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MARRAKECH – ccNSO: Council Meeting  
Wednesday, June 26, 2019 – 17:00 to 18:30 WET  
ICANN65 | Marrakech, Morocco

KATRINA SATAKI:

This is the ccNSO Council Meeting, 26<sup>th</sup> June 2019, Face to Face Meeting in Marrakech, ICANN 65. We have the agenda in front of us. There's a proposal for consent agenda, resolutions under items four, five, six and eight, and then we will discuss the other ones.

Minutes and actions items from the previous meeting, we see them all here listed, everything seems more or less according to plan. We've had two intermeeting discussion, we made two intermeeting decisions. We appointed one member to the Internet Governance Liaison Committee and we also approved and submitted Council Statement Involving ICANN's Multistakeholder Model, we did it on the 4<sup>th</sup> of June of this year.

Now, we have to appoint -- there are other new volunteers, it was a very successful meeting, we've got new volunteers to Internet Governance Liaison Committee; two you see here on the screen, but we have another one.

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BART BOSWINKEL: Yes, as mentioned, Jordan needs to be added to this list, Jordan Carter, on Draft Resolution Four.

KATRINA SATAKI: Thank you. Draft Resolution will be with three names. If there are no objections, then we can move forward.

Then, as we discussed already during our prep meeting on Monday, we need launch CC Member Selection Process, we need to issue a call for an expression of interest. In your printed-out materials you see the timeline, we take the discussion to launch a call today. We also appoint Committee with Monday -- Okay, maybe let me summarize the process. The process is we issue a call for volunteers, we receive expressions of interest. The entire Council except probably those who step forward as potential members on the CSC, the rest of the Council review all applications, we rank the candidates and then -- actually the candidates are rated by entire Council.

Then when we have this one runner up, one winner, we submit the name to the RYSG and ICANN Org and then at some point when RYSG and other appointed organizations have appointed them, in case of RYSG it's member, in case of other SO/AC's those would be liaisons. When we have this Selection Committee would discuss the members slate and then when the

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entire slate of all the members and liaisons is known, then this entire slate needs to be approved again. According to our internal process, we do it not by the entire Council but we delegate one Councilor per region and one NomCom appointed Councilor to look at the full slate and approve the full slate.

Actually, it's just a formality. Of course, we will consult the entire Council and ask whether there are any objections, really valid objections to any of the appointed members for liaisons and then we ask the Committee do the approval on behalf of the full Council so that we do not need to go through the more formal procedure of a call or anything. Just to be more efficient.

Here you see on your printed materials you see the proposed time line and the idea is that we need to approve the full slate by mid-September because the new members and liaisons, they need to take their seats on the 1<sup>st</sup> of October. Any questions about the process? I hope it's clear, it's not the first time we're doing it. Then we have a decision. Yes, please.

UNKNOWN SPEAKER: [Inaudible] is not term limited, is he?

BART BOSWINKEL: No.

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UNKNOWN SPEAKER:           Okay, just wanted to make sure. Thanks.

KATRINA SATAKI:           We still can try to convince him to step forward. Okay, you see the decision again in front of you. Next thing is Nominating Committee asked to nominate a new member to this Committee. After this meeting Pablo who served two terms on this Committee, he has to step down, so his term is over, he has served, done a great job. Thank you very much Pablo. As we all know, this is really not an easy job. Really, it requires a lot of commitment, a lot of time and a lot of effort. Whoever wants to step forward, shouldn't do that lightly.

Then we launch a call for volunteers on 9 of July, it closes on 19<sup>th</sup> of July. We will have -- the Council Selection Procedure until the end of July and then we need to inform the Nominating Committee and all relevant ICANN Org Structures about this appointment.

Next that we have on our agenda, as we already discussed during the Prep Meeting, we asked the -- first we asked the ICANN Legal about when does the ccNSO member effectively ends, in case of a transfer of the management of the ccTLD to another entity, that's one thing. Another thing that we asked,

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we asked the Secretariat to liaise with IANA and find out if there are other entities that -- other ccTLDs during transfer was a change in manager, ccTLD manager.

As you can see from the information on the screen or in front of you, we received the information that since 2003, the management of 59 ccTLDs has been transferred but that's all ccTLDs and since 2003. After comparing all those relevant entries in the root zone database with the entry that we have in our ccNSO membership database, we've discovered that there is discrepancy for 11 ccTLDs. What we're going to do now, the Secretariat will have to handle all those cases, case by case basis, it's reaching out to those ccTLDs managers and trying to understand where we are with their memberships. Stephen.

STEPHEN DEERHAKE: Katrina, can you elaborate on what the definition of discrepancy is with respect to this? Is it just a difference in the manager name or is it difference in address information?

BART BOSWINKEL: It's a different entity listed in a database and the ccTLD managing the root zone database and it's included in your document that was circulated, not in the back but circulated before. It's the comparison of what...

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STEPHEN DEERHAKE:           Okay, thanks.

KATRINA SATAKI:           Basically, the question is whether that new, relatively new ccTLD manager still wants to be a member.

