
ICANN Transcription

Council Committee for Overseeing and Implementing Continuous Improvement

Thursday, 12 May 2022 at 12:00 UTC

Note: Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. Attendance and recordings of the call are posted on agenda wiki page: <https://community.icann.org/x/DRR1Cw>

The recordings and transcriptions of the calls are posted on the GNSO Master Calendar page <http://gnso.icann.org/en/group-activities/calendar>

NATHALIE PEREGRINE: Good morning, good afternoon, good evening, everybody. Welcome to the Council Committee for Overseeing and Implementing Continuous improvement call taking place on Thursday 12th of May 2022. In the interest of time, there will be no roll call, we'll be taking attendance via the Zoom room.

We received apologies from Flip Petillion and Sebastien Ducos.

Statements of Interest must be kept up to date. If anyone has any updates to their statements of interest, please raise your hand or speak up now. If you need assistance updating your statements of interest, please email the GNSO Secretariat.

Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.

All documentation and information can be found on the wiki space. We'll be posting recordings there shortly after the call. Please remember to state your name before speaking.

As a reminder, those who take part in the ICANN multi stakeholder process are to comply with expected standards of behavior. Thank you, and over to our chair, Olga Cavalli. Please begin.

OLGA CAVALLI:

Good morning, good afternoon, good evening, everyone. Thank you very much, Nathalie, Welcome to this meeting in a different day, on Thursday, just because yesterday I had something I couldn't avoid to participate. So thank you for the change and thank you for joining.

We have the agenda on the screen. So if you recall, we have been working on this prioritization of different recommendations. And maybe we can review our work plan status, so we can have a reminder of our work. So this is what we have completed, which is in green, is completed, diversity, and now we are working in the guidelines for good faith conduct recommendations, to 2.1.1, 2.1.2, petitions for removal of directors. Can we show a little bit more those which are in green so we can have a quick view of it?

Recommendations 1, diversity, 2.3, indemnity standalone items and 3, framework for interpretation of human rights, number two, diversity, Recs 1.1, 1.2, diversity, 1.3, 1.4, 1.5, and 1.6, 1.7, 1.8. That is already completed. And now we will move on. Any

comments about this summary of what we have been doing and we will do?

Marika says to review this document, we can see the link that she has just copied pasted in the chat. Any comments, reaction? Thank you, Marika, for that.

Okay, I see none. So can you show me the agenda, please, again? Okay. Please have in mind the different status designations. They're here in the agenda just as a reference. We may review them if we needed during this call or during our intermeeting work. It's complete, partially complete, action or decision required, not applicable for action, implementation plan, implementation ongoing, won't implement, this were the status designations that we will be using for our review. Comments, questions? No hands up. Thank you very much.

Okay, number two, let's start with a review of recommendation number two guidelines for good faith conduct 2.1. Let's see the document that it's there. And I think Ariel will kindly help us with this issue. Ariel, you're welcome to join us.

ARIEL LIANG:

Thanks, Olga. So before we jump into the recommendation itself, we will review the background information of the empowered community and this particular EC power to remove Board director. And that's at the request of members in the last meeting. Folks are not super familiar with the background and context, and hopefully this presentation will provide you some information and that will

make it easier to understand and analyze the Work Stream 2 recommendations related to this topic.

So first, let me give a brief explanation of what is ICANN empowered community. The empowered community is a mechanism through which the ICANN's supporting organizations and advisory committees can organize under the California law to legally enforce community powers. And I will explain what the community powers are later.

The community powers and rules that govern the empowered community are defined in the ICANN articles of incorporation and bylaws. So that's the definition of empowered community. The composition of empowered community was the five decisional participants and these are the At-Large Advisory Committee, ALAC, the Address Supporting Organization, ASO, the Country Code Names Supporting Organization, ccNSO, the Governmental Advisory Committee, the GAC, and the Generic Name Supporting Organization, which is the GNSO. So five groups within ICANN, they're the decisional participants of the empowered community.

