## 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 10, April 2019 at 2100 UTC

Note: Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record.  The audio is also available at:
https://gnso.icann.org/sites/default/files/policy/2019/audio/audio-gnso-bylaws-10apr19.mp3
[gnso.icann.org]

Adobe Connect Recording:  https://participate.icann.org/p22fu4qvp9c/
Attendance is on the wiki page: https://community.icann.org/x/fhhlBg

The recordings and transcriptions of the calls are posted on the GNSO Master Calendar page:
https://gnso.icann.org/en/group-activities/calendar

Coordinator:     The recording is started. You may now proceed.

Julie Bisland:     Okay great. Thank you. Well good morning, good afternoon and good evening everyone. Welcome to the GNSO Drafting Team call on Wednesday the 10th of April, 2019 at 2100 UTC. In the interest of time, there will be no roll call. Attendance will be taken via the Adobe Connect room. And I know we have no one currently only on the audio bridge so we'll skip that.

I just want to remind all to please state your name before speaking for transcription purposes and please keep your phones and microphones on mute when not speaking to avoid background noise. With this I will turn it back over to Heather Forrest. You can begin, Heather.

Heather Forrest:     Thanks, Julie. And hello to everyone. Good morning or good afternoon or whatever it is where you are. It's 7:00 am here in Tasmania. I am a little bit concerned, I've just pinged staff in the background to say I'm a little bit concerned that we don't have representatives from the ISPs, we don't have representatives from the NCSG and I think that's a less than optimal situation. And it looks like we're missing a fair few of our members.

So I have reached out to folks but I haven't heard really definitive responses back. We did get a note from Erika to note that because of the conflict and the timing of this call on ATRT 3 it was unlikely that she would be able to join too many of our calls so I very much appreciate Erika pointing that out, in case that any of our other members have a conflict with ATRT 3. So we need to do a little bit more digging here. And I think we might need to consider, Julie B and Julie H, doing a new Doodle for a time - a day and a time - just to see if that's enough to trigger folks to say, you know, oh by the way I have a conflict.

I'm just concerned that we get to the end of this process and we haven't had an opportunity you know, a proper opportunity for all of the various communities to be involved. I note we do have apologies today from both Erika and Sara. David, Maxim, Steve, we have two things on our agenda, two substantive things on our agenda. Let's do a call for updates to SOIs and then I'll make a few thoughts on those two substantive items. Anybody have any updates to their SOI? David says "no" in the chat. Thanks, David. And no other hands. No one's shouting. Okay.

So you see the way that the agenda is set out, very much - oh Steve, go ahead, Steve.

Steve DelBianco:   Yes, just - it's a quick one Heather. The four people that we have on this group on the call can have a very substantive discussion of the agenda items. I wouldn't worry if others have been unable to join the call because they'll have an opportunity to comment even via email before anything is approved

and finalized. So let's not worry. We have four people here that understand the topic, that all participated in the IANA transition, let's press on. And I wouldn't try to reschedule the call just to accommodate folks because there are some who will not be able to get on the call if we change the time like Stephanie.

Heather Forrest: So that's fair, Steve, thanks. I appreciate your thoughts there. And Stephanie, brilliant to have you. I've only just started off the call saying I was a bit concerned that we didn't have anyone from the NCSG so that's great, you've alleviated that concern. And Steve, to your point, it is true that, you know, we're not doing anything in a single call and making any sort of definitive decisions, so I certainly take your point.

I was going to say in relation to - in relation to agenda item Number 3 really that's just a cleanup from the last call discussion. So we have down here update regarding approval of revised drafted guidelines templates for Section 4.2 and 4.3. And the point to be - the point to be making is that really David, this is just an opportunity for you. I know you've been super busy between - over the last two weeks between this call and our previous calls.

David, would it be helpful if we - and I'm only putting you on the spot because you have specialized knowledge here and thought you wanted to add anything. And Julie's noting in the chat just an update whether we've gotten any comments? No comments received thus far. Approval is due by COB tomorrow.

I wonder if the way to handle that then is just to put everyone on notice. Julie has recirculated the documents for 4.2 and 4.3 which we discussed in detail in our last call. And we came to a rough agreement. The last step in the process was, David, if you can have a very quick look at those and just make sure that the comments that you raised are in there. And David, with that, your hand is up so over to you.

