
MONTREAL – ccNSO: Council Preparatory Meeting
Sunday, November 3, 2019 – 12:15 to 13:15 EDT
ICANN66 | Montréal, Canada

KATRINA SATAKI:

Okay, dear councilors, I think we'll start because we have one hour for our discussion. Thank you again, once more, for your active participation and the discussions during the council workshop. So, what we have to do now, now we have to go through first the agenda for Wednesday, and then of course, our bilateral meetings with other communities.

And actually, our joint meetings start today. We have a joint meeting with ALAC at a quarter past three. I believe that some of you, who are members of the SOPC working group will not be able to join and that's fine; please participate in the SOPC workshop. For this meeting with ALAC we have information on the ccTLDs.

Several years ago, we did this onboarding where we explained what ccTLDs are all about, what is ccNSO, and so on. And now, apparently there are many new ALAC members, so they asked to do it once more. You know everything about ccTLDs, therefore, if you are members of SOPC or are interested in the workshop, please participate in the workshop. I'm sure that we will cover the meeting with ALAC. I would really appreciate it if someone from the council would come with me, but -- yep, Alejandra.

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ALEJANDRA REYNOSO: Just a quick note that it is also the TLD-OPS workshop and I will be joining that one.

KATRINA SATAKI: True. So, I would be happy for your support during the ALAC meeting, but if you can't make it, I will do my best to cover for everyone. But initially it was, sorry for this, but the meeting with ALAC was scheduled after those events, but unfortunately due to some conflicting events, they asked us to move it to earlier. Thank you for understanding.

Another thing, we have tomorrow, we have a lunch meeting with the GNSO council and there is a list of interesting topics that we're going to discuss. And one of the things that we need to cover is the joint consultation, procedure for joint consultation. In those cases, when we need to initiate special INF review. I have a presentation just to remind you what it's all about. Thank you. Not that simple. Thank you.

Okay, so, as you may remember, bylaws, Article 18 of the bylaws, they have mentioned IANA function reviews, IANA naming function reviews, periodic reviews, and another one is special IFRs. They both are caused by the board and they are both carried out by an IANA function review team. This is the one where we need two ccNSO members and one non-member and where we have this bylaw change, which we discussed earlier today during the community forum.

Periodic IFRs, they have to be carried out no less frequently than every five years. Expected duration is approximately one year. They are

clearly defined in the ICANN bylaws and calls for nominations are launched by ICANN org. This is something that the slide from one of the presentations made to the ccNSO community more than a year ago.

There is a clearly defined scope for periodic IFRs. Here you can see the scope, but in case of special IFRs, and what is the problem with special IFRs, is that if there is a problem, something that we don't see any problem with PTI performance, and for that we have another structure, the customer standing committee. They have clear remedial action procedures and if they notice a failure in PTI performance they have three steps of escalation, how they escalate the process. So, first they talk to the PTI director, if that does not help, they escalate it to the ICANN CEO, and if that does not resolve the issue, then the third step is escalation to the ICANN Board of Directors.

What is important to note here is that, well, actually two things. One thing is that, I believe, if CSC starts this remedial action procedure, this is a really grave issue, something that is really very bad and needs to be fixed. And if all these three steps fail to solve the issue, then it's really, really, really bad. But what to do if all, even ICANN board of directors, fail to solve the issue?

Well, in that case we have something special and that is a special IFR, special IFR in the bylaws. They can be initiated; we don't have to wait for another five years to start investigating the issue and try and find a solution. So, special IFR may be initiated outside of this cycle, this five-year cycle. And the idea of the special IFR, they do not look at all

those issues that are in scope of the usual, just IFR. They follow the same procedure, they have the same requirements, but the scope is focused on this PTI performance issue, on that particular thing that all those three steps of escalation failed to resolve. And each recommendation must address the PTI performance issue.

They also do not look at any other information. But to launch a special IFR we need -- the launch of the special IFR needs to be approved by both a supermajority of the ccNSO council and a supermajority, the bylaws say GNSO, but GNSO itself does not vote, so it's GNSO council.

Additionally, we, that's a requirement in the bylaws, we have to review both, GNSO and ccNSO, have to review the outcome of the remedial action procedures, all those three steps. We have to conduct meaningful consultation with other SO/ACs. What's meaningful is not explained in the bylaws, but this is something that needs to be done.

