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SAN JUAN – ccNSO Guidelines Review Committee  
Sunday, March 11, 2018 – 10:30 to 12:00 AST  
ICANN61 | San Juan, Puerto Rico

KATRINA SATAKI: ...operating standards. So thanks a lot to MSSI Team being here with us. I hope that you will share your views, whatever you find useful to share with us. I would also appreciate if you tell me if I did some mistakes when I submitted the comments.

LARISA GURNICK: I think it was just a little confusion, but we straightened it out.

KATRINA SATAKI: Okay. I submitted them twice. I sent an e-mail, then I received a reply which apparently asked me to click on a link which I didn't do. I just immediately deleted the e-mail, and then when I realized that, oh, it's not so nice. So Bart just told me, "Just submit it once more." So I submitted it once more, and I don't know, maybe that was the reason. But yes, Larisa, if you could share with us your thoughts on how all these comments went. I really appreciate that. Thank you very much. Larisa, the floor is yours.

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LARISA GURNICK:

Thank you very much, Katrina. Larisa Gurnick from the MSSI Team, and I'm joined by several of my colleagues. I have Negar Farzinnia and sitting back there is Jennifer Bryce. And for those of you who are wondering why Lars is not here, he's on a couple of weeks' leave as he's being a daddy.

Okay, so shall we go to the slide deck that we prepared? Just real briefly. And so thank you for submitting two comments. After a slight bit of confusion, we figured it all out. So we understand that the council submitted a comment as well as this group submitted a more detailed comment, and they're really to be taken together. And thanks to Bart and Katrina for helping us get it all squared away. While it may not be labeled in the most clear fashion in the public comment pages, but importantly, in the summary report where the comments are summarized, I think we got it straight. But please let us know if anything is missing. Okay, next slide, please.

I think you really understand what operating standards are about, so we can just focus on the process, where we are right now. So we had various consultations, webinars and such, many discussions with community groups including yours, and finally a public comment period which ended at the end of January, actually. So we have been analyzing and considering the comments as well as meeting different groups. As availability allows here at ICANN 61 we'll continue to do that to try and get a

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better understanding of the very thoughtful feedback that we received.

Next steps in our minds would be to continue to evolve options, particularly around certain topics that clearly are very high-priority and of great interest such as scope of reviews, and you'll see that in a second. So our thought is we'll continue to develop various options for community consideration of how to move this forward. The Organizational Effectiveness Committee of the board is also very interested in continuing the dialog with the community, all leading towards a draft publication of the next version of the operating standards for public comment and see where it takes us. Next slide, please.

So here you see after ICANN 61, we propose to focus on certain topics, as I suggested. For example, scope is very important as you'll see. Next slide, please. All right, so here are your comments. And over the next couple of slides, you'll see how your comments compare to the general comments that we received. But with scope setting, your response was that you weren't in favor of the proposed mechanism because it was heavy-handed and time-consuming. And that in fact was probably the single most clear response from others in the community that we received. The proposed scope setting was not well received, not useful, so this is one of the areas where we're really spending a lot of time regrouping and trying to

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understand what different options we might consider. As you all have pointed out in your comment, the way the scope was set and everything was done for the SSR2 review – which was the first one out of the gate – may be somewhat informative, but also we should consider other options for how to do it.

On the call for volunteers, you also proposed alternative methods to be considered, and you gave us some examples. On the timing of reviews, you very helpfully expressed some very clear concerns about what you call the stacking of reviews and the timing of reviews, and proposed that there be some sort of an overview of the cycle of the reviews for community to have a better understanding of what that stacking situation actually looks like, and to continue discussions about what to do and how to resolve the problem, giving consideration to sustainability of reviews, availability of volunteers, how much time and resources it takes, whether it gets to the right outcomes that everybody in the community can agree to and so on. We actually have that view and we'll share it with you later.

And the other very consequential comment that you had made is that operating standards should be developed and finalized before any new specific reviews are started. And of course, that's a very timely and relevant comment since we have ATRT3 waiting in the wings. And finally, you made some very useful observations about elements that could be clarified within the

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operating standards, such as what do the standards in terms of the scope of the standards, whether they apply, and of course we're summarizing things pretty seriously here, but also along with that, you suggested to clarify what's a bylaws mandate versus a best practice and various other things like that, as well as – and this might be on the next slide as well as develop a more clear mechanism of how the operating standards would be updated.

All right, so this is highlights of community input. As I already said, scope of work, everybody was in agreement. Essentially, people cited different concerns, but overall, the message was scope should be developed by the review team with the understanding that some mechanisms should be added in order to make sure that scope is reflective of community interests. So potentially to have scope available for consultation with the community. There were also comments about clarifying the rules and responsibilities of the review team versus community versus the board. But in general, there was support for the board having some role in making sure ultimately that the scope of the review as developed by the review team. It remains within the bounds of the bylaws.

In terms of review team selection, we got a variety of comments. Quite a few people felt that qualified people with the right kinds of experience that don't currently have an affiliation with a

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particular SO or AC should have some way to be considered, but no particular suggestions were offered as to how that might happen. So that's one area that we would like to continue discussions.