David McAuley:     Thanks, Heather. I have been busy but I've also been away on vacation for a week which - and in a remote area where I thought - not able to stay in touch blessedly. I've looked at the changes. I have a couple minor comments and I recognize that this is to be done by tomorrow close of business. But if I could mention just a couple of things.

First of all thanks to Julie and staff for what they did on it. And so I'll just go ahead with some brief comments. The first is on - is brought up between pages 2 and 3 and we make reference to Annex D, Article 4, Section 4.2 for a community IRP, and then at the top of Page 3 we talk about 4.3, independent review process for covered ICANN actions. Both of those references are correct, but I think to an audience that's not familiar with the bylaws as respects IRP, it might be confusing.

And the reason I say that is the 4.3 that's mentioned at the top of Page 3 is actually Section 4.3 in the main body of the bylaws. And Annex D, Article 4, Section 4.2 on Page 2 is, as it says, in Annex D. And the interplay between 4.2 in Annex D, which is a community IRP, and 4.3 in the main body could be confusing. And so my recommendation here would be that we come up with some nomenclature that, you know, that talks - that highlights the fact that one is in Annex D and the other is in the main body of the bylaws. I can try and come up with some verbiage but - that's possibly a minor point.

The next thing I would suggest is also on Page 3, Paragraph 4 is headed by the phrase, "Advising the GNSO's representative on the empowered community administration." And in the first paragraph it says, "The process of developing and providing advice to the GNSO's representative on the empowered community administration - including whether to request a community IRP or become an IRP claimant falls within Operating Procedures."

Where it says "request, including whether to request a community IRP," I would suggest it say, "including whether to request or support a community

IRP," because one of the important things we'll be asked to do is whether we support somebody else - some other SO or AC's initiation. At the top of Page 4 there's language that says, "In the case of whether the GNSO should become an IRP, the motion shall include the following resolutions."

And this is addressing where the GNSO itself standing alone wants to bring an IRP irrespective of the empowered community, at least that's the way I read it. And I actually think that the use of the form later in the document for requesting an IRP, I forget where it is, I'm just sort of lost, would not be - would not be adequate; we would need something separate because there's things that - in the form that speak to whether we want to get involved in an empowered community action.

The one for whether the GNSO itself separately wants to bring an action I think should have a separate form and I'd be happy to work with Julie and others to draft it. And I think that's the end of my comments. Thank you.

Heather Forrest:     That's very helpful, David, thank you. Julie Hedlund, can I turn to you just very briefly, put you on the spot, what would be most helpful in terms of getting those comments in? Would it be helpful for - Julie, over to you before I suggest anything, what do you think we need to do?

Julie Hedlund:     Thanks. This is Julie Hedlund from staff. And I have to apologize the last comment you had, David, about the form, I assume you mean the reconsideration request form not being adequate to sort of the other GNSO action. I didn't quite capture that in my notes, so if you've got something that you could type in the chat that I could pick up that would be great. And I'm happy to help - to work with you separately as well.

The form itself of course is an ICANN Org form, so if we're talking about creating another form then I guess we're talking about one that we're creating for use of the GNSO. And since I'm confused I'm going to stop there because you have your hand up. Great. Thanks, David.

David McAuley:     Thank you, Julie. Gosh, I'm toggling between the phone and my - anyway it's - I was getting feedback there. Yes that's correct. The form for the - the one that you have in there is the ICANN form. With respect to the issue of whether and when the GNSO itself separately wants to bring an IRP, there is no form. The - an IRP is brought by a party against ICANN simply by filing a request for an IRP however that party wants to do it.

Usually they have legal representation but basically it's a letter to ICANN saying we are using - we are invoking and bringing a request to use the IRP pursuant to Section 4.3 of the bylaws against you for the following action or inaction that we allege was performed by the Board or by staff, etcetera, etcetera, make your claim. So there's really no form. I mean, they follow sort of however someone wants to plead their case.

There are certain things they have to state under the bylaws, they'd have to state that there was a violation of the bylaws or the articles, not simply some random bad act. But there are certain things they have to meet to sort of qualify jurisdictionally but there is no real form. And I could help on language. I can't do it now or tonight because I have an engagement tonight, but I can help on putting together some language. Thanks.

