

**ccNSO Council Meeting
26 June 2019 – Marrakech**

Attendees:

AF

Biyi Oladipo, .ng
Souleymane Oumtanaga, .ci
Abdalla Omari, .ke

AP

Hiro Hotta, .jp
Jordan Carter, .nz
Young Eum Lee, .kr

EU

Katrina Sataki, .lv
Giovanni Seppia, .eu
Nick Wenban-Smith, .uk

LAC

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

NA

Byron Holland, .ca
Stephen Deerhake, .as
Pablo Rodriguez, .pr

NomCom

Laura Margolis
Ajay Data
Jian Zhang

Liaisons/Observers

Miguel Ignacio Estrada
Barrack Otieno
Maarten Simon

ICANN Staff

Bart Boswinkel
Kim Carlson
Maria Otanés

Joke Braeken

1. Welcome and roll call

Quorum was met

Consent agenda (Items 2- 14)

RESOLUTION 152-01:

The ccNSO Council adopts all resolutions under items 4, 5, 6, and 8 of its 26 June 2019 consent agenda and takes item 2, 3, 7, 9, 10, 11, 12, 13 and 14 as discussed and read.

Moved by Pablo Rodriguez

Seconded by Alejandra Reynoso

Passed unanimously

2. Minutes and Action Items

Action Items were reviewed.

Action Item 151-01:

Ask ICANN Legal for advice on how to address this “gap” between the Board resolution passing and the IANA database update.

Completed

Action Item 151-02:

Stephen Deerhake to propose alternate wording to this guideline on the ccNSO Council mailing list

Resolved over time

Action Item 151-03:

Secretariat to inform the MPC of the adoption of the amended Charter of the Meetings Programme Committee (MPC)

Completed

3. Intermeeting decisions (since 23 May 2019)

The following intermeeting decisions were reviewed:

- Appointment member IGLC
- ccNSO Council Statement Evolving ICANN’s Multi Stakeholder Model (4 June 2019)

4. Appointment members Internet Governance Liaison Committee (IGLC)

Resolution – part of consent agenda

The ccNSO Council appoints Peter Madavhu (.za), Adriana Lazzaroni (.it), Jordan Carter (.nz) and Sean Copeland (.vi) as members of the IGLC and requests the secretariat to inform the IGLC, the newly appointed members and update the website and email list accordingly.

Action Item: 152-01

Secretariat to inform the IGLC, the newly appointed members and update the website and email list accordingly.

5. Launch CSC Member Selection process: Call for Expression of Interest and timeline

The Chair of the ccNSO Council noted this item was reviewed at the prep meeting and timeline circulated in printed prep material. She also reviewed the proposed timeline and summarized the process – reminding the Council the full slate must be approved by mid-September.

Resolution – part of consent agenda:

Decision

The ccNSO Council adopts the timeline as proposed for the selection of a new ccNSO appointed member on the CSC, and request the Secretariat to launch the call for volunteers at the time foreseen in the schedule and in accordance with the mechanism in the Guideline: ccNSO Actions respecting the Customer Standing Committee.

The ccNSO Council also decides to re-appoint a selection committee with the mandate to consult with the RySG and GNSO Council and approve the full slate of membership.

The Secretariat is further requested to inform the community as soon as possible on the upcoming CSC member nomination and selection process.

Action Item 152-02:

Secretariat to launch call for volunteers – Customer Standing Committee (CSC)

Action Item 152-03:

The Secretariat is further requested to inform the community as soon as possible on the upcoming CSC member nomination and selection process.

6. Launch call for volunteer Member Nominating Committee FY 2020

The Chair of the ccNSO Council stated the current ccNSO member to the NomCom, Pablo, is term limited. She offered her thanks to him acknowledging the good work he's done. She reviewed the process and timeliness.

Resolution – part of consent agenda:

Decision

The ccNSO Council adopts the proposed timeline, selection procedure and call for volunteers as detailed in the Selection Process ccNSO Member NomCom FY 2020.

The ccNSO Council requests the Secretariat to launch call for volunteers accordingly.

Action Item 152-04:

Secretariat to launch call for volunteers – ccNSO Member NomCom FY 2020

7. Discussion discontinuity ccNSO membership following transfer of management of ccTLD

The Chair of the ccNSO Council stated ICANN Legal has been consulted about when membership ends, in the case of transfer of the management of the ccTLD to another entity. The Secretariat was asked to liaise further with IANA.

Information received: since 2003, the management of 59 ccTLDs has been transferred. After comparing all those relevant entries in the root zone database with the entry in the membership database, it was discovered that there is discrepancy for 11 ccTLDs. Secretariat will handle those on a case-by-case basis.

The Chair added according to the bylaws, ccNSO members are ccTLD managers, not country codes. As we found out from ICANN Legal, the ccNSO membership ends the moment when the previous ccTLD manager is substituted by the ccTLD manager in the IANA database. It means that it is completely different entity and they haven't applied to be members to the ccNSO yet. We cannot assume that they are, and that they want to be members.

