Zoom Chat Transcript
IRP-IOT Meeting #46 -- 16 May 2019

20:43:56   From Brenda Brewer : Good day and welcome to IRP-IOT Meeting #46 on 16 May 2091 @ 19:00 UTC. The meeting is recorded. Please state your name before speaking. Kindly mute your audio when not speaking. Thank you!

20:57:19   From Bernard Turcotte : hello all

20:59:49   From David McAuley : Hello all

21:00:17   From David McAuley : I'll speak up at top of hour but we will probably need a few minutes to gather

21:00:50   From David McAuley : was i heard

21:01:02   From malcolm : Yes

21:01:25   From David McAuley : thanks Malcolm

21:01:53   From Robin Gross : Hi folks, my other appt. for now was canceled, so I am now able to attend this call, dispute my previous "apologies".

21:05:01   From Bernard Turcotte : Excellent

21:11:51   From Bernard Turcotte : Chris audio was muddled to me also

21:13:41   From avri doria : well speaking would not be abrogated in any case, would it?

21:15:10   From Bernard Turcotte : 'That was my understanding

21:15:34   From avri doria : so no special challenge on someone speaking, i assume

21:18:28   From Bernard Turcotte : The only Action Item from 13 December 2018 meeting of the IOT was - •   DM to draft a note to SOACs regarding issue of ICANN membership in the IOT and requesting more members be appointed for review by the IOT.

21:18:37   From Chris Disspain : yes, I do

21:18:41   From Chris Disspain : Yes it is

21:18:49   From Robin Gross : what does the transcript say, though?

21:19:57   From avri doria : i personally wish we could just get on with the actual work - this whole controversy constitutues moving backwards in my opinion.

21:24:45   From avri doria : so we have a letter with 2 questions, do we send 1 question or two.

21:25:32   From avri doria : basically we need to get out of this deadly embrace

21:26:21   From elizabeth.le : A request for volunteers to join the IOT was published openly and transparently in the ICANN community leadership digest to all the SO and AC leadership.

21:26:36   From avri doria : good

21:27:29   From elizabeth.le : Published in the digest beginning 4 April 2019

21:28:11   From avri doria : i have heard chatter of people looking for IOT volunteers in various groups.

21:30:32   From malcolm : "Compromised of members of the global Internet community"

21:30:48   From Chris Disspain : and ICANN is such Malcolm

21:31:05   From Bernard Turcotte : Time check - 30 minutes left in call

21:31:28   From Chris Disspain : I will drop off the call shortly…

21:31:39   From avri doria : and even Staff members are part of the global Internet community

21:31:49   From avri doria : i have to drop off right before the hour.

21:31:51   From Chris Disspain : Exactly avri

21:32:06   From malcolm : If you reinterpret language referring to community to mean ICANN staff you basically denude ICANN as a whole of the entire multi stakeholder model and turn it into just another corporation

21:32:48   From avri doria : not to mean but to include

21:33:19   From Chris Disspain : I am at a loss to understand why there would be an issue with ICANN participation on a full basis unless of course there is a concern that they won't agree with a particular view and so should be removed to remove their disagreement. That would be having in a big way were it the case

21:33:45   From Chris Disspain : hat would be *gaming* in a big way were it the case

21:33:50   From avri doria : i personally do not care which letter is sent out.

21:35:07   From malcolm : Chris, if you are genuinely unclear as to my reasoning, I think it best to direct you to my more considered message to the mailing list, where I set it out in more detail than I can do here

21:35:48   From bburr : agree, I don't think there is gaming going on. I do not know what Goran may have said, but the bylaws make clear that this Team is constituted by ICANN albeit in consultation to the SOs and ACs.

21:37:30   From malcolm : Becky, "What Goran said" was his reply to my question in the open forum in Barcelona, when I asked if it were normal for ICANN staff to act as full decisional participants in ICANN community entities, and he said very clearly that ICANN staff are not to be considered as community members but as participating only in a supporting capacity

21:37:57   From malcolm : My proposal on re-classifying staff is only giving effect to that answer

21:38:10   From Robin Gross : The interests of ICANN org and the community are quite different. ICANN org is here to serve the community - that is a critical difference.

21:39:12   From bburr : How could the board of directors agree to have no say in the rules for IRPs?

21:39:22   From malcolm : I'm not asking for THAT!

21:39:46   From Robin Gross : The board has the VOTE to enact it or now. They are not powerless.