Heather Forrest:   Thanks, David. And thanks, Julie. Here's what I suggest, so Julie, you've I think made notes of the points that David has raised. And I think if we leave it to the two of you to coordinate at a time that works for David it might just be, Julie, that you capture in a draft, send to David, David has a look, adds anything further that he needs, and then it goes back to you, Julie. But I think we leave it to the two of you.

When you're done with that process we can circulate to the group and ensure that everyone understands what has been edited and we can then make a call for, you know, any questions and so on. And I would suggest then at that point we can put that piece behind us. Any questions, concerns, comments

about 4.2, 4.3 before we move on? Julie's typing. We'll give Julie a chance to type. Great, wonderful. Thanks, Julie. Thanks very much, David. That's fantastic. And Stephanie is typing, we'll make sure Stephanie is on board.

And in the meantime, Julie, if you could pull up for us the 1812 not overture but 1812 guidelines, that would be great. And Stephanie says her audio keeps cutting out. And Stephanie, I haven't and an audio problem either and David hasn't either so we'll leave Julie B to help Stephanie.

Okay, so what we have in front of us is the Section 1812, special IFRs, guidelines and motion template. The topic of discussion today that will kick us off is this question of whether the GNSO input process or GIP, because we all need another acronym in our lives, whether that GNSO input process is going to be satisfactory and sufficient in addressing the processes raised here. And I see David has a question in the chat. Steve has his hand up. Let's take Steve and then we'll see if we need to answer David's question as well. Steve, over to you.

Steve DelBianco: Thanks, Heather. I think David was sort of joking there with that question. So here's what I want to ask about, this GNSO input process we're about to turn to was something that while drafting and staff thought, hey, maybe this would work. Maybe this would work. But keep in mind that the GNSO input process, that five-page document that we turn to next, was written in June of 2015. I don't really know that provoked it to be written, but if you read the intro to it, it had to do with responding to a public comment forum or a request from the ICANN Board where it doesn't involve policy.

So I don't know for sure whether the input - the GIP was fit for purpose and for what purpose it was intended. And I tee this up before we get into that document because if we look at the GIP and discover that hey, I think it would probably work for these IANA function reviews, although we need to tweak it in a certain way. If we tweak the GIP in Annex 3, will we have undermined its usefulness for the purpose that it was designed for? So Julie, Marika, you've

been around long enough, what was the origin of coming up with GIP? And then I have a follow up.

Heather Forrest: Thanks, Steve. That's an excellent question. And Marika is typing into the chat so Marika, lucky you just joined us at exactly the right time. Are you able to speak, Marika, and bail us out on this one?

Marika Konings: Hi everyone. Just quickly connected my microphone. This is Marika. I have to dig deep in my memory now but that was one of the recommendations of the Policy and Implementation Working Group. And I think the idea behind it was to have a formal process by which input could be developed and approved by the GNSO Council.

I think there were, you know, a number of occasions that have happened where kind of ad hoc letters and statements were developed and I think especially in cases where then there was disagreement over those letters and statements I think as part of the Policy and Implementation Working Group there was the thought that what if there's a kind of more formal process that can be used so everyone is clear on the steps that are taken and, you know, the outcome of that so that, you know, we have something to be able to do with those kinds of requests.

I have to admit I think in practice it hasn't been used, although informally I think it has been used for indeed those cases where statement or comments have been developed. And usually the group has been able to kind of work that out in a way. But I think that was the original intent behind it to have something in place that the Council could invoke in those cases where either a public comment would be developed or kind of letter would need to be drafted in response to a request or information for input.

Steve DelBianco: Marika, and I wanted to note that in the entire GNSO Operating Procedures this GIP is never referenced as being something that is recommended to be used. The only reference to the GIP other than its own annex, is in the - a

little at the end of the Operating Procedures where staff has been good enough to note when and how the procedures were changed. So I have pasted into the chat is that, you know, on June - 24 of June, 2015 the Council adopted the GIP as outlined in the final recommendations.