And just a brief history of how we have this empowered community created. So as you probably recall, the IANA function stewardship transition effort happened many years ago, completed in, I think, 2016, but started in 2014. And it raised the community concerns regarding the accountability of ICANN organization because the US government is relinquishing control over that. So, there may be challenges that will emerge as a result of the transition. Basically, the challenge is, how to hold the ICANN organization accountable, or ICANN accountable, without the US government oversight.

So there was a CCWG accountability Work Stream 1 effort that was before the Work Stream 2 started its work. So that Work Stream 1 effort, the main output is to recommend the empowered community mechanism as a mechanism to provide oversight of ICANN. And in March 2016, the ICANN Board approved this a Work Stream 1 recommendation, and adopted a set of new ICANN bylaws that incorporates the details regarding the empowered community and the powers of the power community in 2016 May.

So that's the brief history on that, and I know Thomas is in this group, and he is a truly the expert on this topic, because he was one of the co-chairs chairing the CCWG accountability, that working group. So if I speak anything that's inaccurate, and Thomas would like to chime in to provide more detail, I would really appreciate his input as well.

So now you know the history of the empowered community. And there's another concept we also need to be familiar with, is the empowered community administration. So it's the administrative body of the empowered community, it's the body for how the decisional participants get together and act on the powers.

So each of the decisional participants designate a representative to the empowered community administration. So the ALAC, the ASO, the ccNSO, the GAC, and the GNSO each has a representative in the empowered community administration, and for the GNSO, it's our current GNSO chair, Philippe. So basically, he is our EC administration representative.

So, as mentioned earlier, the empowered community have powers, so what are they? So these are overview of the powers. So basically, it consists of rejecting the ICANN and IANA budgets, the ICANN operating strategic plans, reject standard ICANN bylaw amendments, reject PTI governance actions. And I won't read through all of these items in the slide, because you can see these are the powers for the EC to act on.

And the one that we particularly want to pay attention to is the power to remove individual ICANN Board director. And that can be either the Nominating Committee appointed ICANN Board director, or director appointed by supporting organizations and advisory committees. So this is a unique power of the empowered community to do that.

You may wonder how the empowered community use their powers. There are seven critical steps in the escalation process for carrying out the power. And I will provide you a more clear understanding how that applies to ICANN Board director, but just to paint a big picture.

So the first step is for an individual to submit a petition to basically trigger the power of the empowered community. And then that petition needs to go through a process to be accepted by a one or more than one of the decisional participants or even need support from additional decisional participants in order for that petition to be basically valid or sound, and then will be able to escalate to the next step.

So the next step is for the ICANN community to get together through a community forum to discuss this particular petition, and

perhaps that community forum will serve as a channel to investigate the issue and hopefully resolve it, but if the petition is still going through and escalate to the next step, is basically for the decisional participants to make a decision on whether they support or object or abstain from that petition. And then based on certain threshold amount among the decisional participants, there will be a decision or determination made with regard to that particular petition.

OLGA CAVALLI: There is a question from Desiree in the chat. "Does the individual petition need all the decisional participants to sign on to it?"

ARIEL LIANG: Thank you for the question. So it really depends on the particular power that's being triggered. So we can talk about the detail with regard to the Board director removal. So for example, for the SO AC appointed ICANN Board director removal, it really just need the acceptance or support from the supporting organization or advisory committee that appointed that director, so only one. But then for a Nominating Committee appointed director removal, it needs at least two decisional participants to support that petition and support that decision of removal in order to carry through. So it really varies based on what type of power that's being triggered. So we have to look into the ICANN bylaws to check the details of the voting threshold. Hopefully that helps clarify a little bit.

OLGA CAVALLI: Thank you, Ariel.

