ccNSO Council Telephone Conference
10 December 2015

Attendees:

AF
Abibu Ntahigiye, .tz
Souleymane Oumtanaga, .ci

AP
Keith Davidson, .nz
Hiro Hotta, .jp
Debbie Monahan, .nz (Councilor-elect)

EU
Lesley Cowley
Nigel Roberts, .gg & .je
Katrina Sataki, .lv
Peter Vergote, .be (Councilor-elect)

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

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

NomCom
Christelle Vaval

Observers/Liaisons
Maureen Hilyard, ALAC Observer to the ccNSO
Ron Sherwood, ccNSO Observer to the ALAC

Regional Organisations
Carolina Aguerre, LACTLD

ICANN Staff
Bart Boswinkel
Kim Carlson

Guests
Martin Boyle

Mathieu Weill

At the start of the call, the Council was not at quorum. The Chair asked to rearrange agenda items that have a resolution associated with them, moved, until the Council reaches quorum.

At 13:15 UTC, the Council was quorate.

1 Apologies

Apologies were noted from Leonid Todorov, Peter Van Roste, and Celia Lerman-Friedman

The Chair announced that in the last workshop, there was discussion around attendance – As of January 2016, attendance will be made visible on the ccNSO website.

2 Minutes and Actions

Minutes were distributed on 30 November.

The Chair asked for comments to the minutes, no comments were noted and they were approved

All Action Items from the last Council call has been completed

3 Stewardship Transition and Accountability Process

3.1 CWG Stewardship

The Chair stated, as discussed in the last Council meeting, what is the CWG role in terms of implementation phase? The CWG Stewardship charter doesn't specifically address the implementation phase, and letter was sent from the co-chairs suggesting that the CWG continue to monitor the implementation phase. Martin Boyle is on the call, to answer any questions that may arise.

The Chair asked for comments.

Nigel Roberts stated this was uncontroversial and that he did receive an email from one of the members of the CWG expressing concern that the CWG proposals has diverged some, but as for the CWG group continuing to monitor, this is very much welcomed.

Keith Davidson noted regarding the comment about being "non-controversial", there were some members of the ICG wanting to take a role, in terms of implementation, but the ICG agreed that its scope precludes it from being able to participate and now the members now fully agree – he agreed that is fairly noncontroversial and it's a fairly straightforward resolution.

No other comments or questions

Resolution 113:01:

The ccNSO Council has no objection to the CWG-Stewardship to proceed with overseeing the implementation as described in its letter November 2015 to the chartering organizations

The resolution was passed unanimously

The Chair continued with relation to the CWG-Stewardship, regarding the membership – Staffan Jonson, has left .se and has left CWG group. Lise Fuhr was also an appointed member, and co-chair – she is leaving .dk, but has offered to continue on in her role, and she has received commitment from her future employer, that she can continue to participate – she is willing and able to continue, but not as a full time employee of a ccTLD. The Chair noted participation of the other members of the group has been pretty thin, with the exception of Paul Kane – the Council needs to have a discussion on how to move forward.

The Chair called for discussion on:

1 - Replacing Staffan Jonson

2 - Is the Council comfortable with Lise Fuhr remaining in this role, despite not being with a ccTLD?

3 – Does the Council want to find other volunteers for this phase of the process, and if so, appoint or call for volunteers?

Lesley Cowley noted no objections to Lise Fuhr continuing on in this role – she is very dedicated and it would be problematic to get someone else in that role at this stage. She noted as someone who is no longer working for a ccTLD herself, it doesn't mean you don't keep your skills and continue interest and commitment to the cause. She stated a call should be put out for fresh volunteers.

Keith Davidson expressed agreement with Lesley Cowley's statement regarding Lise Fuhr, but warned the Council might not get all the "care and attention" because of her day job – and to make sure to have sufficient support behind her as well, additional person or people would be useful and thinks the Council should recruit someone who might be more appropriate in oversight and implementation phase, rather than what's been happening to date (creation of structure and policy), a different set of skills.

Nigel Roberts agreed with both Lesley Cowley and Keith Davidson, and supports both of their comments and added, regarding the possible replacement of Staffan Jonson, a call should be made to other Councilors and to the general ccTLD community for the skills required – but can be flexible, not just a person to fill Staffan Jonson's role, but try and get 2-3 people, because Lise Fuhr may not have the time to commit.

The Chair confirmed based on the comments and what he has seen in the chat, there is no objection to Lise Fuhr continuing in her role, and 2-3 other people, to serve as both back up and to find the talent to replace Staffan Jonson – a call for volunteers should be made, but suggested the Council proactively recruit as well.

Action 113-01:

The Secretariat to put out a call for volunteers for the CWG-Stewardship, Chair and Vice-chairs will refine skills required.

3.2 Update CCWG Accountability

The Chair confirmed Mathieu Weill was to present but had to leave due to schedule conflicts.