And then we have to consider whether to request a public comment period or not. A public comment period, if we decide to request it, in that case it's something that falls into the -- this same public comment period, as any other public comment period, many days, reviews, and everything. It's clear that we need to address it together with the GNSO council, although it's nothing we can do on our own. Therefore, GRC, together with GNSO drafting team, and actually the GNSO drafting team did the first draft, so I'd like to thank them very much for this initiative.

So, what we do, according to this joint consultation procedure, we form a so-called special IFR coordination team. And the moment CNC starts the third escalation step, which means that two previous ones failed to address the issue, they inform -- well, I'm sure they would inform community even before those three escalation steps. But when they start this third one, the idea is that they inform ccNSO and GSNO and we can start, basically, discussing and probably even reaching out to others.

And this joint consultation guideline foresees that we have a special IFR coordination team, in which we have three members from each council. So, chairs are there by default and both chairs of both councils are co-chairs of this SICT, another acronym to be added to our glossary, and two councilors. What they do: basically, they do three fundamental things.

One, is, they coordinate activities, then we go back to our own silos, we follow our internal procedures, we do round discussions, and everything. And then we come back to this SICT and the idea is, when SICT is informed, then we consider that both councils are informed. So, we don't do too much, you know, we inform you, you inform us. We communicate via this body, SICT.

And the third one is synchronized communications. What we do is we issue joint statements, for example, we issue a joint statement that, after the third escalation step failed, to correct the issue, we start this joint communication, we inform the community that we started joint communications, we reach out to other SO/ACs, ask for their opinion,

and so on and so on. Coordination is done by SICT. We have three major steps in our deliberations.

First, we review the outcome, we think whether we need comments, public comment period, and then we have a final vote. The first review, we do it in silos, public comments -- yeah, we think about it in silos and come together if one of the bodies asks for a public comment period then we go for public comment period. And finally, again we go to our own silos, according to our internal procedures, we do the final vote on the recommendation. So, the process is not the simplest one, like it may not be as complicated as the rejection action or approval action procedure, nevertheless, it's pretty complicated. It requires a lot of communication between the two, that's why we need this joint guideline.

And according to this guideline, we have two timelines. One is if there's no public comment period, in that case this joint consultation process will take 72 days, and that's on top of those three escalation steps, please note. But if we ask for a public comment period, the process would extend to 136 days. Again, this outstanding issue with PTI is still there, not resolved. Of course, if, miraculously, it gets resolved in the middle of the process, we close down the process, we do not continue with everything, "Thank you, the process has been complete."

And at the end of this, when we have this final vote, in order to launch the special IFR, or to ask, we initiate and the board has to cause it, both councils need to support, and that's in the bylaws, you saw it in

the beginning. In the bylaws, “Both councils must say ‘Yes, we support special IFR.’”

That’s about the guideline, the process, what you’re going to have on Monday during our meeting with the GNSO council. They are ready to approve it. We are not ready because we still have our internal procedure, we have to send it to the council, we have to send it to the community, and again it’s reviewed by council and if there are any changes suggested, that would be supported by the council. Then, we need to reach out to GNSO and say, “Okay, sorry, but we have these proposed changes to hopefully improve the guideline.”

Nevertheless, the idea is that on Monday we symbolically, both councils, symbolically say that, really symbolically, because our internal process is not over yet. We symbolically say, “Yes, we support,” and GNSO council will move forward to approving it and we will move forward with our process. So, are there any questions? Yes, Ajay?

AJAY DATA:

What if, in our internal process, we were to approve a special IFR and we symbolically said yes already?

KATRINA SATAKI:

Well, as I said, in that case, well, first we’ll review the proposed changes. If they are substantial, then we have an issue, then we’ll have to discuss it with the GNSO. If they are just an editorial or

something, in that case probably we will just have to move forward with the current version, because, yes it requires too much effort of coordination. This is the case when we will need to compromise, if it's possible.

Of course, I would love to redo the entire process, because I think 136 days is unreasonable if there is really an issue that needs to be resolved. Actually, one of the questions that we're asking the board is, are they ready and what are their internal procedures to deal with requests from CSC. Yes, Pablo?

PABLO RODRIGUEZ: Regarding the length of the process, when there is a comment period, is there any way that that comment period can be shortened, because it seems to be 64 days, which is almost as long as the outcome period.

KATRINA SATAKI: As I said, bylaws say that this public, if we agree to request this comment period, it has to be according to ICANN procedures, and ICANN procedures for public comment periods are, yep.

BART BOSWINKEL: Maybe less, in principle 40 days and then you need to go check whether there are comments, you need to produce a staff report with a summary, and then you go into the discussion of the results. So, this is more the total duration of that, say, public comment process.

