

Item 4 Designing the decision-making process on CWG and CCWG proposals

Proposed sub-items for discussion

4.1 Clarification ccNSO Council letter to co-chairs of CWG and CCWG on:

" broad support needed of proposals by membership of CWG or CCWG, in particular by all of the ccTLD representatives"

Does this imply unanimity or consensus support from ccNSO Appointed members of the CWG or CCWG?

Reference to the letter: <http://ccnso.icann.org/about/holland-et-al-to-lise-et-al-26mar15-en.pdf>

4.2 Discussion on decision-making process

Background material (additional material to follow)

- Note to from previous call on decision making
- Notes from April 17 Informal Council call

1. Introductory note

Introduction The ccNSO is one of the chartering organisations of both the CWG IANA and CCWG Accountability. According to the charters of both CWGs, the chartering organisations need to support/ endorse and at a minimum express no – objection to the Final Proposals of the working groups, according to their own rules and procedures. This decision is a required to be able to submit the Final Proposal to the ICG and ICANN Board respectively

Problem

The ccNSO Council is expected to decide on the decision-making process it intends to use to support the CWG Proposal and CCWG Recommendations, without a prior, fulsome and broad consultation of the ccTLD community.

Processes used to date for non-PDP strategic processes. In the past when dealing when with strategic topics, the ccNSO has followed a process whereby a working group would first present its consensus proposal to the community, then the ccTLD community at-large (i.e members and non-members of the ccNSO) would after extensive discussion seek consensus support on a proposal, through at least one in-person meeting of all ccTLDs present at a meeting of the ccNSO. Only after the ccTLDs present reach consensus support on the proposal, the ccNSO Council would take a decision ratifying the consensus position. Finally, and in accordance with the internal rules of the ccNSO, the members of the ccNSO could call the ccNSO Council decision to a vote within 7 days of publication of the ccNSO Council Decision.

In the context of IANA Stewardship Transition and Accountability Enhancement Process due to NTIA requirements and the related timeframes, outreach to and engagement of the ccTLD community has become extremely important.

2 Notes informal call ccNSO Council and ccNSO appointed co-chairs CWG IANA and CCWG Accountability 17 April 2015

(The recording will be available as well).

CWG IANA update (Lise)

Intense Wg days

Conclusion of DT

Focus on one model: Internal model with legal separation of IANA Function Operator as a affiliate

And light weight board (operational)

Meeting with whole group. Finalise draft. On Monday comments from group to finalise draft for public comment of

4 Areas for CCWG to look at:

CCWG asked more details

Jonathan Robinson and Lise to participate in CCWG meeting to discuss

Webinar CWG 14.00 and 16.00 UTC

Actual draft finalised, RFP 1, 2 and 3

RFP 4 and 5,

Legal team to investigate RFP 4 and 5

CWG deliverable conditional on some aspects of CCWG work

- 1 IANA Budget
- 2 Community empowerment
- 3 Redress and review
- 4 Appeal Mechanism (ccTLD delegation and redelgation excluded from appeal) : ccNSO should work on this at later stage. Will be mentioned in proposal.

If more emphasis is needed ccNSO should indicate so

Public comment duration 28 days, to allow for a more fullsome report

10 days to work on proposal

Keith questions: given the large size of the group is their solid consensus?

Lise: most of DT work is consensus based. Hesitant re CSC. Issues around role with regard to role of CSC. Goal is to make it a technical group. Also need for a group that handles complaints. Direction of travel CSC will handle complaints, but not substitively

Another one is SLE work (DTA). Need for another SLA. IANA is performing much better than current SLA

To date no

real objection to current model under discussion. Compromise between the different views and models discussed at earlier stage.

In general no real objections

Update CCWG Accountability (Mathieu)

State of play

CCWG working on WS 1 proposals.

Proposals rely on 4 building blocks as described and presented during Singapore meeting

- Powers of community
- Mission and core values of ICANN (core principles against which
- Board
- Enhancement of IRP

CCWG is evolving a full list of stress test (contingencies/risk and evolving mitigating measures)

CCWG now in phase, concrete proposals.

Focus will be on requirements

Public comments in a few weeks. Legal advice raising additional issues

Next week CCWG Intense working days

Intention is to publish for public comment in week 27 April

BA used to check findings, and changes if feasible

Post BA second public comments round WS 1

ccNSO endorsement for WS 1 needs to happen after BA meeting. Unclear whether intersessionally or at f-2-f meeting

Not clear yet, whether consensus within WG

Note: within ccTLD CCWG members. consistent opposition by one of the ccNSO appointed members

Keith: Both CCWG and CWG

are comprised diverse viewpoints, so if consensus can be achieved.

Keith: What could cause to recall the Board?

Is there still a mechanism envisioned

Mathieu: Mechanism is still on the table, but with high level thresholds to initiate, and high threshold to trigger (due to expected impact)

Not a lot of push-

back on principle as such, but focused on conditions: what could lead to Board recall. Avoid that mechanisms can be gamed.

Becky: Notion that ccNSO would be able to recall its appointed Board members, Ibidem other SOs.

Leaves issue around NomCom members

Mathieu: two separate processes:

- recall of SO appointed Board members
- Recall of full Board (with other, different and higher triggers and conditions)

Interdependency of proposal

CWG and CCWG interdependency (see above)

ICG needs to look into potential interdependency between the 3 proposals

Mathieu: Lise outlined the items that are necessary. In addition: confidence that CWG request will be taken on as requirements in WS1. Additional complexity, ccNSO Council needs to take into account in its decision making process these interdependencies. co-chairs are very willing to discuss with Council

Lise: Echo Mathieu's point around coordination between the two groups, in particular around the proposals

In addition: CWG mimicking the other two proposals to make it easier for ICG to compare the proposals.

Lise: Important to know what are the expectations. from

Keith: Outcome of this meeting will inform the meeting of Council.

Letter of Council

Mathieu: Council from March 27. List criteria. In particular need for broad consensus. Some may read into this that unanimity of ccNSO appointed members or consensus

Nigel: interesting situation to be in. Matter for formal Council meeting

Keith: Will be part of the call

Letter was written to help CWG and CCWG

NTIA Test is Consensus

Nigel agrees with approach: important part is community

Whatever comes forward needs strong consensus from ccTLD community

Keith: while the ccNSO is formal entity, only acting on behalf of ccTLD community.

Mathieu: this is a matter for Council. Stresses point that

all are striving for consensus at different levels and in different circles.

However Council needs to be aware this point in letter raised attention, both within CCWG and with other communities. Important to clarify position.

Need for Outreach

Keith: Question need for additional resource?

Further to be discussed at Council call

AOB

No other update

Defer item 3 point 4 to council call