
ABU DHABI – ccNSO Council Meeting
Wednesday, November 1, 2017 – 17:00 to 18:30 GST
ICANN60 | Abu Dhabi, United Arab Emirates

KATRINA SATAKI: Councilors are already here, we have received some apologies. Alejandra, has she joined remotely? Okay, Alejandra joined us remotely. Hello Alejandra, we missed you very dearly. Jian also could not join, I don't know if she managed to join remotely, she sent an email. Any other apologies? No, so thank you.

Regarding some procedural issues, we have an agenda in front of us and it consists of three parts. First part is consent agenda, we will go through each item to see if we have consent on what constitutes a consent agenda. Then we have another part of the agenda, it's a general agenda, and then we have a special council agenda for which Nigel Roberts, who is one of the Board nominees, will leave the council meeting and will not participate in further discussions. Any questions about the agenda? Any other suggestions? If no, let's start.

First is our consent agenda. I'll go briefly through all the items. Minutes and actions, actions completed, the minutes from our meeting on 19th October, distributed, no comments received. Overview of inter meeting council discussions and that was we

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appointed Ann-Cathrin Marcussen as our member, as one of the members on the PDP Retirement Working Group.

Then we received updates on council elections. We received SOPC, actually it's wrong in the agenda items, it's SOPC apparently, not SOPSC even though it sounds quite natural to say. They are going to be called the Strategic Operational Committee, to reflect the continuous nature of the group and my understanding is that we have a comment on this or is it later?

PETER VERGOTE:

Not so much a comment, Katrina; it's just a small observation. In the updated charter I notice that there is a limit to the number of terms that a member of the Israel PSC can have. While this is I have been told perfectly align with our guidelines, so absolutely not objections from my part, but just as a kind of a friendly caution, maybe that's something that needs further reflection, especially in the light of the review that we are going to have next year.

That we should at least give it some thought, that we do not run into a situation where a member of this soon to be standing committee, after six years of very valuable input for instances, would see himself faced with the situation where he or she really

wants to continue their work but because of this rule, we'd have to step down. That's all.

KATRINA SATAKI:

Thank you. Duly noted. Then we have another agenda item, it's an update on the mandate of the guidelines review committee and we tasked the committee to conduct a ccNSO internal review and present it to the council and prepare comments on the draft operating standards. Then we need to reappoint Stephen Deerhake as our representative on the Empowered Community Administration. Stephen has agreed and if there are no objections and other candidates, this could be the part of our consent agenda, just with a small correction. I think currently it says, "Chair is requested to ICANN secretary." We need to insert "inform the ICANN secretary," confirming Stephen's appointment.

We have received updates from CSC, RZERC and ECA during our Members meeting days. We had an opportunity to hear what our working groups are doing, we know their progress, so it has been provided. We have written updates from our liaisons to ALAC and GNSO. We agreed on our next meeting on the 7th of September. Now we have this consent agenda, are there any objections to -- should be look at any of these items separately or we can approve it as? Yes, please Stephen.

STEPHEN DEERHAKE: I feel I need to abstain because I'm mentioned in item seven, so I will be doing so.

KATRINA SATAKI: I thought you accepted the nomination?

STEPHEN DEERHAKE: I did accept it and I'm happy to endorse five and six, but I'm just going to abstain for the record.

KATRINA SATAKI: It's noted, thank you. It's noted, so we have at least one abstention, any other comments? So, we all agree. In that case, anyone against raise your red card. Anyone abstains raise your yellow card. Sorry, I had to ask. Alejandra? All in favor please raise your green cards. She also joined on, excellent. So, thank you very much. With one abstention, a consent agenda has been approved.

Now we move to the general agenda and we start with Specific Reviews. Here we have two agenda items, one is concerning our participation in the RDS. Again, I will summarize it briefly. As you remember, we submitted a letter to the board in which we

deferred our participation in the RDS Review Team because we felt that we need to know the scope before we can actually appoint people to the Review Team, and it's looks by the way it goes with other teams, it's looks like it was the right decision.

Nevertheless, now the team might have come up with the scope. Now we have to decide whether we are ready to look at those candidates who seek our endorsement to the specific Review Team that carries out the review on RDS or Whois too. Are there any thoughts on that? Anyone would like to open the discussion? What's your feeling?