KATRINA SATAKI: From reading the bylaws and thinking about the process, again it's purely theoretical, because we have never done that in practice and hopefully, we'll never have to. I think that the recommendation, final recommendation, from the SICT, that we would vote and it would be, "Yes, launch it," or "No, don't launch it." It won't be a very long -- "Launch it if..." At least I see it as yes or no and in deciding whether yes or no, they should take into account that meaningful consultation done prior to this draft recommendation. But again, if one of the bodies requests it, we'll have to go for public comments, period. Any other questions? Yes, Young Eum?

YOUNG EUM LEE: In the beginning you said that the IFRs and the SIFRs are, was it launched, or?

KATRINA SATAKI: They are caused by the board.

YOUNG EUM LEE: Caused by the board.

KATRINA SATAKI: That's the wording in the bylaws.

YOUNG EUM LEE: Yeah. Is there any clarification in the rare case, but the possible case of the board not launching or causing the IFR or the special IFR?

KATRINA SATAKI: Well, if both councils say that we want a specialized IFR and the board says, “No, we’re not going to cause it.” I don’t know, I think that’s a reason to spill the board, and we have that power, again, in the bylaws. One of the recommendations coming out of the special IANA function review could be, for example, this PTI separation thing. They could recommend to move to another, but again, this is purely theoretical, hopefully never would happen, and there are currently no indications that they are going to fail. It’s like, according to all monthly reports, they’re doing very well. Any other questions?

We have the guideline, we could all read it. Again, it’s not very simple, but that’s what it is. Okay, so we symbolically say, “Yes, let’s move forward with it,” they approve it, we wait for three or four weeks. Okay, thank you.

Other things that we have; coordination and policy development efforts pertaining to IDNs. We will tell them about our plans, I hope you all saw that we received a response from the ICANN board. So, yes, they agree with our suggestion, which means that, maybe not at this meeting, but in December we could start this ccPDP 4. Auction proceeds, yes, this is something that, it looks like they have spent all the money from auction proceeds already, but, okay, that’s not the case. But Stephen, any comments on that?

STEPHEN DEERHAKE: Co-chair [inaudible] is doing a superb job of herding a large group of cats and kittens. They actually are making some progress. They're getting close, actually. There was a bit of a hiccup in the last call because several members of the group woke up and said, "Wait a minute. This is not what we wanted." I said, "Well, actually, it's what you guys agreed to." I think we should see something out of that, probably within the next two months. There is a meeting here on Wednesday, I don't remember when, and I don't quite remember where, and I'll probably attend at least part of that and I'll have a better update after that.

KATRINA SATAKI: In Montreal?

STEPHEN DEERHAKE: They're supposed to have a face-to-face, but the schedule's been pretty dynamic, on the list. They've been -- They cancelled one call and I think Joke might be able to give the actual skinny on that, because she's been doing seriously heavy lifting to try and document the insanity.

JOKE BRAEKEN: So, the auction proceeds working group is having its meeting on Wednesday afternoon at the same time as when we have the council meeting. They also have an update at 14:15 today, to the GAC. And

actually, what the current status is, is that group has reviewed all the input that they received on the initial report and now they are finalizing the proposed final report. The key remaining issue is, we need a recommendation of the mechanisms or mechanism for the funds allocation.

So, the group has also received some addition input from ICANN org and from the board, which is currently under review, this input. And post-ICANN66, the auction proceeds working group will launch a survey among the members of the auction proceeds group on the possible mechanisms, and then there will also be an additional public comment on the areas where there have been substantial changes with respect to the previous version of the report. So, the next step will be finalizing this internal review, launching a survey, and going out one more time for public comment.

STEPHEN DEERHAKE: Thank you, Joke.

KATRINA SATAKI: Yes, thank you. So, when I hear that they are very close to finalizing it, I'm not particularly optimistic, because I keep hearing this --

STEPHEN DEERHAKE: They're close to getting yet another iteration out the door. When they actually can decide on something, get ICANN org/board buy-in and

start distributing money via whatever mechanism they agree on, I would guess is probably your way.

KATRINA SATAKI: Yes, it sounds like that, yeah. Okay. Thank you, but actually I've heard there's one request to review the activity of appointed members to this group, not just, I think, it's not directed at ccNSO only, maybe other groups also lost their momentum because it's been dragging for too long.

STEPHEN DEERHAKE: It makes the retirement working group look speedy.

