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ANDREA GLANDON: Good morning, good afternoon, and good evening. Welcome to the NCSG Policy Committee meeting being held on Monday, the 13<sup>th</sup> of November, at 11:30 UTC.

Attendance will be taken by the Zoom Room. I would like to remind all participants to please state your name before speaking for recording purposes, and to please keep your phones and microphones on mute when not speaking to avoid any background noise. As a reminder, those who take part in ICANN multistakeholder process are to comply with the Expected Standards of Behavior. And with this, I will turn it over to Tomslin. You may begin.

TOMSLIN SAMME-NLAR: Thank you, Andrea. Welcome again, everyone, to our November PC meeting and Council meeting preparation for the councilors. As we usually do, we will look at the Council Agenda today, then look at some items on our agenda, then see if the members have any AOB. So with that, Andrea, if you could please put the Council Agenda up. I did share this on the Members list. So I'll be walking through it. While I'm doing that, if anyone has any questions, we'll be looking at the hands raised, for any hands or anyone who would like to ask any questions or comments.

So starting with item number two, which is the usual review of projects on action list. And in fact, I think considering that this is the first meeting for the new Council, that the Council will be looking at all items a bit more in detail I think on that projects list to see if there are things

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that they should perhaps spend some time on. But generally, this agenda when leadership develops this agenda, it's based on that project list anyway, based on what's coming on with guidance from project managers.

There is one consent agenda, and that's to confirm me as the GNSO representative as decision participant to the Empowered Community. I did volunteer on behalf of leadership to represent the GNSO in there.

On item number four, the Council voted to approve—if you remember this I think in ICANN77 or was it 78? I can't remember which one we did in Hamburg anymore. But the IANA leadership team in Cancún, they held many community sessions where the community was informed about some Bylaw changes they intended to make. Yes, 78 is Hamburg right? All right, so 77 then. Correct. Thanks, Adebunmi. So in Cancún the PTI IANA leadership had community briefings on what changes they were proposing for the Bylaws, the IANA Bylaws, the PTI Bylaws, and we'll be voting on this. Some of these came out of I think the first IANA Function Review Team recommendations, which I happen to have chaired then. That's about I think three years ago or so now. I co-chaired that with my colleagues in ccNSO. The report had some recommendations on some things that were outdated in the Bylaws in terms of the way PTI operated. So the Council will be voting. I think both ccNSO and GNSO are required to vote on these changes. So, yes, the GNSO will be voting on this this week. So I don't know if there are any comments or questions on that. I'll pause for three seconds and check the queue. None? All right, moving on.

Item number five, where the Council will be presented to by the IDNs EPDP chair the Phase 1 Final Report. We also had an update in Hamburg on this as well from our representative to the IDN EPDP [inaudible], where he told us that there were no contentious issues, and the PC discussed this in Hamburg as well. So no new information for me to give other than that. The Council have an opportunity for this to be presented to them because the Council will have to vote on this most likely at the next Council meeting. All right. Next item please.

All right, this is regarding updates on the status of the data processing agreement negotiations that have been going on between ICANN Org and the Contracted Party House. All right. Sorry about that. Now, with that, I think we will be getting an update from staff regarding what outreach ICANN Org had with the European authorities about the GDPR.

So first, there are two sub items under this item that are under discussion. The first is that ICANN Org, together with the chairs of the Registrar Stakeholder Group, the Contracted Party House, will give an update regarding the response that they had provided to the Council in October, where they notified the Council that they'll be negotiating the specification of the Data Protection Agreement in the contracts. I think they were moving away from calling it DPA, if I'm not mistaken, because there were concerns that DPA might mean something else in the data protection world. So they were moving to call it the Data Processing Specification. So that's one aspect to that. I think councilors will be given an opportunity to ask questions relating to that change of name as well from DPA to DPS and what that means to the contractual negotiations that Org is having with the Contracted Party House.

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And then under this item as well of item number six, there is the aspect of accuracy conversation as well. If anyone remembers, there was a Registration Data Accuracy Scoping Team that was initiated by the Council last year. And that Scoping Team basically put some recommendations forward to the Council. I think the recommendations were that a registrar audit should be done and also that a registrar survey should be done in order to get or acquire enough information to help the team scope this piece of work.

ICANN Org later sent a letter to the European Data Protection Board concerning the legality of the proposed data processing under GDPR. And there were some questions that were also asked, which the Council has been waiting for answers for as well regarding whether some scenarios that Org wanted to carry out, whether that will produce enough data that the Scoping Team could use. I think a report was published by Org. And I think, if I remember correctly, one of the outcomes or things that were mentioned in the report is that the work that ICANN Org is doing might not produce enough information as the Scoping Team might be expecting, and also that the registrar audit that the Scoping Team had requested for might also not produce significant amount of data and yet it might be costly. So they were recommending some alternatives to how to progress this conversation of accuracy. One of those was that the ICANN Contractual Compliance I think should perform an RRA or should carry out an RRA audit program either to implement something similar to that and to engage with ICANN's contracted parties on current developments with respect to European policy-making.