Some groups actually went as far as to suggest that there should be a minimum number of review team members. We have a maximum right now determined by the bylaws, but there were some suggestions that there should be at least 12 or 15, and there were different numbers offered as to those ideas.

In terms of monitoring of the review progress – and I think this was greatly inspired by the SSR2 situation – there was feedback that it would be useful to include in the operating standards some explanation of what we call here clear designation of authority based on the bylaws to help understand if a body, whether it be the SO/AC chairs or a particular group or the review team itself or the board, if people have concerns about the progress or any developments of the review team, how would those be resolved, who should raise them based on what measures, and how would that look like with the objective of clarifying roles and responsibilities in such a way that pausing a review should not happen in the future so that there would be mechanisms built in place to ensure that issues or concerns are resolved productively between the right parties before so that the reviews can progress.

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By the way, I'm happy to take comments at any point, or questions or anything at all, any feedback on this. Okay, I'll keep going then. Next slide, please. Oops. Thank you. I didn't realize you were the one doing it.

UNIDENTIFIED FEMALE: I wasn't, I just [inaudible]

LARISA GURNICK: Okay. Thanks. These two actually reflected here are ones that I think you will recognize as really being comments that were very much informed and guided by your public comment. But there were several others that alluded to the fact that timing of reviews is a problem and should be considered, although no specific suggestions were made for how this might happen besides what you had proposed. All right, next slide, please.

I put this in here not because I expect you to be able to digest this, but also as you can see there is a link at the top. This information is actually available on icann.org. We have several sets of pages dedicated to reviews where we try to add information that we hope will be informative, and it continues to be a work in progress. Bart.

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BART BOSWINKEL: If I understand you correctly – if I look at the slide – these are only the specific reviews and the organizational reviews. Is that the case?

LARISA GURNICK: Yes, that’s correct.

BART BOSWINKEL: Because what it doesn’t include is, for example, the IANA functions review and the CSC effectiveness review. And these should be added to the list for example for the GNSO, the ccNSO, and probably for some others as well in the upcoming year. So that increases the burden on these communities.

LARISA GURNICK: Thank you. Good point. Absolutely. So yes, you’re right. What’s here are two things: organizational reviews, the orange, and specific reviews, the blue. And you all probably know this pretty well that the reason it looks like this is because the triggers have been baked into either the bylaws – well, at this point it’s the bylaws, no point in talking about the first cycle – and you can kind of see the first cycle, sort of the way those were stacked, and to a certain extent, that resulted in the current review cycle being pretty stacked. And if nothing changes as we execute according to the bylaws mandate, what we are forecasting is



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what would happen for the next cycle. Again, if we just stick to the current bylaws mandate.

DAVID MCAULEY: Thanks. I have a question. And I can't read all of it. So my question is, is there a slot up there for IRP review, independent review process review?

LARISA GURNICK: Not in this view. This is only specific reviews and organizational reviews as mandated by the bylaws, section 4.1 of the bylaws. So I mean that is –

DAVID MCAULEY: So it's all 4.1?

LARISA GURNICK: I'm hoping I'm quoting the right section, but yes, it's the organizational specific review part.

DAVID MCAULEY: I think that's going to be coming, because it is in the bylaws. So anyway, it's being worked out by the IRP Team right now. So thank you.

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LARISA GURNICK: Good observation. Thank you.

KATRINA SATAKI: There's Bart, because I think he has comment to David's question.

BART BOSWINKEL: No.

KATRINA SATAKI: No?

BART BOSWINKEL: In addition, more a question. Would it be feasible either by MSSI or by other parties from ICANN org to provide a coherent, consistent overview of all the reviews, including the IRP, the CSC-related, IFR-related? I don't know if there are any others, but these are the major ones. Because there is a cycle, for example, with the effectiveness review. It starts next year, and then every other three years. So that cuts across this one. The IFR is every five years, starts next year as well in October. And at the end of the day, you're looking at the same pool of people.

KATRINA SATAKI: Yes. Thank you, Bart. Stephen.

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STEPHEN DEERHAKE: If I understand you correctly, you can't get out from under the stacked workload without a bylaw change.

LARISA GURNICK: That's correct. So thank you for the feedback. I made note of the fact that this is only a part of the slice, but even if we agree that that's just a sliver, it's still a pretty heavy-duty sliver regardless of how you look at it.

KATRINA SATAKI: I think it's even worse. It shows actual reviews, it doesn't show the work you have to do to implement all the recommendations and everything.

LARISA GURNICK: That's right. So if you take a look at some of the first column, if you will, the first cycle of reviews, particularly SSR1 and WHOIS, you can see that the light blue which is indicative of the implementation timeframe in some cases is as long as, or even longer than the timeframes that are for conducting the review. So when we get over to the right hand side – obviously, these are just forecasts. We have no idea how long implementation would take until we know what recommendations are adopted and

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what the implementation plans look like, so it's all just a reasonable forecast but it could be vastly different depending on complexity and the nature of the recommendations. Okay, so if no other questions, perhaps we could move to the next slide.

