylaws as far as what the ccNSO and GNSO are expected to do, and particularly with respect to 3 where first there are the internal processes where they've considered the outcomes from the two processes and then there's also the conducting meaningful consultation that the ccNSO and GNSO would do. So, let's get through the introduction.

What we were suggesting – and I mean we along with Bart and the ccNSO support staff – is that as soon as the ccNSO and GNSO Councils are informed by the CSC about a performance issue – so back to what I had mentioned before – then that would be the time to establish the special – and I see that's a typo. Special IFR initiation coordination team. So, right at the outset.

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And even though the GNSO ... The suggestion is even though the GNSO Council would not have gone through the GIP, the idea is that we would want a coordination team that would be able to hit the ground running very quickly as soon as the council has come to its decision via the GIP and the ccNSO has come to its decision via its own internal process. If it turns out that the issue—

HEATHER FORREST: Julie, we just lost you.

JULIE HEDLUND: Special IFR coordination team can stand down. But the idea is that for the purpose of speed. Sorry, I see that I was dropped. So, for the purpose of speed we're suggesting that this coordination team be set up as quickly as possible but it can stand down if it turns out that the issue is resolved, so it's important to start very quickly, as David is mentioning.

So, then there's the initiation of the joint consultation. So, the GNSO will have completed its internal process and the GNSO chair will have been provided the ccNSO chair with the input from that process. Here I [note] a deviation from what we say in our internal procedures where we're having the GNSO report out as opposed to the GNSO [audio cut]. And then vice-versa. The ccNSO chair would also provide input. I see that I've been lost again. I apologize. I'm sorry. I'm okay now? Alright. So, really just that I think 5.3 is fairly self-explanatory.

Going to 5.4, echoing 18.12A3. The [SICT] will have to gather those statements from supporting organizations and advisory



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committees. This is the point of difference that we noted from the GIP that this piece needs to be conducted jointly by the ccNSO and GNSO. So there would be a call for input. And there's some suggested timing there.

Moving on to the next, 5.5. Again, following the bylaws. In the next section, there will have to be a decision whether or not to conduct a public comment period. Then moving on to 5.6. Then there's developing the joint recommendation. So there are taking into consideration the inputs from GNSO and ccNSO's internal procedures, input from SOs and ACs and inputs from the public forum if any, if [inaudible]. [SICT] will analyze those inputs and then issuing a joint statement if reconciled or not. If not reconciled, then basically it ends there. There will be no vote or no ccNSO-GNSO vote. If it is reconciled, then we move on to votes according to each procedure. And this is actually language that comes from also from the bylaws, that it must be – the ccNSO procedures, two-third of the council members, and a GNSO supermajority. Then indicating what happens if approved or not and a statement resulting from that. If both approved, then a joint statement indicating such. And I'm stopping, not being lost.

HEATHER FORREST:

Thanks, Julie. That was helpful. So, fairly straightforward process. While you were taking us through that, we've noted in the chat that the actual bylaws language that requires this is pretty difficult to understand. Certainly, the ccNSO has grave concerns about what ... I think that if I walked away from that conversation that we had with the [GRC] in their meeting that we were invited to, that was their overarching concern was what on Earth does

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meaningful consultation mean? Hence, I think this is a good example of ICANN [inaudible] fairly common words from the English language, and then in this context, have a great difficulty with understanding what they mean and then spend a great deal of time drafting processes to tell us what they actually mean.

I think this is a good start. Let's see what the ccNSO says. I'm not inclined to say that we should pick things apart at this stage. Staff put this together. The GNSO and ccNSO staff. Let's see what happens on their side and then we'll come back to this but I'm not inclined that ... I'm not thinking that it's the best idea for us to sit here and pick these apart now until we've seen what they have had to say. But that said, anyone have any comments, questions, concerns about this, about what I've suggested in terms of how we calculate. David, please?

DAVID MCAULEY:

Thank you, Heather. I don't have a comment or concern but if anyone else does, please note it in the chat or now so that I could be informed with it when I get together with [inaudible] review committee this coming Monday. I'm not sure it's going to be on the agenda but it probably will and if we have concerns – if anyone has concerns, I'd sure like to hear them and know about them and have them in my back pocket during that call. Thanks.

HEATHER FORREST:

Thanks, David. The flipside for you, could you let us know, David, if that is or is not on the agenda? When you get your agenda, could you just post on our list to say either it is or it isn't. I think

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there's probably an action for us if it isn't. We're going to have to consider the broader implications on our timeline and so on. [inaudible] do that. Thank you. And Julie is going to check from staff as well.

With the eight minutes that we have left, what I suggest we do, I think we need to have a little bit of a chat about next steps, rather than jump right into the next agenda item. So, if we can go back to the agenda slide, I think that would be helpful. You can see we have two final work items on our overall work plan. That's the approval action for community forum and the petition process for rejection action and community forum.

Having in mind the fact that the link to those weren't functional until just before the call, what I would suggest that we do is maybe take a quick look at 1.3. It's the one that's not crazy [inaudible] missing links exactly. I'm afraid to say we are the missing links, David, but you're much too useful to the whole operation so I wouldn't call you a missing link.

So, I think what we do is we need to have a quick look at 1.3. The reason I suggest 1.3 is it is pretty controversial I think. Of all the things that we've dealt with, this one is not a brain exploder.

