

# ccNSO Council Telephone Conference

19 November 2015

## Attendees:

### AF

Souleymane Oumtanaga, .ci

### AP

Keith Davidson, .nz

Hiro Hotta, .jp

### EU

Lesley Cowley

Nigel Roberts, .gg & .je

Katrina Sataki, .lv

### LAC

Alejandra Reynoso

Demi Getschko, .br

Margarita Valdes, .cl

### NA

Becky Burr, .us

Byron Holland, .ca

Stephen Deerhake

### NomCom

Ching Chiao

Christelle Vaval

Celia Lerman-Friedman

### Observers/Liaisons

Maureen Hilyard, ALAC Observer to the ccNSO

Ron Sherwood, ccNSO Observer to the ALAC

### Regional Organisations

Carolina Aguerre, LACTLD

Leonid Todorov, APTLD

Peter Van Roste, CENTR

### ICANN Staff

Bart Boswinkel

Kim Carlson

Prior to the official start of the call, the Chair noted as an addition and note to agenda item 3.1, Lise Fuhr is no longer with .dk. She is still the co-chair of the CWG. Effective 1 January, she will no longer be with .dk and take on a roll outside the “industry”. He also noted, she has expressed a willingness to continue the work of the CWG on the behalf of the ccNSO, if this is the wish of the Council.

## **1 Apologies**

Apologies were noted from Vika Mpisane, Abibu Ntahigiye, Young-Eum Lee and Lise Fuhr.

## **2 Minutes and Actions**

Minutes were distributed on 16 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 have been completed.

## **3 Stewardship Transition and Accountability Processes**

### **3.1 Request co-chairs CWG Stewardship to support role CWG to monitor Implementation**

The Chair stated the co-chairs of the CWG have asked to extend their mandate slightly. The letter was forwarded on Monday – the letter stated continuation to participate in implementation phase. The Chair noted Lise Fuhr was going to walk the Council through the background of the letter and how the CWG intends to oversee the monitoring of the implementation phase.

Bart Boswinkel stated due to Lise Fuhr’s absence, this item has been deferred until the 10 December call. The Chair agreed to defer this agenda item until the 10 December Council call.

### **3.2 Update CCWG Accountability**

The Chair explained the purpose of this agenda item is to ask questions to the CCWG members, Becky Burr in particular, regarding what is happening with the CCWG Proposal. He noted, the Council is not making any decision as this time, simply getting up to speed on what is happening with the new proposal – November 15<sup>th</sup>, the CCWG put forward their preliminary document.

Becky Burr stated on November 15<sup>th</sup>, the CCWG published an official progress report from Dublin – approximately 30 pages, summary of the proposal of where it stands at the moment of publication. She noted at the moment of publication, there were two open issues – one related to some language in the Mission Statement, that was of interest to the gTLDs and the other was regarding Stress Test 18, which involved what the ICANN Board is called on to do in response to GAC Advice, if that advice was not supported by consensus. She noted that since then, the CCWG has closed the Mission Statement – they arrived at compromised language for the Mission Statement. They are still working on Stress Test 18, Denmark has put some compromised language on the table. She continued with respect to issues as

mentioned, CCWG did confirm the move from Membership Model to Sole Designator Model, that was discussed in Dublin; that decision has held. CCWG has formally adopted the more detailed requirements for community dialogue before the exercise of the community powers; they adopted the compromised approach on the removal of SO/AC appointed Board directors – that decision was consistent with the ccNSO discussion in Dublin.

She then noted, the CCWG is still finding an approach to the budget designed to ensure that there is no interruption to funding for IANA and staff – Xavier Calvez is working on separating the budget out. She then noted, as was the case in Dublin, ccTLD delegations and revocations are excluded from the scope of the Independent Review Process (IRP).

She noted a provision that obligates ICANN to respect human rights, to be added to the bylaws. There has been an adjustment to address the concern about what would happen with bylaw changes since they are required for a PDP, which is a matter of some concern to the ccNSO. She stated also there has been no major changes from the expectations discussed in Dublin, the current document is an update and overview of the proposal - the third draft proposal will be issued on 30 November for simultaneous commenting for those in the public and SO/ACs. The CCWG is hopeful the ccNSO will be able to get their initial comments in by the 24<sup>th</sup> of December. Staff will then get a summary of the comments out by the end of December. She also reported the CCWG is expecting the timeline to hold.

The Chair asked for comments or questions to Becky Burr's report.