ARIEL LIANG:

Okay, thank you. So now we want to only focus on the Board director removal power. So I want to dive slightly deeper into this topic. So the first type is to remove an SO AC appointed Board director, the trigger is for an individual to submit a petition to the ASO, the ccNSO, the GNSO, or the ALAC seeking to remove a Board director nominated by each one of these organizations. So some something I want to clarify is if someone wants to remove a GNSO appointed Board director, that person needs to submit a petition to the GNSO. It cannot really submit a petition to the ALAC to remove a GNSO director. So that's something to clarify.

And here is basically a reflection of the steps in the escalation process. They're called periods because for each step, there are a certain number of days or even hours to complete that step. So the first step is the petition period. That's 21 days for someone to submit a petition and then for the decisional participant to determine whether to support the petition at all. So that's just validating, we agree this petition can be considered by the community. So that's 21-day petition period.

And followed by that is 21 days of community forum period, is basically for the community to get together and hold a conference call or a general meeting. It's a community forum to discuss the merit of this petition. And that at that point, the ICANN Org, the Board and decisional participants may exchange views and questions to discuss the petition, the substance itself.

OLGA CAVALLI: I have a question from Juan Manuel. He's asking, 21 days legally or calendar days?

ARIEL LIANG: Yeah, it's calendar days. So as you can see, basically, there's a very short duration for each period to complete its action. And so that's why we need to develop some guidelines to make sure those actions can be carried through in expeditious manner. Because in the bylaw, these are calendar days, not business days, and it's a short period of time to complete each of the steps. Good question. So yeah, thank you.

And then the third step is the comment period, it's optional. So following the community forum period, to discuss this petition of the SO AC director removal, then there may be additional comment period of seven days for the community to exchange views on this matter.

And then we'll go to the decision period, is 21 days for the decisional participants to decide whether they support or object to the petition. But in fact, it's really for the decisional participants that appointed the Board director. So if it's a removal of a GNSO director, then it's for the GNSO Council to make that decision. It's not really for the other groups to make that decision. And then after that will be a notice period of the final determination by that decisional participant on this petition of director removal.

So this is in a general picture how SO AC director removal works. Then there's another Nominating Committee director removal procedure. And I won't go into very detail because it looks very

similar to the SO AC director removal. But there are two key differences. One is that for a removal process to go through, so basically to remove that Nominating Committee director, it needs at least two decisional participants' support to do that. That's one. And then the other one is that an individual can submit a petition to any decisional participant as seeking to remove a Board director selected by the NomCom. So it's not restricted to certain decisional participants to process that petition itself. It can be to any of the five. That's the second difference.

Actually, there's a third difference, is that because it needs at least two decisional participant to support the removal in order to remove a NomCom appointed director, it means that all the decisional participants need to make a determination whether they support the petition at all, even it wasn't submitted to them to process to begin with. So that's just some of the differences compared to the SO AC director removal. I see Manju has her hand up.

MANJU CHEN:

Thank you. I have a question. So if anyone wants to remove a Board member, they can submit this petition to the decisional party. And you say that the decisional party will decide if they support this position. And like what is this—for example, if it's GNSO, is it like we have to go to all the stakeholder groups, constituencies to have them support so we have the support from GNSO? Or is it for the Council to decide? And for the ASO, then it's totally different case. Is it that they have to go to APNIC, AFRINIC, or the ASO Council can decide if they support the

petition? Or I mean, if it's so complicated, can you just point me to where I can find like the details of how this works? Thanks.

ARIEL LIANG:

Thank you, Manju. That's a great question as well. It actually kind of ties into the role of the empowered community administration, because that's the body that gets all five decisional participants organized in the event those powers are triggered.

So for example, if the GNSO supports the petition, and I think it should go through the escalation process, then it will send a notification to the empowered community administration to inform the other empowered decisional participants, and then they will start their process of evaluating the petition itself, they will discuss among themselves whether they want to support the further escalation of that petition, and it's really based on their internal procedures and guidelines. And it's not something GNSO could dictate how they do, but in the bylaws, they do have a certain period of time for them to decide whether they support a petition or not, which is seven days according to the bylaws. And then after they each make decision on whether they want to support the petition or not, they'll go to the community forum to further discuss it, and then make decisions by each of the decisional participant. So basically, the empowered community administration plays a key role of coordinating and communicating all these key messages and information so that all the decisions on participants can act in a short period of time, which is mandated by law. Manju has her hand up again.

