GNSO Bylaws Implementation Drafting Team
TRANSCRIPT
Monday 22 August 2016 at 1700 UTC

Note: The following is the output of transcribing from an audio recording. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. The audio is also available at: http://audio.icann.org/gnso/gnso-bylaws-implementation.mp3
On page: http://gnso.icann.org/calendar/#aug

Attendees:
Farzaneh Badii
Steve Metalitz
Darcy Southwell
Amr Elsadr
David Maher
Edward Morris
Steve Debianco
Matthew Shears

Apologies: none

ICANN staff:
Julie Hedlund
Mary Wong
Emily Barabas
Nathalie Peregrine

Coordinator: The recording has started. You may begin.

Nathalie Peregrine: Okay thank you very much (Sam). Good morning, good afternoon, good evening everybody. And welcome to the GNSO Bylaws Implementation Drafting Team call on the 22nd of August, 2016.

On the call today we have (unintelligible), Steve Metalitz, (unintelligible), Darcy Southwell, David Maher, Edward Morris and Steve DelBianco. We received no apologies today's call. From staff we have Julie Hedlund, Mary Wong, Emily Barabas and myself, Nathalie Peregrine.

I would like to remind you all to please state your names before speaking for transcription purposes. Thank you very so much and over to you.

Mary Wong: Thank you very much Nathalie, and again hello and welcome everyone. This is Mary Wong from staff. And in the absence of us yet having a chair of this drafting team, I hope it will be all right if staff facilitates this meeting by going through the agenda.

And hopefully by next week or our next meeting, whenever that will be, we will have a chair or chairs, depending on what your wishes are. And then we can go along quite merrily.

So the first thing that maybe we could let you know before we go through the full agenda is that staff, mostly due to Nathalie's quick work, has created a Wiki space for this drafting team. And I don't know that we've sent around the link just yet, but if we haven't we will at the end of this call.

And obviously as I think most, if not all of you are familiar with the way our groups work in in the GNSO, the recordings, any notes, action items, documents and so forth that we have within this drafting team will be posted to that Wiki space so that not only if any member of the team misses a call, that he or she can follow, but that others can track our work for purposes of transparency and so forth. And I see that Julie has put in the link in the Adobe chat. So hopefully that's working for everyone.

And so we move on to the first main item on the agenda, which is basically a bunch of administrative issues. I think one of the most significant ones would be the election or the selection of a chair.

And we know that folks haven't had much time to get together before this call for this call. So maybe what we can do is start off by concerning, first of all

that everyone would like to have a chair or chairs of this drafting team. And so if you disagree with that notion, please indicate in the Adobe chat.

That on the assumption that most, if not all, agree I think what we would like to do is obviously open the nominations for names of candidates, whether self-nomination or your nomination of others.

But on top of that, obviously we would keep the call open for some time, perhaps between now and our next call. But perhaps I could also call on folks on the call and members of the drafting team to see what your thoughts might be as to things such as how many chairs or coaches or single chair you think might be helpful.

And whether it should be representative in some way of the composition or the experience of this team. Does anyone have any comments on this point? Steve I see your question in the chat about the duration of this team.

And what we as staff take from the town hall deliberations and decisions when this team was set up is that we first have a fairly definite deadline, which is the end of September to deliver to the Council a proposed implementation plan.

And the implementation plan in the minds of staff would include a timeline for proposing any specific changes such as new procedures or even language for the new procedures that will address all the GNSO's obligations under revised bylaws.

So we don't anticipate that all of those actual proposed changes will be done by the 30th of September. And so we anticipate that even after the 30th of September, this team, or we could reconstitute the team, will have some work to do to get into the drafting, if that helps.

Steve DelBianco: Mary this is Steve. That does help. So it has a limited duration. And that's comforting because there are at least three of us on this call that participated in the CCWG draft proposal extensively.

And I guess under the rule that one has to eat his own cooking, at least (Matt Shears), (Fazi), myself and Ed Morris, we ought to at least consider stepping up as chairs so that we can carry over on the obligations we helped to create in the CCWG for the decisional participants in the empowered community. So I'd certainly consider it, but I'm hoping to step aside if anyone else is interested.

Mary Wong: Thanks very much Steve. And thanks to you and others that you named for volunteering to do this because to carry on your message, I think the CCWG and the GNSO participants that have served as a very good and a very rich meal.

And I'm very glad to see you guys taking the time to do this as well. So Steve, Julie has put down your name in the chat as the volunteer for a chair. I don't know if others would like to step forward or have any other comments or nominations?

Steve DelBianco: Let's keep it open another – until our next call please.