Nigel Roberts stated being on the calls and being part of the CCWG has been extremely stressful and extremely confusing. He noted one minor point – regarding Human Rights commitments by ICANN, he reported within the CCWG there has been a general acceptance of part of the accountability mechanism, a commitment to respect Human Rights. He expressed concern that due to the slightly loud intervention of a former Chairman of the GAC and former CEO of ICANN, that there has been a rider added to that commitment, which essentially removes all obligations from ICANN. Essentially the current wording – “ICANN will respect Human Rights but we don't have to do anything about it”, which is nonsense to him. He noted there should be further discussion on that. The consensus on WP4 was to put a generic statement in that ICANN will respect Human Rights or ICANN will accept internationally accepted Human Rights or to highlight a particular baseline, which most will recognize, can only be the Universal declaration. He continued that the consensus was that one of those two things should happen, but essentially at the last minute – ICANN will respect Human Rights, but with a qualifier that it doesn't have to do anything. This was based on a strawman that was bought by everyone on the CCWG who did not have the benefit of having read or worked on the Framework of Interpretation, excluding the three Council members. He stated there has to be some head scratching around that.

Lesley Cowley reported she has heard from others how difficult Stress Test 18 is and wanted to get a sense of how far apart people are currently and whether that is the only real big hurdle toward getting to feasible point by the end of November.

Becky Burr noted she believes ST18 is the only hurdle – she thinks the PDP veto issue is put to bed, it was in Mathieu Weill's note, and presented at the last call as a completely tied down issue. She also noted on

the PDP, it is an extremely stressful issue- part of the difficulty is that the GAC itself does not have a united view on this and the nature of the conversations in the CCWG are not always a fully represented view, even if the GAC had a view on it. It's also complicated because Larry Strickling drew some lines in the sand about it, Denmark has proposed some compromise language, she believed they will find a way through and to the best of her knowledge that is the only open issue currently.

Stephen Deerhake asked a question in chat – is the PDP veto issue really and truly put to bed? I don't see mention of it in Mathieu's letter to Council, did I miss it? And I'm seeing residual traffic on the CCWG list that suggest that at least in some of the WG members minds, this is still an open issue. What is the actual status – is it finished business and part of the 4<sup>th</sup> coming proposal?

Becky Burr expressed she believes this issue is put to bed and as Stephen Deerhake noted, keeping track of current status of any items based on the traffic within the list is unbelievably difficult, but this issue is to the best of her knowledge, resolved.

The Chair continued update on CCWG Accountability – he noted this is in terms of the Council decision making process. There is nothing new that hasn't been talked about, but felt the timeline document was helpful in making it clear what all the specific dates are, as well as what the Action items would be associated with each and every date. He noted the fundamental assumption is that the CCWG itself holds to the timeline that they have committed to, from which the Council has based their own schedule as discussed last meeting – this is a good guideline that everyone should be clear on because as late December approaches, the time requirements to address the issue, and will have to be ready to act in fairly short order regarding the final proposal.

No questions or comments from the Council.

3.3 Preparation Decision-making process on CWG and CCWG proposals

#### **4 Internet Governance**

The Chair noted Young-Eum Lee sent her apologies and unable to provide an update.

The Chair reported on the Internet Governance Forum (IGF), held in Brazil, and was in attendance – it was a very large IGF, apparently there was 5,000 attendees. He also noted many varied sessions, with a focus on the WSIS+10 review that is coming up in the other UN meetings associated with that coming up in December – Discussion on how Human Rights fits in, where it fits in, how the words can be added to various documents, which was also a significant theme throughout the IGF. At a tactical level, there was a number of session IXP's and the benefits of them, but unlike previous IGFs, where it was more about how they work, what they do and why they are good for you – there was more discussion on best practices (performance or price).

The Chair also noted Demi Getschko was in attendance. In regard to how it was ran, it was a great venue and from a participant's point-of-view, it was very well organized and ran smoothly.

Peter van Roste added a topic that was present in almost every session he attended, was cybersecurity, Intellectual Property issues. There was a focus on content, the VP of the European Commission announced that the Commission was going to review their approach to liability. He also stated more discussion taking place on content control and cultural expression.

The Chair added the IGF ran over 5 days, had 10 streams happening at any given moment from 9am to 5pm.

No question or comments from the Councilors

## **5 Update on ccNSO Council Elections**

### 5.1 Update General Council Election

The Chair stated since the end of August, there has been 3 Council elections running in parallel and LAC region election closes later in the day.

