

NOTES | Extraordinary Council meeting
Tuesday, 7 May 2024 | 20:00 UTC

1. **Welcome**

Welcome by Alejandra
LACNIC in Panama. Jenifer sent her apologies

One AOB: response to Katrina and Patricio re meeting with individual board members at ICANN meetings

Alert: we need feedback, if any, on letter to Tripti regarding changing recommendation 7 and the related bylaw amendment.

2. **Admin matters**

a. Update Sol?

Jordan: I am no longer member of the committee for NETmundial+10

b. Quorum

Claudia: Quorum is met
Apologies from Molehe and Jenifer.

c. Special nature of the meeting

See Council practices guideline. Agenda was not available one week prior. Decision to meet was only made last week

Any objections to making a decision today? none

3. **Introduction & Background**

Focus on handling the list of questions, involvement of community and possible timelines.

Alejandra: brief intro on where we are. We received questions from the Board Caucus, not from the whole ICANN Board.

Katrina mentioned in her letter that the questions are asked to assess feasibility of implementation. So my take is that after reading the questions and looking again at the sections 2 to 6 of the Board Report, apparently the text is not clear enough i.e leaves

room for interpretation and needs additional clarification to allow ICANN to implement the proposals.

It is also my understanding that in terms of the ccPDP the Board is still considering the policy following its own internal procedures, and the Board has not taken any decision, therefore this is not and should not be treated as a request for a supplemental recommendation. Supplemental Recommendations as mentioned in Annex B presume a Board vote and a request for change of the policy.

Some may question the duration of the consideration process, but it should not come as a surprise either. We learned this lesson with the retirement policy, and I expect it will happen again with ccPDP4.

Going forward, I know we want to see results and move as quickly as possible, but we also need to be mindful that we need to follow a process and we should focus on quality rather than speed.

So the focus of today's meeting is on the steps we need to take to move forward, and not on the list of questions themselves.

Stephen: brief history. 15 year journey

Began with DRD WG. Task related to IANA decisions. RFC1591 and GAC principles.

DRD WG presented its report in San Francisco

Then FOI WG, this is where my involvement started. Refers to scope of the FOI WG.

Active participation from GAC.

ccPDP3 split into 2 subgroups. First Nigel Roberts chaired, then Stephen

Reference to dates when reports were submitted to Council, and member vote took place

RM policy under consideration since 2009. I chaired the WG for the past 6 years.

Sharing my concerns regarding the questions with the WG and Bernie made sense to me. Was surprised by the reaction. Bernie and I have been working on responses. We are not finished yet.

Alejandra: thank you for the hard work. ccPDPs take a long time. Since we need to involve the community.

Stephen: it is tough

Alejandra: council will decide today how to move fwd. Not damaging that you reached out to WG on your own, but would have been better to wait for today

Stephen: i was trying to move quickly

Alejandra: first we discuss, how to act, and then act. Hence our meeting today

4. Possible Scenarios to handle the list of questions

Alejandra: assume that we all agree that we need to provide responses to the questions?

Yes, only green ticks

So as we all agree the ccNSO needs to respond, I suggest we use the following procedure:

- First a team draft the responses
- Secondly, we inform and consult the membership
- Finally, the Council approves the responses, and sends them to Katrina as chair of the Board Caucus.

Stephen: Bernie and I looked at all the questions. We have 12 answers to still provide
My suggestion is we continue, and then bring our draft to council

Alejandra: Nice proposal. We still need to decide as a group. I wish some fresh eyes in the drafting team, recognising you are the experts who have been working for a long time on it.

To address potential ambiguity.

Stephen: we submit our responses to Council for peer review

Jordan: getting draft answers is the best way to go. As part of that process leads to education for some of us, that were not so involved. Option D would work. Most of the questions are easy to answer.

Stephen: some answers are really simple

Peter: agree with Stephen's suggestion, as a part of the process. I have been part of the WG, and do not claim special expertise. If we have the list of responses, at some point we need to decide whether we structure this in a different way. For some an omnibus response. Subliminal message. Process wise and substance. It does not hurt to have 40 responses. It should not mean we will approve them and send them back. We need to draft the response more carefully

Bart: background of the questions. Order refers to section 2 to 6. Hence the reference.

