

ccNSO Council Telephone Conference  
7 December 2017

**Attendees:**

**AF**

Abibu Ntahigiye, .tz  
Souleymane Oumtanaga, .ci

**AP**

Debbie Monahan, .nz  
Hiro Hotta, .jp  
Young Eum Lee, .kr

**EU**

Katrina Sataki, .lv  
Peter Vergote, .be

**LAC**

Alejandra Reynoso, .gt  
Margarita Valdes, .cl

**NA**

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

**NomCom**

Jian Zhang  
Ching Chiao

**Regional Organizations**

Leonid Todorov, APTLD

**ICANN Staff**

Bart Boswinkel  
Kim Carlson  
Joke Braeken

**1 Welcome and Apologies**

Attendance list is available at: <http://ccnso.icann.org/about/council/attendance.htm>

**Apologies:** Nigel Roberts, Abdalla Omari, Demi Getschko, Christelle Vaval, Peter Van Roste, Dr Ben Fuller, Barrack Otieno

## **2 Minutes and Actions**

Minutes from the meeting in Abu Dhabi were distributed – no comments received. However, since the Minutes were distributed late, the Councillors are welcome to submit their comments for another week.

The ccNSO Council Chair reviewed the action items from the last meeting – all action items have been completed:

### ***Actions 135-01***

The secretariat is requested to inform the chair of the SOPSC accordingly and archive the SOPWG charter

Completed

### ***Action 135-2***

Chair is requested to the ICANN secretary, confirming Stephen's appointment to the ECA

Completed

### ***Action 135-03***

Inform community of this initiative and encourage active participation. (Ann-Cathrin Marcussen as POC for WT5)

Completed

## **3 Overview inter-meeting Council decisions**

No intermeeting decisions

## **4 Update ccNSO Council Elections FY 2018**

The ccNSO Council Chair noted, all candidates have accepted nominations, only one candidate per region, no election needed. She also added, additional updates were needed on the election guideline based on election report recommendations.

### ***RESOLUTION 136-01:***

The ccNSO Council adopts the Council Election Report FY 2018, including the recommendations contained in the report, and thanks Joke Braeken for her work as Election Process Manager.

The ccNSO Council congratulates the elected candidates and notes that they will take their seat at the end of the ccNSO meeting at the end of the Council ICANN61 meeting in Puerto Rico.

Moved by Pablo Rodriguez

Seconded by Hiro Hotta

Passed unanimously

## **5 Adoption Terms of Reference ccNSO Internal meeting review**

The ccNSO Council Chair advised Council a drafting team was formed to review the ccNSO meeting strategy. Today's vote is to approve the terms of reference put forward by the group.

### ***RESOLUTION 136-02:***

The ccNSO Council adopts the Terms of Reference for review of the ccNSO Meeting Strategy, including the proposed timeline. The ccNSO Council appoints the members of the drafting team:

- Alejandra Reynoso
- Margarita Valdes Cortes
- Mira Fajriyah
- Jordan Carter
- Giovanni Seppia

Moved by Pablo Rodriguez

Seconded by Debbie Monahan

Passed unanimously

### **Action Item 136-01:**

The Secretariat is requested to inform the review team accordingly.

## **6 Appointment members Ethos Award Committee**

Stephen Deerhake asked for confirmation that Nigel Roberts has in fact decided to step down for this appointment.

Bart Boswinkel noted he has not spoken with Nigel, but it is his understanding that his term is over as he has served two years. The agenda was circulated to Council over a week ago, and no objections were received from Nigel on this matter.

The ccNSO Council Chair confirmed it was her understanding as well – according to the rules: Two representatives per SO/AC, preferably with panelists not serving on the panel more than two consecutive terms. Nigel Roberts has served two years.

### **Action Item 136-02:**

Secretariat is requested to send email to Council for volunteers.

## **7 Membership application .MU**

The ccNSO Council Chair noted membership application was received from .MU (Mauritius). As procedure warrants, IANA was consulted for pending transfers or outstanding issues – none were presented.

### ***RESOLUTION 136-03:***

The ccNSO Council approves the application for ccNSO membership by the ccTLD manager for .MU (Mauritius), and welcomes Internet Direct Ltd, as the 163rd member of the ccNSO.

Moved by Pablo Rodriguez

Seconded by Alejandra Reynoso

Passed unanimously.