MANJU CHEN: Yeah, sorry. Maybe I wasn't clear. I was actually wondering how does GNSO decide if they will support this petition? So is it for the Council to decide, or is it like, all stakeholder groups have to all support this petition so that GNSO can say, "Oh, we support this?" And what's the case for other supporting organizations and ACs?

ARIEL LIANG: Yeah, so actually, it goes to the next set of slides about the Council guidelines, or guidance regarding Board director removal, the procedure, how the GNSO is going to make decision on that petition. So perhaps I can provide some detail here. But in general, at the high level, it is for the Council to vote on whether they decide to support the petition or not.

But to reach that decision, the Council will need to inform the entire GNSO community about that petition, and then seek input and feedback from each of the stakeholder group and constituency. And then with that input, the Councilors will vote on the petition. And then there's a certain bylaw voting threshold that need to be met in order for the decision to carry through. And so yeah, that's in general how that works. But I will provide more detail about this in the next few slides.

So now, that's a great segue to this GNSO Council drafting team. They devoted their effort to develop those guidelines and motion templates that will help prepare the Council when empowered community power is triggered.

So as a background, this drafting team was established by the Council in June 2016. They have two main tasks. The first one is

to develop recommendations for any necessary updates to the GNSO operating procedures, or possibly the ICANN bylaws, as they relate to The GNSO arising as a result of the bylaw, update post IANA stewardship transition. So that's the first task.

And then the second task is they proposed guidance to carry out GNSO's responsibility as a decisional participant in the empowered community. Because in ICANN bylaws, there are requirements for you know, these different petition period, community forum, decisional period, they have these dates put into place. And then there's also voting thresholds put into place, but how they carry out the specific details is really left to each of the decisional participant to determine. There's no specific guidance. So that's why the drafting team come into play to develop propose a proposed guidance to carry out these responsibilities.

So for the drafting team, it's a small team, but it consists of representatives from the Registries Stakeholder Group, the Noncommercial Stakeholder Group, the IPC, BC and ISPCP. So there are representatives from GNSO stakeholder groups and constituencies. And then at that time, the chair, Heather Forrest, she chaired this drafting team to develop these guidelines.

And then the outcome of this drafting team's effort is that in November 2019, it has developed a set of guidelines and motion templates. And they're currently published on the GNSO website. And I will put that in the chat when I get a moment. So in those guidelines and templates, there includes guidance related to the removal process of GNSO appointed director and NomCom appointed director. So there are two separate documents mainly

about these two topics. And because the process they developed fall within the existing GNSO processes and procedures, there's no need to update the GNSO operating procedure. So just want to let you know that as the outcome of this effort, the operating procedure of the GNSO wasn't updated. But there are a set of these documents and guidance that were developed and published in order to provide guidance for the GNSO to carry out its responsibility as decisional participant. Is there any additional comment, questions at this point?

OLGA CAVALLI:

Let me check the chat. Marika has shared the link to the guidelines and templates that help the GNSO fulfill its role and obligation as decisional participant. Great, thank you, Marika.

ARIEL LIANG:

Okay, great. Thank you. Thank you so much, Marika, for a pasting that in the chat. So just to give you a little bit more detail about the Council guidance for removing a GNSO appointed Board director. In general, there are six steps and then the guidance addresses how those steps are carried through.

Step one is for an individual to submit a petition to the GNSO Council and proposing to remove a Board director appointed by the Council. So in the guidance, it includes what current criteria needs to be met in the petition and what are the administrative steps for the Council to check the completeness of the petition and then also how the Council is going to decide, yes, this petition is valid and should go to the next step. So the guidance provides

the details to address how the petition is going to be made and processed by the Council.