BART BOSWINKEL:           Maybe in addition to Stephen’s question, there are seven which are clearly completely different entities; the latest one was Vanuatu that was transferred in Kobe, seven out of the 11, four of them is already unclear and that’s why we say we need to handle it on a case by case basis. The starting point is very clear, it’s the way .TR has been handled and we need to find out, we can’t say more definite than anything like this but it’s very clear, these 11 are an issue.

KATRINA SATAKI:           Nick.

NICK WENBAN-SMITH:       With the advice for ICANN Legal, if there’s a transfer then they cease membership of the ccNSO, is it possible there’s an

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inaccuracy or discrepancy in the actual number members of the ccNSO that exist at the moment?

**BART BOSWINKEL:** Definitely, yeah. Take for example the Vanuatu case, Vanuatu is a member of the ccNSO, these 11 are all members of the ccNSO. If the manager doesn't apply to become a member, then the number of members will be reduced. That's the impact of it, that's a consequence.

**KATRINA SATAKI:** Margarita.

**MARGARITA VALDES:** Is there a reason that supports this need in order to have these reapply manager in the case of this ccTLD? Why we need to -- what's the reason they need to reapply?

**BART BOSWINKEL:** It's not reapply, they need -- if there is a real transfer they need apply, there's not reapply. There is a new manager, it's a new company, it's a new institution and they have to go through the process whether they want to be a member yes or no.

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KATRINA SATAKI: According to the bylaws, ccNSO members are ccTLD managers, not county codes, ccTLD managers. As we found out from ICANN Legal, the ccNSO membership ends the moment when an IANA database the previous ccTLD manager is substituted by the ccTLD manager. It means that it is completely different entity and they are not -- they haven't applied to be members to the ccNSO yet. We cannot assume that they are and they want to be members.

BART BOSWINKEL: Membership doesn't move with the country code; you have to reapply as a brand new.

KATRINA SATAKI: Because it's a ccTLD manager, not ccTLD. ccTLD manager operator. Yes, Stephen.

STEPHEN DEERHAKE: Perhaps going forward it might be useful as the IANA goes through their checklist of qualifications...

BART BOSWINKEL: That's what -- that we are informed and check.



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STEPHEN DEERHAKE: Yes, exactly, so that we don't every five years have to come around and do audited.

BART BOSWINKEL: This is a catchup; this is cleaning up and then moving forward we'll be informed and it becomes that part of the standard procedure.

STEPHEN DEERHAKE: Okay, great.

NICK WENBAN-SMITH: Is your review going to take a look and see whether they are votes or decisions which would have been different if the real membership had been reflected?

KATRINA SATAKI: We haven't done that. Taking into account that the number is pretty low -- we can go of course through all those...

NICK WENBAN-SMITH: I'm not saying you should, I'm just asking the question, did you think about that?

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**BART BOSWINKEL:** The material impact will be minimal as Katrina indicated. Where it matters and this important to understand, where it matters is in cases of PDP approval, that was in 2013. In case of Council elections and in case of Board selections. The only case -- and then it depends say with Council elections, depends very much on the region and so we haven't checked it against the latest one saying, some of the regions there was no election, only in one or two, there was an election and with the latest they say with the last Board election, the material impact might be -- there is probably a procedural impact but no material impact.

**NICK WENBAN-SMITH:** I don't really need to have the full explanation now, I just wondered if it was going to be part of your process and you can report back if there are any problems.

**KATRINA SATAKI:** No, we haven't review that but in any case, most probably those entities hadn't voted at all, which means really didn't have any impart.

**BART BOSWINKEL:** Then we need to check against the membership list at the time.

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NICK WENBAN-SMITH: Some things are quite complicated and it's like the total population of the eligible voters might change which might change some of the percentages and stuff. Probably nothing.

KATRINA SATAKI: You're right, it might have influence for example, requirements to have 10 percent of members objecting to -- asking for a vote.

NICK WENBAN-SMITH: I mean just think, exposing one of the North American members, actually isn't a member and what the consequences of that would be?

KATRINA SATAKI: They are all members, which is a good thing.

GIOVANNI SEPPIA: Katrina, just because I've seen on the list of Portugal and what happened in Portugal is that .PT was part of University and then they became -- they didn't become independent, they just decided to create this association in 2013. Instead of being a spin off the university, they have transformed themselves into an association. My understand is in this, they made the steps towards IANA, but that was not done at the ccNSO membership

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level and in that case may I also suggest that we suggest Yana, whenever there is the update like they so, that paragraph saying...

BART BOSWINKEL: It's the same as -- this goes back to -- that link doesn't exist and it's now created.

KATRINA SATAKI: That was -- you were not on the call, it was actually one other thing.

NICK WENBAN-SMITH: One final point, I promise. Where there might have been a discontinuity because somebody needs to reapply because technically it's a different manager, most corporation law would allow us to essentially ratify it, to basically make it good. If there'd been a technical breach, we could pass a vote to make continuous or to fix something like, if that's necessary...

BART BOSWINKEL: Let's just wait, that's why we suggested to do it on a case by case basis and come up and report back about it on the 22<sup>nd</sup>, say the next Council Meeting, then we have a full understanding. This

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more an updated of the process and where we are because you need to be informed about it.

KATRINA SATAKI: Thank you, AJ.