Okay, nothing. Then I will ask maybe that way. Shall we at least look at the pool of candidates who want us to endorse them to the Review Team and see if they have the necessary skill set and qualifications? And if we see that yes, we have good candidates that could contribute to the work of the team and then we decide on our next steps. Or any other suggestions; we decide now that we participate or no, we're not going to participate. Yes, Peter.

PETER VERGOTE: It seems a reasonable suggestion and a way forward, Katrina. Yeah, it's fine for me.

KATRINA SATAKI: Okay, thank you. If there are no other objects, then we'll just look at the pool of candidates. Actually, I think that currently the terms of reference have been submitted to the board, so while we wait for a response from the board, we can look at the pool and decide whether the candidates can complement the team and add some skills necessary in order to carry out the specific review. Yes, Ching.

CHING CHIAO: Thank you, Katrina. I think just quickly, the topic exists in ICANN for a very long time, Steve brought it up as well. One more thing probably in my capacity from the Asia [inaudible] is that I really encourage the members, even the councilors who have a good knowledge to the information display in the language other than English to join the group. Thanks.

KATRINA SATAKI: Thank you. Okay, then let's proceed as agreed. We wait for confirmation from the board and we look at the pool of the candidates. Next one, again today you had the opportunity to hear a brief summary of everything that's going on around the SSR2 Review. We could hear the views of the Review Team. I wanted to ask these questions to the board but we didn't have time.

Let me also give you a brief update; tomorrow, the SO/AC chairs will again meet with the ICANN Board, the Effectiveness Committee that is responsible in overseeing the specific reviews. We meet with them to discuss further steps, and meanwhile apparently according to the communication that the board had sent to the community, they kind of rely on SO/AC chairs to solve the issue.

According to the bylaws, it's the responsibility of the SO/AC chairs to look at the whole composition of the Review Team and nominate people to the team. According to our guidelines, we do that at the council level and then we instruct the chair to present those three or more candidates that we endorse to the Review Team.

Nevertheless, in the bylaws it says the chairs and the chairs currently working on a common statement to ensure that our position is heard, to say that we take responsibility, we go back to our communities, we are ready to take all the necessary steps, all the necessary measures to ensure that we can restart the team as soon as possible. As far as I know, they also met with some sub group of the SSAC team and they had a very fruitful discussion and they have a more or less clear way forward.

Personally, I do hope that we will manage to handle this situation. Of course, it raises many questions, it is unchartered

territory as we heard. It's not clear what to do when a team cannot come up with a common position on how to solve issues, what the community can do in order to ensure successful results, a successful review and so on. We really need to look into all these issues; meanwhile, we must help this team to carry the review. Anyone would like to say something on this issue?

I don't see any hands. I think it's more or less clear, so the way forward is also clear. As soon as there are any decisions that need to be taken we will discuss them and take necessary steps.

Okay, thank you. Council updates. I think I more or less already gave updates on all the meetings with respect to SSR2 and other things that we have been doing. Tomorrow at eight there will be a meeting in which we will start planning for the next meeting in Puerto Rico. If there are any wishes regarding the next meeting, how to organize it, how to structure it, please let me know so I will do my best to deliver your wishes to other SO/AC leader teams so that they see what we are interested in shaping the program as good as we can.

Any updates from the vice chairs? Byron, Demi? Demi was there, yes Demi. No updates. Any councilor would like to share anything? Stephen, please.

STEPHEN DEERHAKE: I thought I'd do this under AOB, but I may as well do it now. I just want to formally give council a brief update on a visit I paid to the NomCom public meeting yesterday to begin the effort of repairing our relationship with them. I think it went fairly well. The incoming chair is very open to continuing a dialog to try to foster improvement of the communication between ccNSO and the NomCom so that we can prevent what happened with regards to the recent nominee from ever occurring again.

We are going to be exchanging ideas on how to move forward and I'm happy to step into this role, at least in the short term, to try to get the initial framework sorted. Perhaps Pablo might have some additional comments on this. I think going forward, it would be best if we left Pablo to concentrate on his responsibilities as the ccNSO rep to the NomCom, and if we need to establish a more formal working communication relationship it perhaps should be some other person on council, but I'll let Pablo stew about that one and he may might have some comments on that.

But I just wanted to let the council know that we got to a bit of a low point with the NomCom in terms of relationship, they were pretty angry with us at the outset of the meeting yesterday and I think things are on the improvement scale relative to that. Thank you.