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So, that is long history on that. That also gets me confused sometimes what exactly we are discussing that matter. That is what that item will be and the Council will be discussing on that information that will be coming through on that from ICANN and the Contracted Party House. I don't know whether there is a councilor that may want to add anything else to that present here. Usually Stephanie is our lead on those sort of issues in the Council. I don't see her here. So if anyone has further questions on that specific topic, please reach out to Stephanie as well for additional information. All right, I don't see any hands up or any comments. I guess I confused everyone enough. So we'll move on to the next item.

Item number seven. I think this one has caused quite a bit of stir in Council, actually. So I'll attempt to give a background on this one as well. Thanks, Rafik. So the Cross-Community Working Group Auction Proceeds. And if anyone has more information on this one or think they've been following it better, please don't hesitate to stop me and add some more. But the Cross-Community Working Group on Auction Proceeds had sent a recommendation to the Board regarding how the proceeds could be granted to applicants. The Board initially approved all the recommendations from that group. One recommendation that stood out, which is the focus of this conversation this week, is I think Recommendations 7 which states that existing ICANN accountability mechanisms such as the Independent Review Panel and other appeal mechanisms cannot be used to challenge a decision from the Independent Evaluation Panel to approve or not approve an application. So basically, applicants not selected should receive further details about where information can be found about the next round of applications,

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as well as any educational materials that may be available to assist applicants. The working group recognized that there will be need to be an amendment to the fundamental Bylaws of ICANN to eliminate this opportunity to use Request for Reconsideration on Independent Review Panels to challenge grant decisions. Now, that is the core issue there. That recommendation that an amendment to the fundamental Bylaws to be made to eliminate applicants from using Request for Reconsideration on Independent Review Panel.

The Board in 2022 initially agreed with the CCWG-AP's conclusion that fundamental Bylaw changes were necessary to implement Recommendation 7 of that report. They identified that that Bylaw change was a dependency on the launch of the ICANN Grant Program. But in Hamburg, the Board reconsidered that position and instead determined they will use an alternative to a fundamental Bylaw change. What they recommended was—the CCWG-AP's recommendation essentially said that IRPs, Independent Review Panels, should not be used for challenging those applications. But rather than use a fundamental Bylaw change to do that, they rather do that through Terms and Conditions of the applications.

So, many councilors thought that the Board was not correct to attempt to do this via a contractual Terms and Condition, that they should follow the CCWG-AP's recommendation of doing a fundamental Bylaw change. And the concern they had there is that this was set a worrying precedent that could have ICANN Board given directive to ICANN staff to make changes that the community will would have recommended through recommendations to the Board be made via contractual agreements. So I think some community members headed by the IPC

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are putting together a Request for Reconsideration to the Board to reconsider that decision to use the contract Terms and Conditions to implement this recommendation and to request them to proceed with the fundamental Bylaw change. Initially, the Council was asked to put this request for reconsideration but due to the time-sensitive nature of this, the chair requested that SGs and Cs do that themselves if they would love to, so that the time that is required to put one in does not pass.

So that is what this conversation is about. I do know that NCSG has had a request and I'll perhaps let Julf talk to that a little bit. But NCSG has had a request from IPC to join as a signatory to that Request for Reconsideration. And I thought that we would also have a conversation whether that is something we'll love to do. I'll first let Julf comment on that before I probably give my opinion about it. Thanks. Julf, please.

JULF HELSINGIUS:

Thanks. I see Caleb has his hand up, he should be first. Well, there are several hands up, should we let them first ask their question?

TOMSLIN SAMME-NLAR:

All right, maybe we go to the questions first. I see Manju's first. Oh no, Caleb first. Sorry, Manju.

MANJU CHEN:

Caleb's first.

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TOMSLIN SAMME-NLAR: Yes.

CALEB OGUNDELE: Hello, guys. Here's my view about looking at it from my own perspective. I think I stand to be corrected probably by Avri who's probably been on the Board and has that experience. Of course, there's some side part of the Bylaws that gives the Board certain powers to maybe invoke a change in Bylaws. But then the precedent that they will be setting in this case is going to be an interesting one. Maybe I could be wrong also. Because I look at it that if they are setting precedents that they are not taking advice from the community when it comes to issues like this, it's not going to look so good. The optics I feel will not look so good. So my good advice would probably be that NCSG take every opportunity to join the bandwagon and ask for that reconsideration which you earlier mentioned on and see how we can participate in the process. So it's just a quick summary of how I view the entire conversation. Thanks.

TOMSLIN SAMME-NLAR: Thanks, Caleb. I think I'm with you on that. Manju?

MANJU CHEN: Thank you, Tomslin. Actually, I have a question. For the last sentence of the last paragraph, it says the amendment will nevertheless be pursued. So does that mean it's not necessary to amend the Bylaw but they're going to amend the Bylaw anyways?