Mary Wong: Surely. Thank you Steve and thanks to everybody as well. So we will do that. And in the meantime we will put Steve's name on as a volunteer to chair this group.

And as noted earlier, we do have an initial deadline of the 30th of September for the plan. And obviously, to the extent that we can agree on an implementation plan for the Council as early as possible, we might be able to get some of the actual additional hard work done of drafting before the 30th as well. But essentially that's sort of where we are. And thanks (Matthew) as well as for your comments and support in the chat.

So we'll keep the selection and election of a chair or co-chairs open until the next call. And obviously then the next point of business here would be the frequency of our meetings and when it would be easiest and most helpful for folks to have those meetings.

I think from the staff side, our assumption is that we would have at least weekly meetings seeing that we're now in late August and we do have that 30th of September deadline.

So if we are going to go on weekly meetings, the next question is when or what day and time would work? We could send around a Doodle Poll, but it might be quite helpful and more efficient if everyone on the call were to indicate or suggest times which might work best or times which definitely would not work, for example.

So I see Steve you are saying that weekly makes sense and Monday's would not work very well. And (Arnold), Mondays work for you. (Fazi) are you saying that Friday would be a good day? Thank you. Steve you have your hand up.

Steve Metalitz: Yes this is Steve Metalitz. I was going to suggest that since we all managed to convene for this initial meeting now, we could try this timeslot. But I see that isn't going to work for our possible chair. So that's probably ill advised.

I'm fairly flexible and I think Friday is probably might be good because in general I don't think very many ICANN meetings are scheduled for then. So possibly that would work, but I'm fairly flexible.

Mary Wong: Thanks Steve. And thanks everyone for your comments in the chat as well. What we could do then is send around a Doodle Poll. I think one question that we might have is we don't actually know where everyone is located.

We do know that we have a few people in one if not more North American Time Zones. And others in Europe and the Middle East. And Ed I see your point about Friday on top of (Amir) as well.

So what we will do is Julie and I will try and work on an at least series of options that would exclude Mondays and potentially avoid Fridays. But we will see where we go from there. And we'll try and send that out as soon as possible. But we agreed that we will have weekly meetings I think. Thanks everyone.

And one of the things that we did not put on the agenda, but that we would consider somewhat of an administrative issue is how the drafting team would operate.

As many of you know, your veterans of GNSO groups. This is not a formally chartered working group. This is a drafting team. We have to work quite quickly, but in the GNSO we do have quite a lot of experience with drafting teams as well. But generally speaking, most drafting teams more or less do abide by as many of the GNSO working group guidelines as possible.

So if that's fine with folks, we can go with that. And unless anyone has any questions or objections to doing it that way. Okay and I see that Julie's put that in the notes.

And obviously not every one of those guidelines or rules would apply, but it might be helpful as a sort of guideline for our methods of operation. So I think that's taken care of most if not all of our administrative issues. Thanks very much.

And so we then move on to the main substantive point of the agenda, which is the scope of work for this group. We've already noted the initial deadline for the implementation plan.

And the assumption that even following the implementation plan being approved by the Council that this drafting team would have some more work to do in terms of actually coming up with language and the proposals.

What we have on the screen here is the resolution from the Council that set up this drafting team. And we will put that on the drafting team Wiki for folks to see because that would be a good starting point.

On top of that we also had distributed a table that Julie and I had worked on for the Council just prior to Helsinki that we had hoped would be as brief as possible.

And I see I think that Julie's put this up on the screen. But even then I think it's well, a dozen or more pages of actual table, which does in some ways indicate the I guess extensive nature of the work ahead of us.

We hope that this table is helpful to you. And obviously going back to what Steve said earlier, there's quite a few people on the call that are very familiar with what the GNSO's additional obligations or the responsibilities are under the revised bylaws.

And as Steve has also referenced, one of the most significant would be the role of the GNSO as a decisional participant in the new empowered community.

So we do anticipate quite a lot of work around that. But the two I guess high-level observations that we on the staff side would make at this point is if you look at the first page of the table first. In just looking through the table there are set of assumptions that we made.

And one of these obviously is that in the absence of any other mechanism in terms of decision-making for the GNSO that may well be the GNSO Council. And the second observation we would make is that there actually is quite a lot

more specific additional things to do that are not additional to the empowered community.

And so we would probably want to go through those. But obviously Julie and I may either have mistaken or misstated or missed something else. So while we start to take a look at that I'm going to call on Steve again, Steve.

Steve Metalitz: Thank you. This is Steve Metalitz. I wanted to second what was said in the chat about how good – how useful this document is that's up on the screen now.