KATRINA SATAKI: Well, it certainly does. Yes? So, we might be requested to look at that. Okay. Evolution of the multistakeholder model. And when this agenda was compiled, we didn't know about the email, I forwarded it to the council list last week. Or, no, was it this week? Yeah, it was this week. There had been some more clarity around that, so, unfortunately, the wording used in the email -- it was unfortunate, let's say.

It's not that we would be tasked to take the lead, when talking about scoping, it's that this would be a proposal. A proposal that will be shown to the community on Thursday. As far as I know, no one has seen the report yet, and with all those assignments, including the board, they haven't seen it either. So, my understanding is that at

least some people on the board will request this report to be sent to the community prior to the session on Thursday.

I don't know if that will be helpful, because we have a full day of meetings. I don't know how long the document is, but it would require thorough reading. This is the thing I wanted to discuss with you, there was some initial comments from some councilors, I will have a meeting with Brian. As I said, I would like to talk to the council first, so I need your guidance as to what we are going to say. Yes? Stephen.

STEPHEN DEERHAKE:

I'm not sure what you would say, but I would strongly suggest that the approach the council takes, with respect to this particular initiative, is one of delay. And I say that based on a conversation I had with someone well placed, with respect to knowledge of this, and frankly, the whole thing may go away. And I don't think, until we see whether it's got traction, and legs, and longevity, we should devote very much to it. So, my suggestion would be that we come back to him and ask him for clarification of what he means, because I sure didn't understand what he was talking about.

KATRINA SATAKI:

Well, you're not the only one. And apparently, until we see the document, I can't comment on anything. Anyone else? Jordan?

JORDAN CARTER: Just that it's difficult to really know what we should say until we know what's in it. So, I think you'd be entitled, with Brian, just to be curious.

KATRINA SATAKI: Well, I think the idea is, if they're going to present, Brian's obviously going to present the idea, suggest the groups take the lead on those specific topics. Maybe they expect those specific groups to get up during this session and say, "Yes, we're ready to do that," or "No, we're not ready to do that." My guess is as good as yours. I will tell him that we would definitely need more information on this and before we see the essence of what it's all about, the report, all those dependencies, and apparently there are some dependencies. So, we can't say anything, we can't say yes, we can't say no, it just really requires more information. Alejandra?

ALEJANDRA REYNOSO: Yes. Thank you, Katrina. That was my line of thought, you can not foresee what's in this document, and it would not be very wise to make any decisions with a surprise document. So, in the event that these questions arise, as in, what can you commit to, I would advise to say, "I need to go back to my community and ask them." Get some feedback.

KATRINA SATAKI: And even if we receive the document today or tomorrow, the time is too short for us to read it carefully and to discuss everything. Yep.

Okay. Thank you. Thank you for your guidance. I understood the idea. Bart, anything you'd...?

BART BOSWINKEL: Excuse me, it's also part of your meeting with the GNSO and the ccNSO council, so maybe that's some messaging you can take to the GNSO council as well.

KATRINA SATAKI: Yep. Sure. It's, as I said, it's here on the list of topics. Yeah, we're also going to ask them to actively approve and support the change to the fundamental bylaws that we are proposing.

BART BOSWINKEL: It's part of the question from the board as well. If you look at the three topics, the strategic plan, the five-year operational plan, and this multistakeholder evolution, stakeholder model, and your views on that. I think that's a very good forum to explain your concerns as well.

KATRINA SATAKI: Thank you. And this is what we have in front of us. Next is the joint meeting with the board. Topics chosen by the board are, strategic plan, five-year operating and financial plan, and work plan for improving the effectiveness of ICANN's multistakeholder model, new vision, new strategic objectives. This is something that they will want

to discuss, here I strongly rely on members of our SOPC group, especially Giovanni. So, if there are any questions that -- more specific questions, I hope you will jump in.

Actually, in addition to this, there's one thing, there were actually two things I wanted to mention. If you remember, I shared with you this idea of -- what was the name of this fund? Flexibility fund. So miraculously, ICANN found \$1 million that they wanted SO/AC chairs to develop a document, or propose a procedure, how to evaluate the projects that would want to get money. But remembering the struggle the auction proceeds working group had, I said, "No. There's no way we could do that by the end of the year, and probably we shouldn't be doing that because it would spend even more money than there is."