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TOMSLIN SAMME-NLAR: I think I'll kindly request help from Avri if she doesn't mind answering that. Hi.

AVRI DORIA: Hi. Yeah. I think Manju put it in a very good way. And of course, the Board may well have moved on since I last listened. But they saw the advice of the community, saw the GNSO being worried about this becoming a precedent, but there was also concerned about how long it could take to get the Bylaws change through. So basically, they decided that, yes, they're going to go through the Bylaws change and going to assert that this cannot be used as a precedent except in the very specific cases. And then they have some specific language that is being looked at. But, in the meantime, to not stop this forever being stalled program from going ahead. I guess there was also sort of unawareness that the use of this as a precedent probably wouldn't happen quicker than a Bylaws change going through. So it's basically sort of not linking—and that was the questions I was asking at the end there before the vote in terms of, well, wait a second. If they're not linked ... And it really is that true, they're not exactly linked. This one can go ahead without the Bylaws change going through as it stands now. But yeah, it's best to do the Bylaws change, too, to make sure that it doesn't become a precedent. So, Manju, you're right. But it's also yes, it's important enough to do it, but it doesn't necessarily need to be done before the Grant Programs starts. Thanks.

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TOMSLIN SAMME-NLAR: Thanks, Avri. That's very helpful because I think some Council members are thinking that the Board's reasoning is that the Bylaw change is not necessary. And so they may or may not proceed with it. That's very helpful in putting perspective around it.

AVRI DORIA: Yeah. I took a lot in Becky sort of standing up there and saying, "No, this is something that needs to happen, and I'm going to make sure it happens." And certainly in my vote, there was a very strong trust of Becky having said that, yeah—and it'll probably take much of her two years to do it and we got to support it happening within two years because there is a community component to changing it and there is an EC component to changing the Bylaw. So it's not a given but that she's committed herself to doing it, and my vote was a trust in that.

TOMSLIN SAMME-NLAR: Thank you. Thanks, Avri. I'm checking to see if there are any other comments or questions regarding that. Especially for councilors, this is a topic of the day. All right. No other comments. Then we'll move on. We'll let you all know what happens. Well, just before we move on, Julf, sorry, I forgot about you for a second. We still have the issue of whether we should join the signatory of the RFR. So please, over to you.

JULF HELSINGIUS: Thanks, Tomslin. So we have been contacted by the IPC. They have decided that they will probably do a request for reconsideration and they are trying to get the other constituencies to join in on that and

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they asking whether we are prepared to also be in on it. My personal opinion is that if we actually feel strongly about this and want to sort of do an action, it would be a good thing to actually join in with them to see that we have some joint concerns, instead of trying to do something on our own. But again, we first have to decide whether we feel this is something where we really want to kind of tell the Board that sort of thing again. So yeah, first, we have to make a policy decision. And so if it's a question of mechanics to be joining or not in their effort, and I think we should. Any questions on that?

TOMSLIN SAMME-NLAR: Comments would be very appreciated. Because I think we don't have that much time, right? But I know that they've requested for an extension, but that's only up to December, right?

JULF HELSINGIUS: Yes. They requested 20 extra days. So December 15 should be the new deadline.

TOMSLIN SAMME-NLAR: Okay. Manju, I see your hand up.

MANJU CHEN: Thank you, Tomslin. So now that we know actually they're going to amend the Bylaw eventually or they're starting to it, it just takes longer than probably they hoped to release the Grant Program. I think we really need to see what the IPC's—the full letter of their RFR, Request

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for Reconsideration, to decide whether we join it because we don't know how they're going to phrase it. Sometimes people phrase the same opinion in a different way, and then it sounds kind of not by what we intended to say. So I think it's definitely important for us to see what they write first to decide whether we join that. Thanks.

TOMSLIN SAMME-NLAR: Thanks, Manju. Julf, any comment on that?

JULF HELSINGIUS: No. Yeah, I totally agree with Manju. We, of course, have to see how they word their request, because we know that sort of things can be worded soft so that they have a lot of side meanings as well and imply other things than just a core message. So yes, before we actually decide to go ahead, we definitely have to review the actual text.

TOMSLIN SAMME-NLAR: Agree. Agree. Thanks. So I don't see any other hands up on this issue, although I noted Avri's comment and chat that once there is reconsideration request, they often delay further decisions about the matter in the reconsideration until after reconsideration action is complete. So that's something I suppose we should consider when we look at the text, whether we should certainly be signing on to it. But yeah, I know that a couple of consequences are committed to sending that through.

All right, I again, I don't see any hands or comments. So we'll move on to the next item which is to consider whether further work is needed

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after ICANN Org outreached to the European Network Information Security Agency. I think this was regarding the NIS2.