The – as you may know, we also prepared a document which we circulated to all – I believe all the stakeholder groups. But your document is superior because it's better organized and I think probably catches some things we missed.

So I think it's a very useful starting point. But I do want – I do think that one issue that we should probably address early on in the process, I don't know if it's the very first issue, really has to do with two provisions of the current bylaws that I don't think you reference in your table.

And those are the provisions that say that the role of the GNSO Council is to manage the policy development process of the GNSO. That's what the current bylaws state.

And some of the new duties that are listed in your table could conceivably be considered part of the policy development process or related to the policy development process. Others I think not.

And I haven't, you know, gone through that systematically, but I think there are at least many of those duties that are not part of the policy development process really.

So one question we would have to confront early on is really the point that you listed as an assumption in your document, which is that decisions would be made by the GNSO Council in terms of carrying out these duties. I think that's inconsistent with the current bylaws.

And certainly this is good opportunity for us to take a look at that and decide whether some of the – whether the role of the GNSO Council ought to be changed in the bylaws to encompass some of these things.

Or whether we should be thinking about other mechanisms for dealing with these issues that are now in the lap of the GNSO, but that don't fall within the existing parameters of the jurisdiction, if you will, of the GNSO Council.

So I hope we can kind of – maybe we want to look at some of these new duties through that prism. Are they policy development process related or sufficiently close to that that we should assume that it will be discharged by the GNSO Council?

Or are they sufficiently distinct from that that we should be posing the question of whether the role of the GNSO Council should be expanded, or should other mechanisms be considered? Thanks.

Mary Wong: Thanks very much Steve. And I think that's one reason why from the staff side we wanted to highlight that for this drafting team as soon as possible because this is also a discussion that we've had on the staff side.

And so one question that we would have is how this team would want to go about that? We could for example look at the, you know, obligation by obligation for each one.

Not just consider whether we have existing processes or rules on the new ones, but specifically also note and consider whether in looking at existing or

new processes, whether that includes the role of the GNSO Council? And whether that needs to be changes or expanded as you note.

I'll now call on the other Steve, Steve DelBianco.

Steve DelBianco: Thanks Mary. I think Steve Metalitz makes a great point. It's the general discussion of whether the Council itself represents the GNSO or matters outside of the GNSO Council's policy per view.

We've had no problem stepping outside of the policy per view in the past. In fact when GNSO indicated its approval of the charter for CCWG and CWG, that wasn't policy either. That was a non-policy matter where the Council itself acted as I guess the conduit for the votes of the underlying constituencies and stakeholder groups in GNSO.

So while we can do that, it doesn't mean that we should do that, to Steve Metalitz's point. So I would propose that we pursue two tracks. That we do a very simple implementation, assuming the Council is an appropriate representative of the GNSO.

We would lay out according to this table the thresholds and procedures for Council itself to exercise GNSO's prerogatives under the decisional communities and decisional participants.

And that includes in many of the yellow elements of the table the idea that a general resolution of Council requires a majority of each house. So it's possible that we could do a very quick pass. We'll call it Track 1, right, Track 1 pass that suggests the Council itself can do the voting necessary to exercise the powers.

But in parallel, we should raise the question of whether some other means of sounding out the intentions and decisions of the underlying GNSO constituencies could also be constructed, where say the BC and IPC might

exercise their votes directly and simply send them into the decisional participant's secretariat, as opposed to running them through Council.

We could explore that. But given our short timeline, my guess is that if we come up with a default scenario whereby Council acts as the conduit for decisions of the GNSO. That will end up being the simplest path. But I'm eager to explore a more creative approach where we explore some non-council means of sounding out the GNSO. Thanks.

Mary Wong: Thanks very much Steve. And thanks for making those suggestions because obviously from the staff side it's kind of hard for us to see what might be the preferred approach for the different stakeholder groups and constituencies and of course of the Council as well.

So in that regard too, it's very helpful that this drafting team is comprised of representatives from all the different groups that make up the GNSO. And Steve, as you noted, if we do this along the two tracks, maybe going through the obligations and noting when we reach a particular piece of it.

If for example the drafting team feels that this is something that might require further discussion as to whether the Council is the appropriate mechanism and/or whether there maybe alternate mechanisms that could also be used.

And we indicate that as such in our report to the Council, then that might be something that can quite clearly indicate the particular areas where an alternate model might work as well.

And (Amir), I note your comment in the chat about having to coordinate this with the GNSO review working group. That may well be the case as well depending on how we approach our work and how deeply we get into this as well as of course how much of what we actually do overlaps with some of the tasks that that working group has been tasked to do as well.