And you're right, it came from the results of the Policy and Implementation Working Group, that's what your notes show. And the trick is that nowhere else in the entire Operating Procedures does it suggest that the GNSO should use the GIP there. So when you said it hasn't been used, it's obvious because there's nothing in our Operating Procedures that ever called for it to be used.

So if it is really an orphan we would have more freedom to make it more fit for the purpose of an IRF. And that is what I'm trying to establish now, whether we have to respect its use in other reasons, or treat it as an orphan process that we can amend.

Marika Konings: This is Marika. If I could maybe respond, I think one of the reasons why it doesn't appear in the Operating Procedures is that the GIP was kind of an add-on as a result of the Policy and Implementation work. And I don't think any consideration was given in great detail as to, you know, what the suggestion or recommendation or requirement.

And, you know, maybe that is something that needs to happen or, you know, as you said, maybe, you know, the fact that it hasn't been used in all these years, you know, demonstrate that well maybe it is not needed or, you know, maybe it's not needed here and more flexibility is required. I do want to note I think there is an upcoming review of the Policy and Implementation recommendations so I think that is something that definitely would need to be factored in.

But as said, I think that the original reason was to have something in place that in case of, you know, development of a statement or comment that there

would be a process that could be used and referenced if indeed be but I don't think it was ever intended to, you know, restrain or restrict the GNSO Council from, you know, doing things in a different way if that was deemed, you know, more suitable and, you know, agreed to by everyone.

Steve DelBianco: So my final thought on this is that if the GIP is an orphan and we can amend it, we should consider that we are only amending it and considering it for a single purpose, an IANA function review. Nowhere else is the GIP invoked. And in that regard we can custom design it to be appropriate for an IFR, which is what is in front of you on the screen right there, an IFR. And if that's the only thing it's ever used for, we can really customize it.

And if you later discovered that the old Annex 3 GIP was used for something else well then fine, we won't change it, we'll just create one for the IFR. And I say that because there's nothing about the way the GIP is written that really maps to the way in which we would do an IANA functions review. Now we've never done an IANA functions review at this level of detail, you know, upon a challenge, right? So I have a feeling that when an IANA function review comes up it's a pretty significant process that would be invoked and that has significant consequence.

So we should feel free, I think, to either copy paste or simply amend the GIP so that it really works for an IFR and it looks like we built it for purpose. That's really all I have. Thanks.

Heather Forrest: Thanks, Steve. And thanks very much, Marika, your timing was impeccable on that one. Let's remind ourselves I think before we go any further, what it is in fact that let's say let's clearly outline the problem. If you turn to I believe it's probably Page 2, yes, Page 2 headed Bylaws and Additional Proposed Steps, remember this sets out our work effort here, what it is that we're actually doing.

There is an excerpt there from Section 18.12 on special IFRs that describes what - let's say the scope of the action here. "A special IFR may be initiated outside of the cycle for periodic IFRs to address any deficiency, problem or other issues that has adversely affected PTI's performance under the IANA naming function contract and naming function SOW," statement of work. "Under the following conditions, 1, the remedial action has followed and failed to correct the issue; 2, the IANA problem resolution process has been followed and has not corrected the issue."

So what happens there let's say, the mechanism is already in place, has been implemented, they were not successful. Our note in the next column for A, there needs to be a process for conducting a review in either case 1 or 2 that we just identified. And then a consultation process developed with the ccNSO on whether to initiate the IFR.

The two tasks in front of us then, one, what is the process for the review that happens in relation to those cases 1 or 2? And two, how do we go about the business of consulting with the ccNSO? So this is really the two prongs of our work and what you see there in today's agenda, Point 1, the GNSO input process question; Point 2, coordination with the ccNSO.

I think now it would be helpful to turn to that GIP document, Julie H, if you would. Let's see that on the screen. And in light of all that's been said now and the thoughtful questions raised by Steve about what's the original purpose of this document, what can we do with it? Can we stylize this? Can we purpose this for the - for special IFRs?

What I understand from the discussion is that the GIP and the - in particular the comments that have been raised here in the chat just in the last few seconds, Marika is noting, correct, you cannot change the GIP but you could provide the flexibility for another type of process to be used if that's deemed to be better suited for this purpose."