Quick background. I'll just read some of that on the screen. One of the councilors, Thomas Rickert, introduced an area for further Council discussion, and that was specifically that the European Union Second Network and Information System Directive, NIS2, entered into force. And member states required TLD name registries and the entities provided domain name registration services. Those are registrars, resellers, and privacy and proxy services, to have policies and procedures, including verification procedures, in place to ensure that the database referred to in paragraph one include accurate and complete information. We were mentioned, GNSO was mentioned. I think that is the summary of what this was about. There was a suggestion by some councilors to consider informed options of responding to that mention in NIS2.

A small team was formed to consider whether that such a communication was necessary or not. But while that small team was meeting, ICANN Org was also already in process of reaching out to the NIS Cooperation Group Work Stream. So, I think the Council and the small team is now considering whether the GNSO Council should be the ones necessarily responding directly to that Cooperation Group or whether we should just as Council let Org do it.

So that is what this conversation is about. I have no opinion whatsoever on this one. So if there is any councilor in the call that would like to add something or has any comment, please. All right. I see Manju saying that she's comfortable to let the Org do it. I suppose that's where some

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councilors think should happen now that the Org is planning to do it anyway. But yeah, we'll see how the discussion goes. Next item, please.

All right. In Any Other Business, apart from the fact that the new Council will be meeting in Washington at the end of the month to strategize and plan Council for next year, they will also be confirming the RDRS, Registration Data Request System. And the reason they'll be confirming that is because the current chair was a councilor, the former GNSO chair who is no longer a councilor, Council will be asked whether they're okay with him continuing to be the chair of the RDRS Small Team. That's Sebastien.

Then the Pilot Holistic Review Terms of Reference, I'll take the opportunity here, but the Council will be discussing this, whether the Council should put a comment for this Public Comment proceeding that is going on for the Pilot Holistic Review. But we do have comments too going on in NCSG on this. Bolu had volunteered to be the penholder for this comment. I think he requested to talk a little bit about it in this meeting. So I want to take this opportunity to have a quick chat about that. So Bolu, if you would like to take the floor now.

BOLUTIFE ADISA:

Thank you very much, Tomslin. I sent the draft with you this morning. However, since the review is based on some of the comments or concerns that were raised in the initial review, there isn't so much to add to it because I don't think at this stage we are allowed to bring new issues or new comments aside from the ones that were already addressed. I don't know if I'm able to share my screen. But I think the

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major comments, there were three comments, one was on the scope of the Holistic Review not being clear. I think the response was that the updated TOR envisions that the Pilot Holistic Review will discuss different methodologies. It's also expected to develop a proposal for the Bylaws. So I think that answers the question sort of adequately.

The other question was also the lack of independent examination, which I think it was outlined in the ATRT Final Report that ICANN structures can obtain independent contractors to assist in the continuous improvement efforts, if they desire that. So the question that was also answered.

Then the third one was the lack of identified dependencies. But the PHR team were able to explain why they have no dependencies, given that they will not be conducting the assessments for the reviews. This will be done by the CIP, which is the Continuous Improvement Program. So, I think they were able to properly define the scope of this, and that it doesn't necessarily go deeply into the details because this is just the initial Terms of Reference.

But where I wanted to get a piece from the community was regarding one of the comments that spoke about the time commitment. I think it says the community might not have the ability to support the Pilot Holistic Review work as it stands. They gave a response to it that they were able to come up with a plan to ensure that the workload is manageable and the scope of the pilot is being tightly refocused. So, also, I think one of the main points they made is that they will make sure that the PHR will be run as the only specific review during this time period and the review team will consist of up to 21 members, which

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means up to three members from each Supporting Organization or Advisory Council.

So, I think, to me, this makes sense. But I believe that is subjective, considering the comments was about the community not having the resources, probably considering the number of volunteers that might be involved, and maybe some of our existing programs and initiatives that we're working on. So I'll just like to open that up to you, Tomslin, and the rest of the PC. Because my initial response to this is that it's all right. However, I think that's not for me to decide. If the community thinks making this the only review in purview for that period of time would be a way to ensure that community can contribute effectively to this, then maybe we can go with that comment.

TOMSLIN SAMME-NLAR: Thank you, Bolu. Thank you. I'll first go to Bruna because I missed her hand earlier. Then I'll see if anyone has comments to what Bolu has said or asked.

BRUNA MARTINS DOS SANTOS: Thanks, Tomslin. Just commenting on some things. First of all, I put my hand up in Council for helping co-write this comment. What I think, Tomslin, is just as a small correction. From what I'm understanding in the small team is that the other two volunteers are dealing with this as if Council has already reached a decision on providing comments. At least looking at the two other volunteers, I don't think they have this question in their mind on whether or not we should provide input because they are providing in any case.

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Another disclaimer that I would like to make is that even though I put my hand up in Council, this was not firstly registered, I think they started working on this or at least having a small conversation without including me in, but last week I was able to cave for the comments themselves.

