KATRINA SATAKI: Thank you. Hello, everyone. It’s the joint meeting between the Guidelines Review Committee and the GNSO Drafting Team. 21st of October, 2019. First of all, I’d like to thank you all for joining this meeting. The idea of today’s meeting is first to understand where we are, and second, to understand what we present to the Councils, and what we do. And what questions do we want answered from this meeting that we’re going to have on Monday in Montreal, working lunch meeting. With that, I’m pleased to give the floor to our colleagues from GNSO, and I see Heather already wants to say something. Heather?

HEATHER FORREST: Thanks very much, Katrina. I didn’t mean to preemptively put up my hand, but I didn’t want to get too far without my explaining the addition of the GNSO Council Leadership Team on this call. This is the first time that they will really have an opportunity to have any sense of what is planned in relation to the section 18.12 guidelines and the joint consultation and so on. They’ve had some written
updates from the drafting team, but it's my very sincere thanks that go to Keith and Rafik and Pam, if she’s able to join us a bit later.

This is an opportunity, I think, efficiently, not just Katrina for the Drafting Team and the Guidelines Review committee to put our heads together, but likewise, I'm going to seize it as an efficient opportunity to get Council leadership up to speed on where we are. So, I offer that by way of context before we launch into a, “Where are we?” update. I think, Katrina, it would be helpful just to give a little bit of a summary of where we’ve come from, before we say where we presently are, does that make sense?

KATRINA SATAKI: Absolutely, I agree. And thanks to the GNSO Leadership for joining us today, it’s really excellent and it shows that we all understand the importance of the issue and we want this meeting to be really -- I mean the meeting that we’re going to have between the Councils, to be productive. We need to give information to both Councils and we hope to receive valuable feedback. So, thanks, maybe I’ll give the floor back to you, Heather.

HEATHER FORREST: Sure, Katrina. I’m happy to do that. So we’re all on the same page, and Katrina and her colleagues can correct me if I misstep, what has happened over the last few months is that both the GRC, the ccNSO Guidelines Review Committee, and the GNSO Drafting Team have been separately working on various internal
processes and guidelines for how each of the various SOs will carry out its responsibilities as empowered community members under the new bylaws.

One of the provisions that we are having to deal with is something that arises from the article 18 IANA naming function reviews, IFRs, and the bylaws specifically require us to develop some, well, not to develop, but they require us, as the GNSO and the ccNSO, to jointly consult before carrying out our responsibilities. Or, as part of carrying out our responsibilities. Jointly consult in determining whether or not to initiate a special IFR.

Ariel has very kindly given us the link to article 18 there in the chat. Thanks, Ariel. As she’s noted, the section is 18.12, so we’ve been referring to this rather jokingly as 18.12 overture. What we’re here to talk about today is, where we are, and in terms of where we’ve gotten to up to this point, we have a draft of the joint consultation guidelines, which is the, if you like, the documentation as to how the GNSO and the ccNSO proposed to work together in establishing a Special IFR Review Team, or Consultation Team, rather; SICT. Yet another acronym for our tool bag.

And, in addition, we’re each separately working on a guideline into which this joint consultation guideline will sit, as to how we carry out our own internal process, to what we do as individuals, or individual SOs, if you like. The draft that we have is one that has been reviewed in a fair amount of detail by both the GRC and the drafting team, the GNSO Drafting Team. We haven’t looked at it in some time.
I'll say for the GNSO side, simply because we've been trying to produce and finalize a package, a much bigger package of work. And we parked this one, because I think ultimately it was summer holidays for a number of folks, particularly on the ccNSO side, and we wanted to give those guys and opportunity to comment before or after holidays and not interrupt their holidays back in August. So, while they did that, we just carried on with our work and were able to meet our deadline to the GNSO Council.

For us, in the GNSO, this is returning back to section 18.12. A number of us have been in the document this week, some of us today, just to refresh our memories. And in having a look at the document, Katrina, I can see that you've been in there as well, it looks to me like we're in a pretty decent place with the joint consultation guidelines. With that, I'll turn it over to you, fill in any gaps, and from your perspective if there's anything else we need to say about where we are now. Over to you, Katrina.