And then the second step is for the director in question, the Petitioner, the ICANN Board Chair or wise chair, if appropriate, as well as the GNSO representative on the EC administration to have a dialogue. So the dialogue is mainly to further investigate the issue to understand the merit of the petition and then see whether the issue can be resolved or it needs to further escalate. So that's step two.

And then step three is for the GNSO community to provide a feedback on the petition. So that ties to what Manju asked, is that every stakeholder group and constituency will have opportunity to provide input for the petition. They have a certain period of time to review the petition and then submit it to the Council. So in the guideline, it provides detail how that is done.

Step four is for the Council to decide whether it accepts or rejects the petition. So it's not a final decision whether it supports removal of the Board director yet, it's really just to confirm its acceptance or rejection to the petition itself. And there is a voting threshold that's mandated in the bylaw. It requires at least three fourths of the GNSO house that appointed the [affected] director in order to escalate to the next step.

And next step is step five, which is for the GNSO community to provide feedback before and after the community forum on the director removals. So there will be a community forum being carried out to discuss this petition itself. But before and after the forum, there's also a period of time for the wider GNSO

community to provide feedback on this matter. Desiree, you have your hand up.

DESIREE MILOSHEVIC: Thank you, Ariel. The question I have is whether this GNSO Council guidance process also fits into the calendar timescale you showed us earlier, the 21—not calendar days but workdays.

ARIEL LIANG: Yeah, thank you Desiree. Yeah, actually, it is calendar days, all these days that I mentioned in the previous slide are calendar days. And in the guidelines for the GNSO Council, there's a detailed timetable to show by which day the latest certain action is to complete. And it's all based on the mandated periods in the bylaws. And when we have a chance to look at the guidelines in detail, I will show you where the timetable is. So as a general impression, all these actions need to be kind of taken place in a very expeditious manner. In the bylaw, there's not much time to begin with anyway. But yes, for the guideline, we have a very detailed timetable for certain action to complete.

DESIREE MILOSHEVIC: One more question, if I may. Is there an obligation on the part of the GNSO Council to also report that there has not been any issues reported or investigation triggered on an annual basis? Or is that done? Because I recall at the ccNSO, we have to provide a report that there is no such instigation that has been started. So I wonder if that is similar, kind of a process. You might not know because it's different. But I thought I'll ask.

ARIEL LIANG: I see that Marika had something in the chat. Specific provisioning the GNSO operating procedure to waive—Okay. GNSO timeline. Okay, so that's related to a previous question. But regarding the reporting obligation, I think it really depends on each of the decisional participants how they wish to do that. As far as I know, there's no obligation for the Council to generate a report to say they didn't act on any of the empowered community power when it's triggered or they did.

I don't think there's a requirement in operating procedure to do that. But as general, the EC administration, that's the body that needs to keep track of these actions and what's each decisional participant's determination regarding those actions. So they should serve as the central body to keep the report up to date. So I think, based on my understanding, there's no obligation for the Council to develop that report, but then on the EC administration's side, they may have some kind of report they need to do as the central administrative body for that. Hopefully that answer your question.

DESIREE MILOSHEVIC: It does.

ARIEL LIANG: Okay, Thank you. Okay, so let's just go to the final step for this process, is for the Council to decide the level of support to remove GNSO appointed Board director. So, again, for this particular action, that really concerns only the decisional participant, that

organization appointed the director. So it's not for other groups to have a say in this matter.

And then for the voting threshold for the final step is it requires affirmative votes of at least three fourths of the Council and at least three fourths of the house that appointed that director in order to remove that director. So the guidance provides details regarding each of the steps, how it should be done, how fast it should be done, the specific considerations, that's all included in the guidance. So that's for the first procedure.