The other two volunteers are Mark and Osvaldo. And both of them are going towards similar avenues as the ones pointed out by Bolu, which is the lack of definition on what the process will be or even what will be the exact scope for this PHR. It also talks a little bit about the timeframe that it's rather too time-limited to consider a maximum of just 18 months to conduct such a review. And then in more concrete terms, they ask that ICANN produce some sort of a work plan that effectively achieve all of the pilot objectives within the 18-month timeframe, and then reinforce that it's unclear how this will be achieved, insist on ICANN providing us the methods and so on.

While these are still comments, so far I agree with the general like problematization of the lack of process in the short timeframe. But I think that also internally at NCSC, and now not only speaking for the Council comments, but in speaking about NCSG's comments, I think it would be important for us to kind of make a stronger case about if this is happening, let's keep this as the only current review. Because otherwise, we're the ones who are much more at risk in terms of what other communities can make, what other communities can ask from us. And just sharing this as a reminder to everybody that some parts of the community have like questions or even doubts about NCSG structure and this review could be used as a space to attack NPOC. So just pointing that out, because I think regardless of the avenues or the space

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we might have for making comments or not, it will be really important in using this comment to reinforce the relevance of NCSG, wiser structured, thought out like that. And even the importance of not overwhelming volunteers, given the amount of policy processes going on right now, and that this will be a rather lengthy and dense review. So these will be my recommendations.

TOMSLIN SAMME-NLAR: Awesome. Thank you so much, Bruna. I think, Bolu, you've gotten some answers. And now I see Avri's hand. Please go ahead, Avri.

AVRI DORIA: Thanks. Speaking from having been among those that wrote this version of TOR, I think one of the things that's excluded from this one is that any of the particular structures will be looked at and evaluated. It's only the meta issue of how the next time we have one of these reviews we can look into the structures themselves, if they even want to allow that. That's not a given. So what this TOR is trying to I think convey is that setting up at this is the one where they're set up the conditions for actually doing one of these reviews, but in this one's mostly about the preset. So if there is a threat to any one of NCSG's structures, it's something that would only happen in the next review. If this TOR, if the pilot decides that yes, Holistic Reviews can review the internal structures, then next time, internal structures would be reviewed, they may not even make that decision. So I think that particular motivation is a really distant one.

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I think there's also, though, and I think it'd be great to have it reinforced the notion that no other review should be happening while this is happening. And getting staff to produce a schedule of how it can get done sounds like a really good idea. But I don't think the worry about this is a vector to attack NPOC is likely for at least a six-year gap, five-year gap, but it's certainly not imminent, and it's not in this TOR. Thanks.

TOMSLIN SAMME-NLAR: Thanks, Avri. I see Bruna, your hand is up. Respond?

BRUNA MARTINS DOS SANTOS: Yeah, just something I posted on the chat. Avri is correct. The aim for now is not this, not reviewing the structures itself, but from the suggestions of comments that the Council should make, one of the volunteers is suggesting that this review dives into the structure as well. I mean, even though it might not happen now, but it's something that it will be important for us to kind of reinforce in our comments that let's, first of all, look at the preset, as Avri was saying, and then just setting up the structure and the next roadmap, a proper roadmap for this review. And then once we've achieved what was proposed and suggested then we can consider looking into the structure, and structure throughout an upcoming Holistic Review. But just flagging this because it was somehow hinted in the comments that I had access to.

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TOMSLIN SAMME-NLAR: Thanks, Bruna. Personal thing that conversation has really helped with forming what we should put in the NCSG comment. Would you agree, Bolu? So I guess you'll have to add the input that we've received today into your comment before we share it with the rest, if that's okay.

BOLUTIFE ADISA: Yes, for sure. Yeah. Thank you. And thanks, everyone, for contributing.

TOMSLIN SAMME-NLAR: All right, awesome. I think that was the last item. Oh, yeah. There is the update on the GAC communiqué. Before that, Rafik, I think I will share the draft to the group as Bolu is working on it so that there is opportunity for everyone to comment while the work is being done. So I'll share it after this meeting.

Back to 9.4, update on GAC communiqué update. I don't know if there is any councilor here who is on that small team working on that. Thank you, Manju. Please, if you don't mind, giving us an update what's going on there?

MANJU CHEN: Thank you, Tomslin. The small team, we had our meeting last week. There's one GAC advice under communiqué at this time, and it is about closed generics. The GAC advised the Board to stop, well, forbid any closed generics publication in the next round prior to any kind of decision made by the community. So what GNSO Council usually does when they review the GAC communiqué, they provide what's happening in the GNSO Council to the Board as a reference when

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they're considering the GAC communiqué. So what we're drafting is not the response to the GAC, it's like a reference material to the Board for them when they're reviewing a GAC communiqué.

So for this particular advice, the GNSO Council does nothing. We are proposing to just reiterate what we said in our letter to the Board. I believe you all remember we're saying that the GNSO is not the body to make policy decisions. We're a policy manager so we cannot join ALAC and GAC to advise the Board to have any policy decision, and we advise the Board to have that decision themselves. So that's what we're going to say and what we're going to propose to the Council to consider.