And Steve DelBianco, your comment in the chat about let's do the work in the table assuming that the Council represents GNSO members, while at the same time suggesting the creation of alternate mechanisms that bypasses the Council I think is exactly what we have in mind as well. (Amir), go ahead.

(Amir): Thanks Mary. This is (Amir). Yes just to clarify why the GNSO review working group came to mind. We are obviously discussing extending some of the, at least if not at this point the GNSO Council's role. We are certainly discussing expansion of the GNSO's role in ICANN.

And if we do end up going down the road of the GNSO Council being involved in whatever process we come up with, this may directly conflict with one of the (West Lake) recommendations if I do recall it correctly, which was that the GNSO Council should act strictly as sort of a body that manages the process of policy development process and no further.

At the time when the independent examiner was conducting this study of the GNSO, I don't think they foresaw how the GNSO would be involved in the new community – the empowered community mechanisms coming out of the CCWG.

So that's really why I – it just, kind of just popped up in my head and figured that we probably should somehow coordinate with the other group when we begin this work just to make sure we're not working across each other and making the modifications to the operating procedures. Thank you.

Mary Wong: Thanks very much (Amir).

(Amir): If I could also add…

((Crosstalk))

Mary Wong: Go ahead.

(Amir):   Sorry Mary. If I could just also add another comment just to – just something I think Steve DelBianco mentioned about the voting thresholds on the Council should we decided to go down this road.

If we do decide that the GNSO Council should be involved, we could always voting thresholds according to what this drafting team feels appropriate. So they don't strictly have to be tied to existing voting thresholds on non-policy issues. Thank you.

Mary Wong: Thanks for both those points (Amir). And I think those are exactly right. And on your first point about the coordination, hopefully you'll be pleased to know and everyone pleased to know that Julie, although maybe she's not quite as pleased, is supporting both this drafting team and that GNSO review working group. So in terms of any potential overlap and alerts, I think we're in very good hands and a very good position.

In terms of your second point, I think that's kind of absolutely right as well that when Julie and I were preparing this table, you know, we had thought that the voting threshold, to the extent that – it is concluded that the Council is the appropriate mechanism for whichever of the obligations that we're talking about at that point and time.

It may well be that voting thresholds will need to change or be made more clear or more specific. And in going back to something that Steve Metalitz mentioned earlier, if this entails a change in the bylaws because perhaps the bylaws are not as clear about that possibility. Then we though that it's actually open to this team to suggest that as well.

And of course the mechanisms for changing the bylaws are slightly more involved than adding to the GNSO's operating procedures, but so be it. And Steve DelBianco, we noticed that you do have to leave in a few minutes.

Thanks very much for letting us know. And thanks very much again for volunteering to help chair this group.

I don't know if either hands of Steve Metalitz or Steve DelBianco are new or old. So I'm just going to pause and call in Steve Metalitz if you have additional points.

Steve Metalitz: Mine is new, but I'll defer to Steve DelBianco because he has to leave.

Steve DelBianco: Thanks a lot Steve. See that Steve has this professional courtesy that works pretty well. See that. I think that on Page – Item 4 of your organizational document, on Page 4.

So it's in the absence of new procedures and default threshold for just voting is a majority of each house. If that is an example of something that we don't have to be stuck to that.

We could create a new threshold that doesn't even care about the existence of houses for the purpose of exercising the GNSO's preference on one of these decisional participants.

That doesn't mean we change threshold for a majority of each house in the current procedures. It means we create a new threshold that is uniquely appropriate for the exercise of the CCWG decisional rules.

And we may actually exercise that as we fill out the table is that we would refer to a decisional rule. We wouldn't assume that it's always a majority vote of each house because that really could frustrate the will of the GNSO if we stick to the house structure for all matters of voting within the GNSO.

So I think that (Amir) also indicated a little flexibility on that. I want to echo that. And I'm sure Metalitz would probably agree. We don't want to be stuck to that. Even if we agree that the Council is the appropriate conduit for

communicating decisions of the GNSO, we should not be stuck with the existing four methods of decisional voting within the GNSO. We can create a new one. Thanks.

Mary Wong: Thanks very much Steve. And that actually is an example given that where we are now is that we do have some certain specific thresholds for the GNSO Council that Steve Metalitz noted earlier are quite expressly tied to policy development work.

And that for all other actions it is a default threshold. So again that's something that the drafting team can discuss and propose depending on that particular item that we're talking about.

And here I'll note that obviously as a drafting team, the hope is that we will reach consensus on both the Track 1 that Steve DelBianco mentioned and any alternate mechanisms that this drafting team may wish to propose.