So with that in mind, we thought it might be really good to hear some discussion and some thoughts from you on a couple of points on the scope. The ideas that are formulating clearly is that the review team should develop their own scope. Also that somehow there should be a mechanism for them to gather input from the community, and that could be through a consultation, a public comment or whatever other means, but to get input from the community as to whether the scope is in line with community expectations, and then ultimately have some sort of a checkpoint where the board would confirm that the scope as proposed by the review team or adopted by the review team falls within the bylaws.

Do you have other suggestions, or are there any other thoughts on how scope could be considered? Particularly in light of the second bullet point that I just wanted to highlight. I know ccNSO and Katrina for quite a while now – I think at least a year, if not longer – have been flagging at every opportunity that it's tough to determine who to select, and it's tough for people to commit to a timeframe to do the review before the review scope is set, because depending on the review, that might inform the kind of

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skills – depending on the nature of the more in-depth scope of the review, it could inform differently what the skills and qualifications should be. And for sure, the timeline is hard to develop until the scope is set. So we're in a bit of a catch 22, how to bridge the gap between these two ideas that the selection of volunteers should really be informative enough to give people a clear understanding of skills required and time that it could likely take, but it's hard to do that until the review team formulates their scope.

KATRINA SATAKI:

Yes, thank you. Any ideas? Yes, David?

DAVID MCAULEY:

Hi. I have a question I think it is, and I will state that it's coming from someone who is not that familiar with how the reviews work, but when the review team gets to decide on scope – and I understand that part of the scope will be reviewing the results of the previous review – is there a way that sort of compels that over a cycle of two, three or even four reviews, every important element will be covered? In other words, let's say a review has what people would agree is ten important elements, and if you choose the scope in round one to be three things in scope and round two to be another three things, how do you ever assure

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that all ten things will be reviewed over time? Is that within the system?

LARISA GURNICK:

Not at the moment. It is within the system to the extent a given review team would like it to be that way. But to the extent that the formulation of scope is really up to the review team. They could choose to do it exactly as you suggested, they could choose to defer parts of the scope because of various reasons. And RDS Review Team is going through those kinds of conversation right now because many of the topics that they're charged with reviewing are nearly impossible for them to pin down with GDPR still in development and the WHOIS PDP. So they arrived – or they seemed to be arriving – at that point as they're developing their scope, but there's not a standard, if you will, or a guideline that suggests that certain topics should be prioritized and then also how to ensure that all topics are covered over some cycle.

KATRINA SATAKI:

Martin?

MARTIN BOYLE:

Thank you, Chair, and thank you for the information so far. If you go back to the nightmare slide and see that –

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UNIDENTIFIED MALE: I don't know which one it is.

MARTIN BOYLE: Well, that one, I think. I think what comes out or came out to me was that by now, we've got quite a lot of experience of running particularly the blue ones. But in fact, I think of almost all of them, there is past history. When it comes to this chicken and egg question, do you set the scope and then choose the people to do the scope, or do you set the people and then get them to choose a scope? Have you picked up from the reviews that have already been done the advantages and disadvantages of the two different approaches? I am conscious that a number of them – I think almost all of the blue ones, if not all of the blue ones – have been done by choosing the people and then the scope flows from there. But it would actually be useful to know how people have responded to that and whether it would be easier, whether they think it would have been easier for them if they had adapted the scope that had already been defined for them. Thanks.

LARISA GURNICK: So I do want to point out that the specific reviews, the blue ones, we do have quite a bit of experience, but not so much

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experience under the current bylaws, and there are some significant changes in how it's all configured. I think the biggest difference to look at – and there are many other differences, so it's not an easy analysis to respond to your question, but if I understand you correctly, in the case of organizational reviews because the work is done by an independent examiner based on a certain set of criteria and guidelines that are provided to them and it's a standard engagement process, we go through a public RFP, I would say that in that type of review, scope is well set ahead of time, agreed to – and this might be relevant to the next point in your agenda, the upcoming ccNSO review, so between now and over the course of the next couple of months, we'll be having some discussions with all of you on what should the scope be. It's determined by the bylaws, that's kind of the top box. There are things in the bylaws that specify what should be done, but it's very broad and it could have different applications to each structure, each organization. So then the bylaws lead into a more focused set of dos and don'ts, if you will. This is what's applicable, these are the kinds of questions that should be answered by the independent examiner, and there's a whole lot of work that helps frame and define the kind of scope of work that we would like for the independent examiner to address.