Regarding the issue of importance, I think there are several. But mostly, it's just the Latin script one. We're also just providing updates. I believe we all remember how we talked about this extensively in Hamburg. And we are planning to start a study about this, not issue report, which I think GAC in their communiqué kind of misunderstood so we're kind of clarifying that.

Another one is the SOI thing, which we all know very well, too. We're just also providing some kind of reference material for the Board when they're considering the issue of importance in the GAC communiqué. I don't think we have any very controversial issues when we're discussing this draft response or rather reference provided to the Board. I hope during the meeting, there will not be a lot of contentious, any kind of discussions. It has been quite collegial during our small team discussions. So that was the update. Thank you.

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TOMSLIN SAMME-NLAR: Thanks, Manju. That was very helpful. I don't know if anyone else has questions for Manju or has any comment on that. I see no hands, then we can get back to our main agenda.

So based on this agenda, we've already discussed item number three, which was whether we should be co-signatories to the RFR, request to join the RFR. So I think, as we agreed earlier, we must first see the text of that before we can make any decision. So I guess the action item there is on Julf to try to get us the text from them to see what it looks like.

On item number four, I shared this on the mailing list about the request for a subject matter expert on the Council SubPro Small Team Plus. There were some concerns about Small Team Plus in Hamburg and on the mailing list as well. There were arguments both for and against. It didn't seem to me like we had decided what to do with this. So I thought I'll bring it today. So we would discuss whether we are responding to that request for a subject matter expert to the Council Small Team Plus or not. So yeah. I'd like to hear from the PC members, what they think about which way we should go about this based on the conversations we've had up to this point, or discussions. I'm looking at PC members and NCSG members in general to please give their views about this. I'm not seeing any hands coming up. Manju? Yes?

MANJU CHEN: Thank you, Tomslin. My opinion is quite short. I think to [inaudible] is to vote or sell on whether we can oppose the idea of Small Team Plus. There's going to be a Small Team Plus and if there's going to be one, we

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have to join. We have to appoint a subject matter expert to it because NCSG's representation in that Small Team really matters. That's my opinion. Thank you.

TOMSLIN SAMME-NLAR: Thanks, Manju. Stephanie, that was the question. Based on the conversation or discussion on the mailing list, the question was whether we are proceeding to appoint a subject matter expert to the Small Team Plus or not, since some members are in support of the idea of a Small Team Plus. Manju just mentioned, and rightly so, that Small Team Plus is going to go ahead anyway. And I know you are a member of the Small Team. Yes, I see your hand now. Please, go ahead.

STEPHANIE PERRIN: Thanks. Pardon my voice, I've got a cough. I really do think that while we understand the risk with small teams, we also have to understand that some of the PDPs have taken forever. You can't really have your cake and eat it too. We have to do something about the fact that striking a whole PDP to address niggling issues doesn't really serve the community in terms of getting things done.

Believe me, I'm on that wretched small team and I really need backup because there's going to be—at least I was assuming that I would stay on the Small Team Plus but that someone would join so that we can have backup and transition, because I don't intend to stay on it for life and it's going to be around for a while. So I think we'll have to face the fact that we had that conversation in Hamburg about the existential

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threat that ICANN faces. It has to be a little more effective than it has been. And at least we should try the Small Team Plus approach.

Now, the worry is, of course, who all is going to be dragged in. They could be heavy hitting players that will come in for the commercials because they can afford to fly people and pay them for small gigs just to fight through some of the things that some of the commercials might want. We don't have those kinds of resources anymore. We may have at one point. But we're getting a bit thin on the ground in terms of our academic experts landing in to help us on some of these groups. But I think it's be there or be square. If you don't want to have an impact, then why not drop out of all PDPs? Anyway, those are my views. I understand how risky it is. I'm sitting on them. Thank you.

TOMSLIN SAMME-NLAR:

Thanks, Stephanie. I think there's the other issue of what the Bylaws say about supplemental recommendations. It says the Council should meet to affirm or modify its recommendation and communicate that conclusion to the Board. So I guess it's not very clear, too, from the Bylaws as well whether just the Council sitting in a small team to do this is wrong or right, I think, in my view. The way I read it, I think the Council has the ownership of the supplemental recommendation. But they admit that they didn't have all the experts in the Council so they ask for community to come help. But I guess you could argue that that's some sort of a PDP then. But I think we do have someone here. Rafik, I don't know whether you can help us with any thoughts or comments about this issue. All right. There you go.

RAFIK DAMMAK: Small team, small group.

TOMSLIN SAMME-NLAR: All idea of the supplementary recommendation and small teams.

RAFIK DAMMAK: I mean, from my understanding from the first about the supplemental recommendation or report in response to the Board, it's supposed to be the Council role. So the Council chose to have some subgroup because maybe the depth of the level of details for the work from the SubPro needed people who are much more familiar. But I think the issue still remains like if we are setting some precedent. Since the ship already sailed, I guess for now it's just can we really identify people who can join or not? I think, as I shared in the Hamburg meeting, it's really even if there is subgroup at the Council level, it should not be just a rubber stamp and expect the councilor to review the outcome and discuss. Maybe it will look like redoing the work but I think that's the expectation. You need to be involved and you own the outcome.