I think what we want to do now, given that we understand the GIP is an unused slate at this point, it is an existing process that has not been used in a robust way, let's ask is there anything missing from this particular process irrespective of what's it called, GIP, let's leave the nomenclature aside, is there anything missing in this process that we would otherwise need in order to be able to conduct the review of those two situations where the existing mechanisms in relation to the IANA functions contract have not been successful?

As anyone noted in going through this GIP, is there anything here that you say well logically speaking something is missing? And Maxim is saying the language there is quite wild. Oh, so I think you're probably suggesting, Maxim, I don't want to put words in your mouth, that the language is fairly broad and it seems to suit just about any situation. Maxim is typing. We'll make sure I haven't misunderstood. Flexible, yes, fair enough. Yes, understood.

And I would agree on review of this, it seemed to me, and this is really, I think to Steve's point, there is quite a bit of flexibility here which makes it rather unclear exactly what this GIP is for. Steve, over to you.

Steve DelBianco: Pursuant to everything I said earlier, I would copy and paste the GIP and make it about a special IFR. And if you did that the introduction to it would explain what it's for, it would link back to the special IFR. And then in (unintelligible) of minimum requirements and planning I think we have to accommodate a different approach. It may not be a (drafting team) at all, it doesn't really fit. A working group, yes, I don't think so. And individual volunteers, I don't know either.

I have a feeling that what happened is Council would undertake a motion, they might ask staff to do an issues report to get some data, but they're likely to do a motion and that motion would be debated and significant - because they're making a motion to instruct our EC rep on a really sensitive topic

because a special IFR review means that ICANN is screwing up in the core competency of running in the IANA function.

And so we would be recommending a change to the way they do it, we might be recommending rebidding the IANA contract outside of ICANN. It's a broad range of things and we shouldn't assume it's going to fit within what you thought of as having a drafting team or working group. It may not be a team at all. And that is why Area 3 is - it really doesn't rise to the level of seriousness that a special IFR would have.

Heather Forrest:  Thanks, Steve. Have I understood you correctly just picking up on the point that I made in the chat, Steve, do you consider that a vote would be appropriate in this situation?

Steve DelBianco:  Different point. I believe that you need a vote to initiate a team but there may not be a team. The minimum requirement could be that Council, under the processes you've run as Council Chair, would entertain a properly noticed motion that goes directly to the problem that the special IFR is trying to solve. It may not involve a team. And for this, this is so hard for us because we've never done a special IFR.

I don't even think we have to write in here that it must be a vote to initiate a team. It could be a vote directly on what Council's position is so that they can begin to have conversations with ccNSO since we have to work this out together.

Heather Forrest:  Thanks, Steve. I do think - I think that's an excellent point, and one of course, you know, you and others who participated on that bylaws work would be well aware of is dealing with these things as a matter of first instance it's impossible to - impossible to know in advance what, you know, what's going to be necessary.

I would like to make a suggestion here in terms of how we progress. And in view of the comments made in the chat and the discussions we're having, I wonder if it would be sensible, Maxim I see your hand up, so let me finish this point and we'll come right to you. I wonder if it would be sensible then to put the GIP language into a Google Doc and start then to work on any obvious points. To Steve's point, there would be some things that are not obvious but start to customize this for special IFRs in that way.

Maxim, to you.

Maxim Alzoba: Maxim Alzoba for the record. I thought that there were some, yes, we already have some safeguards there. It's about initiation of GIP because there are wording about the voting and objections. So I thought it was enough because if a particular GIP is, yes, contains all the bits like working group or whatsoever methods of operation, either it's approved the whole list of ideas or not. So I'm not sure that it's - we need to add additional points for each like item we see in a particular GIP. Thanks.

Heather Forrest: Thanks, Maxim. Is it - let's consider this - is it sufficient in view of what Maxim's just said, would it be sufficient, and picking up on David's earlier comment in the chat, that rather than redraft the GIP what we provide is an additional guidance for using the GIP in the situation of a special IFR? Would that handle the concern?

((Crosstalk))

Heather Forrest: Yes, go ahead.

