

ccNSO Council Telephone Conference 1 September 2016

Attendees:

AF

Abibu Ntahigiye, .tz
Souleymane Oumtanaga, .ci

AP

Debbie Monahan, .nz
Hiro Hotta, .jp

EU

Nigel Roberts, .gg & .je
Katrina Sataki, .lv
Peter Vergote, .be

LAC

Alejandra Reynoso, .gt
Demi Getschko, .br
Margarita Valdes, .cl

NA

Becky Burr, .us
Stephen Deerhake, .as
Byron Holland, .ca

NomCom

None

Observers/Liaisons

Maureen Hilyard, ALAC Liaison to the ccNSO

Regional Organizations

Leonid Todorov, APTLD
Peter Van Roste, CENTR

ICANN Staff

Bart Boswinkel
Kim Carlson
Joke Braeken

Introductory comments were made by the Chair regarding last meeting, as well as housekeeping items.

1 Apologies

Apologies were noted from Debbie Monahan, Christelle Vaval

Absent, no apologies received: Young-Eum Lee

2 Minutes and Actions

Minutes from the 16 June Helsinki meeting were circulated on 21 July 2016. Two comments were received, updated minutes were approved.

All Action Items completed

3 Overview inter-meeting Council decisions

The Chair stated due to the length of the break, several intermeeting Council decisions were made on line. List of decisions are as follows:

- Deferral of Special Council election AF region (to replace Vika Mpisane) to same period as regular Council elections (26 July 2016)
- Selection and Appointment ccNSO members on CSC (22 July 2016)
- Approval full-slate CSC and joint ccNSO/GNSO Council statement (10 August 2016)
- Selection NomCom appointee (5 August)
- Selection CCWG Accountability Members (5 August)
- Interim appointment chair ccNSO as member of RZERC (11 August)

She further clarified the reason for posting all intermeeting decisions is to expand on the Council accountability. Further to accountability is the survey, which was not included on the agenda. This discussion will be deferred to the October call.

The FoI Advisory Team (Becky Burr, Keith Davidson) has sent recommendations to IANA staff regarding contact details of persons/entities who need to provide consent. This was discussed in December 2015 as well as February 2016. The Advisory on Implementation has been sent to IANA and circulated to the Council list.

Also related, it was noted that Nigel Roberts raised the issue around finding replacements for both Becky Burr (leaving ccNSO Council) and Keith Davidson (retired) – expressing the need to appoint advisors to the FoI Recommendations Advisory Committee.

Nigel Roberts stated the FoI Implementation Group, should have at least two Councilors, and suggests some overlap prior to Becky Burr stepping away from the ccNSO Council and review where the FoI is at this time.

The Chair acknowledged this and suggested one need not be a Councilor to be on this advisory committee, but depends on what the Council decides.

Becky Burr stated regarding new items to be reviewed or things still undone, it makes sense – She does not know exactly how much work is left to be done, but thinks the Council could appoint people and

make that determination and have these new appointees be “on-call” for the IANA staff. She also noted not knowing for sure if the Customer Standing Committee would play any role.

Stephen Deerhake added he believed there would be some interaction – he agrees there should be some overlap and it would be beneficial to have a written report on what has transpired with the IANA staff with regards to FOI implementation.

The Chair asked the ccNSO Council to consider if they want to be participate and to contact Becky Burr and Keith Davidson – this subject should be revisited in October.

4 IANA Stewardship transition and CCWG –Accountability

4.1 Update CWG-Stewardship progress implementation

The Chair stated there was a very productive ISTP call earlier in the week and in the recent past weeks. The ISTP is a work group that discusses issues around the CWG. Stephen Deerhake and Becky Burr has been very active and have made contributions to address major issues that are of concern to ccTLDs. All Councilors who are interested, are welcome to join these calls.

4.2 Update CCWG-Accountability WS 2

The Chair asked Becky Burr to provide an update.

Becky Burr added the work teams have been formed for the various issues in WS2, including human rights and ICANN SO/AC accountability and other transparency and document review process. In addition, the Independent Review Process Implementation Oversight Team, has been working hard to come to closure on some interim rules for the IRP, implementing the bylaws changes. She hopes this is an item that will go to the full CCWG and out for public comment. There has not been a lot of ccNSO participation – she has been chairing this group but plans on stepping down once she joins the Board. There will be a face to face in advance of the Hyderabad meeting – the day before.