KATRINA SATAKI: Thank you very much. Any other updates from councilors? Pablo.

PABLO RODRIGUEZ: Thank you, Katrina. Well, besides the fact I would like to add to Stephen's comment today. We had a presentation with NomCom in which we sent the message that we're looking for ways to develop a more efficient, a more effective collaborative communication. It was taken very well and they're also looking for ways to do the same with us.

KATRINA SATAKI: Thank you. We also heard updates from regional organizations, so unless there's somebody -- yeah, Barrack.

BARRACK OTIENO: Thank you, Katrina. Just to mention that if fTLD has issued its position on the use of country and territory names as TLDs. It was sent to Annabeth and it should also be circulated to the wider ccTLD community soon and it's more inline of what center and [inaudible] TLD have issued. Thank you.

KATRINA SATAKI:

Thank you very much. Glad to see that we are more or less on the same page. Any updates from the secretariat? No. With that we're moving to any other business. I have at least one item here. Short update, we all know that now we're participants in this Work Track 5 that's a part of the GNSO PDP process. Annabeth has prepared and is going to invite us all to actively participate in the work of this Work Track 5. We quite understand that GNSO PDP's very time consuming and the pace at which they move forward is very difficult to follow. We realize that not all will have the necessary time and probably commitment to actually participate in the work.

You can be a member, you can be an observer; observer of course is probably something easier for you to do, but if you cannot do that, or ccTLDs cannot participate in the work of this Work Track 5, Annabeth proposes to have Ann-Cathrin, her colleague who -- all ccTLDs will be able to contact to let her know your views, your opinion on things and then she will work on accommodating all those incoming comments and letting them be heard at the Work Track 5.

This is the email that has been already prepared, so if it's okay with the council, if you think that this is a good approach, to let all ccTLDs to get involved one way or the other, just let me know. Is it okay? Yes, Peter.

PETER VERGOTE:

I think it's an excellent initiative, Katrina, because yes, you rightfully so put it that we all have day jobs, we all have difficulty in finding supplementary time to look into issues like that. I can imagine that for the majority of our members, this poses quite a significant obstacle to become a member or even an observer to a certain working group.

I'm very curious to see how this turns out, but I think it offers a good compromise, not to be forced to follow each and any [inaudible] call or face to face meeting and yet have the ability if you have a certain issue or a strong feeling about a certain topic, to feed it into somebody who then will accumulate all those inputs and transfer it to the working group. So I'm really in favor of this. Thanks.

KATRINA SATAKI:

Feed it into somebody, I like this expression. Any other comments? Any other ideas how we could foster participation even further? No. Okay, with that, let's inform the community about this initiative and encourage them to actively participate in the process. That's any other business from me, any other business? Anything you'd like to raise? No?

Then the next agenda item is thank you and closure. I will read this just to make sure that everybody hears that. The ccNSO council thanks Ching Chiao whole heartedly for his service on council over the past three years and wishes him best on the GNSO council. The ccNSO expresses deep appreciation and thanks to the local host and support staff for the hard work to ICANN60 into a success. Before we move forward, I was a little bit too quick with next thanks.

CHING CHIAO:

Can I have a quick word, chair? Just a quick word. I'm not going away that fast. I still have that working group on the auction proceeds. I guarantee you I'll be representing our interests here.

KATRINA SATAKI:

We know that and we've noted that. That's why you will get your special folder a little bit later, when you finally -- this is from ICANN Org, a present for your time, for your efforts, so thank you very much.

Maybe I'll read again another thanks. The ccNSO expresses its deep appreciation and thanks to the local host and support staff for their hard work to turn ICANN60 into a success.

And finally, the ccNSO council expresses its deep felt appreciation and admiration for Dr. Stephen Crocker for the wise and fair manner in which he has chaired the ICANN Board of Directors and his understanding of the ccTLD community. On behalf of the whole ccTLD community, the ccNSO council wishes him all the best.

With that, we move to the special council meeting and we'll ask Nigel to leave us. With that, let's open this special council meeting regarding the board nominations. Here you have in front of you Resolution Special Council meeting. I will again summarize the issue here. As you may have heard during public forum there was one comment saying that NomCom appointed the board members, they are all screened, they do background checks on all those appointees.

Then apparently ALAC and ASO also screen their board candidate nominees. GNSO and ccNSO has never done that. I think it's partly because normally we nominate people who are very well known to the community and if we do any screening, for example on Christian they come up saying that he's wild and a maniac. We just said, "We know that, anything new you could add to the process?"