And then we would take that to the broader GNSO community and of course the Council for further deliberation and decision. And on that point, before I turn it over to Steve Metalitz, I noticed that David Maher had said in the chat that he'd like to hear a little bit more about alternate mechanisms before proceeding on that path.

And that David we hear you. And from the staff side, I think our assumption is that as we're going item by item for each one, should it appear to one of the members of the team that either the Council is not the appropriate mechanism or that it is the appropriate mechanism, but that either the threshold of voting might need to be changed or something else done. Then we could note that for that particular one and have a fuller discussion on that specific item.

So Steve Metalitz, thank you for being patient.

Steve Metalitz: Sure. Thank you Mary. A couple of comments. First, I'm not sure that I'm vetted to this Track 1, Track 2 approach exactly because – well for two reasons. One, I think as Steve DelBianco's latest comments indicated, it may not be a binary decision.

We may have three options, which is GNSO Council as it's currently constituted with the kinds of voting mechanisms that is currently constituted. GNSO Council with different voting mechanisms or some other structure. So there really may be three options that we'll want to consider.

The second reason I'm a little concerned about it is that I think, you know, it is the path of least resistance I think, which is – or the most efficient one. I think that's what Steve said.

And that's always true of mission creed. It's always easier to just let a body that exists take on additional responsibilities that it's not authorized to take on because that's the path of least resistance.

I think now that there – this is a good moment actually for us to take a look at this and see whether the GNSO, you know, these are responsibilities that fall within the per view of the GNSO Council as it's currently chartered under our bylaws.

And so I would think the first step would be to go through these lists of duties and ask is this something that's intertwined with the policy development process or not?

Or maybe the answer may be in some cases sometimes yes, sometimes no, depending on the subject matter because some of these things are procedural. And they could be used to deal with issues that arise in the policy development process.

Or they could be used to deal with issues that don't arise from the development process such as, just to give one example, the ICANN budget where there's more review now or there's more safeguards built in or whatever word you want to use.

And that may have nothing to do with the policy development process. So I think that would be the first step that we ought to – probably ought to undertake.

To David Maher's point, I do think we should have that discussion about alternative mechanisms. I think it's also fair to say that informally, we have had a mechanism that has been used on an ad hock basis, which is to get together the leadership of the different stakeholder groups and constituencies and try to achieve consensus.

That's how we got – I would say that contributed substantially to having the CCWG accountability in the first place because if you remember, all of the stakeholder group and constituency leadership got together at an ICANN meeting and adopted a common position that was presented in the public forum that said we shouldn't be having this transition without greater accountability.

I mean I'm simplifying and paraphrasing here, but that was basically the thrust of it. That wasn't something that came from the GNSO Council, although maybe it was ratified by the Council. But it arose from another mechanism.

So we have these other mechanisms very informally. And one option that we would have for activities that fall outside the remit of the GNSO Council as it's currently chartered would be to have a more formal mechanism along those lines.

So that's just one, you know, that's just one suggestion. I'm sure there are many other ways to do it. But I think we should – my suggestion is we first go through and see are there things we could take off the table because they're within the policy development process and clearly within the per view of the GNSO Council as it currently stands. And then look at the others. That would be my suggestion.

Mary Wong: Thanks very much Steve. And we've tried to capture your suggestions in the notes part. So please let us know if there's other specific points that we should be adding to that as well.

And I'll note that Steve DelBianco has said in the chat that we could think the Council as a conduit as opposed to as a deliberative body. At this point I think it might be, especially for the record, for us to have to note that when we were doing this, I think we were looking not just at the Council.

That was almost more the consequence. We were looking at what is the role of GNSO, which in the bylaws basically says, you know, there is to be this policy development body known as the GNSO. And sets out, you know, the number of Councilors from each group, et cetera, et cetera.

But I think as Steve DelBianco and others noted in our session today, with the revised bylaws that there are now roles for the GNSO that may not necessarily be strictly viewed as just policy development.

And so, you know, if in consequence of that the Council becomes a conduit for the default representative body, then again that's something that we can look at depending on that specific obligation.

And the other thing we would say is obviously there are benefits as well as risks in creating additional processes and bureaucracies. And I know that we're all going to be very mindful of that as we go along.

One of the things Steve Metalitz said that hopefully is helpful in this table is the sort of different colors that the staff has put on each of these ones. And it may well be, as you say that there are some that we can easily say are taken care of by existing processes or that are taken care of by existing processes including by the Council as the main decision-making mechanism, possibly with a couple of tweaks to make that clearer.