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And when I say “we,” it’s really a collaborative effort between the entity that’s being reviewed and the Organizational Effectiveness Committee of the board whose task it is to oversee the program, and my team facilitates all that. So by the time an RFP is published, an RFP in this discussion is akin to a call for volunteers. It’s the same kind of thing, right? It spells out what’s being done, what kind of skills are required, how long it’s going to take and what you need to do to apply. So in an RFP, that’s all made very clear, and the selection process of an independent examiner is very much informed by the scope of work and what they’re expected to look at. It certainly makes for greater clarity, and even still we have circumstances where we continue to need to clarify it as the work begins, but there’s a lot less debate as to what’s expected to be delivered from the independent examiner that’s getting hired to do the work. But intentionally, that’s a different construct than the specific reviews which are community-based and do not have that clarity around scope.

KATRINA SATAKI: Yes, thank you. Martin, you still have...

MARTIN BOYLE: Yes. Thanks for that. Yes, I certainly get the difference between the orange and the blue, but within the class, and in particular as I kept on saying I think it’s the blue that are concerning me,

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because that is the one where really, the idea of the review is going to be something that reflects the concerns and interests of the community as a whole, and therefore the definition of the terms of reference – not the terms of reference, actually the sort of the scope, the things that they’re going to at least start off with a prejudice of expecting to spend a lot of time doing that work that that is where I would have hoped by now we would have had enough experience of that which works and that which doesn’t work, at least in sort of headline terms. And it’s sort of building on that, even if it’s not something that is greatly specified in advance or in sort of, “You must do it this way,” because I don’t think that’s very helpful either, but at least gives the chair of the work some fairly good ideas of exactly how to skin the particular cat that’s been given. Thanks.

LARISA GURNICK:

Sure. So I can tell you that these are observations of things that seem to work better in some cases than others. Facilitated conversations early on with the review team members around scope and sort of a process that helps them reach consensus seems to be helpful. Review teams that engage with the communities that they represent to get feedback and have some means to bring that back to the review team, that’s helpful to ensure that community input is considered. But it’s not a formal process right now, and that’s why in one of our thoughts and

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suggestions, it was the idea of once they get to kind of an agreement within the review team of what the scope should be, whether it would be valuable to put it out for public comment or some other consultation to make sure that what they're planning to do is in keeping with what the broader community feels. And then a lot of the rest of the sort of good practices observations, just the mechanics of running a pretty diverse group of people to bring some consensus and also connect the scope to the resources and the time that they have available, the number of people in the review team, how to divvy it up. I think that's an area that the review teams are spending much more time and thought about. If this is the scope, then how do we get it done? What resources do we need? How do we get it done on time? Or how should it inform perhaps some sort of a "Let's defer this topic and concentrate on this." So these seem to be very positive developments with some of the review teams.

Negar, do you want to add anything to that?

NEGAR FARZINNIA:

Sure. In practice, we have not, to my knowledge, done any sort of scope setting prior to a new review, specific review starting to date. I think theoretically, there are pluses and minuses to both approaches, having the scope set beforehand or having the review team decide it once the review team is formed. One of

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the purposes of the operating standards and the comment periods that we're opening up for it and the discussions with the community is to help address that particular issue. I think from the comments that we have received so far, it seems like of the community groups and individuals that have commented, majority prefer not to have the scope set ahead of time and would like to have it done by the review team. But there are certainly advantages and disadvantages either way.

Perhaps more discussion is required amongst the community in this regard just to see what works effectively. The bylaws identify the set of scope items that could be involved in a given specific review, but a lot of them, there are some guidelines about what must be included in every review and some options that are for the review team's consideration, but it doesn't provide any guidelines in terms of when the scope is set. And so hopefully through the operating standards and the discussions on an ongoing basis with the community, we can help work together and decide what is best in terms of how to conduct these reviews.

KATRINA SATAKI:

Okay, thank you. And just for us not to lose the focus, when we talk about operating standards, we talk only about the blue ones. We do not talk about orange ones. But I'd like to add

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another perspective that probably ought to help you to generate more ideas. I learned a couple of days ago that, for example, the orange ones – I don't know if we talk only about the dark orange part or it also somewhat includes the light orange part, implementation part, but the direct costs of orange ones are \$250,000 million.

Yes, I see your jaws drop. My jaw dropped as well. And blue ones I think were even more expensive. Three –

LARISA GURNICK: \$700,000 [inaudible]

KATRINA SATAKI: \$700,000. Almost three quarters of a million blue ones. Yes, please. I'd like to have that money too.

UNIDENTIFIED MALE: Martin and I are starting a consulting organization.

KATRINA SATAKI: Yes, so I had a proposal that probably we can drop ccNSO review and get \$250,000 to spend.

UNIDENTIFIED MALE: Travel slots.

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KATRINA SATAKI: Yes, exactly. We could increase participation instead. Yes, okay, so that was just a side note. Anything else you have?

LARISA GURNICK: So I think if we could go to the next slide, I guess the other question that I wanted to pose or get additional feedback is whether you all think that there's some way that we or the SO/AC chairs or some group of people could facilitate a conversation with other community groups on this concern that you've expressed very clearly in your comment, which is there is a stacking of reviews and it needs to be addressed. But addressed – clearly, the resolution will likely result in or will necessitate a change in the bylaws, and that's okay. I don't think there's a problem with that. I can't speak on behalf of the community, obviously, but from a mechanical perspective, that would be all right. I think the tougher question is how to reach consensus among the community groups. The timing should be discussed, and then how to fix the obvious problem in the timing. Once those questions could be addressed, the mechanics of how to change the bylaws in order to get it done would flow from that pretty naturally, and it would be probably the easier part of the conversation. So I don't know if you have any thoughts on that.