Nevertheless, GNSO and the ccNSO board, directors nominated or elected by GNSO and ccNSO currently are on the board, they

agreed to undergo the screening process voluntary and they will do that. Now we have to actually discuss and decide what we are going to do with our current candidates. As you heard today during the Q&A session, they both also agreed to do the screening totally voluntary because in order to request something like this from them we need our internal procedures and that had to be known in advance, so we cannot change the requirements as we go.

Therefore, that was a question, and as you heard, the answer was yes, they are ready and willing to do it voluntary, if that is what we expect from them, taking into account all these facts that I already mentioned. Therefore, we have a resolution of our special council meeting.

First, to do it really efficiently, the proposal is that we ask the chair and vice chairs to develop a procedure for these background checks, how we request them, how receives this information, who has access to all these records of violence or something. I'm pretty sure that nothing like that ever will come up with our candidates, nevertheless this is something that apparently others do and we should live up to the expectations. If there are other views from other councilors, we could definitely discuss that.

I'll go through the resolution that we propose to have this procedure developed. We look into similar procedures already used by NomCom, ASO and ALAC. Then the council adopts these procedures and includes into the ccNSO guideline which deals with the procedures with respect to board election nominations. After we have adopted the procedure, that we ask the current nominated board members and candidate nominees to do it voluntarily. With this process the procedure known to them. Who can access, what we do and so on.

This is a proposal and I have to ask for a mover. Byron, seconder? Wait a minute, first we have mover...

STEPHEN DEERHAKE: No, I want to raise a point of order. Maybe I missed the memo, but when did we decide to have a special council meeting and does this conform with our requirements with regards to publication of agendas? Because this is the first time I've heard of this special council meeting and I want to know if we can, under the rules of the ccNSO, proceed with this. I'm not saying I'm not in favor of it, I just don't understand where this came from and are we proceeding appropriately?

KATRINA SATAKI: As I mentioned in the beginning of the meeting, we have three parts to our agenda. One is consent agenda, a general agenda and this is special which is for all council except current nominees to the board. That is the only reason why this is called special council agenda meeting.

STEPHEN DEERHAKE: But does this conform with our requirements in terms of publication of agenda beforehand?

KATRINA SATAKI: It wasn't published a week ago, if you ask about that, but a week ago we did not know about this issue.

STEPHEN DEERHAKE: But can we proceed, given that it wasn't published?

KATRINA SATAKI: Yes, if we decide that we proceed, we can do that.

STEPHEN DEERHAKE: Okay.

KATRINA SATAKI: Thank you. We have a mover, Byron -- wait a minute. Okay, as far I understand, we have to have mover, seconder and then we have a discussion. I always tend to forget it, but this time I remember. I'm pretty sure that's the procedure. Secunder? Debbie, thank you. Now the floor is open for discussion. Young Eum?

YOUNG EUM LEE: Just questions about what the other SOs and ACs are doing. I wasn't actually aware until this meeting that there was this screening requirement for the board candidates. I'm just wondering if any of the board applications for the ALAC or the GNSO have been contested, and if so, was there a screening of all the candidates or was there screening of the final candidate for those groups? That's just questions.

KATRINA SATAKI: First, it applies only to candidates or nominees to the board of directors. Currently they do not screen councilors. I do not know details of the procedure. I don't know if somebody knows, this is the time to inform others as well, share your knowledge, if no then -- sorry I do not have an answer to your question at which point it is done. It's clearly done at some point. If they

consider a candidate, they do screenings; how it's carried out, I'm also not entirely sure.

I know that they have procedures and they have a team that does it and apparently, they do some search online. If you publish not nice pictures on Facebook, probably that's a reason not to promote you to the board of directors. But I really don't know any details on the procedure, this is why we actually need to look at similar procedures that are currently already used by NomCom and others. Any other comments, questions? Yes, Ching.

CHING CHIAO:

Just a quick one, thank you, Katrina. I think one of the things I wish you consider is does that incur cost? I understand that some of the background, if done "properly", it would involve cost.

KATRINA SATAKI:

Yes, councilors have to contribute 20 Euros each. No, it's definitely done from ICANN's budget. It will not have any burden on our nonexistent budget. Debbie, please.

