

Here are the questions, followed by my recommendations in red-italics:

1. We envision the creation of a GNSO-ccNSO Special IFR Initiation Coordination Team (SICT) – see paragraph 5.2. We say that as soon as the CSC informs the ccNSO and GNSO Councils about a performance issue as defined in the CSC Remedial Action Procedure, the two Councils shall as soon as possible each appoint three (3) members including the Chairs to the SICT. Well, these CSC procedures involve going first to the PTI Board, then the ICANN CEO, and then to the ICANN Board. The GRC wonders when specifically should the SICT be established and they suggest that it not be until the ICANN Board is engaged in the matter. (Note – The CSC will inform the Councils of every escalation step in the RAP.)
  - a. Question: Do we agree? What do we think?

*It seems like a sensible suggestion to me. The Board will take at least a little time to react and with this joint guideline the SICT ought to be able to get prepared. It might make sense, however, for both Councils (when they adopt this guideline) to create an annual reminder on their agendas of what a SICT is and whom they might consider as likely candidates should the need arise.*

2. In reading through paragraph 5.3, the GRC was not quite sure whether the respective Councils would have to make one joint statement or two – and how the interplay takes place between posting input on the various websites and jointly releasing a statement through the SICT.
  - a. Question: Can we clarify how this process works?
  - b. Related question: Can we two groups jointly map out the timeline of the SICT to test its viability? (For instance, we allow up to 30 days for input from SOs and ACs (see last sentence of paragraph 4.4) and then perhaps allow for the time needed for public comment – will these time periods work?)

*Paragraph 5.3 currently says this in part: ‘The GNSO and ccNSO shall jointly release a statement through the SICT that they are initiating a Joint Consultation ...’*

*That sounds to me as if there is just one statement and it comes from SICT. Maybe SICT can sign off on such a statement and then below its signature could be approval signature-blocks for ccNSO and GNSO.*

*On timing, I think a ‘dry-run’-through makes good sense. But I also suggest that we consider an overarching timing-paragraph along these lines:*

*Flexible construction of time periods within this document:*

*Each time period specified in this document within which any decision or other action must be made shall be understood as being a ‘not-greater-than’ time period, it being understood that in all instances, as well as cumulatively, the individual or group (e.g. Council Chair or SICT) having to decide or act shall decide or act so as to remain within the times specified under the ICANN Bylaws (including the Annexes to such Bylaws).*

3. For the work and deliberations involved in paragraphs 5.4 through 5.6 (this is a considerable amount of work) the document places most of the onus on the SICT. THE GRC wonders if this is too much to load onto the SICT and whether some of this should be shifted to the respective

Councils – and what that balance would look like in a bit more detail. Moreover, given the ramifications of the decisions involved which decision should be on the plate of the full Councils and which on the plate of the coordination team?

a. Question: What do we think?

*This also seems sensible – and maybe a good division would be to assign duties in 5.4 and 5.6 to SICT, and those in 5.5 to Councils. Suggestion from Heather: Need to build in flexibility. Composition of the Council will be different. Division of labor will largely be along these lines unless the Council's agree otherwise.*

4. With respect to considerations of a Special IFR itself, the GRC noted that other avenues exist through which to address PTI issues – for instance (1) possible removal of director(s) and (2) the ability to bring an IRP relating to PTI service complaints and/or ICANN's failure to enforce its rights under the IANA Naming Functions Contract – and mediation is also available.
  - a. Question: Should this document note the fact that Councils will possibly be looking at alternative courses of action and thus we should be careful to check on that possibility to factor it into our calculations?

*This seems wise, at least for the SICT (assume that Councils will remain abreast of developments in other avenues) – maybe a sentence at the end of section 5.2 along these lines:*

*In addition, the SICT shall take steps to remain informed of developments at resolving the PTI Performance Issue(s) by other means and shall consider such developments as they may reasonably influence the work of the SICT without jeopardizing the SICT's ability to remain within the timeline(s) specified by the Bylaws (including Annexes to the Bylaws).*

*Suggestion from Bart: SICT to suggest that the Councils look into alternative means to address the issue. Take into account the timing (look at the timeline).*

5. Finally, the document should perhaps make reference to ongoing steps by CSC to resolve the issue. What happens if the PTI/IANA issue is resolved along the way – should we address closing down the SIFR and SICT. (Note – once the CSC informs the Councils at the end of the RAP the role of the CSC is very limited – see the RAP process [icann.org].)

*This seems sensible, but I would like to hear a bit more from Bart about what this might look like.*

*From Bart: If the issue is resolved make sure you close the process.*

*From Heather: Look at the guidelines to be sure that we have something formal in the guidelines to note that the work is concluded.*

***ACTION: David to draft language to address questions 4 and 5.***