4.3 ccNSO Council statement / comment on IANA Naming Function Agreement

The Chair discussed the IANA Naming Functions Agreement – a subject important to ccTLDs. A draft statement has been circulated around this agreement. With the critical date of 1 October coming up, this Naming Functions Agreement and the ccNSO members on the CWG, especially Paul Kane, have indicated concern about the direction of travel. Becky Burr and Stephen Deerhake worked through all the documents and provided comment, then Paul Kane submitted them to ICANN. A table with comments, ICANN response and current status was displayed.

Bart Boswinkel noted the table was based on the documents available until the day before the Council call. A new draft has been circulated including a table of changes. The items in green have been accepted by the full CCWG implementation group, including Sidley. He further noted, it’s important to monitor on a daily basis to see where the changes are – given the potential need for Council to comment during the public comment period, this agreement is at the core of what is important for the ccTLD community at large.

The Chair explained the draft agreement is out for public comment and period closes on 9 September. The members on the CWG and many others involved in this are expecting the ccNSO Council to provide a

statement – pointing out those things that are not acceptable for the ccTLD community. Should the ccNSO Council submit a statement and what should it include?

It was suggested by the Chair, the ccNSO Council bring forward a statement by no later than 8 September so a final statement can be submitted on time and hopes Becky Burr and Stephen Deerhake would be available to help draft this statement – the both confirmed their participation. The Chair asked for additional volunteers – no names were brought forward at this time.

Stephen Deerhake noted he believes it important that the Council members who are not up to speed on this issue, get themselves familiar particularly with the GAC principles 1.3 issue and touch base with the cc representatives on the CWG, because they would like advice, guidance and support from the cc community, particularly from the Council. He believes the upcoming CWG meeting could be contentious and would like the Council to touch base and collectively come together on this

Bart Boswinkel stressed that the Councilors should expect the first draft by close of business 7 September, it would be very helpful to get a response as soon as possible on the draft. Because of the timeliness of this, the Councilors need to be prepared to note whether or not they support the draft statement.

Stephen Deerhake clarified he believe it's critical that the language that Becky Burr developed regarding the reference to the GAC principles, in the names contract, include a reference to section 1.3 which states in the GAC principles that they are voluntary – without that, he feels it's an end run to elevate the GAC principles to a policy level on an equal basis with the Framework of Interpretation – the GAC principles are not ICANN policy, they did not come to the Board as a formal recommendation with consensus – they are voluntary. He noted concerns about making a reference to them in the Names Contract – it opens a “can of worms” that should not be opened. He encouraged Council to get up to speed on the Names Contract and provide thoughts to the cc reps on the CWG. The representatives are asking for support from the community, particularly Council – they are asking for input as to what's important and the Council has been quiet regarding this and feels the Council is leaving the cc volunteers on the CWG “out to dry” and they need support and thanks.

The Chair summarized – Becky Burr and Stephen Deerhake will participate on the statement drafting group, together with the Secretariat – draft will be provided by 7 September latest.

Peter Van Roste added that some people find it important to have a reference to the specific section in the GAC principles, 1.3 – He does not understand from a legal point of view, why it's necessary to have that specific reference in the Naming Functions Agreement – useful yes, but not necessary legally speaking.

Becky Burr notes specific reference to 1.3 is helpful but it is not absolutely necessary. But the GAC is not even willing to accept “as applicable” and in the FoI, it was very clear where applicable. The Names Contract essentially tells PTI to consider RFC1591 as interpreted by FoI and the GAC principles when they are making decisions. It doesn't make any distinction between two documents and she believes there are a lot of GAC people who will argue that the GAC principles are generally applicable and IANA staff, until we fully educated them through the FoI, was under the impression they were generally applicable.

Peter Van Roste agreed that “where applicable” is the minimum that should be in there – and happy to start looking for European governments that might have opposed principles in the past that might be

supporting(?). Might consider getting input from GTLDs and make sure a reference to where applicable could also be interpreted to distinguish between CCs and GTLDs – there may be some governments that are not sitting on the fence be convinced to accept the ‘where applicable’ without losing face because it wouldn’t be discussing the ccTLDs and governments agreements or disagreements over GAC principles, it would just point out the fact that GAC principles are completely irrelevant when it comes to 90% of the TLDs in IANA.