AJ: Just for my knowledge, when a ccTLD gets transferred to another ccTLD, is it automatically he loses the membership the previous one on the same date or there is a data where the resolution has to be passed? What if the previous ccTLD is A ccNSO Council member and participated in voting? How does this work?

KATRINA SATAKI: As we informed you during this Prep Meeting, we received the response from ICANN Legal saying that, membership ends with the change in the IANA database, period. After this membership ends, they are not eligible to vote because they are not members anymore.

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**BART BOSWINKE:** With respect to the Council membership, it doesn't impact Council membership because that's on a personal basis and not linked to the ccTLD member.

**KATRINA SATAKI:** That is another very important point. Councilors are appointed in their personal capacity not as ccTLDs, so we do not have ccTLDs as councilor, we have individuals who do their work and they do not represent their ccTLDs, they don't even represent their region, they bring regional view but they still work as a Council, together as collegial institution and on behalf of the ccNSO and all ccTLDs. Can we close this and move forward or are there any other questions? No, thank you.

Next one then. Another committee that needs to be repopulated so to speak, that Root Zone Evolution Review Committee or RZERC, Peter is our member, his term will end 1<sup>st</sup> of October and we need to appoint a member, Peter is not terminated. Again, according to the guidelines and for that we have specific guideline, the resolution we ask the -- we request the Secretariat to prepare a timeline and prepare a call for expression and dates for the selection process, according to the guideline. That should be done by 12 of July. We a little bit more time but still mid-September we need to have a new -- either new or the same reappointed but we need to inform

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about the member on this committee. Any questions about that? No.

The we have a list of updates and we heard them all during the meeting. Unless there is something anyone wants to add to their updates? Nothing. Jordan?

JORDAN CARTER:

I should know the answer to this but, is there any point in the agenda where we're going to discuss the ccNSO Review? Are we going to discuss that later?

KATRINA SATAKI:

First, if we haven't added it anywhere, I think we haven't, we have any other business for that. Again, something that we discussed earlier; we have scheduled to provide Council Statement on that. We can discuss it now or we can discuss... Okay, we can discuss it now under 11. Now the final draft report and recommendations are out. Review working party has already provided input and has discussed those recommendations and suggestions with the independent examiner or reviewer. This is probably as you can see, this is one of the things that we're planning to prepare Council Statement on. This would be the time to provide your input, what would you like to see in that statement? Then we can prepare a draft

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and again share a Google Document with Council and ask for more input on the document. Jordan, I assume you have something to say.

JORDAN CARTER:

I mean I guess these reviews take a lot of time and cost a lot of money and overall as I was reading again through the recommendations today, I guess I found myself a little underwhelmed. I felt like they were holding a mirror up to us then adding maybe as much insight as they could have brought to the review. I guess that's my feeling, a little underwhelmed.

KATRINA SATAKI:

I think probably in the Council Statement [inaudible] that Jordan feels underwhelmed, would be good to have some more substantial input to that. Anything you -- you're absolutely right, they cost -- again, if I remember correctly, the cost of the Organizational Review is \$250,000 US, that's what is budgeted for but that includes Staff support and everything, it's not just something that goes to our independent reviewer so do not assume that they swim in money and do nothing, that's not the case. Anything? Yes, Bart?



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BART BOSWINKEL: May I translate what you just said, is you expected more analysis?

JORDAN CARTER: We want to hire people who are experts in how organizations function right and so I guess I thought -- I anticipated that they might apply more other where experience and judgment to make the proposals about other ways of doing things, in a way that felt like it added more. That's what I mean by underwhelmed, I read it and I thought, I don't know if we needed external reviewers to come to these conclusions.

KATRINA SATAKI: Nick.

NICK WENBAN-SMITH: I understand exactly where Jordan's coming from. I was on a couple of the calls where before we got to where we got to today with the report we had a pre, pre-draft report and some of the suggestions which were put forward to become recommendations were incredible more vague and general in the approach and really couldn't be actionable by any reasonably body. I suppose my question is, I probably kicked up before, Jordan and I joined the Council so we don't have any

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background so apologies if we sound a bit puzzled or stupid, but did they fulfill their terms of reference?

Did their terms of reference include giving us professional advice as to how the organizational aspects of the ccNSO could be better or was it purely to do an evidence-based exercise, talking to the members of the community and then feeding back to that? Because I can understand if it was the latter, that's maybe why we got what we got and if so, maybe that's something we should think about in terms of scope in the next review.

KATRINA SATAKI:

Thank you. I have my own view; I won't share it now. I think they are professional facilitators and I think what they did perfectly well, the facilitated this dialog between council and the community. For me, it was surprising to find out that many of our, maybe not many but some of our members, they don't understand what council is doing. They don't think we transparent, they do not understand the way we appoint members to working groups. It's good to learn about this feedback and to take onboard and explain everything that we're doing because in many cases, what they claimed and I mean the community members, what they claimed was not true.

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Nevertheless, they see this way which makes it true, at least for them right. We need to understand where we fail on this providing communication, what we're doing. From this, definitely it's a very good exercise. One thing for example, in the terms of reference, they promised to look and compare is with similar organizations in other parts of the world and I have no idea what those organizations would be, therefore I can't even ask them to compare it with anything. I think we are unique and we can't be compared to any other organization. Having said that, of course there are things that can and should be improved and one of the things is definitely website.