Some questions are straightforward, and some require further consideration and understanding of potential implications. If you change the order, you change the order of the sections. It would require translation back. Makes it more complicated.

When looking at the agenda, you start to explore the way to address the questions. First decide on a high level procedure how you want to handle it. There is an important question regarding how to involve the broader community. Do not discuss now the list of questions and how to address them, first decide on the procedure.

Peter: fully agree. Rephrase. Just answering the questions is probably not enough. Have a conversation about subtext of the message, and send additional messages back. There needs to be more info exchange

Stephen: agree with Peter. We should answer in their format. Happy to continue on that. Then submit to council or subgroup, and provide additional commentary. We should send back the spreadsheet, to avoid further delay.

Alejandra: summary. Yes, we need to respond. Option D seems to be preferred. Co-chaired by WG chair Stephen and another council member. Thus we have the expert, and fresh eyes as well. Trying to be precise and less ambiguous. Would solve both.

This group could also address what was suggested.

Stephen: agree. Educating a new generation of councillors. It is critical for the ccnso. No problem in having them review the work, and have them comment on the proposed answers by myself and stephen.

Alejandra: do you agree with the approach?

Green ticks in Zoom

Jordan: i'd like to be part of the work since I feel it might be helpful for the policy gaps work

Alejandra: other volunteers?
Jordan, Sean, Nick, Pablo, Peter, Stephen and Bernie

a. No response to questions

b. Working group reviews questions and suggests responses, to be approved by Council

c. Council only group: members and non-members of the ccPDP3 RM WG (Councillors who are members of the WG: Stephen, Nick, Peter, Sean), responses to be approved by Council

d. Combined group of Council and working group members, co-chaired by chair of the WG and Council member suggests responses, to be approved by Council

Note: Approval of responses is a Council decision, subject to membership vote if so requested by members. This is not about change of policy, nor supplemental recommendation.

Bart: would it be wise, to ask the email list?

Formally ask for volunteers from the WG outside of council and staff?

Stephen: good idea.

Bart: just send an email.

Stephen: doubt I would receive a response. Just from Nigel

Jordan: when you go to the group, refer to decision in number 5.

Stephen: i will send my draft to you Bart for review, before i send it to the list.

Bart: thanks

5. Involvement of broader community?

a. Need to inform and involve ccNSO Membership in process?

Alejandra: believe so. Do you agree?

Stephen: what are we telling them?

Alejandra: inform community on progress. Update. Get temperature of the room. If the drafting team finds elements that are useful to have the input from the community

Jordan: transparency purposes and importance of PDP work. We should not send the list of questions and ask what they think, we should also not ask them to approve them.

Turnover in the work of the ccNSO. The policy gaps work is less urgent than finishing this PDP. if we need the time in Kigali, we could use the slot originally foreseen for the

gap analysis. Better than just a 3-min. Update: we have questions, we are going to reply.

Stephen: yes, happy with Kigali

Alejandra: thank you Jordan

Nick: depends on when we finish the review of the answers. Is there impact on the policy? Does it require a new membership vote? Some answers are not easy. Do we need a ratification of these answers, what is the process? Transparency is important. Consequences for the community? Matters of principle. Potential need for another vote? Original mandate. Update is necessary. First we need to review the questions carefully, before we can decide what the next steps will be.

Alejandra: I understood. The questions do not require major change. More clarification on things. I do not see the need for another vote. Just questions for clarification, this is not about changing the policy

Stephen: we have 11 questions, where the response is something else than "correct".

Alejandra: agree we need to be transparent, and inform the community.

b. Timing involvement ccNSO Membership:

i.Kigali (ICANN80, June 2024)

ii.Istanbul (ICANN81, November 2024

iii.Intersessional (September 2024?)