5 Adoption ccNSO Guidelines

The Chair stated that the Councilors received in their preparation material three updated/new guidelines. The Guidelines Review Committee has worked hard all summer to prepare these guidelines. The goal of these guidelines is to have the ccNSO documents in line with the 27 May bylaws.

- ccNSO Guideline: Board Seat 11 and 12 Nomination
- ccNSO Guideline: Selection and Appointment ccNSO member Root Zone Evolution Review Committee (RZERC)
- ccNSO Guideline: Appointment ccNSO representative Empowered Community Administration Committee

Regarding Board seat 11 and 12, according to the new bylaws, the ccNSO Council now nominates the Board member who is then appointed by the Empowered Community. In the guideline, the procedures are described from the internal perspective.

The Chair continued, there are two new guidelines – one is the selection and appointment of member to Root Zone Evolution Review Committee – a member was to be appointed by 12 August, which was unexpected – because of this, the Chair was appointed as interim representative. The guideline is similar to the one for the Customer Standing Committee, one exception, there is no need to coordinate with other groups to review candidates.

The Chair introduced a third guideline, ccNSO representative Empowered Community Administration Committee. By default, the Chair assumes the role but the Council may decide otherwise and select another representative.

No questions were brought forward from the ccNSO Council.

The Chair informed the Council on other work currently being done by the Guidelines Review Committee – the most pressing is the appointment of the representatives on the special review teams. This guideline is not complete but hopes it will be soon.

RESOLUTION 121-01:

Under the assumption and conditional to the ICANN 27 May 2016 becoming effective on 1 October 2016, the ccNSO Council adopts the following Guidelines as proposed by the ccNSO Guideline Review Committee (GRC WG):

- ccNSO Guideline: Board Seat 11 and 12 Nomination
- ccNSO Guideline: Selection and appointment ccNSO member Root Zone Evolution Review Committee (RZERC)

- ccNSO Guideline: Appointment ccNSO representative Empowered Community Administration Committee

The ccNSO Secretariat is requested to publish the above mentioned Guidelines as soon as possible on the ccNSO Website, inform the community accordingly, and archive those Guidelines which will be replaced by the adopted version.

Moved by Stephen Deerhake

Seconded by Becky Burr

No abstentions

Resolution was carried unanimously

With the adoption of the Guidelines, preparation will start on the call for volunteers for ERZERC and EC representatives. Once guidelines are adopted by Council, a call for volunteers can be made after 7 days.

6 ccNSO Council Election

The Chair discussed three Council elections that will need to take place over the next few months – normal/scheduled election; special election for African region to replace Vika Mpisane and other special election to replace Becky Burr in the North American region.

6.1 Regular Council elections

- Appointment of Election manager
- Adoption of timeline

Background material: Timeline

According to schedule the term of the following Councilors ends in March 2017. To allow for timely election proposed to initiate process at this meeting.

Councilors whose term ends in March 2017:

- Souleymane Oumtanaga (AF region, .ci)
- Hiro Hotta (AP region, .jp)
- Nigel Roberts (EU region, .gg and .je)
- Alejandra Reynoso (LAC region, .gt)
- Stephen Deerhake (NA region, .as)

RESOLUTION 121-02:

The ccNSO Council adopts the timeline for the general ccNSO Council election 2017 as proposed.

The ccNSO Council appoints Joke Braeken as Election Manager for the ccNSO Council Election Process 2016

Moved by Byron Holland

Seconded by Stephen Deerhake

No abstentions

Resolution was carried unanimously

6.2 Special Council election (AF region)

- Appointment of Election manager
- Adoption of timeline

Background material: Timeline

As agreed by Council the replacement for Vika Mpisane following his resignation should be elected by a special Council election running in parallel with the regular Council election process.

RESOLUTION 121-03:

The ccNSO Council adopts the timeline as proposed for the special ccNSO Council for the African region to fill the vacancy on the Council from that region.

The ccNSO Council appoints Joke Braeken as Election Manager for the special ccNSO Council for the African region to fill the vacancy on the Council from that region

Moved by Becky Burr

Seconded by Byron Holland

No abstentions

Resolution was carried unanimously

The Chair then asked about the special election to replace Becky Burr – one suggestion is to run it parallel with the other special election – taking into account Becky Burr is still on the Council and the special status of North American region, another suggestion is to run this election after Hyderabad.

Becky Burr noted she believes the North American region can find a great candidate – although, there is a limited number of possibilities

Byron Holland agreed with Becky Burr's statement, and suggested they, along with Stephen Deerhake come up with potential candidates they could suggest.