**KATRINA SATAKI:** Thank you very much, thanks Heather, that's a very excellent intro. Instead of trying to fill in any gaps, if there are any gaps to fill, maybe I'll ask, I think GRC and the GNSO Drafting Teams are more or less aware of the idea of this guideline, but I'd really like to ask GNSO Leadership or the guys who join us for the first time probably are not so well aware of all this background info. Is there anything you'd like to ask, is there anything you'd like us to clarify? Keith, maybe you?
KEITH DRAZEK: Sorry, I was muted in the Zoom Room, I apologize. Speaking to myself. So yeah, I just wanted to note as I typed into chat, thank you all very much for the incredible amount of work that you’ve put into this, both from the ccNSO and the GNSO sides. And obviously, this is an important opportunity for us to establish the framework or the ground rules for how we will engage together on these important topics. I don’t have any specific questions at this point. If Rafik, if you’ve got anything you’d like to ask, please do.

But I guess the key question here is; how do we ensure that the GNSO and the ccNSO can work together in this important time frame, and on these important matters in an efficient way that understands and respects our unique positions and our own processes? Just again, thank you for all the work that you’ve put into this, I don’t have any specific questions at this point. I may before the call is over. Thank you.

KATRINA SATAKI: Thank you very much, Keith. It’s quite clear that every day we work in our own silos, according to our own internal procedures, this is, as far as I know, the first attempt to have framework for our mutual collaboration. I think we definitely can use this as an example for any future work, similar attempts to do things together. I see in the chat Heather suggested to summarize for the GNSO Leaders the proposed plan for Montreal. Actually, I think that’s one of the reasons why we wanted to have this call, is to decide how we are going to proceed in Montreal.

I think definitely we need to have an intro, just to explain what it’s all about. And I suggest that we have some presentation there,
just to make it easier for everyone going to hear that for the first time. Then, we talk about the document, and then the last one, we ask some questions that we need to be answered. I have a few, maybe some others have too. Heather?

HEATHER FORREST: Thanks, Katrina. Question for you; just so Keith and Rafik are fully aware of what the thinking is, the proposal that’s been on the table for a while now is that the joint consultation guidelines that you see in front of you, that they could be finalized by the respective drafting team and the GNSO and the GRC and the ccNSO in time to be tabled before the two Councils in Montreal. And potentially symbolically be voted on in Montreal and approved by the Councils in Montreal. Now, it is the case that what you see in front of you is a draft, so that means that each of the GRC and the drafting team would need to sign off on this in time for document deadline for Montreal. Which, for the GNSO, is this Sunday.

I don’t think we’re that far off, in terms of where the draft is, so I think it’s possible. At least for the Drafting Team to do what it needs to do in relation to Sunday, or by Sunday. I think it’s open now to- I won’t commit the council to anything, and I don’t think that Keith and Rafik can commit the council to anything here, but I think it’s important, Katrina, that we kind of lay it out on the table is; is it still feasible to carry out that plan? I would say at least from the Drafting Teams’ point of view, I think it is. How are you guys in the ccNSO in terms of that? Not just physically what we’re going to do and the order of things in Montreal, but are we able to even push forward with this from your perspective? Thanks.
KATRINA SATAKI: Thank you. We did some discussions a couple of weeks ago, but we have not discussed, we have not had any agreement about a final version of the draft. Honestly speaking at least, I have one fundamental question here, something that I would really love to ask both Councils, but maybe let’s start it here; according to the draft, when we start discussing this ETI performance issue that we haven’t been able to resolve, despite all three escalation steps. And apparently it is a very great issue, let’s say. But our members on the customer standing committee believe it was a really important issue.

According to the current draft, we do not request the board to initiate the special IFR, unless both councils agree. And this was a fundamental question that I wanted to ask to Councilors but maybe we can start discussing it here. Is that really okay? Because if the issue is really so grave that one of our group believes that it needs to be resolved, and the only available tool that we have at the moment is special IFR, would that be okay for the other community to stop this from happening? It’s just my only, probably the most fundamental question that I have.