And there may be others that we think will be more difficult. So thanks Steve DelBianco for attending. And we will send out that Doodle Poll shortly after the call today to try to set the frequency and time for our next meeting and the next series of meetings as soon as possible.

We also note that not all of the drafting team members seem to have been able to make the call today. One of the things that we were wondering as to whether those drafting team members who are on the call, who remain on the call would like to do is to go through this table today.

Or to try to have that discussion on the list between now and the next call. So if I may ask for views about that from folks who are still on this call. (Amir) I see that you agree. I take that to mean that you would like to start going through the table today. Thank you.

And I see (Fazi) has a checkmark as well. I see also that Steve Metalitz has his hand up again. So please go ahead Steve.

Steve Metalitz: Yes thanks, this is Steve. I'm happy to start going through the table. I did want to mention one other thing which was as I said, we prepared a list also just listing the number of provisions.

And there may – I think there are a couple of them that aren't on your list or aren't on the list that the staff prepared. So if I could maybe after this call in the next day or so, we can circulate – it's a short list, but I think there are a

few other provisions that we flagged and that maybe need to be looked at. Thanks – provisions of the revised bylaws. Thank you.

Mary Wong: Thanks very much Steve and thanks for being so kind about the staff work on the table. I had mentioned earlier, I think we will want to retrieve that document that was sent around I believe in or at the end of the Helsinki meeting.

And while staff has not had a chance to integrate or to do a detailed comparison of those, I would say that you're very kind to say that the staff work is a good a work product because there's a lot of useful information in that document as well.

And we will be mindful of the fact that there are things in that document that are not in this table. And we certainly do – would like the drafting team members to point out to us if indeed there are things that we have missed or that we may not have put in as much detail as would be helpful.

And (Matthew) I think thank you had said that we can do a quick run through and then have the drafting team review it and put comments prior to the next meeting where we can then maybe discuss in more substantive detail.

And on that note actually if we do have 15 minutes left to go on this call. So since there seems to be some sense that it would be helpful to at least do a quick run through, I'm going to ask Julie if she wouldn't mind taking us through that, Julie.

Julie Hedlund: Thanks Mary. This is Julie Hedlund. So – and thanks yes, also to those of you who have thought that this table was useful. And I've just synched it just so that I can move through it while I'm speaking.

And just again to note the grouping in the table. We have a grouping of obligations of the GNSO as a decisional participant of the empowered community.

We have – it's the engagement in the new customer standing committee. And then also processes relating to voting thresholds. And I won't go into the detail that is here in the descriptions of each of those. But that at least explains the organization of the document.

And then so there's the three sections. And then there is some color coding to help further navigate. Green meaning that changes are likely to be administrative. And these are just from the staff point of view. Obviously, the drafting team may come to other conclusions.

And as Mary and as Steve Metalitz had noted, there may be areas of analysis in the – on the table that Steve Metalitz has referenced that we will also send around that staff may have missed here. The yellow color coding is that action may be necessary but requires discussion. And orange is that some sort of action may be likely.

And again then there are, you know, several assumptions. And some of those relate to, as Steve Metalitz also mentioned, areas where we may just be able to reference the GNSO's role as the manager of the policy development process or the role in the policy development process.

And that's a nuance we can certainly pick up as we continue with the analysis in this group. Actually I'll make that smaller again. So in the obligations relating to the GNSO as the decisional participant.

And what we've done is we've referenced the specific article, here Article 4, accountability review. And then the Section 4.6, specific reviews. And then the (unintelligible) bylaws section.

Since we're just trying to relatively quickly go through these right now and we just have slightly less than 15 minutes, I'll just kind of move through these quickly. I'm not going to try to read each of the bylaws sections or obligations. But, you know, just as an example, for the specific reviews there's a provision for appointing new team members.

And there's then, you know, possible requirement for the GNSO to agree on a process for nominating and selecting of new team members. And we could look at current practices for the GNSO forming these, you know, review team types of groupings. And then possible further guidance.

And just please, I'll look for hands. Please stop me at any point as I'm walking through here. And I'm just, again I'm cognizant of not trying to read out everything that's on the page since you can also see it, but moving along to 4.7, community mediation.

Again, procedure identified to request that the empowered community initiate a mediation process. And so the new procedure, you know, how does the GNSO Council request this initiation of mediation and recommending EC representatives, et cetera.

And this could be related more directly to how the GNSO will define its participation in the EC. For example, how will the GNSO make a decision that it should request initiation if there's not a straightforward allegation of a violation.