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KATRINA SATAKI: Stephen, please.

STEPHEN DEERHAKE It's clear to me that this has got to be addressed. The horrible slide is – I can't believe that's sustainable. And I was wondering if you guys are – have you yourselves within your group thinking about, "Okay, what would work best for us?" And perhaps come back to us the community and say, "We think if we adjust this as follows" and get our buy-in on what you think is going to work best for you to get you out from under this insane situation, and then we can in turn go to our board reps and say, "Fix this. Here's a proposed change, we think it's reasonable." And I'm guessing this is a standard bylaw change, which means it would come back to the community, but I can't believe there would be a rejection action initiated against it, and I think this can be cleaned up. But I think you guys should give some thought to how you guys would best like to try to manage this workload going forward and convey that to the community.

KATRINA SATAKI: Okay. Thank you very much. Oh, I see Martin.

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MARTIN BOYLE:

Thanks, Katrina. Yes, certainly I understand the cry of pain from Stephen on that schedule, and I certainly agree that one could really question the sustainability of that. However, I am conscious that reviews – and certainly as we went through the CWG IANA and the CCWG Accountability and that which has gone forward in NTIA, the reviews came out very clearly as being just about the only mechanism – positive mechanism – that the community has to be able to steer the development of the organization into an accountable organization. It's the most obvious and less threatening approach to ensure accountability. Because the only other one is the Empowered Community coming out with its sledgehammer. And so small things, if they're not corrected, end up at the sledgehammer stage rather than being put right.

So while I would certainly agree with Stephen's concerns and his possible approach to that, I would actually put my hand up and say yes. But I don't think that this is something that we can do likely or easily, particularly not from one part of the community. But it's rather perhaps something that needs to be thought about between the chairs of the SO and ACs talking about how we approach the sustainability and then talking to the communities to see what can be done to alleviate the burden without losing that accountability mechanism. Because certainly for me, yes, it might cost us several million dollars a



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year, but if the output is that we get the sustainable accountability that we need, then perhaps it's the price for that accountability. Thanks.

KATRINA SATAKI:

Yes, thank you. I think we cannot generalize in this case because, for example, look at Security, Stability and Resiliency. Should it be really – can it be adequately addressed by the community members? Or maybe we should probably ask some independent security auditors or whatever to look into the issue. Because we're not talking only about the money that ICANN has to invest in it, we also talk about volunteers, our time, our resources and everything that we – our time and our resources are not counted into these direct costs that are to the ICANN. But yes, Bart.

BART BOSWINKEL:

Just going a little bit to what you just suggested and going back to what you flagged in the introduction of your presentation. To what extent in, say, your conversation with other SOs and ACs have you encountered or have you shared this view already? This slide, is it available to other SOs and ACs, or is this the first group you present it to? Because I think this in itself is a scary picture, and it really clearly illustrates the dilemmas, and especially taking into account what Martin just said as well to

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trigger that conversation. But, say, this makes it less academic. It really shows the immediate issues at hand.

LARISA GURNICK:

Thanks, Bart. So the slide is available, it's public, it's on the website, which doesn't mean anything, I realize, but I just wanted to let you know that. We've used a similarly scary slide for the last – certainly over a year now in presentations that we've done to pretty much every community. It didn't show the full cycle, but it showed the current cycle which is equally scary. So I'd say that maybe that specific slide has not been shown as you see it now, but portions of it have been shared, including during the time that the bylaws were being drafted. We flagged these concerns hoping that there might be some consideration for addressing it while in the drafting process. But there were other issues that took priority, so the focus wasn't there. So that's one point that I wanted to make.

But also to Katrina's point about the resources, for specific reviews now we do something called the fact sheet, and we can make sure that you all have links to some examples of what that looks like. It's a work in progress, but it is a score card, if you will – a balanced score card concept if that makes sense to some of you – that shows volunteer time as best as we can capture it, because we don't know, we don't have any means to know how

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much time you all spend outside of the meetings that we're all in together, obviously. So it's a proxy. It's not a perfect metric, but it's an indication of how many meetings, how many people participated, how much time.

Certainly the money part which Katrina alluded to, but you can see that specifically for a given review, what the hard cost is, as well as ICANN org time that's going into the support work. And it includes milestones to sort of give some perspective of the time, energy and money, how it's helping progress the work of the review team towards their ultimate goal of publishing final recommendations and reports. So I would just welcome any thoughts and feedback you have for us on the factsheet and ways to improve that, because it might offer some additional insights into what other things, resources and time, especially volunteers that goes into supporting the work of – doing the work of these reviews. Thank you.