Bart Boswinkel confirmed membership does not move with the country code, they must apply as "brand new".

Nick Wenban-Smith asked if the review is going to take a look and see whether there are votes or decisions which would have been different if the real membership had been reflected?

Bart Boswinkel indicated the impact will be minimal. Where it really matters is in cases of PDP approval, that was in 2013. In case of Council elections and in case of Board selections -- there is probably a procedural impact but no material impact.

He further suggested reviewing on a case-by-case basis.

Ajay Data asked for further clarification if the ccTLD in question is a Council member. Bart Boswinkel explained it does not impact Council membership because it's on a personal basis and not linked to the ccTLD member.

The Chair added: Councilors are appointed in their personal capacity not as ccTLDs – [we] do not have ccTLDs as counselors – individuals are on the council. They don't even represent their region; they bring a regional perspective to the Council.

8. Launch "call for volunteer" Root Zone Evolution Review Committee (RZERC)

The Chair of the ccNSO Council stated the term of the current member on the Root Zone Evolution Review Committee (RZERC), Peter Koch (DENIC, .de) will end the first of October and

the ccNSO Council will need to appoint a member on the RZERC, in accordance with the Guideline. Current member Peter Koch is not term limited.

Resolution – part of the consent agenda

The ccNSO Council requests the Secretariat to prepare a timeline, call for expression and dates for the selection process in accordance with the Guideline: ccNSO Actions respecting RZERC by 12 July 2019. In preparing the timeline it needs to be ensured that the ccNSO member on RZERC will be appointed by 20 September 2019.

Action Item 152-05:

Secretariat to launch call for volunteers - Root Zone Evolution Review Committee (RZERC)

*****ITEM BROUGHT UP BY JORDAN CARTER, see Item 11 of General Agenda****

Jordan Carter asked to discuss ccNSO Review.

The Chair of the ccNSO noted the Council is scheduled to provide a statement on this. The Review Working Party has also provided feedback and has discussed the recommendations and suggestions with the independent examiner.

Jordan Carter stated feeling a bit “underwhelmed” by the report/recommendations, despite the high costs to conduct these reviews. He anticipated that they might apply more and unsure if the ccNSO needed an external reviewer to come to these conclusions.

Nick Wenban-Smith added he “understand[s] where Jordan’s coming from”. The recommendations were vague and general in approach and not actionable. He wonders did the examiners fulfill their terms of reference. Some of the recommendations were outside the scope of the Council’s ability to “do anything about it”.

The Chair of the ccNSO Council noted they (IE) are professional facilitators and they performed this well. She was surprised by many of the findings and perceptions. One thing that should be improved (and was recommended) was the ccNSO website.

Young Eum Lee added she agrees the recommendations must be realistically actionable – even if it means fewer.

Action Item 152-06:

Council to provide statement on ccNSO Draft Review Report – start on Google Drive for collaboration

9. PDP 3 Part 1 Retirement – Update

Informational: update taken from the meeting

10. Update ECA & CSC – Update

a. ECA

- b. CSC
Update taken from the meeting

11. Update ccNSO Review
(see above note)

12. Updates chair, vice-chairs and Councilors, Regional Organizations, Secretariat.
Update taken from the meeting

13. Updates WG.

- a. GRC
- b. IGLC
- c. SOPC
- d. Meeting Programme Committee
- e. Emoji Study Group
- f. PRT

Updates taken from the meeting

14. Update liaisons

- a. Update ALAC Liaison (written update)
- b. Update GNSO Liaison (written update)

{end consent agenda}

++General Agenda++

15. Update & Next Steps IFRT appointment process

The Chair of the ccNSO Council reminded Council background information was discussed earlier in the week at the prep meeting. She reviewed the following options, asking Council for way forward:

- *Option A*

One non-ccNSO ccTLD representative who is associated with a ccTLD registry operator that is not a representative of the ccNSO AND who is a citizen of a country in the North American, African, or Asian Pacific Region. This call can be launched as soon as feasible.

Or

- *Option B*

One ccTLD representative who is associated with a ccTLD Operator, without restriction to non-members of the ccNSO, again limited to the North American, African, or Asian Pacific. This call is to be launched by or around ICANN66, anticipating the approval by the Empowered Community of the change of section 18.7 (a) and (b).

Or

- *Option C*

Launch a general call for volunteers for all 3 seats on the IFRT.

Assessment of the options from draft agenda:

Option A has the advantage that the IFRT may start relatively sooner (after selection of a suitable candidate). However, there is a substantial risk that following a call for volunteers, no suitable candidate will be found taking into account the limited pool of potential candidates (non-ccNSO members in the AP, NA or AF) region.

Since the Kobe meeting some non-ccNSO member representatives from the EU region have indicated they would be potentially willing to stand; however, this will imply that an already selected candidate from the EU region has to step rescind. If so, the next in line of the original selection process could be appointed.