So, now we have a new version of the proposal, the money's still there, it's still on the table, and I will forward the current proposal. The current proposal is that we would reach out to our community and if there are some good projects -- the proposal does not speak so much about the essence of those projects, but I would say those projects need to be for the benefit of the community. And in this case, we need to get those proposals onboard and forward to the policy team and they would ask other communities, if other communities do not object to the proposal, those proposals could be funded. But I will send the document to you, you will read it for yourself.

And another thing in connection to the strategic plan, one of the ideas is for SO/AC chairs plus one to have a face-to-face meeting at least once a year, and the upcoming would be in L.A. at the end of January

to talk, or to discuss, things face-to-face to, maybe, deal more with exec. team of ICANN and some board members, because this is an issue between SO/AC chairs that we meet once prior to the ICANN meeting, usually on Fridays and we briefly share what's hot for our communities, but we don't do much of exchange between those meetings. We do have regular, monthly calls scheduled, but sometimes we don't have many topics to discuss, no urgent topics, let's say.

There are always topics to discuss, but if they are not urgent topics to discuss, then we just do not schedule those calls. So, the idea here is to bring more of those SO/AC chairs plus one together and if there is some good output from those discussions, we could bring them back to the communities and actually, before we go to those, also have input from the communities. Those are some new things just for you to know. Yeah, so, topics that we had submitted to the board, the first one was complex processes and the question is, if they have some internal procedures to deal with the urgent issues and if they have any suggestions to the community.

Question number two, that's about those priorities, it came from Giovanni, I hope you will also be able to participate in the discussions. And question number three, it was submitted by Peter, he left, but Peter, also, hopefully will be in the room. Question four, it was optional, we have received the response, so there is no question four. Then, GAC, there is this ccNSO onboarding session with GAC. We do not have a bilateral meeting with ccNSO, although with GAC, but there will be an onboarding on PDP and Stephen and Eberhard will be there.

Okay. I have already discussed the multistakeholder model session, Q and A with ICANN org, we haven't submitted any questions, but we can ask, if anyone has questions of the exit team, we can ask from the floor, if you're there in the room.

Okay. That's about our bilateral meetings, then we have the draft council agenda. Very quickly, consent agenda, intermeeting decisions, we're asked by the meeting program committee to appoint Barbara as the new chair of the MPC because, as you know, after this meeting, Alejandra will be unfortunately stepping down, but I'm sure that Barbara will wave the flag as efficiently as Alejandra did and will bring new ideas.

Well, it always happens with new chairs, they bring new ideas and I think that's a really great thing and one of the reasons why we should consider those term limits everywhere. Approval of IANA naming function SLA change, support of fundamental bylaw change, again we have to support the change we initiated and asked. It would be nice if we didn't. Yes, Stephen?

STEPHEN DEERHAKE: I assume that will be a formal resolution?

KATRINA SATAKI: Absolutely, formal, and it's a very short notice that we're forwarding to ECA, just saying that, "Yes, we are in favor. We support the change." Update on PDP 3 will be taken from the meeting. Other updates, I

think we already did updates, at least from chair. Anything from vice-chairs, again, during the meeting.

Updates from working groups, and you probably have noticed, some working groups have submitted written updates, GRC for example. We have a written update, we don't give a presentation during members meeting days, all to save time, and if they're not controversial issues that need to be discussed, we can provide a written update. Yes, same with liaisons. There will be an update from ATRT3, I hope it -- It's actually going to be very interesting, so please be in the room during that update.

Again, update next steps, IFRT. Update from the board seat elimination process, so that will be, again, we have Q and A, please don't forget we have Q and A with our candidates and the same with candidates to the council. General agenda, we'll need to discuss the IDN ccTLDs policy. Again, decisions if any results from ccNSO council workshop, we have to summarize, I hope we'll have time to summarize that for members meeting and for our council meeting and other things. Any questions? We still have 15 minutes. Maybe we should give our SOPC members some opportunity to freshen up a little bit. No, no, no. Then, Botox injections? Yes, Alejandra?

ALEJANDRA REYNOSO: Yes. Thank you. Just a comment that I got invited for an ITP feedback session, and yes, ITP's information transparency platform feedback session. They are renewing the ICANN website and they wanted some

feedback from the community, and besides that, I will send a link where you can all look at it. If you have any recommendations and ideas, please take that opportunity to say, “We need a new ccNSO website,” and I pushed it as hard as possible and we are in their minds, so.

KATRINA SATAKI:

Thank you. When Alejandra gets firm, it means we really need a new website and I completely agree. Any other updates from councilors?

No? If not, then thank you very much. I hope we are prepared and see you around.

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