KATRINA SATAKI:

Guys, thank you very much. If there are no more comments on this, let's move to the next agenda item. That's our internal review. Some people have already indicated that they will not be able to commit their resources, time and knowledge to a working party. We have a couple of other volunteers to join the working party. But anyway, this is something that we need to do,

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and later this week, I think we're going to meet with MSSI Team again to talk in more detail about the upcoming work. But if you could give us some initial thoughts, some initial things that we need to consider before our meeting on Thursday, it would be really welcome. Larisa?

LARISA GURNICK:

We actually prepared a couple of slides just to remind you, if that would be helpful, of the roles and responsibilities of the review working party. We weren't sure if you wanted us to go into that now. And timing as best as we know to having had this conversation about the importance of knowing what you're committing to. We actually can share something more concrete with you all. So if you go to the next slides, I'm happy to go through this really quickly.

This is a general timeline. It's based on our experience with other reviews. Things could happen faster or slower, but generally, this review is supposed to start in August, no later than August. So the reason we're having these conversations now obviously is because it takes quite a bit of preparatory time to get things ready, to publish the RPF, to go through the selection process and have that all lined up so that by August, the independent examiner is ready to start the work.

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Then several reviews ago, we piloted a new process. Rather than asking the independent examiner to produce draft recommendations and then final recommendations, we asked them to produce a draft assessment report which is supposed to just be their reflection of the analysis, the interview feedback, the survey results, their observations, review of the documentation, all of the different means that they have to do their work. It's supposed to inform their views of the assessment of what's working and what's not working. And then based on that feedback, including public consultations, they would develop recommendations, draft recommendations for the review working party to consider, and then based on input from that, the draft report and recommendations would be published which would then lead to – it says “draft final report.” I think that's probably a typo, it's supposed to be “final report issued.”

At the time that the final report is issued, also a couple of things happen. The work of the independent examiner is done, essentially, but the work of the review working party would still continue, because at that point, part of our process is for the review working party to speak on the behalf of the organization to say, “This makes sense,” “This is a problem,” “Here's a better solution,” or any sort of feasibility, practicability and usefulness feedback that you would like to share with the board. Because then what happens after the final report is issued, the board –

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which starts with the Organizational Effectiveness Committee of the board – looks at the final report, the review working parties – which really, the review working party is the conduit and most organizations end up adopting their input through the council or something like that to make it representative and official for the whole group. But the feedback from the organization as well as public comments, those three components go to the board and they consider all of that and take action on what to do with the recommendations.

So that's sort of the general timeline and deliverable. Because of a lot of – this is very high-level, but a lot of work and time does happen particularly in the beginning of the review, because the work of the review working party or the intention is to make sure that the independent examiner is clear on how the organization works. Because as we look for someone who's competent to do the work, they most likely will not be a ccNSO expert then for independence and impartiality purposes. We probably want some of that independence, so it becomes really important to have the dialog between the review working party and the independent examiner. And to give you a fair assessment of how long that might take, we can have some of those conversations on Thursday. But it just depends. It depends on how much input is necessary, and obviously we try to manage this process so that your timer is used most effectively and that the

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independent examiner does the heavy lifting. But from the start of the review to the draft assessment, I would say between August and February, there would be quite a bit of involvement. With the review working party, typically there are meetings scheduled on a periodic basis to check in, and we have a pretty well-established process that we could bring as a best practice for how to do that. But that input and the dialog back and forth we found to be very productive, because the ultimate goal is to end up with a final report. Not necessarily that there would be agreement between the review working party and the independent examiner, oftentimes there is not agreement. But at least there would have been fruitful and open discussion, and there's an agreement that the facts and the way things work for the ccNSO has been fairly considered by the independent examiner as they form their conclusions. Any questions on this?

KATRINA SATAKI:

David.

DAVID MCAULEY:

Thanks. I'm one of the members of the Guidelines Review Committee who mentioned to Katrina that I can't really participate right now, regretfully. So my question is, is the timing – you just answered part of it, August to February is really sort of the peak workload, I guess the first peak workload. How

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disruptive has it been in doing these things if people drop into a work party later if the work party needs help? And the other question is, what typically is the effective size of a good working party?

LARISA GURNICK:

Great questions. So we've done this now several times. We've had work parties of as many as 20. That was kind of big, and not everybody was active throughout. In most cases, particularly in that case, people did drop in and out, as would be expected. Continuity is always nice, but the process is designed to have documentation and building blocks that hopefully are available to people to be able to get back up to speed pretty quickly. So I'd say valuable input at any stage would still be really, really useful. But yes, we've had – I think probably the smallest working party was maybe eight people or so. It really depends on the dynamic of the group and how well it's all coordinated within the group.

DAVID MCAULEY:

One more question. So up there it says the start of review is no later than 31<sup>st</sup> of August. But the RFP itself, when will the contract be let? And the 31 August date, does that mean that's the date of contract and these people just sort of start then? Thank you.