Personally, I wouldn’t feel good knowing that some great issue that GNSO is really concerned about cannot resolve it because ccNSO thinks that that’s probably not so grave. Is it really fine that we have, one of us can stop others from addressing the issue? Ariel? Please unmute.
ARIEL LIANG: Hello everyone, this is Ariel. I think I was double muted, apologies. I just think Staff's recollection, I think this issue has been resolved by both the GRC and the Drafting Team. The agreement is that a Special IFR will be initiated if both Councils agree with that decision. If there is a disagreement, the GRC will-sorry, not GRC, the Special IFR will have a statement indicating there is a disagreement. The agreement is that if both Councils decide to initiate the Special IFR, it will be initiated. But it will not be initiated if just one Council agrees with that.

And then, this content is detailed in the later section of this guideline, so section 5.8, and that's what has been document. That's based on Staff recollection, and Heather, please chime in if you like.

HEATHER FORREST: Thanks Ariel, it's Heather. I just confirmed the language there from 18.12A for the Special IFR requires approval of the vote of A and B. A being the ccNSO, and B being the GNSO. I thought this point was resolved. Katrina, you're asking if it's okay. As far as I'm aware, it has to be okay, because that's what the bylaws tell us. That's confirmation that we had from Staff, and I don't know that there's a different position that we can take here, even if we wanted to. Thanks.

KATRINA SATAKI: Thank you, it seems disproportionate here. For example, if we talk about the public comments, whether to request it or not. If one of us wants to have public comments period, so we go for it.
It's really nothing comparing to resolving ETI issue. It seemed disproportionate for public comments period we need only one, and for Special IFR we need both. Okay, I know it's in the bylaws, but just something that, first, we can change the bylaws now I have experience with that. And second, in theory everything is fine, but if it ever comes to a real situation, I think it might be a stopper. Heather?

HEATHER FORREST: Thanks, Katrina. I think the point is; I probably read it the opposite way, which is, it's a fairly minor thing for us to request a public comment period, but it's a fairly big thing that we probably both want to be on board with. I suppose with the bylaws, to set up a Special IFR, I suppose what the bylaws are doing by requiring joint consultation is; I'm going to hope that this isn't some surprise by either side. “Oh, we don't support you.” I'm going to hope that the whole point of the joint consultation guidelines is that we're communicating between the two SOs and are pretty much on the same page. I'd like to think that, again, if we get all the way to this point, I would hope that we're pretty well aligned by that stage. Of course, a number of, “Ifs,” there, I understand that, but I think your point is well taken. I do think we'll be able to navigate it when we get there.

KATRINA SATAKI: Okay, thanks. That was probably the major thing I wanted to discuss. Of course, there are also some things, but maybe we can go down to the timeline. Something for GNSO Leadership. This was something that struck us when we started looking into
timeline, it takes so long for us to come to the point where, okay, now we need to resolve this issue. I just know that while we’re discussing everything where we have all those consultations and everything, the issue is still there. And it hasn’t been resolved.

I’d like to add that during our meeting with the board, this is one of the questions we’re going to ask the board; if they are ready actually to address any incoming requests for escalation from the CSC, and what are their internal procedures and if they are ready to resolve that in days.

So far, any questions? Of course, I have to note that as far as only one of the things to resolve the issue, and also get rid of the board as a result of that. Yes, Heather?

HEATHER FORREST: Thanks, Katrina. I think since we got the timeline in front of us, Ariel has helpfully moved the document to that point, I think we can just make a quick summary. Again, I have to say, Keith and Rafik won’t have seen this document at all, so I think a little bit of background is going to be helpful for them. What you’re looking at on the screen in that table is a timeline of the maximum length of time that it can take to do things and still say within the timeline that’s provided by the bylaws. The bylaws are really quite strict on these things, on when things have to be done by, and so on. Part of the most difficult task of the two groups here has been working this out step by step.

You’ll see what happens, of course, this thing kicks off with the CSC sending the escalation notice to the ICANN board, and that’s
what Katrina is referring to, I believe, in terms of the discussion with the board is; what happens then, and are we ready to go? What happens after that is, at least what’s proposed in these guidelines, is that the two Councils will establish this team that will deal with the Special IFR between them, they’ll staff it between the ccNSO and the GNSO. They’ll do that preemptively on the basis of there’s a possibility of resolving the issue and not needing the team. So, the team would stand down, if that were the case. If that doesn’t happen, we figure it’s wise to preemptively set up a team, so the team is ready to go. Otherwise, we’ve effectively eaten into our timeline by having to scramble and set up a team and so on and so forth.