Honestly, I remember when I was standing for the position as a counselor, I was thinking it was rule of task to question what would you like to bring to the council and I said, "I really want to work on the website." I said it when I got reelected again, I said website and if you ask me what I would like to do, I would say its website, it's the website because we haven't moved an inch because we need ICANN to provide the platform. Website is definitely an issue and I'm happy it's among the recommendations because now we can official wave the document and say, "You see, we need a website."

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NICK WENBAN-SMITH: I haven't got the report in front of me but if I remember right, they do take on the suggestion that the website could be better. Ironically, a recommendation I suppose to the ccNSO Council but they accepted that this was outside of the scope of the ccNSO Council's ability to do anything about it. That's a slightly odd recommendation.

KATRINA SATAKI: That's true but if everything else fails, we can ask our members to help us to set up a Wordpress site or something.

NICK WENBAN-SMITH: I specifically asked on the call where we looked through the 50 or so draft recommendations, now got them down to 14, about whether they couldn't just pick three priority ones as being things that we really needed to do in their professional opinion? That still seems lacking my view, that's the only comment I would have had.

KATRINA SATAKI: Young-eum.

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YOUNG-EUM LEE: I agree exactly with Nick, that's actually what I wanted to say at the end but we were closing off. Not the most important but partly most important but also partly actionable. Realistically actionable items that will really help improve the ccNSO, if they could come up with even fewer.

KATRINA SATAKI: Thank you. Any other comments? If not, we'll try to draft something and again, as I said we'll share a link to Google Docs and you all will be welcome to provide your input. With that, can we -- yes, Bart?

BART BOSWINKEL: May I update item number four again? We have just a new application, as member of IGOC, Shawn Copeland from the Virgin Island, he was Virgin Islands as the sole representative of North America on the IGOC.

KATRINA SATAKI: That's fantastic, it gets more and more people. This has been a very productive meeting I must say. We got many volunteers, excellent. The new member has been added to the list. If there are any new members, we will inform the Council and we'll vote online.

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Can we now move to the general agenda now? Before we do that, anyone would like to move -- Alejandra, Pablo seconded it, thank you. Any other comments on this consent agenda we just discussed? And the resolutions, let me remind of those resolutions say the first we appoint four new members to the Internet Governance Liaison Committee. Then we launch CSC Member Selection Process, we launch a call volunteers NomCom, we note information from the Secretariat on this ccNSO membership and how we're going to proceed. A call for volunteers to the RZERC and all the updates from the meeting and some ideas from initial input to our Statement on the ccNSO Review Report of Recommendations. Any questions? If no questions can we vote on the consent agenda? Who is in favor? Thank you. Anyone against? Abstained. It was unanimous. Thank you.

General agenda. Now we're talking about IFRT Appointment Process. I won't go through all this background information, we discussed at great length at the prep meeting but now you see three options in front of you. What we can do? Option one, currently we have appointed three members, three are ccNSO members. We know that to move forward somehow -- so we have three options. One, we take one of the non ccNSO ccTLD representative that was the one we appointed at interim member to the IFRT and issue a call for volunteers and ask those

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non ccNSO members step forward but only those who are from North American, African and Asian Pacific regions because two of your members are from Europe and Latin America. If we look for a non ccNSO member, we ask those from North America, Africa or Asia Pacific region to apply, that's one, A.

Then we have option B. Option A we can do it now. This is one very important thing; we can do it now. Option B is again, we ask for one ccTLD representative without any restriction to nonmembers of the ccNSO but again, limited to North American, African or Asian Pacific region. This call can be launched only after the bylaw changed. We can't do it now because now we have to find a non ccNSO member but after the bylaw is changed we just take the best candidate regardless of their membership status. Again, that can be done only after the end of -- after the bylaw has changed.

Option three is that we launch a general call for all three seats, would mean that we select three best candidates. Again, can be -- if we do it now for example, then we need to have one nonmember but again, the best one regardless of the region. Or, we can do it after ICANN66, after the bylaw is changed and then again, we issue a call for all three seats. Again, we pick up three best members, nonmembers. Of course, all three must be from

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different regions but we do not limit as we do with option A or B to only three regions.

According to the process, before we start discussions we need to move and second. Who would like to move? Byron, seconder is Pablo. Thank you. Who would like to start the discussion?

ALEJANDRA REYNOSO: Thank you, Katrina, I just have a question, have we confirmed with the people we already have, that they are willing to continue?

KATRINA SATAKI: Yes, I spoke to them. Yes, they are. I spoke to two members, not to the interim member because of the situation we're in at the moment.

NICK WENBAN-SMITH: Can I ask, how long ago was the original call for volunteers was?

KATRINA SATAKI: It was August and then a second call was September, numerous reminders and everything. Currently, there are some nonmembers have stepped forward, including actually from the regions that our current members are from. Yes, Hiro?



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HIRO HOTTA: With option B, do we know the bylaw change is assured until Montreal?