LARISA GURNICK:

So the reason it says no later than 31<sup>st</sup> of August is because there was a board resolution that said that this review shall start no later than August, so the latest possible date I guess would be August. Is that the best month to start a review? Perhaps not. It's the midst of vacation time for most people. But the contract would be executed ideally in July. Once the contract is executed, then we can share with you all who the independent examiner is, and then preparations can begin for things to happen. And of course, a lot of it is informed by the schedule of ICANN meetings, although it doesn't have to be.

ICANN meetings inform the timing of so many things, the cycles for all the groups. The reason that they are important is because those are the opportunities for face-to-face interaction, interviews and such, but a lot of the work of the independent examiner and the interactions with the review working party happen remotely. Actually, the meeting time is really used for them to do interviews with community members, because generally, face-to-face interviews are more effective. So again, hopefully I answered your question. Ideally, the contract would be signed at least sometime in July, which then allows us as the team to kind of help so all these pieces fit together, have some conversations with you and the independent examiner to make sure everybody is clear on what the objectives are, what the

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scope is, any other important elements, and then they generally start with what questions should be formulated and what's the appropriate way to formulate questions to produce the desired outcome to inform the interviews, which would then start in August at ICANN63.

KATRINA SATAKI: Okay. Thank you very much. Very informative, and thank you very much for joining us. If there are no more questions, comments or anything, then we'll thank Larisa and her team for joining us. See you around, and definitely on Thursday.

LARISA GURNICK: Thank you for your time and your interest in this topic.

KATRINA SATAKI: Yes. Thanks. Okay, so the next thing that we have on our agenda – before we move forward, as I believe many of you at least already know that unfortunately on Friday, Ben Fuller who was one of the members of our working group passed away. Please, if you want to send some condolences, Nigel has a [book], so you're really welcome to share your memories and say something to his family and friends.

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With that, I must say that our working team in this Guidelines Review Committee is shrinking very rapidly. If we look from our meeting in Abu Dhabi to today, Eduardo stepped down, Alejandra stepped down, Christelle stepped down. Unfortunately, now we have lost Ben as well. It's understandable, taking into account that we work – nobody expected that the Guidelines Review Committee will somehow turn into permanent standing committee with all the things that we have to do. But we definitely need perhaps more people to join, and I think we will ask the council to approve new call for volunteers just to get more people onboard.

With all the things that we have to do, one of those you see on – it's travel funding guideline. Just to update you on that, the plan was that we send it to the council and then send it for public comments for the community, but when we sent it to the council, we got feedback and updated guideline let's say, but it was heavily redacted so that there was no point in sending it to the community. I think that we as a Guidelines Review Committee should look at the guideline first before we show it to the community, and we have to look at other documents that guide travel funding on a global ICANN level to make sure that the new wording in the guideline does not conflict with any other documents on this topic.

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So this will be one of the items for the council meeting that, again, the council agrees to send the guideline back to the Guidelines Review Committee for review and more work on the document.

Next agenda item, that's work plan and need for additional volunteers. I already spoke about additional volunteers, so it's clear that we need new people, new blood. Of course, it's not going to be easy for them to jump onboard as the train is moving downhill very quickly. But speaking about the work plan, yes, we haven't received actually any feedback from community regarding our rejection action guideline, so I assume that we can ask the council to adopt the document. Not today, but in April. Yes.

**BART BOSWINKEL:** As far as I recall, this will be part of the session on Wednesday as well, to discuss the rejection action guideline with the community again.

**KATRINA SATAKI:** We won't discuss much, but – I didn't say on Wednesday, I said next council meeting.

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BART BOSWINKEL: I'm not meaning to the council but to the community itself as part of the session of ECA.

KATRINA SATAKI: No, it's a very short update, so we're not talking into any detail about rejection action. We had two webinars. Thank you very much, Stephen, for putting extra effort to overcome your illness and loss of voice. Unfortunately, I must say that these webinars showed there's not so much interest from the community to hear what we have to say about rejection actions. Yes, it's shocking. It's appalling, but that's the fact. Clearly, not so many people joined. The second webinar was probably better attended than the first one. I don't know if anyone watched the recording. I hope it's already published. We can clearly ask for some data on that, but yes. Stephen, I see that you have something to add to the webinar disaster.

STEPHEN DEERHAKE: I hope that you posted the first one and not the second one.

KATRINA SATAKI: Yes.

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STEPHEN DEERHAKE: That’s good. Yes, I don’t know how to take the lack of interest as to whether they just [assume] that the council’s going along swimmingly and doing what needs to be done or whether there’s a true lack of interest. I’ll assume the former. Did I understand this exchange between you and Bart in that we will not be discussing rejection guideline during this ECA update presentation? I’m just trying to figure out if there’s something I forgot to do.

KATRINA SATAKI: Yes. Well, I did that, don’t worry. There is a presentation with the short highlights of – it’s not as long as the one for the webinar. Definitely not. it’s a very short couple of slides to give just a general feeling of the guideline. We won’t have much time to discuss it in details. If anyone wants to listen – to have a full picture, they should listen to your first recording.