Day zero really is the official date that this starts, that the board sends the notice to the CSC that the performance issue is still unresolved, and this, as Katrina said about, this is a pretty grave situation, there are several escalation steps set out in the bylaws before it even gets to this point, so this is really like the final nuclear option, if you like. The CSC would then channel back to the GNSO and ccNSO Council, the two SOs and say, “We have a problem here.” Those two Councils then have to launch that team, that SIC team. They have to get things going quite quickly. Hence the need to have that team already formed, rather than at day zero be sitting there scrambling around trying to make the team.

What then happens, so all of these days are maximum in the timeline. The Councils have to start doing their own review. Each Council has to come to its own view, essentially, on the Special IFR. The team, on behalf of both of those Councils does this
consultation between the two, so that's the link, if you'd like, the communications link between the two Councils.

At the same time, that SITC has to put out a call for input from other SOs and ACs on the default that's brought all this to light. So, you see then that that deadline is 30 days later; that corresponds with a deadline for the winding up of the internal review of the two Councils. What happens then, you've got five days for the ccNSO and the GNSO Council each to turn around and provide a summary of, "Here's where we are, here's what we think of this Special IFR."

The team, the SITC, at the same time provides a summary of any of that feedback that was received from the SOs and ACs. So yes, that's five days, but it's five days in which we're going to have to maybe put together a pretty sizeable summary and get quite a bit of information together in a digestible format.

You've got a 10-day period then, day 50 is really the last point sensibly where those two can, or the team can digest all of that information and then propose to each of the ccNSO and GNSO Council the draft recommendation as to what to do.

You've then got 10 days to turn around, organize a meeting for each of those Councils using their respective processes for how you set up a meeting. And decide whether or not to request a public comment period. As Katrina referenced earlier, if one of the two Councils recommend, or requests the comment period, there will be a public comment period. If there isn't a public comment period, we naturally move onto the next step, which is that the team provides its final recommendations to each of those
Councils. Those to Councils line up a vote on whether to request the board to initiate the Special IFR. That of course means, again, all of our meeting procedures have to kick into place; we need notice and so on and so forth.

Then, there is that vote that takes place, and immediately turn around and issue the joint statement based on the voting outcome. That, while yes, it's a pretty lengthy period of time, as you look at each of the individual steps, you say, it's entirely possible that we can move more quickly, and that's entirely fine under the timeline that we move more quickly, but this is the maximum possible day. So, the maximum length of time that this takes is 72 days.

Yes, that’s a lot, yes, that’s two months, but we can shave off days here and there. And hopefully, were this to happen, we would be able to prioritize that in our respective days sufficiently that that were possible. But that is what the timeline sets out.

Hopefully, Keith, Rafik, that helps you to understand what this timeline is all about. As Ariel has pointed out in the chat, of course the period gets a bit longer to the extent that there is a public comment period that's just inherent in the process. That gets added on, and that, as David points out, again, it’s a crazy long period. But to the extent that a public comment period is added, then that adds a specified length to it. It has to be factored into the process.

That's where we are. Of course, it does raise some interesting questions in terms of, again, these are timelines under the bylaws. To the extent that we have an issue that is so severe that it
requires this escalation all the way to the two Councils, 136 days is a lot of days for that default to be sitting there in the background. That’s probably something we need to think about more broadly, ICANN org. Nevertheless, these timelines comply with the bylaws, so that’s where we are. Back to you, Katrina.

KATRINA SATAKI: Thank you very much. Are there any questions? Any comments? Yes, Keith.

KEITH DRAZEK: Thank you very much, Katrina. And thank you, Heather. Both of you and for the whole teams’ for all of the work, as I said, but also for your patience in helping to bring me and Rafik up to speed on all of this. I guess my one observation here is that, because this Special, the SICT, is the last option, the nuclear option, it’s after all else has failed, none of this will be a surprise to any of us it seems, right? In other words, if this appears to become necessary, it will not be a surprise; we will have seen it coming, at least as a possibility. And as such, I think it becomes a major priority for both Councils to make sure that we can move this forward in a timely fashion and as quickly as possible.