KATRINA SATAKI: That's a good question. Our estimate, currently there's public comment period, if everything goes smoothly and there is no huge pushback from any of the groups, including our own, it could be approved at Board September meeting, hopefully. Then, we enter this approval action process, which means that we need at least two other decisional, it's us and two more decisional participates to actively approve the change.

STEPHEN DEERHAKE: To follow on what you were saying and further elaboration on Hiro's question, I think it's pretty much a foregone conclusion that the Board will pass it, based on my discussions with several Board members outside of the CC Board members. Hopefully as you point out, it will happen in the September meeting, at which point we will go into an approval action decision period and the ECA will instruct ICANN to hold Approval Community Forum at the Montreal meeting, where this will be discussed by the Community and this is where we really begin our lobbying efforts with the other SO/AC's, we can certainly start beforehand

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once the Board approves. We'd have an opportunity come September until the Montreal meeting to get our ducks lined up and then have what I hope would be a rather congenial approval action to explain to the overall Community, not just the other SO/AC leaders, why this is important. Then we will go into I believe it's 21 days for approval action, a decision period. This could be in effect I would think by the end of November at the third or fourth week of November at the earliest. Thank you.

KATRINA SATAKI:

Thank you. Just in addition to what we discussed, at least at the moment, looks like all appointed organizations, that's SO's and SG's and IC's, they support this change and really understand the struggle and clearly see the need and that has been discussed already. Of course, we need active support, we will have to talk to them again but, there are clear indications that they support the change.

BART BOSWINKEL:

Maybe just to be more explicit, the objection to say the proposal at the time in January, was that it was -- it did not meet the bylaw requirements. In order to move it forward, the bylaw needed to change. There were in principle no objections to the mechanism itself but it needed to be in accordance with the

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bylaws and there was a whole debate initiated by Byron at some point, what is worse, breaching this bylaw, but at least there is a way forward now.

KATRINA SATAKI: Thank you. Young-eum.

YOUNG-EUM LEE: We have started discussion on our opinions about the three options right, so based on the discussions so far, I would like to very strongly support option B because that would simplify matters a lot more. First of all, it would be in the spirit of our -- it would support the spirit of our demand for the bylaw change. If we go with option A, that would sort of mean that we are succumbing to an aspect of the bylaw that we do not support, that's one aspect. The other aspect is, going with option B would mean that we are going to start this process, we are not going to start this process until the bylaws have been changed, which would make it more urgent, make it seem more urgent to other Community members as well, other Community members who are eager to get this accomplished.

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NICK WENBAN-SMITH: I entirely support that logic. To have option A seems to be at odds with our request with the bylaw change, so I don't think that can really be an option. I strongly support option B.

KATRINA SATAKI: So, just again to clarify, option A would be to have a call now, just for one seat, in hope to get a non ccNSO member on board. Option B is again, to have a call for one seat but after the change of bylaws, which would mean -- well first it's longer. We need to have it in any case, if we don't do it now, we would need to issue a call after the change, but okay, it takes longer. Just to clarify.

NICK WENBAN-SMITH: If you were to follow option A and we were to find somebody who was not necessarily ccNSO member, that would seem to defeat the logical of asking for a bylaw change, we would probably then have to withdraw our bylaw change request. I think the bylaw change is right and we should pursue it.

KATRINA SATAKI: I absolutely agree with the fact that there needs to be a change in the bylaws. I think it really needs to be -- should not be tied to membership or non-membership. We really need to have three best people regardless of their membership. However, there are

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things that we need to consider, because of that, the process will take significantly longer and there are, well currently we do have some volunteers, we didn't have them a year ago. AJ?

AJ: For my knowledge, when the bylaw changes, does these two members invalid automatically or they can remain still valid as a member?

KATRINA SATAKI: Could you repeat the question?

AJ: The existing two members, after the bylaw changes, are invalid or still remain valid?

KATRINA SATAKI: Definitely cannot -- currently all three appointed members are members of the ccNSO. After the change, we cannot approve them all as members because they did not meet the bylaw requirement at the time when the team was comprised, which means that we will have to do something about either interim or all three members. In any case, we would need to do something after the change.

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AJ: It means the call for membership will be for all three, then one will not be enough, after the bylaw change?

KATRINA SATAKI: That would be my preference but the general feeling here is that we go for only one seat, not all three.

ALEJANDRA REYNOSO: Just quickly because I think there is a little bit of confusion. I think what AJ is asking is if the bylaw change takes place, the current two people from Latin America and Europe will need to be changed or they can continue?

KATRINA SATAKI: I understood the question.

ALEJANDRA REYNOSO: I didn't understand the response.

KATRINA SATAKI: Then I'll clarify. Again, the letter we received from Sherine, the Chairman of the Board, clearly said that the change, the changed bylaws cannot be applied to the current set of

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members because they did not meet criteria at the moment the team was created. However, again, if we do it, if we consider the team after the change of the bylaws, if we launch it for all three seats, we could get the best people regardless of their membership or anything.

However, general sentiment around councilors is that we can still go with two members and then have a call only for one member and then get one best of those. So, there is no -- at least I do not see any legal requirement to change all three. It definitely applies to one. Again, for transparency, accountability and everything, I think it would have been better to have three but I accept that -- I think there is really no legal requirement to change all three. It could -- if that's what the Council decides, we could go only for that one.