STEPHEN DEERHAKE: Do you have that slide set? Because I have not prepared a slide set on the rejection guideline at all for this meeting. I just have a short one for the ECA update and what I see coming up with the potential budget rejection petitions.

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KATRINA SATAKI: Yes, you have ECA update, and after that, there's a very short – I can send you the slide deck I will have, but it's really very short. I think I have 12 minutes for that.

STEPHEN DEERHAKE: I'm just trying to ascertain if this is my responsibility or somebody else's responsibility.

KATRINA SATAKI: Well, I prepared slides. I didn't bother you with that. You did your best at the webinar, so no worries about that. So yes, you cover ECA, I will talk about the guideline. But really very briefly, it's a very short session.

Okay, another thing that we will be doing during ccNSO members' meeting day – and that was Stephen's idea, that we should initiate discussion on rules of the ccNSO. I cannot say that I fully agree with Stephen's assessment of the scope of the tragedy, but we definitely need to do something, because those rules are from 2004 and they absolutely do not show the reality. But still, many people believe that those are kind of paramount to everything that we do, including the bylaws. No, that is not the case. The bylaws are paramount and bylaws have changed, plus added many other new things that unfortunately we now cannot squeeze into our working methods we adopted

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previously. Yes, exactly, ccNSO has evolved – we have more members, 165 members. And what worked for 14 members definitely does not work for 165 members.

So those are things – we still have several other guidelines that need to be done. No idea how we’re going to do that, but yes, at some point we just will have to move forward. Anything else any of you would like to add, raise or anything? If not, then probably we can just –

BART BOSWINKEL: Maybe one thing.

KATRINA SATAKI: Yes, please, Bart.

BART BOSWINKEL: Following the discussion with Larisa on the scary slide –

KATRINA SATAKI: You mean the most expensive one?

BART BOSWINKEL: Yes.



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KATRINA SATAKI: You look at the slide and you realize it's like \$10 million. It's worth \$10 million.

BART BOSWINKEL: Maybe that's a question for the GSE. Is there a preferred way forward that you think Katrina should share with the council from this group? Because you've been involved in this work, probably the most knowledgeable about it, and there will be a discussion later on today. Some of you will be there, but it might be helpful to, yes, start thinking about it. So I don't know if it's premature, but...

KATRINA SATAKI: David, please.

DAVID MCAULEY: I don't have any thoughts to share right now, but I will start thinking about it. Thanks, Bart. But I'll just mention I'm going to try to make that slide a little bit scarier, because there is under the ATRT review a statement of the things that they may assess, one of which is the IRP. And I was asking Larisa about that. In the IRP Implementation Team, we are looking at perhaps asking that that be made mandatory. And the reason is we've had public comments about looking at IRP, reviewing it periodically. The new IRP panel that's going to be launched, etc., is going to

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be issuing decisions that create precedent. And so it seems that a review of IRP as the topmost formal accountability structure is warranted beyond simply an encouragement. So anyway, I was just going to make the point. I may try and help make that slide a little scarier. Sorry about that.

KATRINA SATAKI:

No, it should be much scarier than it is now, because many things are not included there. And we're talking only about reviews – all kinds of reviews that are mandated by the bylaws at the moment. Okay, any other comments, suggestions? Yes, Martin?

MARTIN BOYLE:

Just a little question. The scary slide, an extract from it is available on their website, but it's actually only a small timescale slice of it. Is there any chance that they could share that slide set with us? Because certainly, if David – and I think we all probably need to look at it and start thinking what other things [ought we] to be putting in place. Because I'm also conscious of the IANA process, that one is coming up for review. The CSC is also coming up for review, and those are obviously two that are of massive interest to the ccNSO community. So it would be useful to try and slot them in and see exactly what that does against everything else. Because that work on the CSC, for

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example, and the IANA functions review – ditto – are all going to be happening next autumn when we’ve already identified we’ve got a very heavy load work on our own community. So it would be useful to have that slide set and then start building on that to produce the hyper-scary slide set that David’s just been talking to us about. Thanks.

KATRINA SATAKI:

Yes, thank you very much. No, this is actually – yes, the council will talk at great length about priorities. And one of the presentations that I’m going to share with the council is about volunteers and what deep set of problems we have run into. Bart, you wanted to add something?

BART BOSWINKEL:

Just on your question, [inaudible] do we have it available anyway? Maybe just send it to the GRC?

KATRINA SATAKI:

So we will have the scary slide. Think how many kidneys you can buy with [that]. Okay, so thank you very much for your input and your active participation in the work of the GRC. It’s very much needed and it’s very much appreciated. So thank you, and see you around. And now just take some time off. Tea, coffee is here. Have fun. Thanks.

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UNIDENTIFIED MALE: Shut down the room speakers.

UNIDENTIFIED MALE: Already down.

UNIDENTIFIED MALE: ccNSO Guidelines Review Committee, 10:30 to 12:00, room 209-A, ICANN61, San Juan, Puerto Rico.

**[END OF TRANSCRIPTION]**