DEBBIE MONAHAN: Thanks, Katrina. I just want to pick up on the point that Stephen raised and I think his concern is around the use of special council meeting, how that might look. I suppose I see this as a continuation of the council meeting but with Nigel excusing himself from the table for this particular item. I don't see it as a special meeting, I just see that for this particular item, Nigel has chosen to excuse himself. I just don't think we need that language actually.

KATRINA SATAKI: Okay, we can change that. I'm just explaining why it has three parts. We can call it -- it's really not the point here, we can call it normal meeting without Nigel. Stephen, please.

STEPHEN DEERHAKE: I would like to express some concerns about this from the standpoint that given our recent personnel experience and these are elected by the community as opposed to being appointed, what's the sequence? We hold an election, we elect a candidate and then ICANN staff comes back and says that because of a process that was completely opaque to us, the community, they've disqualified our candidate.

That's going to cause some real personnel and reputational issue problems and it also raises the possibility of -- and I don't

mean to be cynical about this, but with all due respect, ICANN staff capture of the election process from the community and I'd like to hear how that's being addressed. Thank you.

KATRINA SATAKI:

Yes, first of all, as you can see from the proposal, the proposal is to deal with this urgently, which means that the chair and vice chairs come up with a procedure proposal as soon as possible, submit to the council, council adopt and then before actual voting starts we have a procedure, and then we ask both candidates to do it voluntarily. They don't have to do it, we just invite them to do it voluntarily.

STEPHEN DEERHAKE:

If I understand you correctly, the timing will be, candidates are nominated, candidates are submitted to ICANN for background check, background check is completed before voting? I mean, even in the case if we have a nominee and they "fail the background check", that's an issue for reputational damage there.

We just have no idea what ICANN's criteria is for such a background check. I'm not saying this is a bad idea inherently, I just don't see at this point that we have sufficient information as to how this might work, so as to permit us, the community, to

have full control over our electoral process and at the same time not risk the possibility of reputational damage to candidates that put themselves forward.

KATRINA SATAKI: Yes. Any other thoughts? Ching?

CHING CHIAO: I'd like to have the plus one on what Stephen's just said, I fully agree.

KATRINA SATAKI: Thank you, Ching. Byron.

BYRON HOLLAND: I'm not insensitive to what Stephen has just said. However, we are about to elect somebody for a lengthy term to the board of ICANN. The significant majority of other directors, and as is common practice in most companies of any reasonable size, particularly with the kind of fiduciary responsibility an organization of this size and complexity has, would put all directors through a routine background check.

I don't think anybody expects anything negative to arise, but I think we should consider our duty to make sure we've done

everything we can to surface candidates who can pass a minimum background check and there's nothing unreasonable about that, so that's one point.

The second point is, from time to time I think this council and this community will be confronted with issues that require speedy resolution and we shouldn't be afraid to address those issues, even when sometimes there is not perfect clarity on the outcome at the point in time where we attempt to address them. I think, from what I can see here in this resolution, what is being asked for is the opportunity for the chair and vice chairs to go away and try to work through a process that would be acceptable.

I think the councilors will have to have some faith that those three parties would put forward something sensible or probably more important, wouldn't put forward something that isn't sensible, and that we will certainly look to the processes that the rest of the community have used, be it the ASO or ALAC or NomCom, and quite likely though not guaranteed, mirror something like that which is already in the community and being successfully used at this time.

So I'm not insensitive to the comments that Stephen has made, and we should all have some apprehension before we move forward on a process like this, but I think the overriding goal is to

make sure that we are surfacing candidates who at the very least could pass a background check, and we should look to successfully achieving that goal, even when we have a short timeframe.

KATRINA SATAKI:

Thank you, Byron. I'd like to add one more thing before your response, Stephen. First, again, I'm absolutely sure that both our candidates will pass screening and we'll find out what we already know; that they are very respected members of our community, that's one thing.

Another thing, if for example, if something comes up, yes, it might damage reputation of the candidate, but if it comes up later when we already elect that person, that would damage not only our candidate but also ccNSO that did not do the proper checking. With that, Stephen, back to you.

STEPHEN DEERHAKE:

Byron, thank you for those comments. I can support this because what we're looking at here is simply setting up a group with the vice chairs to like try to sort out what's going on; we're not actually voting on the final work product because it doesn't exist. We are putting our two candidates at some nominal risk of rejection by ICANN staff via a process we know nothing about.