Steve DelBianco: Yes, Heather, David and I are saying copy and paste; you take the GIP and copy it, and then edit it so that it is strictly speaking a step by step on what to do when we have an IFR. So we would call it in X whatever and it would be called GNSO response to a special IANA functions review. So rather than have it be a layer upon a layer referencing back to the GIP, it's only five

pages, let's copy it and adapt it so that it suits an IANA functions review, exactly what you were agreeing with.

Heather Forrest: Okay and I note David has said yes in the chat. Yes. And I was - just to be very clear, I understood that, Steve, but I also understood Maxim's comment to mean, you know, I don't know that we need to change the GIP necessarily. But I know he's put in the chat now, "I don't object to copy and paste here." So Julie's written in the chat, "The reason something goes back to a GIP is it does not have to be a revision to the Operating Procedures," like which is - is where - so I have a feeling - I have a feeling we're saying nearly but not 100% the same thing.

I think there are two possibilities on the table. The one is again, we're dealing with an annex - an existing annex of the GNSO Operating Procedures. Are we creating a new annex and modifying however slightly or significantly, modifying the existing GIP to fit that particular situation. Or are we (unintelligible) document which is largely what we've done to this point in this work, are we providing a guidance document to using the GIP, which forms an annex of the Operating Procedures, in the case of a special IFR?

I think there's - it's quite possibly the same outcome but it's a different vehicle and there's a different procedural vehicle. So Steve says, "We're likely to make some kind of change to the Operating Procedures in this entire drafting team." At this point, Steve, we have not done so. That's not to say we won't do so as our work continues, but at this point not proposed any changes to the Operating Procedures.

Now what about - I'm not sure, Steve. I'm not sure what will come ahead. I think what I'd like to do - I mean, fundamentally…

((Crosstalk))

Heather Forrest: Go ahead, Steve. Go ahead.

Steve DelBianco: Looking at the work we have left to do, Julie and staff would have a better idea. If we are likely to make some kind of a recommendation that would require Operating Procedures approval, then there wouldn't be any need to avoid it if we thought it was the right path to take. So I would like to rely on Julie. Are we likely to have other changes as part of the drafting team we're all part of that would require Operating Procedures modification?

Heather Forrest: Julie, please.

Julie Hedlund: Thank you very much. This is Julie Hedlund from staff. And just to note that when staff had done its analysis of all of the bylaws and the roles and responsibilities of the GNSO as a decisional participant in the empowered community we did not identify areas where it seemed that changes would be needed to the GNSO Operating Procedures.

Now in the course of the discussions of this drafting team that may change. Thus far that was our initial assessment. What we did think was that it would be useful for the drafting team to develop guideline documents that could be more easily updated also.

So for instance, since we don't know how these things are going to work when they happen, and say we get in the middle of doing a special IFR and we have guidelines that would speak to using the GIP but formulating, you know, using it in a way that makes sense for a special IFR, which could be done through a guideline, then that guideline can be adjusted and updated really on the fly as we, you know, see that it needs to be improved when we're in the middle of the process.

Whereas if you tie everything to changes to the GNSO Operating Procedures then you tie yourself to a much more lengthy approval process. So that's just a point.

Heather Forrest: Thanks, Julie. Steve.

Steve DelBianco: I'll put into the chat that the only reason an IFR comes up is if the functions review recommendations fail to correct a PTI performance issue, that's a quote. That is the only reason we are even having this conversation. So there has been a failure, failure to correct a performance issue with IANA. That is what's driving me to be such a troublemaker today because it feels urgent.

And it feels urgent enough that Council is at this point really upset, it's been a year and a half, IANA functions review recommendations haven't worked, the performance issue is persisting to the point where both the GNSO and the ccNSO want to do a special functions review.

When that happens the urgency is such that we are kidding ourselves to think the Council will like the idea of having to do a motion first to create a team, a drafting team, and a working group, and go through all of what's in the five page GIP. The five page GIP is not written for an urgent situation of failing on PTI performance.

And that is why - it's exactly that look - now you're getting it, Maxim, this is why you can't just look at this general purpose and say, that's fine because Council is not going to want to follow it. They're probably going to short circuit it and do a motion, do a debate, and instruct our rep on the EC because this would have been something that's been discussed for years because there have been recommendations made and the recommendations failed to correct the performance issue. So we are way late in the process and having another drafting team is ridiculous.