BYRON HOLLAND:

Thank you. I think this is a situation where we shouldn't let perfection be the enemy of the good or good enough right now. The way I see them, particular between option A and option B, is one is taking a pragmatic course that allows us to put three people in the seats right now versus B, which is frankly the right way to go but then forces us into the predicament where our Community is holding up the entire IFRT process for another five months, probably at least or potentially more. As I said earlier in

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the week, there is always the concern about a black swan event, low probability but high impact, that if something happened, we still find ourselves in this jam but in an emergency, which I think would be an unfortunate position to find ourselves in. I think we have clearly made our point to the Community and to the Board.

So, while I certainly recognize Nick's initial comment about holding true to the point of this, I would probably part company a little bit, though conceptionally I agree, I would part company in that I think we've have clearly made the point and we haven't just made the point about right now, we've made the point about the shrinking number of nonmembers and just simply going forward this is going to continue to be the same problem, if not a bigger problem that we will find ourselves in every time. While it's only my opinion, I would suggest that perhaps the likelihood of the bylaw reform not going through in this instance because they look at it and said, "Well you got it done anyway."

I don't think that would be the case, we can still make the case that it's going to be difficult for us in the future. When I weigh them and again, this is a subjective opinion but when I weigh them, I feel it's more important to go with the immediate solution verses the perfect solution. That's just my opinion and that's why I feel option A is probably the way to go and because it's become such a big deal, we now have several candidates



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who've expressed interest and are waiting in the wings, this is no comment on them, just as a general comment, even if they aren't the best possible one available right now, which they maybe, we still know as a Community we have two excellent candidates that are ready to go right now and I think that I'm willing to go with the good rather than perhaps the perfect in this instance.

KATRINA SATAKI: We can't be perfect; we have to wait another five months. AJ, then Stephen.

AJ: Actually, around the same lines, for Young-eum and Nick actually. If we consider in five months, we are likely to have the bylaw changed and all perfectness, let us consider situation when five months is 10 months, then does the situation change to option A or does the situation still remain still option B? From my point of view, we have the right path, then option B do not exist. There's option C or option A. Either all three when you are calling new is the perfect way bylaw changes or the one person which we are trying to do right now.

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KATRINA SATAKI: After bylaws change there is no need to go for option A and request only a non ccNSO member because it will irrelevant, membership will become irrelevant.

STEPHEN DEERHAKE: I just want to weigh in and support Byron’s reasoning on option A. Further, I’d like to point out that if you’re looking for a non ccNSO member from the North American region, your only candidate is ---

KATRINA SATAKI: Well, somebody could leave the membership.

STEPHEN DEERHAKE: It’s Marshal Islands. I propose that Katrina do a site visit and lobby on behalf, it’ll take about 10 days.

KATRINA SATAKI: Thank you. Young-eum.

YOUNG-EUM LEE: I do see where Byron and Stephen are coming from but if we are holding out because we feel that we really need three representatives of the ccTLDs or GNSO in the IFR’s, we would

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want the three best candidates and I do not know who those people who are waiting are but if we have held up the launching of the IFR because we wanted a member that would truly represent the ccTLDs, I would argue that we would want another excellent member to represent us.

KATRINA SATAKI:

Thank you. Just let me -- one thing that we really need to take into account, two things, one thing is that we really -- dragging this entire process for too long and these representatives from our own community and from other communities, they're already getting tired because they committed to this work and now it unfortunately takes -- they are still willing to do it and the longer we wait, the higher the chances that they just -- other communities also will have to run their appointment processes from scratch.

Another thing is that this review is a requirement in the bylaws. Currently we do not have any outstanding issues. We have CC working hard. We have done a CC effectiveness review, done charter review. Currently everything seems working perfectly, which means that this review is not as crucial as it might be in case of future reviews. Just something to take into account. Any other comments?

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NICK WENBAN-SMITH: What do you think we should do?

UNKNOWN SPEAKER: I just want to ask a question and that's also going the same way, with the same kind of thinking that Byron has, which is, does it cost us anything right now to launch another call for non ccTLD volunteers?

KATRINA SATAKI: It's not a review, it doesn't case \$250,000. Of course, we can launch it. I think it doesn't cost us anything. It might show that we listen to the Community and if we have volunteers, we go forward, good volunteers of course. This is one of the things that we put as a requirement, that the people who step forward as nonmembers should really meet the requirements.

BYRON HOLLAND: I think one of the other things that we should consider too, as much as intellectually I want to agree with Young-eum and Nick, which I actually I do, intellectually, I just think pragmatically we also have some responsibility here in that, we are putting ICANN in contravention of it's bylaws. As a Community, we are doing that. 1812, we are putting the entire Community in breach of the

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bylaws and while that shouldn't be the only consideration, I think we do need to think about that and think about our own responsibility there and particularly in the context that we did this too ourselves.

It's not that ICANN imposed this on us, members back in the midst of time of the transition process demanded this to be so, so we own it. We are the originator of our own challenge here and we are the ones putting ICANN in breach of their bylaws, none of the other communities are and I just think when we think about this issue, we also need to think about our own responsibility. Again, not a defining issue but there's no right, right solution here, so it's a question of how many elements add up to the very least, the least worst alternative because essentially that's what we're choosing here, we're in the least worst alternatives.