I recognize that while the timeline laid out, or the maximums allowable under the bylaws, it seems to me that if we ever get to this point, it’ll be a major priority for both groups, and that we can probably find a way to compress some of these timelines a bit, if we make it a priority. Again, that’s just my one observation.
Thanks again for all of your patience in helping to bring us up to speed.

KATRINA SATAKI: Thank you very much. Maybe let’s move forward. How would you like us to present it to both Councils? Keith? Rafik?

KEITH DRAZEK: Thanks, Katrina. I think the overview that we’re going through here right now has been very helpful to me, and I expect it will be helpful to Council as well. I have to say that during our next council meeting, the GNSO council meeting on Thursday of this week, Heather and some of the GNSO Drafting Team will be joining the Council and giving an overview, and there will be another session with the GNSO Council in Montreal prior to the time that we meet jointly, if I’m not mistaken. So, I think there’s an opportunity for the GNSO Council to be brought up to speed. And it may be that we can entertain questions at that point.

I guess I’m saying, I’m not entirely sure how much detail we need to plan for our joint session, but probably an overview of when this would be required, what the circumstances would be that would lead to this, and then I think this timeline is actually a pretty solid overview that would explain what’s involved if and when we get to that point.

I don’t know if Rafik has any other thoughts, or Heather, if you have thoughts about how you’ve thought about presenting to the GNSO at least.
KATRINA SATAKI: Thank you, Heather.

HEATHER FORREST: Thanks, Katrina. Keith, just to follow up on what I put in the chat, what the Council has received for its October meeting is everything but this document that you’re seeing here, and its associated GNSO guideline. That said, I think, I know that there is time in the Sunday working session to discuss all of the guidelines.

All going to plan, and it sounds to me, Keith, as I hear what you’re saying that you’re prepared to push forward to get Council across this in time for a vote in Montreal, so I what I would propose then is; with the time that we have scheduled on the Sunday in the GNSO Council working session is, prioritize this one for sure, start with this one, which will be introduced in good time for document deadline for the November meeting in Montreal.

And layout, very similar to, we'll get your feedback after the call, but similar to the way that I tried to set this up for you here, for you and Rafik and say, “Look, here’s where the document is, here’s what it does.” I think you made a good point about going through the timeline, we can have that queued up and ready to go. I'm pretty confident we can get Council across at least 18.12, Keith, this document that you’re looking at here for that symbolic signoff between the two Councils in Montreal.

I think for you guys to decide, in terms of the mechanics, clearly this is going to have to be done in Council meetings, which
happen separately and are on different days, I’m not sure what the schedule looks like for Montreal if the joint ccNSO/GNSO council meetings are, if that meeting happens before or after each of the Council meetings. Do you want to have some sort of symbolic thing in the joint council meetings where you just agree to agree in your own respective Council meetings? I think it’s probably those little nitpicky mechanics, and that really comes down to you and Katrina, but I can say for the DTs part, I think we can get you guys up to speed to the point that you’re able to do whatever it is that you want to do.

KATRINA SATAKI: Yes, thank you, Keith.

KEITH DRAZEK: Thank you, Heather and Katrina. As I typed into chat earlier, I do like the idea of procedurally and symbolically both GNSO and ccNSO approving this at their respective meetings concurrently. I do like, I think it demonstrates that we’ve been able to work together intercessional and reflects on the good work that this group is doing, that the two groups are doing and working together on this.

I think it’s probably an important topic of discussion for our joint session, and then obviously each group would take its action during its formal meetings. I like the idea of it, and I’m certainly open to a joint statement coming out of our joint session. I guess the formal actions would need to take place within our respective Council meetings themselves. I do like that idea that if we can get
this across to the Councils in time in Montreal to be able to both approve this together. Thanks.