Option B

Has advantage of limited and focused call for volunteers, without any concern of regional diversity.

Option C: The amended section in the Bylaw is applied in full; however, the regional diversity requirement may cause issues again and the candidates who have already been selected have to step down, and to re-apply again if they are still willing to serve on the IFRT.

The Chair of the ccNSO Council confirmed with the candidates they are still interested in serving. She also added the first call for volunteers was in August 2018m second was in September 2018 with numerous reminders sent.

Hiro Hotta asked if with Option B, if the bylaw change is assured by Montreal?

The Chair of the ccNSO Council provided that if all goes smoothly, and there is no pushback, it could be approved at the Board September meeting. Then, we enter the approval action process, which means that we need at least two other decisional participants, it's us and two more decisional participants, to actively approve the change.

Stephen Deerhake noted the ECA will instruct ICANN to hold Approval Community Forum at the Montreal meeting, where this will be discussed by the Community.

Nick Wenban-Smith and Young Eum Lee expressed support for Option B because it supports the request for a bylaw change. Option A seems to be at odds with that request.

The Chair of the ccNSO Council agreed there needs to be a bylaw change, however noting, the process will take significantly longer and currently there are interested volunteers, whom the ccNSO did not have a year ago.

Byron Holland recognizes the logic in Option B, which is "frankly the right way to go" but then the ccNSO Community is holding up the entire IFRT process for another five months or more. The ccNSO can still make the case that it will be difficult in the future despite the fact that it got done this time. He feels it's important to go with the immediate solution versus the perfect solution and why Option A is probably the way to go.

The Chair of the ccNSO Council further added this review is a requirement in the bylaws and the process is dragging out too long – for the ccNSO and other communities being held up. If the ccNSO manages to find someone, it took a year with lots of reminders and three calls for interest.

Byron Holland added while intellectually he agrees with Nick and Young-Eum, the ccNSO is putting the entire Community in breach of the bylaws – this is something “we did to ourselves”. It’s not something ICANN imposed on the ccNSO; this is something the members demanded.

Jordan Carter asked if Option A is unsuccessful, will Option B be considered, or will that need to be litigated further.

The Chair of the ccNSO Council said it would have to be done after the bylaw change.

<There were several requests from Council to launch the call for volunteers as soon as possible>

RESOLUTION 152-02:

The ccNSO Council request the secretariat to prepare a timeline, call for expression of interest based on Option A and send the call out by 2 July 2019.

Action Item 152-07:

Secretariat to send out call for volunteers as soon as possible – IFRT.

16. Adoption Guideline: ccNSO Selection procedure Boards seats 11 and 12

The Chair of the ccNSO Council noted this guideline will be needed in August. The decision is to approve it conditionally, submit section 3.5 to ICANN Legal for analysis. Then depending on their response, change it quickly or go with the wording as-is.

RESOLUTION 152-03:

The ccNSO Council adopts the Guideline: ccNSO Nominations process ICANN Board seats 11 and 12, as presented (version – Draft Final May 2019), provided and conditional that ICANN Org’s legal department checks section 3.5 and do not raise any legal concerns with respect to the proposed section 3.5 of the Guideline. The Chair of the ccNSO is requested to ask ICANN legal to conduct such a check, and after conclusion of the check by ICANN legal inform the Council of the result.

If according to ICANN Legal there are NO legal concerns with the proposed section 3.5 and Council has been informed accordingly, the secretariat is to publish the guideline on the ccNSO website and inform the community.

If according to ICANN legal there are legal concerns with the proposed section, the Guideline shall NOT come into effect. The proposal will then be amended to resolve issues and subject to approval by Council.

This decision becomes effective seven (7) days after publication of this Resolution on the ccNSO website.

17. Next meetings

- July/August – 22 August
- September 19
- October 17th
- November -Montreal (2-7 November)
- December 19th

18. AOB

The Chair of the ccNSO Council discussed ideas on how to improve how the Empowered Community and Legal handles the rejection and approval action process. It was suggested the actions are numbered, not just issued. Also, it was proposed to have clear subject lines and a role email account and not just ICANN Org employees' forwarded messages. Some decisional participants were supportive of these suggestions and improvements but there wasn't any action. She proposed to have another Council Statement that could be sent to other DPs and ICANN Secretary.

Action Item 152-08:

Council to draft statement to send to other DP's and ICANN Secretary - how to improve rejection and approval action process handled by the Empowered Community and Legal

19. Thank you

The Chair of the ccNSO Council read the following:

The ccNSO Council wholeheartedly thanks the local host ANRT, the .MA ccTLD Manager, for their warm welcome. The Council also thanks the sponsors:

KISA, Verisign, Transversal, .PR, .NZ, NIC Senegal, CIRA, AFTLD, American Samoa and Nominet, for making the ccNSO cocktail possible again

20. Closure