TOMSLIN SAMME-NLAR: Thanks, Rafik. That's indeed the plan is for the Small Team Plus to propose wording, then the whole Council has to vote on it. I mean, there is a requirement for the whole Council to vote on a supplemental recommendation. I think it's a supermajority vote, it must come to Council. Manju, I see your hand. Sorry for keeping you waiting.

MANJU CHEN:

Thank you, Tomslin. I just wanted to supplement what you said. The Small Team is not only developing supplemental recommendations according to the assignments, if there are recommendations, which I don't know if they are, because sorry, I'm not on the small team. If there are recommendations that the Board hasn't decided on and they indicated that they're not going to adopt, there's this Section 16 procedure we can follow. There's a GNSO PDP manual which says that the Council can choose to modify recommendations before the Board made a decision on it. And the way to modify it is rather to reconvene the PDP working group or consult them if they're not descriptive on their modifications of the recommendations. Then this modification will be open for public comments for 30 days. Then they will resubmit this recommendation to the Board. Which I don't know if the small team is still considering such options because I have no idea if there are still recommendations that are pending.

But I just wanted to point out that that's also one of the tasks of small team. If that's the case, I think it still falls into what you said, it's a Council's discretion to develop recommendations or else they can modify their recommendations. So I don't think, in a sense, it's creating any precedent. Because I believe the Council has develop supplemental recommendations pre the first EPDP, the SSAD or whatever thing before. So there are precedents already. I believe that one was done by the Council, too. I don't think small team, in essence, is such a threat or whatsoever to the PDP process. Thank you.

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TOMSLIN SAMME-NLAR: Thanks, Manju. To answer the question of whether the team is considering it, it's still on the table. It is not off the table completely. But they are moving with the preference of a supplemental recommendation. But it's still on the table. Again, they've put out that request for experts to come before they proceed with that particular topic. In my view, we should send someone knowledgeable to that. I have asked that question on the list who would like to. Hopefully, I would have people volunteering for that.

ANDREA GLANDON: Tomslin, Stephanie has her hand up and I'm pretty sure it's a new hand.

TOMSLIN SAMME-NLAR: Okay. Thanks, Andrea. Stephanie?

STEPHANIE PERRIN: Thanks very much. I just put my hand up to cough a bit for you. Rafik has put his finger on one of the problems that have caused some of the issues in terms of small teams, and that is the late arrival of these Operational Design Phase recommendations. On the EPDP for the SSAD, another small team I'm on, you tell them over and over and over again that something's going to be unaffordable. They do an estimate of what it will cost to build the system late in the game. Lo and behold, it's going to cost a fortune. All hell breaks loose because you had a bunch of recommendations that were predicated on nobody paying for a system and it just being absorbed. So you have to do all of this supplemental

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work that we are doing with the trial for the SSAD. That came out of emergency funding.

These are broader systemic problems with how the PDPs are being run now. In my view, I think, and Rafik typed it in there, those ODPs have to come at the beginning. We asked for cost estimates when we were on the EPDP. I personally shouted for it because I didn't think they could build this having survived the EWG process back in 2014. There's another reason why we have to be there all the way through these processes to demand changes in procedure when we've been proven correct. So on the SSAD, this all-out work could have been avoided had we done a proper costing early in the game or had we even looked at the proper costing that had been done by the EWG. We spent a fortune on IBM doing costing model for that thing back in 2013, 2014.

On this one—and it's also a flaw in the system, that when we can agree on something, we come up with weasel words to put in the recommendations. I give you Applicant Support. I mean, the Supplemental Rec on Applicant Support, we are now doing a lot of work on Applicant Support that in my view should have been done. And I wasn't on that PDP, so forgive me, Kathy and Robin, if it was done back in the day. But there's an excellent report that everybody ought to read on Applicant Support. It'd be interesting for you, trust me, if you're running an NGO of any kind, because it looks at applicant evaluation. That's a good report but it's coming at the tail end of the train here. We have recommendations on Applicant Support that are vague and we've been debating in the small team what they meant by applicant support. Did it mean help with the application fee or did it mean assistance in preparing the bid, which is the lion's share of the problem. I think these

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are, in order to get the lessons learned, reflected back into procedures, we have to hang around and be there on these small teams. Thanks. Sorry to be on a rant but it's important work.

TOMSLIN SAMME-NLAR: It is important what you're saying too, Stephanie. Thanks. I don't see any other hands on my screen. If there are, please let me know. With 10 minutes left, I think we've agreed we'll move ahead with appointing someone then to that Small Team Plus.

AOB, I don't have any other business to report on. But if other PC members or executives would like to bring something out by this time, please, now is the time. Stephanie?