21:39:50   From malcolm : 1. This report goes to the Board for approval. 2. ICANN Legal can still advise the Board separately when that matter is before them

21:41:08   From bburr : it doesn't say global multistakeholder community

21:41:19   From malcolm : But the Board decision should be on the report of a community group, as specified in the bylaws. Not on the basis of a report pre-vetoed with ICANN Legal: that's not what the bylaws state this process should be

21:41:52   From avri doria : in what way did a particpant have a veot. simply by disagreeing?

21:42:48   From malcolm : @Avri Well, that is the experience we are have. Whenever we take a decision, instead of executing it, if ICANN Legal disagree we just re-open it endlessly.

21:43:01   From Greg Shatan : I think the lack of participants/participation has been the biggest drag on our ability to get things done.

21:44:01   From Greg Shatan : Hindsight being 20/20, we should have dealt with that on its own, back in December.

21:44:59   From Bernard Turcotte : New Wiki link for the IOT is https://community.icann.org/display/IRPIOTI/Independent+Review+Process+-+Implementation+Oversight+Team+%28IRP-IOT%29+Home

21:46:22   From bburr : ICANN established the IRP IOT in consultation with the SOs and ACs.

21:46:30   From bburr : ICANN shall establish

21:46:44   From bburr : Not the SOs and ACs shall establish

21:47:13   From bburr : that's clearly correct

21:48:21   From Robin Gross : This *was* established in consultation with SO and ACs and I *was* appointed by NCSG. So it isn't like we never did this before and the structure needs to be re-structured to add ICANN org.

21:49:07   From bburr : I don't think that's accurate Robin - you were identified by the NCSG, ICANN did accept all recommendations of the SOs and ACs.

21:49:25   From Bernard Turcotte : time check 10 minutes left in call

21:50:05   From Robin Gross : Is it the org's position that this IOT hasn't yet been constituted? That we don't yet exist?

21:50:15   From bburr : But ICANN clearly could have raised an objection to an SO/AC recommendation and ICANN clearly can include people who are part of the global internet community but not recommended by and SO/AC

21:50:38   From bburr : No, Robin. That's not what I am saying.

21:51:12   From bburr : The IRP IOT was established. It has now lost the participation of many of the members, and needs to be reconstituted.

21:51:50   From malcolm : @Becky Let's cut to the chase. Is the Board insisting on a right to approve the nominations made by SOAC Chairs? If not, this whole discussion is moot.

21:51:51   From Robin Gross : But the proposal is to add ICANN org as an equal participant of community members - that is quite a big change.

21:52:50   From bburr : I am a board member, not the board. I would argue that ICANN could reject an SO/AC nomination for cause, yes.

21:53:35   From bburr : There is no suggestion that any recommendation would not be approved, and in the original instance ICANN accepted all of the SO AC candidates

21:54:11   From avri doria : yes good team. must drop of now. bye and good luck.

21:54:47   From bburr : Robin, I am having a hard time understanding why it is inappropriate to have someone from ICANN org participating as a full participant.

21:54:49   From malcolm : OK, for the sake of compromise, could we agree on writing to the SOAC Chairs for nominees, and then afterwards ICANN Board only vetoes with a reasoned statement of cause?

21:55:06   From Robin Gross : I agree Malcolm and David should write to the SO/AC leaders.

21:55:15   From Robin Gross : rather come up with the draft

21:55:17   From bburr : That is not to say that they win in every case, but Org should have a full seat at the table.

21:56:10   From Robin Gross : ICANN has 100% control to approve or not - that is the control built int the bylaws for the org. The community's role is the bottom-up participation process.

21:57:23   From bburr : this Team is a team constituted by ICANN in accordance with the bylaws. That distinguishes it from SOs and ACs, which are not constituted by ICANN

21:57:32   From Robin Gross : Not good for ICANN org to usurp the role of the bottom-up community process (unless I get to start voting on the board ;-)

21:58:14   From Robin Gross : The GNSO and most groups are in the bylaws.

21:58:22   From malcolm : Huh? I really struggle to understand how an ICANN SO is not constituted by ICANN. It's a creature of the bylaws. But let's leave that for another day.

21:58:34   From Bernard Turcotte : Bye all

21:58:35   From bburr : The board cannot abdicate its fiduciary obligations with respect to the rules for the IRP.

21:58:43   From malcolm : Nobody is asking it to

21:58:47   From Robin Gross : That's what the vote at the end is for