Note if community is to be involved in Kigali: Small group to prepare responses starting 14 May and closing 10 June (group session Monday, block 3), use the GAP analysis session to report back and seek support ccTLDs present, Council decision Thursday 13 June

Alejandra: Istanbul is too far away. Would delay the process too long, and is not necessary. Let's aim for Kigali. It seems that this is feasible. But the drafting team will know when they start looking at it. Depending on the status, we could still give an update in Kigali, and if needed finish work later. Thanks to Jordan for the proposal to use the policy gap session slot.

Nick: can we add some sentences in the next ccnsso newsletter?

Jordan: in any case it would be difficult to multi-task doing the policy gaps work and doing this work, given the crossover in people involved

Alejandra: what is meant?

Nick: update that we received questions, small team going through them. Outcomes to be shared with the community in due time. Does not deserve a whole block of time in a meeting

Alejandra: so, just a written answer?

Nick: yes. Would be a boring session.not useful to go through each question line by line. That would be painful.

Stephen: agree. This is really in the weeds. A five minute summary to the community should suffice.

Nick: community elects council to deal with such matters. Let's not make it more painful.

Stephen: ok. This is what council has to deal with. Not community.

Alejandra: session not only focusing on the questions. But bringing people up to speed regarding the process. Could be educational.

Nick: this is so technical and dry. Do this in a written update, and let people think about it. Not fair to ask people to give instant reactions, or temperature of the room

Jordan: teasing it out a little more. Verbal update. As we said, we told you this was happening. Answers are lowkey, we will put them in. do you want to know more? Talk to us. That is an option. Agree that the matter is dry. But this is the appeals mechanism for decisions about our TLDs. i am on the fence, but also conflicted. The small team regarding gap analysis. Capacity issues.

Nick: cross that the work of the gap analysis work is interrupted by these questions

Stephen: that policy is set. The gap review people need to ... how do we join forces? What was left out in our policy?

Jordan: group working on the answers. It will take time to do this. I share Nick's frustration, but we all have limited capacity. Not sure how many work we could do on the gap stuff. There is some time on monday in Kigali.

Peter: it is my understanding that the collision with the gap work is more a council internal resource competition. Mixing those in front of the ccnso members, would add to the confusion. Should be a separate info to the members.

Alejandra: gap analysis people and those who provide response. Overlap.

We have not decided yet how to inform the community.

Should there be a session on Kigali?

Demi: One side point for other opportunities, or Kigali, I think we have to spend some time in topics that may be critical do ccNSO "Lebensraum", like conceptualizing what would be "DNS abuse" from ccNSO point of view...

Peter: we probably need a 3rd option. A dedicated session might be too much, but a slot somewhere would help

Green: 5 min update

Red: full session

Stephen: green.

Alejandra: i see green ticks.

Alejandra provides a Summary: we have the drafting team, we will inform the community in Kigali. Short update. Council will approved the responses, plus any other info to be shared with the Board Caucus.

Bart: we need to ask WG members tomorrow whether they want to join

Alejandra: yes. we will circulate a resolution to council mailing list tomorrow.

6. AOB

Alejandra: I want to raise the point that to date we have not received an additional response from Nigel, I also note that it is now nearly two months since we had our in person meeting with Katrina, Patricio, Becky, Danko and Jim.

I want to suggest that we adjust our response to Katrina and Patricio, specifically the second paragraph with the reference to Nigel to reflect the current state of affairs. If you agree, we will update the letter tomorrow and circulate it for final suggestions and sign-off.

Do you agree?

Green ticks

Ai-Chin: I want to know if, in the future, for example, ccPDP4 encounters a similar situation, should we still follow this approach, and will this procedure become part of the PDP?

Finally I want to mention that our response to Tripti on changing recommendation 7 of the Auction proceeds and the Bylaw change is due next week. So please check the text:

<https://docs.google.com/document/d/1suwJWCFQIUrJMOmiFX8CF0sVLbRPyxJCIYA1b1YdAml/edit>

7. Adjourn

ICANN80 Links to Bookmark Now

- ccNSO Schedule
<https://community.icann.org/x/GQBkEw>
- ccNSO Session Highlights
<https://community.icann.org/x/wYCfEw>
- Tech Day
<https://community.icann.org/x/OgBkEw>