KATRINA SATAKI: Thank you, Keith. For us, it does not look very optimistic. Well, according to our internal processes, we send it to Council, Councillors have a week to look at it, and then they resend it to the community. They can submit their comments, okay, we can skip the first step and can send it if we sign off today, we can send it to the community. And the week before our meeting, we have a council meeting on Wednesday, just as you do. We need to send the final version to the Council.

I think we can do something symbolically, but I’m not sure we’ll be in a position to prove the document on Wednesday. Nevertheless, definitely we need to have this through and onboarding and everything to make sure that Councillors are informed and can at least understand what it’s all about. Rafik?

RAFIK DAMMAK: Thanks. Trying to understand the timeline and so on. I think it makes sense to get it approved in Montreal, since I think that’s the only time when the two Councils can meet. I think we can even shape our joint meeting around that, giving enough time to reach agreement. I also understand I think if we focus on our side for GNSO, for us, that we can give update and brief the Councilor about this one, so I think it’s doable.

WOLF-UlRICH KNOBEN: Hi, Katrina. Wolf-Ulrich speaking, can you hear me?

KATRINA SATAKI: Yes, yes, now I can hear you.

WOLF-UlRICH KNOBEN: Yes, I just put into the chat a question; whether it may be appropriate to have a joint statement at the public forum on Thursday, maybe achieve this common effort? It's just an idea. Sometimes these public comment forums are only used for discussions, but sometimes it's good to have some positive announcement. That could be something. Just an idea.

KATRINA SATAKI: Yeah, thank you very much. Probably this is something we could discuss during our meeting, our bilateral meeting on Monday. Any other comments from the Drafting Team, or from the GRC? Colleagues from GRC, anything you’d like to add? Nothing further from Heather.

Okay, so, let me summarize then. We try to present it to Councils, first individually. We’ll have five or ten minutes on Sunday for our Council to brief them. Another thing, on Monday we give a brief intro on what it’s all about, show the timeline, and we, well actually, congratulate ourselves for this first effort of common
document. And then we can proceed, invite councilors symbolically support this effort. Does this sound like a plan? Yes, Heather?

HEATHER FORREST: Thanks, Katrina. Just to be very clear, as I say in the chat, the Drafting Team will continue to work with the GNSO Council leadership; Keith, Rafik, and Pam. I think we, the GRC, and the Drafting Team, need to turn it over to you guys in terms of the agenda for the joint council meeting and what that statement looks like and all of that kind of this. I think that’s probably a Councils’ thing, as opposed to these individual teams.

To the extent that you need anything from us, and of course Katrina, you whatever, you’ll able to ask the GRC from your end if you need briefings in Montreal and whatnot, but Keith and Rafik, you now have a sense of where we are. You have a better sense of where we are after the council meeting this week on the other stuff. We’ll leave the mechanics of what happens in Montreal to you guys, and I think from a Drafting Team point of view, we’ll stick to substance, if that makes sense to everybody else? Thanks.

KATRINA SATAKI: Yeah, absolutely. I think it does make sense, and I really would like, now from my side, I really would like to thank the Drafting Team from GNSO for taking this initiative and drafting the document. I hope we did not drive you mad with our input. But I think that the end document looks, well, pretty solid. Of course,
I'm sure that when we start applying it in real life, which I hope never, ever happens, but if we apply it to real life it would seem many ways to improve it. But currently, from a theoretical perspective, I think it looks very good.

If there are no further comments and no further questions, I think let’s summarize the document. So, can we take this current version and leave it a final one so we can start talking to our community, Heather?

HEATHER FORREST: Yeah, Katrina. I think let’s put out just a final confirmation. Ariel's made a few tiny tidy ups in the document. Going through it, it looked to me it was just a few grammatical changes that have been made in the last 24-hours or so. I think it's fine. It is quarter to midnight here in Asia Pacific, so let’s go ahead and give it 24-hours for any final finish up. And we’ll circulate the document as final, if that suits you.

KATRINA SATAKI: Yes, absolutely. I think that sounds like a good plan. 24-hours, so please use the last opportunity to provide your comments and if not, we proceed with this version, and start working on the approval process. Again, if there is nothing else you’d like to add, thank you for joining the call and goodnight Heather, and good rest of the day to those of us who are not done yet. So, thanks! Bye-bye.
[END OF TRANSCRIPTION]