KATRINA SATAKI: Thank you. Stephen, then Alejandra.

STEPHEN DEERHAKE: Byron, I completely agree with you on that. Also, by way of observation, I've done the math and the earliest that the new bylaw can come into effect is the 28<sup>th</sup> of November.

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ALEJANDRA REYNOSO: Even though that we might get the non ccNSO member to volunteer, the worst case scenario, we at least try it once more, this services as another evidence that the bylaw needs to be changed.

PALBLO RODRIGUEZ: I strongly believe that we should at least take the time to identify what are those African ccNSO nonmembers as well as Asia Pacific and we take ownership of that. I'm more than happy to help in contact.

KATRINA SATAKI: As I already said, there are a few who have stepped forward now. If that helps, we can do it. Nevertheless, we should run this call and review their applications and make sure whoever we appoint are qualified and are willing to do the work. Before I give the floor to Young-eum, Jordan hasn't said anything yet.

JORDAN CARTER: I was listening. I think it's come down -- I'm all for standing on principle when the principle matters but when I look at this, the bylaw change is there, the Community understands the problem that's been created, so I don't have a problem if we do option A

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now and see if we can get someone in and get the review underway, not because I think we need rush or anything or that there is a problem it needs to fix but because it's just part of the scheduled work that people are waiting to do and I don't want us to be the SO that's getting people delayed.

KATRINA SATAKI: Thank you. Young-eum then Stephen.

YOUNG-EUM LEE: I guess I'm not trying to say that I can't live with option A but one of the reasons why I'm very strongly for option B is because Byron said we own this but I specifically remember voicing my strong objection against this section of the bylaw during the transition process, exactly because this is a kind of situation that I sort of expected to happen.

KATRINA SATAKI: So, did we.

YOUNG-EUM LEE: And so, I don't think that we own this. Several of the ccTLDs voiced opinions against it but ICANN just did not accept it.

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KATRINA SATAKI: It's not that ICANN did not accept it, we as the Community supported this -- exactly as Byron said, that was our proposal and very strong requirement from nonmembers, well nonmember to have this.

STEPHEN DEERHAKE: Point of order for Bart, do we have somewhere a list of all the CC's broken out by geographic region with whether or not there is ccNSO members? Is that on the website?

BART BOSWINKEL: It is not on the website but there is one. also link with the membership of the regional organizations.

STEPHEN DEERHAKE: Okay, that would be useful for figuring out who we need lobby.

KATRINA SATAKI: We had it since the IANA Stewardship Transition, when we had to reach out to all ccTLDs. Nick?

NICK WENBAN-SMITH: I understand the desirability of a bit of pragmatism, I would that I'm not unpragmatic in most senses but knowing some of the



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other parts of the ICANN Community I do worry there is a risk that if we somebody who is a non ccNSO member after this year of whatever delay, it does undermine the legitimacy of our request for the bylaw change I think if the judgement of other people who are much more experienced than me in this area, is that is not really a real risk and the points been taken and the bylaw change will go through and we've got people who are non ccNSO members now in the wings to do this, then I'm probably a bit more relaxed in truth. The second this, actually we've not got 11 people who might not be members of the ccNSO who thought were, so the pool a bit bigger than might have first thought. Just a thought.

**BART BOSWINKEL:** Yes, at least one of them got the PT already in Europe, so you have to reduce that list again.

**KATRINA SATAKI:** That's the case and actually, this is one of the not PT case but just because I wouldn't like to limit ourselves. Personally, I would vote for option C now but as this clearly not on the table, I think I support option A because really, we are -- currently it's because of us we cannot move forward with the review. It does not mean that we will find a qualified candidate, I hope we will

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because some have indicated their wish to participate. Anything you wanted to add, Bart?

NICK WENBAN-SMITH: Maybe in the call, just to get the sensitivity, this is the third time, we understand there might be some expressions of interest, bylaw change is going through but this is our final, final go and we're gong to go ahead with the bylaw even if we are successful just to signal that to head off the risk, just the way it lands might be important.

KATRINA SATAKI: Yeah, I think it's a very important point, even if we manage to find, it took us basically a year and it's not a normal situation, lots of reminders, two calls, actually three and also arm twisting and me going to Marshal Islands and everything else. I understand that option C is not an option. Stephen, last comment please.

STEPHEN DEERHAKE: I need to correct. Your destination is actually Northern Mariana Islands.

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KATRINA SATAKI: I don't know if it's a good place?

STEPHEN DEERHAKE: Yeah, it's just about as far away.

KATRINA SATAKI: Okay, that's good. With that, we have discussed, there is clear preference two options. Option A and option B. We forget option C. Let's do the vote the following way, we vote for option A and if it's approved -- no, okay let's move probably both. Yes, option A, who is in favor of option A, please raise your flags? Anyone against? Okay, so we try, we reach out to our Community, meaning nonmembers. We ask those who already stepped forward to submit their applications of interest and then we ask Secretariat to have -- well, before that we ask Secretariat to have a timeline. Yes, please Bart.