And then the second one is the removal of NomCom appointed director. And I won't go into detail here, because it looks very much similar to the previous one that I mentioned before. But then there are some key differences that just want to re-emphasize is that the voting threshold is quite different compared to removal of a GNSO appointed director. So to remove a NomCom-appointed director for accepting the petition itself, so in step four, the voting threshold is GNSO Council supermajority. And that means can be two thirds of the Council members of each house or three fourths of the Council member of one house and a majority of the Council member of the other house. So step four, this voting threshold is supermajority of GNSO Council.

And then step six, the final decision whether to support, object or abstain from that removal decision, is also GNSO Council's supermajority. So these are quite different from the SO AC director removal procedure.

And then another key difference, again, is that if someone submits a petition to the GNSO Council to propose to remove a

NomCom-appointed director, the GNSO will need at least two other decisional participants to escalate the petition to the next step. So it cannot just be GNSO supported and that's it. No, we need three total decisional participants to support that decision in order to escalate to next step.

So these are some of the key differences. And in the guidance, it provides detail how the GNSO is going to seek support from other decisional participants, and what are the time that appears that need to be taking into consideration. So we will have an opportunity to review this when we go through the recommendations themselves.

And I think this is basically the background of the empowered community and the specific power for removing Board directors. I will stop here before we go to the detail of the Work Stream 2 recommendation related to this subject. And I'll just pause for a moment and see whether there's any additional comments, questions or things that may be confusing for members to digest. And I'm happy to further clarify. And I understand it's a lot of information. So it may be a little bit hard to comprehend all these things in just one short presentation.

OLGA CAVALLI:

Thank you, Ariel. I'm checking the chat, I don't see new questions or comments. Thank you. It's nice to remind all the processes. It's curious that it's so many years ago. I feel it like not so far away in time. But yes, you're right. It has been some years ago. Any comments, questions? I think your explanation has been very

detailed and very clear. I see no further comments in the chat. I see no hands up. So yeah, let's move on.

ARIEL LIANG:

Okay. I hope that's a sign that folks understand the process. It took me a while to understand myself when I helped the drafting team to develop this guidance, but once you get the basics of these steps, they become clearer. So hopefully it will make sense when we talk about the Work Stream 2 recommendations related to this.

So now we are going to talk about the recommendation itself, recommendation 2.1. That is specifically related to the petition for removing the Board director. So, if you recall in a previous slide, is related to step one, when someone submits a petition to one of the decisional participants, what should we expect? And the recommendation has two parts.

So, 2.1.1, it may be for any reason, but what that means is that the petition can be for any reason the petitioner believes that that director needs to be removed, so it's not restricted to any reasons. So that's what the Work Stream 2 recommendation says. It may be for any reason, such petition can be submitted to propose the removal of ICANN Board director.

And then 2.1.2, the second part of this recommendation, it has several bullet points. Must be believed by the indemnified party to be true, be in writing, contain sufficient detail to verify facts. If verifiable facts are asserted, supply supporting, if available and applicable, including references to applicable bylaws and or

procedures if the assertion is that a specific bylaw or procedure has been breached, be respectful and professional in tone.

So what this recommendation says is it's basically the criteria for that petition must meet all these requirements. So the petitioner needs to believe this is true, what they're saying, this director was doing is violating or breaching certain things. And then it needs to be a written petition and contain sufficient details and facts and supporting materials and also references to applicable bylaw procedures, and also need to be respectful. So this is all about the content of the petition and the criteria that must be met in order to regard it as a valid petition and accepted by the relevant decisional participant and escalate to the next step.

So the Work Stream 2 recommendation provides all these additional recommendations and mandatory requirements for the criteria of the petition. So that's what it's about. And just want to check whether there's any, okay, no other questions come in at this point.

So now we can move on to the staff assessment of the recommendation 2.1.2. It's regarding the petition can be for any reason. So it can be any reason the petitioner that propose the removal of a Board director, and what we believe is this recommendation has been completed by the GNSO Council, because in the guide guidance for Board director removal, there is no restrictive language anywhere to say that such petition must be for specific reason. So in other words, it implies that the petition for removal can be for any reason. And the specific section we checked is section 4.2.2 in the NomCom director removal process for the GNSO guidance.