So there isn't a current process that we could identify that addresses this. But this is the type of question that the drafting team could look at as far as whether or not it would fit in say one of the two or three tracks mentioned by Steve DelBianco or Steve Metalitz.

That is, you know, is this a case where the GNSO Council makes a request on the behalf of the GNSO with the Counselors consulting their respective SGs and Cs? Which would follow along on current processes.

Or, you know, as Steve was mentioning, is there a different process whereby the SGs and Cs for instance could funnel information through the Council as a conduit?

And so these again are some areas that, you know, we'll look to the drafting team for guidance. And maybe, you know, we could do, you know, if the group decided, a – this fits in a Track 1 type of area or a Track 2 or an Option 3.

The type of area so that there might be a different organization of the document then staff has here. And again, I'm just pausing if I'm going too quick or to look for raised hands.

Moving right along not seeing any, Article 6. I see a raised hand. Thank you Steve. Please go ahead.

Steve Metalitz: Yes. Thank you Julie. I think this is just – this is an example of where we might be applying this screen of whether the subject matter has to do with the policy development process or not.

So could – mediation can arise whenever the board fails or refuses to comply with a valid decision of the empowered community. That might be something that is related to policy development, but it might well not. It might be about removal of a director that was placed by the nominating committee.

It might be about a budget issue. These are various things that the – and within the jurisdiction of the empowered community and such. And so we might have a different answer.

And in some cases the GNS – it might make sense for the GNSO Council to be the one that decides whether there should be a mediation process initiated, in other cases not. So that's what I – one example of where you might – that screen might be helpful. Thank you.

Julie Hedlund: Thank you very much Steve. That's extremely helpful. And I'm glad you brought that up. Anybody else have anything they want to add? Seeing no hands, I'll move along.

Article 6, empowered community, 6.1 the composition and organization of the empowered community. And these would be procedures relating to decisional participants and decision-making.

And again, this is coded – color coded as an area for discussion, such as whether the GNSO could act through the Council. Again here, the question on the filter, you know, is this part of a regular – of a PDP or part of a regular role for the Council if there is no other mechanism that's determined or desired?

Also, same as the comment above with respect to consultation with other decisional participants. And weighing decisions to determine thresholds, noting that no current process specifically addresses this, but this may be an area where the GNSO – the drafting team might determine that the GNSO Council would be the decision-making body for the GNSO as a decisional participant with Counselors again having the option – Counselors consulting with their respective SGs and Cs.

Then in that case the GNSO Council chair or designee would be the GNSO representative in the EC. GNSO may also consider what principles it would want to have in place to guide such a designation.

So, and again many of these new provisions relating to the GNSO decisional participant – participation of the GNSO may want to wish – may wish to

consider whether a different processes or voting weighting principles are needed.

You know, is this an area where for example if one looked at filters, that when determined that this fits already in the GNSO's role, but perhaps a different voting threshold might be necessary.

Yes thank you (Amir) for your note in the chat. (Amir) notes that the bylaws do refer to the Council chair as the GNSO chair, not just the Council chair. And thank you for noting that (Amir).

And then moving along, so these are all areas that are under this new composition organization empowered community. The first that I just referenced was A – subsection A, the next one is subsection G.

And again, the issue of whether or not the GNSO Council – the GNSO acts through the GNSO Council. And whether or not there are – might be needed to be other voting thresholds.

Moving along to 6.3, the empowered community administration. Now here, going A through D, there are a number of provisions for how the decisional participants will act, acting through their chairs or for other persons.

Again, a designation would need to be made. Who is representing the group on the EC administration, et cetera? And so there's the decision of, you know, how would these other persons be designated and by whom? And the advisability or not of designating the GNSO chair as the EC representative or with the possibility of appointing a temporary alternate.

Pausing again to see if there are any questions, comments. And I'll just note, we are five minutes from the top of the hour. So – but I will continue here. I note – also I'll note in the comments (Amir) said the provision in the bylaws is

not true for the vice-chairs. And I see that (Matthew) is commenting, no comment except for to say this is useful. Thanks.

Then moving along to Article 11 on the generic names supporting organization. And that is the section on the GNSO Council. Just noting that there shouldn't – there doesn't appear to be any change necessary. And if there was any change, it would be simply reference changes in the GNSO procedures. And that one is thus coded green.

Moving along to Article 16, post-transition IANA entity, 16.3, the IANA namings function contract. Now here's one where they're just may need to be clarity. Perhaps not a likely change in procedures, but there is the option for the majority of GNSO Council to say reject or propose modification amendment or waiver.