Before we do that, what I want to suggest is we are going to have to go back to our work plan which we have agreed on and periodically updated and which Ariel changed the format of to something much more useful. Go ahead and click on that. I can see we're poised there. Thank you very much.

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So, we are behind our timeline but we knew we would be because of the interaction with the ccNSO and that's why I've suggested that if David and staff can tell us if that thing isn't on the agenda, it's going to push us out even further than we already are. I do not think we're going to be in a position to make the June document deadline. I personally am of the view that we should send the whole package of our work to the council at one go, rather than drips and drabs. I don't think it's going to be easy enough for them to follow and piece together if we send in [two hits].

So, what that suggests to me is if that is the approach we take, we need to revise this [inaudible] timeline, this work plan, to anticipate that we're probably looking at July, maybe even August. We need to sit down, have a think about. David said he thinks the 1812 stuff will be on the ccNSO agenda, which would be helpful. Even so, once they've had a look at it, if they have any changes, we might have some back and forth. So, I anticipate we could actually have one more substantive meeting on 18.12 and then turn our attention to 1.3 and 2.2, 2.3. Is everybody comfortable with that? Is everybody comfortable with the fact that we need to revise the work plan? I know it's not optimal but we have certainly [inaudible]. What I think we need to do is update council that we will not meet our original timeline. We're not going to blow it hugely but that council should not anticipate receiving our full package in time for June. David [inaudible] like the idea of delivering it in one go, unless the council has a particular interest in one process.

As I understand it, David, the expectation is that we simply deliver on the work and there's nothing urgent. Staff will correct me if I'm

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wrong but I think there's nothing burning. I guess council already [inaudible]. It wasn't my intention that we get stuck with that. Look, nobody would fault us. We've clearly been diligent. We've been following our work plan and I think [inaudible] for the ccNSO dependency we would have been much closer to the timeline. So, [inaudible] ccNSO doesn't work in our fortnightly schedule, probably [inaudible] in terms of that. Well done, Tatiana.

I see no screaming objections to, yes, let's try and push this through and get it done for June which I don't think is super possible. Julie, Ariel, can you show us when our next meeting is?

JULIE HEDLUND:

Thank you. This is Julie Hedlund. So, we don't have one scheduled at the moment. If we do, our usual two-week rotation would fall on June 12<sup>th</sup>.

HEATHER FORREST:

Got it. Of course. We don't have one in there because we anticipated being done. That makes perfect sense. So, the 12<sup>th</sup> would be our next meeting and then we would not have another meeting after that because of ICANN 65 and it would be during ICANN 65 and it's much too late to put that into the schedule.

So, what I suggest we do then is I'm happy to work with staff to revise our work plan accordingly, and what we might do is let's go ahead and schedule the meeting, Julie, for the 12<sup>th</sup>. And in the meantime, Julie and Julie, if we could send around a calendar invite for that, that would be great because you see what happens

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when I send a calendar invite. I want us to meet for a day-and-a-half.

Let's also wait until we have the confirmation from the ccNSO that 18.12 is on their agenda because that's going to help us significantly in terms of our work plan rather than draft up two work plans. So, once we have confirmation on their agenda, then we can go ahead, we'll put that to the group. At the same time, I suggest we put it to council, so that council is aware of what we're doing and we will continue accordingly.

It means we haven't gotten to a time ... We haven't gotten into a position where we can review that 3.1 and 2.2 today, but that's okay, because given that we haven't been able to use the links. Julie, over to you for the final word for today.

JULIE BISLAND:

Thank you. Just a quick question. Do we still want to have time for a brief update to the GNSO Council at ICANN 65, even if it's just to point out where we are in the work plan? I think we'll have notified them prior to that. I put in that request, so we can have that time if we want it.

HEATHER FORREST:

Thanks, Julie. I think we're at council's disposal. I think that should be considered by council in conjunction with our update of the timeline to say we're not going to be ready to ... I think the initial thinking was that we could be at the council meeting to explain the package once the package had gone. We were trying to meet the June document deadline and I could speak to them. If the council

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wants that, that's fine, a general update. However, I would suggest that council's time in a face-to-face meeting is probably pretty valuable and just to get an update from us that says "please see the timeline" maybe isn't the best use of their time. If they disagree, entirely fine. I'm more than happy to speak to the council meeting. But otherwise I would anticipate that we let them devote their time to what they think is most important and will definitely plan on attending the council meeting by teleconference when this thing actually gets put on the table, when the package gets put on the table.

So, if secretary could handle that, Julie, to talk to council leadership and express much more cleanly than what I've just said, express that point, I think their time is probably better spent elsewhere. But if somebody wants it, then great, no problem.

JULIE BISLAND:

Thanks, Heather. Just to note – sorry to go over time. But my understanding is the council's schedule is already very full and I think their preference would be that if it's just an update that it be conveyed otherwise than on taking time at ICANN 65. So I think they would be amendable to some other type of update.

HEATHER FORREST:

Super sensible, Julie, on their part. Great. Thank you. Alright, any final comments, questions, concerns for today? We'll follow-up offline any remaining points to be discussed today with the work plan and going forward. David, good luck to you and the GRC on Monday. Anything fascinating that you learn, let us know. And a

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very happy whatever it is in your part of the world, rest of Wednesday or rest of Thursday. Thanks very much to staff for all their hard work. Have a good day, everyone. Bye now.

JULIE BISLAND: Great. Thanks, everyone. And thanks so much, Heather, again.

**[END OF TRANSCRIPTION]**