### **8 Appointment Régis MASSÉ as member TLD-OPS Standing Committee**

The ccNSO Council Chair stated Régis MASSÉ is well known and active within the community and has attended several ICANN meetings. With his appointment, the standing committee hope to reach out to the African French speaking communities. She also invited all Councilors to reach out to their regions and encourage participation in the TLD Ops Standing Committee.

### ***RESOLUTION 136-04:***

**At the nomination of the chair of the TLD-OPS steering committee, Régis MASSÉ, is appointed as member of the TLD-OPS Steering Committee**

Moved by Byron Holland

Seconded by Stephen Deerhake

Passed unanimously

### **9 Update SSR 2 discussions & NomCom Appointment update**

The ccNSO Council Chair reminded all that in Abu Dhabi, the ICANN Board suspended the work of the SSR2. According to the Bylaws, the members of the review team are appointed by the SOAC Chairs. The SOAC Chairs met in Abu Dhabi and have had several calls after the ICANN meeting. The Chairs have developed a survey for the members of the review team to gather feedback and to get a better understanding of what the issues are and what is required to address them efficiently. More information will be shared with the Council on later stages.

The ccNSO Council Chair stated she met with the NomCom chair in Abu Dhabi. Discussion noted around new Guidelines and Bylaw clarification on removal of Councilors – Bylaws do not distinguish between elected and NomCom appointed Councilors. The NomCom also requests more information on the ccNSO requirements for NomCom selected Councilors.

She also said she would be meeting with the NomCom leadership and asked for the Councilors if they had anything in addition to what was stated in the letter previously sent. None were presented.

Pablo Rodriguez related he believes what happened with the ccNSO and NomCom has been something everyone can learn from. Dialog between NomCom and each constituency must remain open and active.

The ccNSO Council Chair agreed and thanked Pablo for his continued work with the NomCom.

## **10 Next steps IDN ccTLD (Fast Track) process:**

The ccNSO Council Chair expressed clarification is needed from the ICANN Board on what is required from the ccNSO. The ICANN Board has asked the ccNSO, along with the GNSO to engage with SSAC to better understand the consequences of using domain names that include emojis – and inform the community of the risks. They also asked us to integrate conformance with IDNA2008 and its successor into the Fast Track policy and the overall policy.

She suggested moving forward, include a session during the Members day as well as a Tech Day discussion, where SSAC can explain the risks. Secondly, set up a study group as was done with respect to the wildcarding issue.

### ***Action Item 136-03:***

Ask the secretariat to check the references in the current Fast Track documentation and overall recommended policy to understand if and how references to relevant RFC's is included and report back to Council by February meeting in time for our meeting in Puerto Rico

Bart Boswinkel noted it might be helpful for “one or two” Councilors who are familiar with the wildcarding study group and involved with the IDNs act as guidance to the secretariat.

Subsequently, the ccNSO Council Chair expressed concern the ccNSO is not always informed of Board decision that may affect the ccNSO. She suggested asking the triage committee to scrutinize the Board resolutions in addition to the Council raising the issue with the Board itself.

In summary:

1. Ensure session on PR members agenda
2. Secretariat to propose way forward study group by next meeting
3. Secretariat to check Fast Track methodology and Implementation and recommended policy on references to IDNA 2008
4. Put topic about channeling Board resolutions on meeting agenda with Board in PR
5. Triage group tasked to systematically inform Council on potential impact of Board resolutions on ccNSO, using the methodology developed.

## **11 PDP Retirement**

Stephen Deerhake was asked to give an update in the absence of the Working Group Chair – Nigel Roberts.

Stephen Deerhake stated progress is being made – “slow and steady”. Substantive matter is being discussed.

## **12 Selection candidates ICANN Onboarding Mentor and Mentee**

The ccNSO Council Chair discussed the onboarding program – a mentor and mentee is identified. ccNSO must appoint two people, a mentor and mentee, who will receive ICANN travel funding.

Alejandra Reynoso updated Council on her discussions with LACTLD.

The ccNSO Council Chair proposed Alejandra Reynoso, with the help of Chair/Vice Chairs select the appropriate people for the onboarding program.

Margarita Valdes volunteered to be a mentor. The secretariat will provide her with additional information and requirements.

