

NOTES | ICANN70 Governance session

Tuesday, 23 March 2021 | 15:30 – 16:00 UTC

<https://70.schedule.icann.org/meetings/9XogiuseKDvmeo3Fi#>

Topics that need to be included in new set of internal ccNSO Members Rules (slide 10 - 11) : List was drafted by the ccNSO Guidelines Review Committee and ccNSO Council, as potential topics to be included. Current version of the Rules: <https://ccnso.icann.org/en/about/rules.htm>

>> Removal of a ccNSO member

Pablo: A member should not be excluded from ccNSO. But what if the reputation of the ccNSO is damaged? A person should be removed. ccTLD manager could send another representative.

Chris: Removal of a representative for bad behavior. That means there would need to be behavioral standards. See ICANN's rules.

Pablo: State what that behaviour would be. Needs to be substantiated.

Stephen: ombudsman is there to assist with potential misbehaviour.

Patricio: agrees with Stephen and Eberhard. No disciplinary procedures against individuals. A ccTLD manager can withdraw his membership voluntarily. Cannot think of other situations

Chris: see retirement procedure. Staying member?

Patricio: if you are not a ccTLD manager, you cannot be a member. Automatic termination of membership

Eberhard: Standard of conduct applies to all. Not start procedure because you do not line what is being said. substantial misconduct. One should have a procedure in place to remove.

Nigel: actively removing a ccTLD manager, for whatever reason. Termination refers to circumstances in which a member ceases to be a member. Could be voluntary or automatic. Is important to have this.

Alejandra: person administering the ccTLD changes. Written procedure as to when ccNSO membership ends. Retirement ccTLD, change of administration.

>> Overall comments

Roelof: at a loss. We should have a feeling of what works and what does not. Looks like we want to restart from scratch. Do we have real-life problems, things that occurred over the years? Start form there.

Chris: example of a current rule that has caused a problem?

Katrina: many elements are not up to date. Examples? Look at Annex D. empowered community, our obligations as decisional participant. Timelines are tight. Either the ccNSO cannot participate in some decision-making processed, or we need to make the time for ccNSO members to react to council decisions shorter (7 days, 10% of members for the ratification vote), or use other mechanisms, consultations with members beforehand. Difficult to make the deadlines longer in the bylaws.

Chris: some rules need updating. Times have changed. Some elements that are in the guidelines should be in the rules.

Roelof: easier to start from concrete elements that need to be changed.

Alejandra: rules refer to sections and articles of the old bylaws. We also need a clear distinction between what relates to council and what to members. Avoid redundancy: guidelines, rules, bylaws.

Chris: this input is useful for the small group that will draft the new set of rules

>> Committees and Working Groups

Alejandra: section for committees. We do not handle committees and WGS like this now. Right now, council establishes the committee, upon request of members. It also says that members of the council chair such committees. Not necessarily.

>> Difference between guidelines and rules

Eberhard does not want a top-down decision by Council. Other than day to day business. Change of rules must be ratified by members.

Chris:

Are there any elements that are currently governed by the guidelines, that should be included in the rules instead?

Eberhard: election of selection of ICANN Board members. Should be developed by membership, not by council. E.g. we can nominate one, second two. Or have the vote option "none of the above"

>> Outdated elements

Chris: Call for a meeting via notification via post?

Eberhard: email plus announcement on the website

Chris: display of the guidelines section on the ccNSO website

<https://ccnso.icann.org/en/about/guidelines.htm>

>> Membership veto

Jordan: 7 days period has never been used. Limit it to guidelines and processes?

Chris: intention was that most elements were done by members. Council would be empowered to do things. Open to members to object.

If you leave it in, how many members should need to apply for it to be reconsidered? Equivalent of board reconsideration request for council as an alternative?

Stephen: 7 days prevents ccNSO to participate in a rejection action petition procedure. Carve out for council activities around rejection action petition. Gives council a lot of power in an important matter.

Jordan: Anything Council does is reviewable because we can be fired / unelected. And I would also support a power in the rules to be able to dismiss a Council member or the whole Council.

Eberhard: Jordan, this is another example of what needs to go into a (member approved) rule

Stephen: intriguing concept of reconsideration request. Something for the smaller group to consider.

Irina: it is difficult to have a quorum to adjust the rules of the ccNSO. Some organisations have members with voting status. If you fail to participate in 2 or 3 voting rounds, you lose voting status. You can regain voting status by participating in the next vote.

Eberhard: do not restrict managers based on their participation. Connectivity issues, smaller members. I would not want to be a part of this. We used to be a small membership-driven organisation. What makes us different from gTLDs, we do not have contracts with icann. 180 members. But should still be a membership driven organisation. Role of council should be as small as possible and as large as necessary.

Nigel: ICANN accountability mechanisms and how they apply here. We exclude anything related to change of ccTLD manager and any action of board or staff that affects the ccNSO appear to be included, but not action of council.

Chris: indeed. ccNSO always wanted to have its own accountability mechanisms. That is why the guidelines are there.

Stephen: If I recall from back in the day, the member objection clause was put into the Rules as a way to stop a run-away ICANN imposing policy on ccTLD members.

Alejandra: misunderstanding with what Irina said. Do not exclude people to vote. But do not count them in the quorum. Correct? Irina agrees.

>> Summary

Chris: Next steps: establish a drafting group, based on a call for volunteers which will be shared with the ccNSO members post ICANN70.

The basic principles still apply. The rules need to be not complicated. When drafting the rules, ask the following question: "Does this really need to be an element in the rule, or can it be an operating procedure? Is there an easy way to object/reject."

Katrina: First draft of the new rules by ICANN71. Idea is to put the new set of rules to a vote around ICANN72.

Chris: suggestion on timeline. You may consider 2 parts: obvious changes. Do not wait for the hard stuff to be solved. Have usable rules for the community, and elements that still need to be worked on.