So I probably won't read everything here. But you can see that there are some requirements for the petition that needs to be met, you need to have the name and affiliation of the Petitioner and then you need to have the name and a term of the director that petitioner wishes to remove and seeks to remove. And then the rationale the petition seeks to remove that director and also, there's a confirmation that that director is not previously subjected to another Board director removal petition, so there's no overlapping process.

So these are the four requirements or criteria for or the board director removal of Nominating Committee appointed director. And then that's in the GNSO guidance. And as you see, there is no restricted language to say must be for any reason.

And then similarly, for the SO AC director removal procedure guidance for the GNSO, it's very much the same criteria, is you just need to have the name, affiliation of the Petitioner, the name and term of the director, the rationale for removal and also confirmation there's no overlapping procedure happening at the same time or happened previously.

So these are the criteria. And after checking that, we believe that recommendation 2.1.1 has been completed. Olga, I see your hand up.

OLGA CAVALLI:

Yeah, there's a question from Desiree in the chat. Is a copy of Ariel's presentation available?

ARIEL LIANG: We'll put that in the wiki. Oh, Marika already did. And yes, this is the Google slides. And we can also export that into a PDF and post that on the wiki. Thank you. Okay, so should we stop here for a moment and see whether there's any reactions from members and see whether they agree with the staff assessment that 2.1.1 has been completed?

OLGA CAVALLI: Okay, so staff assessment says there is no restrictive language anywhere in the guidelines to say that such petitions must be for specific reasons. Implying that the petitions for removal may be for any reason. Any comments to that, reactions? Let me check the chat. Marika, your hand is up. I'm trying to check the chat but I cannot see it now. I don't know what I missed.

MARIKA KONINGS: I don't think there's anything further in the chat. I just want to confirm I'm not seeing anyone raise their hands or speaking up. Can we interpret that as the group agreeing with the staff assessment so we can mark this as complete? Just making sure that I have that correct in the notes.

OLGA CAVALLI: Desiree agrees with staff assessment. Any other comments? Antonia agrees. Any reactions, comments? I cannot see the chat. I see only if it pops up. I don't know what is missing in my screen.

MARIKA KONINGS: There doesn't seem to be any disagreement. So maybe we can move on to the next.

OLGA CAVALLI: Sorry, I'm trying to fix my computer. Something happened. Okay, yes, now I can see the chat. Okay. "Yes, [me too,] agree with staff." Okay. We will take silence from other members as agreements. Yes. Let's go on.

ARIEL LIANG: Thank you, Olga and everybody. So now moving on to 2.1.2, so that's the recommendation regarding the criteria for the petition. That's the things I just mentioned, need to be in writing and believed to be true, etc. So if we look at the GNSO Council guidance for the criteria for the petition, so for both the Nominating Committee, appointed director, removal and GNSO appointed director removal.

The language, the starting language of the petition criteria is that the petition shall include at least the following. So that's the key language I've already mentioned. And then as mentioned previously, there's only four very kind of basic requirements in the guidance for the removal petition, just names and rationale and confirmation of no overlapping procedure or those things. And there's definitely not the same level of detail that was written in the Work Stream 2 recommendation 2.1.2.

So [in those words,] this recommendation is not yet completed by the GNSO Council. But something we want to kind of circulate with the group to try to discuss is that we believe there's

implementation already planned for the recommendation 2.1.2, and I will give you some of the rationale why we believe that implementation is being planned for this specific recommendation, even though there's no such same level of detail in the partition criteria in the guidance.

So first, the guidance is not in conflict with the recommendation 2.1.2, because, as we saw earlier, it says shall include at least the following. That's the key kind of overarching statement, is that that statement offers wide discretion for inclusion of any other requirements, criteria or material to be provided by the petition. And also, there's no restrictive language to say that additional requirements are prohibited for submission to the GNSO Council.