And as promised I have to drop now having created all this trouble for you all and I'm sorry. And I don't want to create a fit for purpose annex if it is going to require us to go through a gut-wrenching process of public comment on the GNSO Operating Procedures. Is there a way we can piggyback on some other change to the Operating Procedures even if they don't arise from our

team? Is there a backlog of changes that are needed? And if so, we're not creating new administrative hurdles if we do a fit for purpose annex.

Heather Forrest: Thanks, Steve. I think - in fact I think you've made an extremely compelling argument and Maxim has helped you do it. In terms of what the underlying problem is here and whether or not this is fit for purpose. And the point that I'm particularly sensitive to is the one that Council will just work around this thing if it's not fit for purpose. I think again, to Steve's earlier point, it's - we're not going to know exactly what's needed until we get there unfortunately. I think that's the problem.

So can I suggest then, back to the original suggestion, the - we have at least the framework here of how to go about doing something. I have a feeling what we're going to do is strip out quite a bit. I wonder if the way to do this is, again, to put the GIP in a Google Doc and for folks to nominate highlight. I think this is necessary and the rest of it can fall away. It might be a much simpler thing.

We might be able to find that when we strip away the stuff that we say this is not necessary but this is the absolute necessary, and I think maybe that's how we handle the situation of, you know, we don't know exactly what to anticipate when the situation arises but we at least need to have some bare bones framework for how to operate. The, you know, we can use the GIP to say well let's - let's use these basic foundational principles, and ignore the rest.

And I - Steve, I agree on the vote, the question about the vote the GIP doesn't actually need a vote to kick off its initiation. You're absolutely right, holding it up for a vote is going to be - is too time consuming. Are there - rather than start from scratch-scratch, are there objections to putting this document into a Google Doc and I'd actually see rather than - rather than redraft it, let's highlight the stuff that we think is necessary to answering all of the concerns that Steve and Maxim and David have raised and we'll go from

there. We'll see if we can agree on whether we find in this document the bare bones of what we need.

So David says, "Let's try it that way, see what happens." Julie's noted that as an action item in the chat that we'll do that. Can we evaluate time required for particular steps as comments? Maxim, I think that's absolutely fine. We can note in the comments this will take too long so I don't think we need it. But I think focus your energy in this exercise on let's use the convention of highlighting. And Steve, you haven't been a troublemaker at all, at all. This has all been super helpful. And thank you, Steve, very much and sorry to run you over seven minutes.

Focus your energy on highlighting the text that you think we need in this document rather than, you know, the comments are helpful but let's focus as a primary activity what in this GIP is the bare bones basics of what we need to address the situation that Steve has so articulately identified. And in the back of your mind have in mind the timing issue. I think that might be the way forward.

And David's made a suggestion, teeing up this exercise to all on our list. For sure we have folks who haven't joined us on the call today. I think it's also important - I'll reach out again to the folks who haven't been able to join us today. I think this is one of those instances where listening to the recording from today will be particularly helpful before carrying on with what we're about to do.

So I think we need to make a special point, Julie, if you when you circulate it, I'll go ahead and add on an extra message onto that to explain exactly that. I think trying to do the - yes, exactly, David, good. So we will do that to make sure that the folks who haven't been on the call aren't disadvantaged and do actually have a sense of what's going on here. All right, that gives us a path forward.

And Julie's got it. Brilliant. Thanks, Julie. Thanks, David. All excellent suggestions. And as luck has it, it is the case that we have a bit more time between - and David has a hard stop, that's fine - we've got 11 minutes left and we'll finish before the 11 minutes.

We have an extra week in our work this time around. The next meeting is the 1st of May. Before we end the call, I'd like to note that we do have - we spent our time today on the one aspect of this which is the - what's the process for the review of Points 1 and 2. And Marika has to drop. Thanks, Marika. We haven't talked about the coordination with the ccNSO. And I do think that's one that we probably need to spend a bit more time on.

We need to think about whether a formal process is required to coordinate with the ccNSO on discussing whether or not to initiate the special IFR. This is the point that we raised at a high level. And David, I know because you've been away, likely haven't had an opportunity. This is the one that it would be very helpful to know from Katrina what her thoughts and what the thoughts of the ccNSO are as to whether that process needs to be formalized.

