

**DRAFT MINUTES OF THE APPEAL COMMITTEE HELD ON TUESDAY 26 FEBRUARY 2018
AT 14:11 UTC VIA ONLINE CONFERENCING SYSTEM**

Present:

Mrs Wafa Dahmani (WD)
Dr Paulos Nyirenda (PN)
Mr Adam Nelson (AN)
Mr Lala Andriamampianina (LA)

Member - Chairperson
Member
Member
Member

Apologies:

Mr Ayitey Bulley (AB)

Member

AGENDA

1. Approval of last minutes
2. Opinion and comments of appeal committee members on the draft report
3. Final opinion of appeal committee on the Appeal
4. Adjournment

BUSINESS OF THE DAY

1. Approval of last minutes

The Committee approved the following last minutes of the Appeal Committee;

- (i) dated 13 February 2018 – approved with amendments
- (ii) dated 16 February 2018 – approved as presented by the Secretariat
- (iii) dated 20 February 2018 – approved as presented by the Secretariat

The Committee agreed to publish the minutes under the Appeal Committee webpage after the completion of the report.

2. Opinion and comments of appeal committee members on the draft report

The Committee reviewed and edited the draft report on the Appeal as circulated by PD.

With regards to Section XI of the report on the assessment of the Committee, the Chairperson asked if there is majority agreement within the Committee to the term <considerable opposition> and the paragraph as presented in the report. WD stated that she disagrees with the rational that is being made and that she explained her point of view during the second call and mail exchanges assuming that the PDP was followed and the Co-Chairs had made their work according to the PDP, they are

responsible for declaring consensus and they made their report after the last call and addressed the issue raised. The majority of the Appeal Committee have a different view and the decision will be made following the majority. She pointed out that there are different opinions of the members on the assessment, the different views were shared and discussed on the mailing list. The assessment of the Committee as reported in Section XI, is being recorded following opinions of the majority.

The Committee also debated on whether they should include in the report their recommendations and sections that are not clear within the PDP and the ToR. For instance, it is not clear for the Committee whether determining consensus is in its mandate or in breach of their functions, and also whether the last call is a period for opposition or discussion

WD proposed to change the final assessment to recommendations.

PN was of the view that the Appeal Committee is required to make a decision and not a recommendation. And the decision of the Committee is final. WD was of the opinion that it should be recommendation and not decision. AN was of the view that the Appeal Committee makes the recommendation to the Board and the Board take the decision. AN's opinion was that the final report to be sent to the Board of Directors, it is up to the Board and WG to decide on the interpretation. The final report to be sent to the Board of Directors and they decide if the Committee is directing or commanding then.

The Committee considered Section 3.5 of the PDP *<The Appeal Committee shall issue a report on its review of the complaint to the Working Group. The Appeal Committee may direct that the Chair (s) decision be annulled if the Policy Development Process has not been followed>*

It is not sure whether that the Committee made the recommendations to the Co-Chairs or the Chair of the Board.

The Committee agreed to publish the Section XII as drafted.

3. Final opinion of appeal committee on the Appeal

Section XIII – Conclusion deferred to discussion on the mailing list.

4. Adjournment

Next meeting scheduled for Friday 2 March 2018 at 14:00 UTC.

Meeting adjourned at 15:17 UTC.