STEPHANIE PERRIN: Hi. Just wondering if there are going to be any issues with bringing our members in to San Juan in whatever the heck it is. Because boy, things are—maybe it's just in Canada, but things are getting a little bit political with the war in Gaza and various other conflagrations around the world. Are we going to have trouble getting our people into San Juan? Thanks.

TOMSLIN SAMME-NLAR: I wish I had an answer to that. But I have someone who could have been answer. Julf? Sorry for putting you on the spot.

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JULF HELSINGIUS: As far as I know, I haven't heard of any special arrangements so far. Nobody knows how chaotic the situation will be. And in addition to everything else, it seems that there's probably going to be another volcano burst in Iceland, which also might cause for the fun. So we'll see.

TOMSLIN SAMME-NLAR: Thanks, Julf. I'm happy to walk through a volcano to be in San Juan. Benjamin?

BENJAMIN AKINMOYEJE: Tomslin, good afternoon. I just wanted to ask you if you got my e-mail on if there were actions that the councilors were to follow on based on our conversation at ICANN78. I don't know if it's the right place to have that conversation or there's going to be another exchange on how to move that forward in terms of some of the suggestions Stephanie made about some sort of capacity building that we'll be doing monthly. Thank you.

TOMSLIN SAMME-NLAR: Thanks, Benjamin. I got it just before this meeting, and I couldn't come up with anything to respond to the question you asked regarding how to proceed with mentor buddy. Unless other members have ideas, but the question from Benjamin is—at ICANN78 in Hamburg, we did discuss the suggestion of how many mentor buddy for PC members are newbies. He's asking how do we proceed with that. I haven't given it a thought so I don't have an answer. But opening up for anyone who has

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ideas on how we proceed with that. Stephanie, is that an old one or a new one?

STEPHANIE PERRIN:

It's a new hand. We also proposed having a general NCSG meeting, as opposed to a Policy Committee meeting in the middle of the month between GNSO Council meetings where we could focus on work that was more—that wonderful word in French [inaudible] for new members talking about some of the projects members are doing, getting more into depth, and maybe doing primers on some of the work. There's lots of primers that people give. Kathy, for instance, has given us umpteen briefings on SubPro. But it doesn't stick unless you're chewing on a particular bit of SubPro at the moment. Doing those kinds of general things mid month.

The one thing we didn't check when we were at ICANN78 was whether or not staff would be able to support us for another meeting mid-month, because we definitely need Zoom facilities and staff support. I was leaving that to NCSG leadership. But I really think we need this because I think we got agreement that the policy work that we discuss at the Policy Committee often gets down to detailed nitty-gritty, even like this one over Small Team Plus versus small teams versus PDPs. That's boring for new members. It doesn't really mean anything unless you're engaged in the work, right? So I'd like to move forward on that. That's not really my bailiwick. That would be up to Julf, I guess, to pull that together. Thanks. But happy to participate.

I had the proposal that one of the first topics we should look at was Tomslin and Wisdom have this wonderful project working on solar backpack access nodes for the Internet in Africa. And I think that's a project that some of our members would be keenly interested in. It has nothing to do with ICANN's work, but providing capacity is something dear to all our members' hearts. And it would be good to see what folks are doing. Thanks. Bye.

TOMSLIN SAMME-NLAR: Thanks, Stephanie. Julf had acknowledged. I supposed that call for topics might be the next step then. To answer your question, Benjamin, I think that's one of the things that was also in your e-mail. With that, Julf will take charge of that. There's still not been a comment on how we'll go about the mentoring aspect, though. But I think there was a trial some many years ago so there might be some lessons that could be dug out of that and reused, perhaps the positives out of those things that were done. I see Julf's hand up to save me, so I'll pass it to him.

JULF HELSINGIUS: Thanks, Tomslin. Something we did discuss is that what would be helpful is really posting the link to our webpage where we have a list of who's actually participating in which policy processes, and maybe then trying to match interest of more new coming people. Basically saying, "If you're interested in this topic, talk to this councilor or whoever is in the lead for that." That might be the best way to get that process running. Thanks.

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TOMSLIN SAMME-NLAR: Thanks, Julf. All right. Work with Andrea to make sure that that current page is up to date, so that we start with that then. Andrea, please take a note for us. Take a look at that. Benjamin, yes, please.

BENJAMIN AKINMOYEJE: Daniel is also supposed to help us as what Julf just talked about, kind of like mapping or making it. I mean, these were all the great ideas that we had at that meeting. So I hope we can follow up with them and we don't repeat the same conversation next meetings. Thank you.

TOMSLIN SAMME-NLAR: It looks like we'll break through the volcano in San Juan then. We wouldn't have to repeat these things. But I want to thank everyone for coming today. I think we are the top of the hour. Thanks, everyone. If you're attending the Council meeting, see you there. Otherwise, see you online. Have a good morning, afternoon, evening. Bye.

ANDREA GLANDON: Thank you. This concludes today's conference. Please remember to disconnect all lines and have a wonderful rest of your day.

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