And then again, the issue of whether or not the GNSO's acting through the GNSO Council. And then what the voting threshold would need to be, say simple majority of each house for example.

I see Steve Metalitz is typing. I'll just pause.

Steve Metalitz: You know what? I think you should just go on.

Julie Hedlund: Thank you. Moving along to Article 18, IANA naming functions reviews, 18.7, composition of the IFR review team. And there, you know, the new section says that the – each GNSO stakeholder group can appoint one member except for the registry stakeholder group may appoint two.

And so the procedure for how to appoint the – make the appointments to these IFRTs. And so there would need to be some kind of uniform process. And this is perhaps similar to the process we just went through in the GNSO for selecting the GNSO's liaison to the customer standing committee.

For example, we came up with a short procedure, setting up a selection committee to review the candidates. And then to have a GNSO Council vote on not only the candidate, the liaison, but then there was the necessity of the GNSO and CCNSO approving the full slate of members and liaisons.

And we had sort of a light weight mechanism for that approval, which was accomplished via a standard process, a council motion and a simple majority vote.

And I'm just noting what's in the chat here. Steve Metalitz says to note, if decided that the GNSO Council should have responsibilities beyond management of the policy development process and the others in current bylaws, then this decision should be reflected in an amendment to the bylaws.

(Amir) is saying absolutely. And Steve Metalitz is saying such as an amendment to Article 11. So I am noting that we have one minute before the hour. And cognizant of keeping us on time, perhaps I should stop there. And I see, Mary you have your hand up. Please go ahead.

Mary Wong: Thanks Julie and thanks for walking us through this document, which presumably, you know, the team would find time to review between now and our next meeting.

I just wanted to note that (Fazi) had made a comment or suggestion earlier as to whether it would be helpful for volunteer members of the team to take particular sections of this document and go through that volunteered section perhaps with a fine tooth comb.

So we are wondering what the rest of the drafting team thinks of that suggestion. That obviously doesn't mean that they would only just look at that. Everyone would look at the full document, but there would be pairs of eyes looking much more closely at individual sections.

The other thing I just wanted to note Julie, and I don't know if you mentioned this and I missed it, but that this document doesn't include the Annex D, I think it is if I haven't forgotten that. Which has a lot more detail about the GNSO and the empowered community.

And we have started a draft of that that we can circulate as soon as that's ready. We just wanted to note that this isn't the complete documentation. So does anyone have any comments about how else you want to proceed with reviewing this document? (Amir) please go ahead.

(Amir): Thanks Mary. This is (Amir). Yes, I would actually suggest we don't break this down and assign portions to different drafting team members. I think we're a small team. We're all meant to represent our groups.

And obviously if most of the groups are only represented by one person, and I do appreciate of course whatever one person combs through will be reviewed by the entire drafting team. But what I would suggest that we try to go through this section by section.

And possibly track it back if we identify changes being made at some point that may require a reflection on previously done work. But yes, but essentially I think it would be a better idea that the entire drafting team go through this together and get each section done as we move along.

Mary Wong: Thanks very much (Amir). And just to note that there's several other drafting team members agreeing with you on the chat. So thank everybody for that.

So it does seem that the homework, if you pardon the use of the word, for the drafting team first of all is to consider if yourself or anyone else on the drafting team, there's someone you might like to nominate to join Steve DelBianco as volunteering to chair or co-chair this group.

And secondly, to go through this document, as well as the additional information in the document that Steve Metalitz mentioned that staff will upload to the Wiki and circulate as soon as possible. With a view to coming back at the next meeting to going through this document in detail and see how far we get.

In terms of that review, the staff request would be that in particular drafting team members look at that part of the table where we say where we identify something as a new obligation or right for the GNSO. And also whether our assessment of whether new procedures are not required are something that you agree with.

And of course we will also send around the Doodle Poll to set the time and the date for the next meeting. Julie, we're past the hour. I don't know if you have any other comments that I may have missed or that you wanted to add about the review of the table?

Julie Hedlund: Yes. This is Julie Hedlund and I think you've covered everything. Thanks so much Mary.

Mary Wong: Thank you. And (Amir) we note that you have stated in the chat that Steve requires assistance, although you doubt he does that you're happy to help. Thank you very much. And we noted that as well.

So on that note at three minutes past the hour. And thanks (Matthew) for the support for (Amir). I think we can close this call. And we will meet again whenever it is that we can agree to schedule our next meeting. But it will be next week since we've agreed to do calls on a weekly basis.

Thank you all very much for attending and for volunteering for this group.

Steve Metalitz: Thanks everyone.

Nathalie Peregrine: You may now stop the recording.

END