### **13 ICANN 61**

13.1 Alejandra Reynoso reviewed the current block schedule, joint session and draft Members meeting agenda.

### **13.2 Council Meetings**

#### **14 CSC, RZERC and ECA related updates**

14.1 CSC update (Byron)

*14.2 RZERC update*

*14.3 Empowered Community Administration update (placeholder)*

*14.4 CSC Charter review (Abdalla)*

### **15 Council Updates**

*15.1 Chair Update*

*15.2 Vice-Chair Update*

*15.3 Councilors Update*

*15.4 Regional Organizations Update*

*15.5 Secretariat update*

### **16 WG update**

16.1 Program meeting WG (Alejandra)

16.2 GRC update (Katrina)

16.3 CCWG Auction Proceeds (Ching)

16.4 CCWG Internet Governance (Young Eum)

16.5 CCWG Accountability WS 2

16.6 SOPWG update (written update)

16.7 WS 5 GNSO PDP

### **17 Liaison Updates**

*17.1 Liaison GAC/ re-establish agenda setting committee*

(formerly known: <https://ccnso.icann.org/en/workinggroups/gacwg.htm> )

*17.2 ALAC update*

**17.3 GNSO update**

**18 Next meetings (2018)**

18 January – 17:00 UTC

15 February – 11:00 UTC

14 March – face to face, San Juan 5

26 April – 18:00 UTC

24 May – 12:00 UTC

27 June – face to face, Panama City

23 August – 12:00 UTC (July and Aug combined)

20 September 18:00 UTC

October – face to face, Barcelona (date tbd)

15 November – 11:00 UTC

13 December – 17:00 UTC

\*\*The ccNSO Council Chair proposed bypassing updates and asked the Council to refer to the written updates that were circulated. She did note receiving updates from Annebeth Lange on WT5 and confirmed times for the Council Workshop at ICANN61.

Additionally, the Chair noted recently having a conversation with Manal Ismail from the GAC and having a more “meaningful” bilateral meeting. It was also discussed the need for a liaison.

**19 AOB**

**20 Special Section Council meeting re Board Nomination process seat 12.**

**AT THE REQUEST OF THE CCNSO COUNCIL – TO PRESERVE CONTEXTUAL ACCURACY, A CLEAN VERBATIM TRANSCRIPT HAS BEEN PROVIDED, see Appendix A**

The ccNSO Council Chair mentioned a letter received prior to the call from Stephen Deerhake, questioning discussion of topics during a Council meeting that was not identified at least 4 working days before the meeting. She confirmed the agenda for this meeting was circulated a week prior, that included due diligence and whether a decision should be made now, or just a topic for discussion.

Peter Vergote noted he agreed with the content of the correspondence and does not think the ccNSO should put themselves in a place where their decision(s) can be challenged later. He is not in favor of a formal decision at this time.

Stephen Deerhake noted he was not in favor of voting for either “option 1” or “option 2” but feels the Council must certify the election as soon as possible.

The ccNSO Council Chair stated disagreement with Stephen's statement – believing the Council could not vote for option 3, and not vote for option 1 and 2 as well.

Stephen Deerhake had a differing view- noting he believed options 1 and 2 were “dropped on” the Council late in the game, while option 3 is in the Bylaws (1 and 2 are not). The requirement that the election is certified at the next meeting after the election, is in the guidelines.

Peter Vergote agreed, stating he thinks the Council should stick to the various guidelines and Bylaws – and not invent new rules and impose them on the candidates after they have declared their candidacy. Option 3 is following what is in the guidelines for the nomination process – the ccNSO Council takes note of: the nomination report, of any irregularities, the results, confirms the results and confirms the election.

Stephen Deerhake does not believe option 3 is tied to options 1 and 2, and voting on option 3 is mandated by the guidelines.

Debbie Monahan noted, while agree with Stephen, she thinks a formal process should be in place – asking Nigel Roberts to continue with the process whereby it becomes part of future elections.

Byron Holland added he believes the Council has a “classic challenge” of doing what's right versus what was put into writing some time ago. He disagrees with many of Stephen's comments – the Council simply overlooked an important vetting process of a board member. He does agree “from the letter of the rules” he is correct – but the rules were created prior to knowledge of vetting responsibility.

Given the short timeframe, the Council should perhaps follow the rules as they are written today, acknowledging the rules must be changed as soon as possible. The Council also must seek Nigel Robert's commitment that he made in Abu Dhabi, even if it's after the fact.