BART BOSWINKEL: Please note the second part of the options is, when do you want to have timeline, etc.? My strong advice is not to do this during the July/August period because given the regions we're going for, there might be some issues like we had a year ago, so send out the call for volunteers in September and then by end of

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September or you have to do it in this month, August probably you will not receive any responses.

KATRINA SATAKI: We can do it as quickly as possible because I think that July/August it's an issue in North America, Europe but Europe is not stepping forward.

JORDAN CARTER: Given that we're quite practiced at doing this now, since we've done it several times, is there anything from preventing us from sending out the call this week? Okay, Monday? Friday is even closer. I just think if we go two months more, a lot of the argument starts to dissipate. This topic is hot right now, people have stepped forward, strike while it's hot.

KATRINA SATAKI: Yes, let's do it next week and see what happens.

STEPHEN DEERHAKE: I would argue getting it out soonest because if we're looking primarily in Africa for a non-CC, it's winter down there and their whole schedule is different than ours, so we should be able to arouse some interest I would hope.

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KATRINA SATAKI: As soon as possible, early next week, have two weeks' time to submit, which we haven't discussed. You have to be ready to review the applicants, it's not just that they have to be ready to apply, you have to be there to review applications. Single majority. There's no quorum requirement for that but please -- and really look at their expertise, their qualifications and everything to make sure we select the best.

JORDAN CARTER: Can I just ask a question? Option A is agreed, supposing that's unsuccessful, is option B then back on the table and if so, do we need to litigate this issue again?

KATRINA SATAKI: We'll have to do it after the bylaw is changed if we do not succeed now to find a non ccNSO member. In that case, we'll just need a third member to go through the process to find a third member who is qualified to be on the team. Next one that we have -- yes, Bart.

BART BOSWINKEL: Can you read out the Draft Resolution or the Resolution as it is? The ccNSO Council requests the Secretariat to prepare a

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timeline of a call for volunteers. Based on option A for adoption by the Council, by the 1<sup>st</sup> of July and send out the request on the 2<sup>nd</sup>.

KATRINA SATAKI:

Yeah, we don't have adoption by Council. Not prepare timeline, to issue a call for volunteers as soon as possible. The Resolution is that we request Secretariat to issue a call for volunteers as soon as possible, probably won't write early next week but by s2nd of July. Thank you.

Next is this guideline that we will need in August. ccNSO selection procedure for Board seats 11 and 12 as discussed during Prep Meetings. Here is the decision that we approve it conditionally, we submit section 3.5 to ICANN Org's Legal Department for their analysis, then depending on their response, we either quickly change it or basically go with the wording as it is. Anyone would like to move? Moved by Pablo, seconded by Stephen. Any comments, questions? No, then let's proceed to the vote. Who is in favor? Thank you. Looks like -- just quickly, anyone against? Thank you.

Next meetings, we're not going to have a call in July, next call is 22<sup>nd</sup> of August and then we have a call in September, 19<sup>th</sup> of September and 17 of October. Then of course, face to face

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meeting Montreal. For Montreal, we are planning to have a workshop. Stephen, anything about next meetings?

STEPHEN DEERHAKE: Yes, I would suggest that we pencil in a July call in the event that we do get an adverse ruling from ICANN Legal, with regards to the election procedure because we're need something in place being August timeframe and if we wait until August, the August meeting to start cranking that up, we're going to be behind schedule.

KATRINA SATAKI: I'm not sure about my July schedule yet, we can try of course. There will be a Doodle pole. That's about next meetings.

Any other business? If there's none of you, there's one from me. Maybe you remember, we discussed several times that GRC had prepared some ideas on how to improve all these rejection and approval action process is handled by Empowered Community and Legal, for example we suggested that those actions are numbered, not just issued. We also proposed clear subject lines in those emails are used. We also proposed that role accounts are used not to just ICANN Org employees' forwards messages, sends an email, there were some representative of ECA and ICANN Org, we haven't heard, I think we send it in early May.

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Some of the decisional participants they were supportive of our suggestion and our improvements but there wasn't any action and here I spoke about possible ways forward to certain people. Now I would like to propose to have another Council Statement that we could send to other DP's and ICANN Secretary, who else could we include to make sure our suggestions are not swept under the carpet? At least they are reviewed and expect some response on whether ICANN Org finds them feasible and good. This is proposal to have another Council Statement, what do you think? Basically, we will use those ideas that already circulated and maybe you will have anything else to add?

Any other business? If not, then I proceed to the thank you note. Let me on behalf of the ccNSO Council whole heartily thank local post ANRT, the .MA ccTLD manager for their warm welcome. I also would like to thank the sponsors. All our sponsors, [inaudible], Verisign, [inaudible], PR, .NZ, NIC Senegal, Cera, FTLD, American [inaudible] for making the ccNSO cocktail possible again. Thank you so much, it's really very appreciated by the Community.

Thank you again and with that, let me close this face to face meeting. Thank you all for being here, for your hard work, for your dedication and see you all definitely in Montreal and on Council calls in between, and of course, on the mailing list.



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Thank you very much, safe travels back home. Now, we have to go to the cocktail, I mean bilateral meeting with the GNSO Council.

**[END OF TRANSCRIPTION]**