Stephen Deerhake concurred.

7 Board Seat 11 Nomination

- Appointment of Nomination manager
- Adoption of timeline

Background material: Timeline

Background: The term for Board seat 11, currently filled by Chris Disspain, ends in November 2017. Current practice of the ccNSO is to nominate a candidate well in advance to allow the (new) Board member to participate as soon as feasible.

Chris Disspain is eligible for re-appointment (in 2017 Chris will have served two (2) terms).

The Chair stated two possible options, run it in parallel with normal Council elections or wait until January. Currently, Board seat 11 is held by Chris Disspain, and term ends November 2017. The Chair stated her preference would be to have the election now <in chat>Abibu Ntahigiye suggested waiting until January. The Chair noted regarding the ccNSO Secretariat, it would be much easier to do elections once a year.

RESOLUTION 121-04:

The ccNSO Council adopts the following timeline for the Board Seat 11 Selection/Nomination procedure (whatever is appropriate)

The ccNSO Council appoints Joke Braeken as the Nomination/Selection Manager for the Board Seat 11 Selection/Nomination procedure (whatever is appropriate).

Moved by Becky Burr / Stephen Deerhake

Seconded by Stephen Deerhake / Alejandra Reynoso

No abstentions

Resolution was carried unanimously

8 ALAC Liaison

The Chair informed the Council that Ron Sherwood has fallen ill, and although recovering, he is unable to continue as liaison. Maureen Hilyard was asked to step in for the meeting in India – she will provide updates on ALAC issues. After Hyderabad, the Council will seek a replacement.

Stephen Deerhake suggested the Council compose a letter of thanks to acknowledge Ron Sherwood's work and contributions over the years and said he would be willing to draft this letter.

The Chair agreed, and stated how sorry the Council is that he had to leave unexpectedly.

9 Hyderabad meeting preparation

9.1 Update ccNSO meeting days/ Programme WG (Alejandra Reynoso)

Alejandra Reynoso updated the Council on the ICANN block schedule. Working group meetings are starting 4 November, Council prep will be during lunch, and ALAC later in the afternoon. Tech Day will be Saturday after opening ceremony, and first public forum will be Saturday as well. On Sunday, session meetings will begin, cross-community discussions will take place in the afternoon. Monday, will be an early start because of the meeting with ICANN Board, starting at 8:30. She continued, on Thursday, the second public forum will take place.

Alejandra Reynoso then pointed out highlights from the draft agenda, including topics for ccTLD news, legal and marketing. Sunday there is a joint meeting with GAC and there will be the Q&A session with the ccNSO Council and ICANN Board nominee. Sponsors are still need for the cocktail. ccNSO Council meeting will be Monday afternoon.

The Chair also noted the Secretariat will be reaching out to the Councilors to get an idea who will be attending the India meeting in person.

9.2 WG meetings (Kimberley)

9.3 Meeting with Board, GAC

- Meeting with GAC, Sunday 6 November 12.00-12.30 with potential to overrun
- Meeting with Board, Monday 7 November 08.30 –09.30

9.4 Council meetings Hyderabad

- Prep meeting, Friday 4 November, Lunch meeting
- Meeting with ALAC, Friday 4 November 17.00 – 18.00 local time
- Meeting with GNSO, Saturday 5 November 2016, lunch meeting (local time)
- Regular Council meeting Monday 7 November 17.00 Local
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10) Council Updates

10.1 Chair Update

The Chair stated there will be a call later in the day with ICANN CEO, Goran Marby and herself/vice-chairs.

10.2 Vice-Chair Update

10.3 Councilors Update

10.4 Regional Organizations Update

10.5 Staff Update

11) WG updates

11.1 EPSRP Update (written update)

The Chair informed the Council this group had a report out for public comment and received comments from ALAC, Verisign and SSAC.

Bart Boswinkel added the public comment period closed 31 August. The comment received from SSAC does not agree with the process. The working group must decide how to address these comments.

11.2 CCWG Updates

Use of Country and territory names (written update ccNSO appointed co-chairs)

The Chair noted Peter Vergote raised a question regarding this work group. A written update was circulated, that reflects the recent discussions. This topic will be revisited in upcoming calls.

12 AOB

No additional comments were brought forward.

13 Closure

The meeting was closed at 12:15 UTC