If they're willing to subject themselves to that, that's fine, but I think the devil's going to be in the details down the road as you guys carry out your research on how we can put something together that we can accept as a council down the road in the future as a final approach to this issue. Thank you.

KATRINA SATAKI: Thank you. Any -- Byron?

BYRON HOLLAND: Thank you, and thank you, Stephen. I think that is a good point. We are looking for permission to go through the process and I would be the first to apologize to the candidates for the position that we all find ourselves in right. I know it's awkward, through no fault of their own, and a lack of awareness of this council about a process that we didn't have in place.

To them, I ask for their patience, we should ask for their patience, and I certainly apologize that they've been put in the awkward predicament based on new information to us, and I think it's safe to say that we will act with speed to come to a reasonable proposal for this, and I just ask that they be patient.

KATRINA SATAKI: Peter, please.

PETER VERGOTE: Thanks, Katrina. I understand the rationale for background screening from the position of ICANN as an organization and before somebody actually starts his or her term as a member of the board of directors. I was just wondering if while advancing with this for -- or two specific candidates we have right here and now, if we cannot somehow limit the risk.

As far as I'm concerned, it's a question of doing a background screening, if somebody is fit for taking up the term as a director. It's not a screening to see if somebody's fit to present themselves as a candidate. If we would limit that background screening to the candidate that ultimately comes out of the election process as the winner, that the screening is only applicable for that person, we at least eliminate the risk by half, in the current circumstances.

KATRINA SATAKI: I'm not sure I understand how you limit the risk, and what risk?

PETER VERGOTE: We have two candidates now, so the potential outcome is that both of those candidates get a background screening, yes? But ultimately, there is only one of those two candidates that's going

to be part of the ICANN board of directors, and ultimately, you need only to do a background screening for that person who is going to take up that term, not the other person that will have lost the elections.

KATRINA SATAKI: And what's the risk?

PETER VERGOTE: Like Stephen indicated, doing a background screening of a person, at some point entails the risk that you find out personal stuff, even personal data about that person. So I don't see any real urgency to do a background screening for a person who ultimately will not serve as a member of the board of directors of ICANN.

KATRINA SATAKI: Young Eum, please.

YOUNG EUM LEE: Thank you, Katrina. Actually, I agree with what Stephen has just said and that was part of my question before; do we need to do the screening for all the candidates or do we need only to do the screening for the final candidate? Actually, I'm just wondering

why this never came in our precious election of our board representatives? And why this came up now?

One of the reasoning for this not coming before is because there was general faith I guess in our final candidate, and then they went through the screening and they passed. And so, I just wonder why this issue was raised now and also, I would really like to know how the other SOs and ACs have been dealing with this. Do they have their final candidate go through the screening? Do they subject all the candidates to a screening?

KATRINA SATAKI:

As I already said, we do not know the process, that's why part of the first part of the resolution says that we should look into those processes. Why it didn't surface earlier? That's another question; apparently yes, we have a very strong belief in our candidates, just as GNSO. Yeah, I see there's a queue of comments.

ABIBU NTAHIGIYE:

I think we are going deep into the process because we have something to learn on how the other ALAC and NomCom are doing, but we are trying to go deep on how this is done. My assumption was that at this meeting we should assume that the screening or background checks for all candidates because if we

do the elections and the background check is done for only one candidate, what happens if the candidate fails with the background check?

For the time being, I think we should concentrate on the assumption that all candidates will undergo background check, but this we depend on the response or the feedback from the chair and vice chair on how others are doing, otherwise it will be a long discussion because we don't know exactly how it is done with ALAC and ASO.

KATRINA SATAKI:

We have Debbie. Okay, good; Debbie, and then Jian.

DEBBIE MONAHAN:

I would like to see in the procedure that all that's produced for the ccNSO is the report, the background check and what to do with it, any decision is actually the ccNSO. It is produced for the ccNSO to consider what is done with it rather than any decisions being made by ICANN staff, which Stephen keeps saying ICANN staff; yes, they're the ones who actually help arrange it, but I think that is a product then that comes back to us.

KATRINA SATAKI: Thank you, that's a fair comment. Yes, please Jian's comment read by Joke.

JOKE BRAEKEN: Jian's comment is as follows, "This is how NomCom works; vote first, then do the background check on the candidates. NomCom chose not before voting, not all the candidates applied."

KATRINA SATAKI: Okay, thank you, Jian, for this input. Ching?