Update was given by Bart Boswinkel – he reported on the webinars. The notes were circulated, 1st webinar there were 9 ccTLDs and 12 participants, and on the 2nd, 8 ccTLDs and 13 participants.

Bart Boswinkel noted concerns raised in the first webinar were about process, the role of the Council (can be found in the notes). In the second webinar, questions/clarifications around implementation phase. He also noted, that the Council and broader community will receive a report from the ccNSO appointed members of the CCWG, who support the recommendations, noting that one of the members has submitted a minority statement. The detailed level of consensus and in the third proposal, the ccNSO terms as discussed, have been taken into account in the recommendations and are in Mathieu Weill's views, have been met. He indicated that the appointed members will provide a summary of the ccTLD input received in the public comments, before the special 23 December Council meeting.

Becky Burr added that process was worked out whereby changes to the Bylaws resulting from the PDPs could only be rejected if supported by the SO that has run the PDP (ccNSO, GNSO or ASO) – there was a preference to the Sole Designator model in the ccNSO discussions in Dublin and as anticipated, that transition from Sole Member model to a Sole Designator model was implemented. Becky Burr confirmed the concerns expressed by the ccNSO in Dublin have been addressed.

Carolina Aguerre asked on behalf of Peter van Roste, - how is the ccNSO Council planning to channel the input from the regional organizations? He wants details on how the ROs could provide input in a detailed formal process to the ccNSO Council.

The Chair stated the ccNSO has not taken on the responsibility to receive comments into the CCWG process, unlike the work that was done with the CWG – key difference. He noted that CENTR, and some of the other ROs, are working within their regions, to provide formal statements, which they will put forward to the CCWG. Regarding how it goes to the Council to inform and educate, the formal statements of all the ROs are welcome material, and in addition to submitting to public comments, ROs should feel free to provide them to the Council.

Bart Boswinkel added that Mathieu Weill wanted to convey that the CCWG will ensure, the Council will have an overview/summary of the ccTLD comments and he will confirm if that includes the Regional Organizations.

Stephen Deerhake noted he read the transcript of the call between the co-chairs and the Board, from 4 December, and came away with the sense that the Board expressed some concerns regarding the Mission Statement, Inspection Rights, Human Rights and Board removal proposal – wanted to make Council aware the Board is coming back with comments around the 14th/15th of December, and has a sense there may be another "LA face-to-face blow-up". He noted, wanting to make Council aware and asked Becky Burr to weigh in on this.

Becky Burr stated Council should be prepared, but is hopeful – it is clear there is some anxiety on the Human Right issue language in particular, there is some vague comments regarding changing the Mission Statement and there is risk around timeline. She also confirmed for Stephen Deerhake, the Mission Statement has been "put to bed".

Nigel Roberts mentioned this was the first time he had heard that the Board had concerns about Human Rights – was wondering what the concerns are because language that was eventually decided upon – which was a complete negation of commitment – what is the Board concerned about?

Becky Burr stated her understanding was that they are concerned that there could be complaints filed over ever PDP, because Human Rights were not taken into account – the language essentially says ICANN

has no affirmative duty with respect to Human Rights and that it should not "trample" on them in implementing its policies – but not completely clear what the Board's objections are.

The Chair expressed due to the lack of clarity on the Board's position, he does not believe these questions can be answered at this time – it has been brought to the Council's attention, and the Council should continue to watch. In regard to some of the core elements, the narrow technical interpretation of what would be of interest to the ccTLD community – the proposal has addressed needs and input.

3.3 Preparation Decision-making process on CWG and CCWG Proposals

Timeline was included in package as discussed on 6 November.

Feed-back/summary will be provided from members, 4 in support, 1 member minority report.

3.4 Consideration additional steps

The Chair asked if additional steps are required in regard to the recommendation of the Triage Committee, in terms of how the Council handles the process.

Lesley Cowley stated the Triage Recommendation wording was a little "light" in the wording, and the Council can just learn from that going forward.

4 Internet Governance

No update from Young-Eum Lee

5 FOI implementation update

Chair noted Becky Burr and Keith Davidson had been in touch with IANA staff.

Keith Davidson stated, regarding the FOI, there has been steady progress made by IANA staff in terms of implementation and they are hoping to have by the end of the year, a first draft of the implementation process for the FOI, to the ccNSO community for first consideration.

He noted there is one issue that has cropped up that IANA is seeking some greater clarification – and that he and Becky Burr do not feel that they have sufficient information from the ccTLD community to provide that input. He asked to talk through it on the call, then get something out in writing to the Council over the next week – then have another discussion on the 23 December call. He noted the issue that has arisen is that the FOI final report, it was requested that IANA do not contact the admin and technical contact that are listed on the IANA database when it's an issue of delegation or revocation or retirement, and that there should be a specific person or procedure for these more serious changes to the IANA database – the questions they are asking are "should we have that information in the IANA database or outside of the IANA database? And if it's in the IANA database, should it be published?" and "should it be different processes for different ccTLDs – some ccTLDs might have a contact person, others might have a title to contact, like CEO, some might outline a process like having Chairman and CEO to confirm by copying in the resolution from the minutes that agreed to the revocation".