David, over to you.

David McAuley: Thanks. Thanks, Heather. It's David McAuley speaking for the record. I actually did pose the question to Katrina and Bart and I thought I sent to the list what they said. But I'll - I'll make sure it's sent. And then separately, my initial reaction on reading the bylaws is that we don't need a formal process by virtue of bylaw language but we probably would want one by virtue of the seriousness of the subject matter, as Steve was mentioning.

I'd be interested if anybody received an email from me on - with respect to what Katrina had said because if not, then obviously I'm using a poor address, so thank you.

Heather Forrest:   Thanks, David, very much. And I've just had a quick look in the - in the inbox. And I'm not sure that I have received anything from you. And Julie says she hasn't either so I think we need to chase that one up. And David, to your point, the - I do think you're right, the seriousness of the matter probably suggested this is more than an informal conversation between the GNSO chair and the ccNSO chair. I think some way of documenting that conversation is appropriate and it's probably not just the chairs but the leadership teams and some way to do that.

And that actually gives us, it's unfortunate Steve's not with us, that maybe actually gives us something that ought to go formally into the Operating Procedures is in the event of something like this the leadership team of the GNSO Council shall meet with the leadership team of the ccNSO Council and exactly how that happens.

I have a feeling that's something that we want to give a little bit more thought to. Let's all review David's email when Julie posts it around. Maxim says, "GNSO Council chair is a good point of contact." I agree, Maxim, I agree. But I think rather than have that conversation be informal there needs to be some at least record that that conversation has happened and how we go about ensuring that that record is there is something that we want to consider.

So Julie's just sent your message around, David, thank you, that's brilliant. We're 7:53, and need to worry about the hard stop. And any comments, questions, concerns about where we are at this point? Admittedly it's been a little bit messy but I think we have a path forward. No, Maxim is typing. Maxim.

Yes, and Maxim, to your point about the ccNSO being happy to have published conversations, I'm not sure that I was suggesting that the conversation itself, the content of the conversation be recorded but more simply that the conversation had happened. Having some sort a record

that the GNSO and the ccNSO had discussed the question of whether or not to bring a special IFR. Maxim is typing.

Yes, some sort of a letter from the Council to the - yes. Yes, some way to record whether it's in GNSO correspondence or some other mechanism that we have a note that that conversation has happened. Yes, I think that's probably right, Maxim, some sort of correspondence with informal conversation.

Okay, let's turn to next steps. As a reminder, it is - I was about to say it's the 11th of April, but it is here and for you folks it's still the 10th of April. Our next meeting is on the 1st of May. There are various holidays and celebrations in some part of the world that will occupy some people's time but not all of us. Oh Maxim, it's just turned the 11th, I'm sorry. So it's not that we have a clear field between now and the 1st of May.

The task ahead of us in the interim will be that Julie will put this - oh and happy birthday to your wife, David - Julie will put the GIP into a Google document. We'll circulate that around for the exercise, the explicit exercise of highlighting in this document what we think as a bare minimum needs to be achieved in the case of raising a special IFR, noting again the time and the seriousness of the situation.

We will convene on the 1st of May to discuss, to compare who's highlighted what in this document, what's missing. And we will go from there. And I think we'll need to take up the question of the coordination with the ccNSO in that call as well having in mind what David has just sent around that we'll have a chance to read. So a fair bit to do between now and the 1st of May, but we will go from there. And the 1st of May, I'm sorry, Maxim, we get you at all the wrong days and times, Maxim, Valentine's day, the 1st of May, we'll see - is your birthday going to fall on a meeting day, Maxim? I'll feel terrible if it does.

So we'll see how we go. That takes us to four minutes to the top of the hour. Anyone else - any concerns, comments, questions before we end the call? Seeing none, excellent. Thanks very much to Julie and Julie and to Marika who's left us. Good-bye to everyone. Have a very nice day and more work to follow. Thanks, all. Julie B, you can end the call for us. Thank you.

Julie Bisland:     Thanks, Heather. Thank you, everyone. This meeting is adjourned. You can disconnect your lines. And, (Sherry), can you please stop the recording? Thank you.


END