The ccNSO Council Chair proposed presenting everything to the Council, then go back and decide how to vote.

### **1 Nomination Report**

Nomination report was received earlier in the week. She explained the reason for sending an email before the election report was due was because the tally system that was used automatically makes the results public once the election closes. Some people from the GNSO published the results on Facebook, congratulating Nigel – prior to the announcement to Council.

The Council voted on adoption of Election Report.

### ***RESOLUTION 136-05:***

The ccNSO adopts the Nomination Report, including the recommendation to resolve the issues identified by the Nomination Manager, and request the GRC to propose an update of the Guideline: ccNSO Nominations Process Board seats 11 and 12 (September 2016) accordingly.

Moved by Stephen Deerhake

Seconded by Debbie Monahan

Passed unanimously



## **2 Letter/email Roelof Meijer (SIDN, .NL)**

The ccNSO Council Chair noted an email from SIDN raising a couple of issues. The election results do not confirm issues identified in the letter. In total, 58% of members cast their vote, and only 5 out of 94 (5.3%) did not fill out any candidate. She suggested writing back to SIDN thanking them for raising the issue and explain why no further action was taken by the ccNSO Council.

Stephen Deerhake stated the Council cannot assume all five of those spoiled ballots were a negative vote, i.e. none of the above.

The ccNSO Council Chair confirmed she corrected herself, and stated they did not vote for any candidate.

## **3. Temporary procedure Due Diligence Background Screening**

The ccNSO Council Chair explained the due diligence process – what was done between Abu Dhabi and now. How do others do it? Depends on constituency. The closes process of interest to the ccNSO is the one of the ASO. The ASO has forwarded a list of what is being checked. ICANN currently has a contracted due diligence provider. She explained how the process would look for the ccNSO.

She reminded Council that both candidates, during the Q&A session, publicly agreed to voluntarily screening.

Option 1 – the Chair requests to initiate the review. Due diligence provider contacts the candidate, asks for an agreement, runs the process. If the candidate refuses, the Council then must decide to nominate or not (and in the current case, considering the public agreement). When confirmation is received that “everything is ok”, Council nominates the candidate.

Option 2 – The Council nominates the candidate first, then the Chair asks the due diligence provider to initiate the review. The question of who receives the results and “what’s the point of receiving results if candidate is already nominated”

Third option is that we follow current process. Council nominates the candidate and the rest is on the candidates own conscious.

Stephen Deerhake reiterated, the only choice before the Council is option 3. He acknowledged the guidelines need to be revised. He also fully believes the candidate, as well as the two existing Board members, will submit to whatever background vetting ICANN Legal and HR think is appropriate.

Byron Holland asked that this conversation is explained explicitly in the minutes – The Council is not voting against options 1 and 2, “as we were recognizing we were in a box set by our own rules and we will have to deal with those rules after the fact”.

The ccNSO Council Chair proposed voting on option 1, option 2, or option 3, or just go with the regular process, which effectively means option 3.

Stephen Deerhake stated the Council cannot vote on either option 1 or 2 as they were not submitted within the prescribed timeframe.

The ccNSO Council Chair noted the Council could either postpone the decision to the next meeting, or vote online.

Stephen Deerhake contended there is no option for postponing. It is specified in the guideline that after the election, it must be the next meeting the election is certified.

The ccNSO Council Chair explained that if the Council goes forward with Stephen's proposal, the Council cannot control the process and everything will be "just as it is" – if the candidate refuses to go through due diligence for example.

Stephen Deerhake acknowledged belief the candidate will honor his word after announcing publicly he would undergo any required due diligence.

The ccNSO Council Chair proposed holding off any vote on due diligence and move forward with nomination.

***RESOLUTION 136-06:***

The ccNSO Council nominates Nigel Roberts to be designated by the Empowered Community Administrative Committee to fill ICANN Board Seat number 12 starting at the end of ICANN's Annual General Meeting in 2018 for a term of three years.

***Action Item 136-04:***

The ccNSO Council request the chair to inform the Empowered Community Administration, ICANN Secretary, and chair of the ICANN Board of the nomination of Nigel as soon as this resolution becomes effective, which closes this Nomination Process as well.

Moved by Pablo Rodriguez

Seconded by Stephen Deerhake

Passed unanimously

**Conclusion**