Bart Boswinkel added there are elections running in the EU and LAC regions, one issue is the LAC region has not met quorum – the EU has, so there will definitely be a new Councilor from Europe – they will know later in the day if the LAC region met the quorum rule (50% of the membership,+1), 14 ccNSO member from the LAC region need to vote.

The Chair asked the Councilors from the LAC region to reach out to their colleagues and remind them to vote.

### 5.2 Adoption Election Report special election Latin American Caribbean Region Draft resolution

#### *Resolution 112:01:*

The ccNSO Council adopts the Election Report for the Special Council Elections for the Latin American and Caribbean Region to replace Victor Abboud, and thanks Gabriella Schitteck for her hard work as Special Election Process Manager.

The resolution was passed unanimously.

### 5.3 Adoption Election Report special election North American Region.

#### *Resolution 112:01:*

The ccNSO Council adopts the Election Report for the Council Special Council Elections for the North American Region to replace Dotty Sparks de Blanc, and thanks Gabriella Schitteck for her hard work as Election Process Manager.

One abstention from Stephen Deerhake noted  
Resolution was passed

The Chair thanked Dotty Sparks de Blanc and welcome Stephen Deerhake to the Council.

## **6 Appointment Stephen Deerhake member of the Tech WG**

The Chair noted on behalf of the Tech Working Group, the chair of the Working Group nominated Stephen Deerhake to become a member of the Group. The Council was informed Roy Arends is no longer a member, but will remain an observer.

### *Resolution 112-03:*

The ccNSO Council appoints Stephen Deerhake (.as) as members of the Tech Working Group.

### *Action 112-01:*

The secretariat is requested to inform Stephen and the Tech WG and update the webpage and email list accordingly.

One abstention from Stephen Deerhake noted  
Resolution was passed

## **7 Appointment of Wafa Dahmani Zaafouri (.tn) and Hiro Hotta (.jp) as members of the EPSRP WG**

The Chair stated as background, following the Council resolution from September, the chair of the EPSRP Working Group, Giovanni Seppia, nominated the two additional members – Council has been requested to appoint the members.

### *Resolution 112-04:*

The ccNSO Council appoints Wafa Dahmani Zaafouri (.tn) and Hiro Hotta (.jp) as members of the Working Group Extended Process Similarity Review Panel.

### *Action 112-02:*

The secretariat is requested to inform the volunteers and WG members and update the webpage and email list accordingly.

The resolution was passed unanimously.

## **8 Council Updates**

### **8.1 Chair update**

The Chair noted, other than the Council meetings, the main things he has participated in are the IGF and later an SO/AC chairs call – focus on CCWG timelines. He will forward any pertinent information to the Council.

### **8.2 Vice-chairs**

No updates were noted.

### 8.3 Councilor update

No Councilor updates were noted

### 8.4 Regional Organizations

No updates were noted

### 8.5 Staff update

No staff updates were noted

## 9 WG Updates

### 9.1 GRC (Guideline review committee)

Katrina Sataki stated post Dublin, there has been one call where updates were discussed, particularly the Wiki space for the group. She noted she hoped this would structure their work and provide all necessary information in one place – it's very helpful and hopes Wiki experience transfers to other working groups. She also stated work is ongoing.

### 9.2 Use of country and territory names

Bart Boswinkel noted the written update will be provide, has not been provided yet, Annabeth Lange was ill and will be circulated after the call.

### 9.3 Program Working Group

Katrina Sataki noted the group has not met since Dublin, but hopes to have one in December – she noted she had a call with Staff and discussed “feedback on feedback”, how to respond to feedback received after the Dublin meeting and strategy for Meeting B survey – one of the main points, the first meeting B will be a “normal meeting” for the ccNSO, and will need to redraft the initial survey.

### 9.4 FOI Advisory

Keith Davidson reported the FOI continues to make fairly steady progress and there will be an implementation plan finalized in January, for public comment. He also noted there are some additional issue that will require them to think more deeply – and has asked for and extended timeslot (10 minutes), in the next Council call to discuss those issues.

## 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**

The Chair asked for comments or questions to the ccNSO Work Plan. No comments were noted.

The Chair noted the work plan has been updated to take into account the outcomes of the Dublin meeting.

### **12 Date of Next Meetings**

The Chair reminded the Councilors of the upcoming Council meetings.

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

### **13 AOB**

No other business was noted

The meeting closed.