He asked the Councilors to think about this and what would be appropriate to each Councilor's ccTLDs and what information they would like to see recorded by IANA in terms of the process if ever it should come up. He noted, he has a sense different option will be needed.

Nigel Roberts stated this was extremely helpful and that the IANA question that was raised, was probably the most significant to them and to each individual ccTLD. He noted, the feeling he gets is they are in good order in wanting to, in good faith, implement mechanisms inside IANA that will comply with the intent and spirt of the policy and interpretation. He continued, by saying he thinks they are respecting the intent and the principals along held Principle of Subsidiaries, which means that IANA is going to need some kind of procedure and internal operating instructions, whereby they can ask an individual ccTLD, for the ccTLD' s instruction in these cases.

Keith Davidson confirmed there was a host of other pieces that go alongside this, including the question of consent, and IANA satisfying itself that consent was freely given and not under pressure. He also stated he believes IANA understand there will not be a one-size-fits-all solution.

Nigel Roberts stated he will watch for what is circulated in the next few weeks by IANA and volunteered to work with Keith Davidson and Becky Burr. He noted he thinks IANA needs to put in place a procedure by which they ask the ccTLDs and then record the response and whether this is public or not – he noted change of the IANA database, without wide consultation, is not something that should be done.

Keith Davidson noted the reason they asked is that there is a spare field that could be utilized for this purpose in the database already – but the question is whether to make it public or should it be offline.

The Chair asked for additional questions. No questions were raised.

6 Upcoming PDP's

The Chair noted, there has been discussion that part of the transition process has demanded some policy development processes on retirement of ccTLDs and of the independent review decisions on delegation, revocation, transfers, etc. – he believes that they are at the point where the process must be commenced.

Action 113-02:

The secretariat to map out ccNSO PDPs including their potential timelines, for retirement of ccTLDs and independent review of decisions on delegation, revocation and the transfer of ccTLD.

7 ccNSO Council Elections

The Chair stated this was a particularly challenging election, process starting back in late August, with the appointment of Gabriella Schittek. There have two special elections, an extension of the nomination period, voting in two regions. The Chair would like to congratulate Becky Burr, Demi Getschko and Abibu Ntahigiye for their re-elections and Peter Vergote and Debbie Monahan (two new Councilor).

Resolution 113-02:

The ccNSO Council adopts the Nomination and Election Report Nominations and Elections to ccNSO Council 2016 and congratulates:

Abibu Ntahigiye (.tz) African Region

Debbie Monahan (.nz) Asia-Pacific Region

Peter Vergrote (.be) European Region

Demi Gethschko (.br) Latin American and Caribbean Region

Becky Burr (.us) North American Region with their election.

The ccNSO Council thanks Gabriella Schittek for her hard work as Election Process Manager.

The resolution was pass unanimously

Nigel Roberts noted the Council should address for future elections, as an example, as the moderator of the election Q&A in Dublin, there was one candidate who participated, whose nomination period had not closed – this should not have happened.

Katrina Sataki commented she was in agreement – the deadline for the LAC region was extended, which was an oversight and the election manager was not present, but the issue was raised immediately and the Guidelines and Rules Committee will look into it.

8 Council Updates

8.1 Chair update

No updates were noted

8.2 Vice-chairs update

No updates were noted.

8.3 Councilor update

No Councilor updates were noted

8.4 Regional Organizations update

No updates were noted

8.5 Staff update

No staff updates were noted

9 Work Group updates

9.1 GRC (Guideline Review Committee):

Katrina Sataki noted the group had a very productive call, and moving forward and a couple of documents have been sent to our translators into plain English – and the Wiki space is now fully operational with all current documents uploaded.

9.2 CCWG Updates

Use of Country and Territory names: A written update was provided.

9.3 Programme WG update

Katrina Sataki noted the first pre-Marrakech meeting will happen in the next week, enough time will be needed to discuss transition related matters – there are already some interesting presentations on the table – this is the first of the new format meetings.

10 Liaison Updates

Written updates

The Chair asked for comments or questions to the ALAC and GNSO liaison updates. No comments were noted.

11 Work plan

Work plan was not included in packet, but will be updated subsequent to this meeting.

12 Date of Next Meetings

The Chair reminded the Councilors of the upcoming Council meetings.

- Special Meeting: 23 December, noon UTC
- 21 January 2015, noon UTC
- 18 February, noon UTC

13 AOB

No other business was noted

The meeting closed.