So in that word, nothing prevents the petitioner to satisfy the Work Stream 2 requirements by including the level of detail in mandate for the petition itself. So, first, the guidance is not in conflict with the Work Stream 2 recommendation.

But because the Work Stream 2 recommendation is mandatory and all the requirements or criteria for the petition is mandated, that means we do need to draw specific and explicit attention to these additional mandatory requirements outlined in the Work Stream 2 recommendation.

And there are some key information the group probably should be aware of. First is that when the Council approved this guidance, it has an action to make sure this guidance is reviewed in a regular manner. So that means if empowered community power was triggered, and then the guidance come into play to provide those assistance or help guide how the GNSO act on that power, then

after the completion of that power, that means the GNSO need to review the guidelines that's relevant to that particular action. So there's a requirement for reviewing the guideline, after a power or the relevant action related to the power has been completed.

And then also, another requirement is to review the guidelines on an annual basis if no action is initiated. So by far, I don't think there was active process for the GNSO Council to review the guidelines on an annual basis yet, but I think maybe it's something that can be done for the future. And also perhaps something the CCOICI could think about, how to conduct that process for reviewing those guidelines and propose the necessary update in the future.

So then, as a result of the review, the Council will have an opportunity to update those guidance, if needed. And if, for example, for the removal petition related guidance, if we want to include the Work Stream 2 recommendations in that, it can be done after the review of those guidelines.

So that's why we think there's implementation already planned, because the Council already has the expectation for reviewing, updating those guidelines in the future to include additional requirements, if necessary. So I will stop here for a moment. And also, we're only two minutes to the top of the hour. I don't know whether we have time to talk about the next part.

OLGA CAVALLI:

Thank you, Ariel. Any comments, reactions? Philippe says, for clarification, those two options don't seem to be mutually

exclusive, are they? Let me check all the comments. Council may consider one or both, one and two, can be done?

ARIEL LIANG:

Philippe is going pretty fast and he is going to the solution part, how to get this completed. And there are some staff suggestions for that. So there are two options. They are definitely not mutually exclusive, but I think the CCOICI may consider whether you prefer option one or option two or you want to do both. They're on the table, and also, there may be additional options that's not suggested by staff. And if you think of any other way to complete this, you're welcome to propose that idea as well.

OLGA CAVALLI:

Thank you, Ariel. Marika, your hand is up.

MARIKA KONINGS:

Yeah, I just was going to suggest, as we're kind of out of time here, that this is probably a good moment indeed. And Ariel helpfully just introduced two options to give those as homework to the group, to think about these two options, as well as the designation for this recommendation so that hopefully, we can start there for the next meeting.

And as Ariel noted as well, these are just two suggestions. There may be other options. So if there are other approaches that the group thinks are worth recommending to the Council, of course, feel free to suggest those as well. But we hope that at least for the next meeting, you can come prepared to kind of indicate what you

think is the best way to move forward on implementing this recommendation.

OLGA CAVALLI:

Thank you, Marika. You read my mind, I was going to suggest the same. Okay, I think we have homework to do. We have to review this, or for those reviewing the recording and the documents—all these links are shared in the agenda. Am I correct? Thank you, Thomas.

So let's have this in mind. Let's review all the documentation. It's a lot of information. But I think Ariel has been very good in explaining it and making it simpler than what it looks, and also, the slides are very helpful. So thank you very much for that. And let's have this in mind and let's review, and in two weeks, once we meet again. And we will be sending agenda and other links through the email to our group.

Okay. Any final comments? Many thanks to Ariel. Also from myself, thank you very much. Very clear work. Thank you, Marika. Thank you, Nathalie. Thank you, everyone, for joining, and have a nice rest of the day and a nice weekend in two days. Bye.

NATHALIE PEREGRINE:

Thank you all for joining. This concludes today's call. Have an excellent rest of your days and evenings. Take care, everybody. Bye.

[END OF TRANSCRIPTION]