CHING CHIAO: Katrina, thank you. Similar to what Jian just said, I'm just offering another option here, potentially if we call it like a reference check other than the background check. Reference check could be that the candidate has a couple of people that some of the vice chairs or chairs to speak to have information other than potentially from this community. The background check is more to us, as others have already brought up, to those people that is not known by this particular community. Probably you can call it a reference check.

KATRINA SATAKI: Thank you. Any more comments? Yes, Byron.

BYRON HOLLAND: The reason it's come up is it came up in the public forum, and it became an issue in the public forum on Monday, and that's why it's something of a surprise I think to a number of communities, the GNSO included, that neither of our sets of board members had gone through background checks. Background is definitely different than a reference check and I'm taking background checks not reference checks, because that is what boards should and do require on average.

This is a large, international organization with considerable risk that has a budget in the hundred-million-dollar range, across many, many jurisdictions. This is exactly the kind of organization that should ensure that all of its directors meet a common standard and have a predictable background, so that's the why.

I think we also need abstract this from the candidates themselves. We all know the two candidates we're talking about at this moment. It's not about them, at all. This has nothing to do with Nigel or Pierre as people at this moment. This is about our responsibility and appropriate governance for ourselves and

for ICANN to whom which we are nominating these director candidates.

I think two things, one is, it's not about the people today, this is conceptual and about risk and about good governance, and while it's a bit awkward from a timing perspective, that's the why. As to why it's awkward to the timing perspective, it just came up on Monday. Who among us knew that there was no reference check for just our directors yet everybody else? I have to admit, I didn't.

KATRINA SATAKI: I didn't either. Maybe anybody did know, but we didn't. Any other comments? Any comments on the actual text as proposed? Yes, please.

JOKE BRAEKEN: A comment by Jian, "Background check is very different from reference check. NomCom does both."

KATRINA SATAKI: Okay, thank you. Any comments on the process proposed here? We cannot invite our -- yes, I agree with Byron, it's not about these two particular candidates, absolutely not. Nevertheless, we have these two particular candidates, so we need to address

this issue as well; we cannot request them to do any screening because it was not foreseen in our process and we do not have a process for that.

Nevertheless, they agreed to do it voluntarily but before they do that, apparently if we follow the process used by NomCom, first we have elections and then the candidates voluntarily agree to have this background check. We need to move fast. The proposal is again, chair and vice chair develop procedure, they look at examples used by NomCom, ASO and ALAC. How we do that, who sees the results, what we do when we receive these results, procedure clear to everyone, procedure presented to the council, and we review the procedure, comment and either adopt or amend it online. And after elections, if that's the procedure, then we ask the winner to voluntarily agree to a background check.

That is a summary of the proposed resolution; any comments on the actual text and the essence of the proposal? If no, I will ask for your vote. Anyone against, raise your red card. Anyone abstains, yellow card. So we have one abstention. All in favor, please raise your green cards. Please note Alejandra's and Jian's votes.

UNKNOWN SPEAKER: Alejandra is in favor and Jian is in favor as well.

KATRINA SATAKI: Thank you very much. There was one abstention. We move forward and we have to look at the timeframe and move really quickly. Technically, back to any other business. How do you want to call this part of the agenda? Not special council meeting, call it?

DEBBIE MONAHAN: To me it's just been one continuous meeting. It's just that Nigel chose to recuse himself after the AOB item. So to me, it's all just been one continues meeting, but just with one person recused.

KATRINA SATAKI: We can do it like that and then in the minutes we just note that this agenda item -- Nigel --

UNKNOWN SPEAKER: Maybe do it in a similar way because that was the late hour, but do it in a similar way as on the council call of the 19th and have used a similar language for consistency going forward, because this on the 19th Nigel had to excuse himself as well because at the end you were discussing board election matters as well.

KATRINA SATAKI: Just wanted to reiterate that we did not mean to offend anyone. It was used to separate different parts of the agenda. Young Eum?

YOUNG EUM LEE: I just wanted to note that that's the exact same process we take when we choose our chair and vice chair.

KATRINA SATAKI: Thank you. Any other comments? No? With that, then let me again thank you for participating in the work of the ccNSO council. Thank you to people in the audience for being patient listeners. Thanks a lot to the secretariat for your brave support during all these days. Let's close the meeting and see you in Puerto Rico, safe travels back home.

[END OF TRANSCRIPTION]