

ICANN

**Moderator: Brenda Brewer
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1:00 pm CT**

Jordan Carter: Thank you. Hi, everyone. Good morning, afternoon and evening wherever you are. It's the Meeting Number 29 of Work Party 1 of the CCWG on Enhancing ICANN Accountability, 30th of October, 2015 at 1800 UTC, 7:00 am on Saturday here in Wellington.

I hope you can hear me. I'm on the voice call. And we've got a reasonably straightforward agenda today where the main item, as far as I'm aware, is the decision making question and two papers were circulated for you to look at, the Dublin approach working paper, and the public comment analysis section that looked at the model.

We've got a holding item for any other work that's required. I have to confess I've been in catch-up mode after Dublin this week and I don't have a huge list but it may be that staff or the rest of you do. And then we'll have an any other business item for any other items that come to your mind during the call. If that agenda is all right we'll kick off. But if anyone has any other agenda items now is the time to flag them.

Sorry about the lateness off the start, I had a technology issue to do with Flash that's why we're a couple of minutes late. Are there any other items to add to the agenda? Don't see a rush of hands. Pretty small call this morning but we will carry on.

So the decision making of the community mechanism I'll remind you how we got to where we got to. There was a small group that met in Dublin and did some work on this and it was kind of discussed around the fringes of the meeting. And since this the first time WP 1 as a group has considered the paper. What I tried to do in this Dublin approach paper is just consolidate the discussion that I'd heard about the decision making model.

And I note the comments from Kavouss about the decision making stuff. Yes, Kavouss, I got your comments. Didn't have time to incorporate them. They should be incorporated.

But what I was trying to do with this paper was just write down what I'd heard in the Dublin meeting. And so far no one has said it's a gross misrepresentation of it, which is helpful. Sorry, Steve, I see a hand there. What can we help you with?

Steve DelBianco: I'll back you up. This is Steve DelBianco. I was reluctantly handed the pen when we stepped outside on Saturday morning in Dublin, stepped outside the hall for a very short breakout session to see if we could come up with a decision making model that was an alternative to the notion of simple thresholds for voting. And so I thought I would just share briefly our group tried to come up with an indication of support in the absence of objections.

And it was done because we were driving ourselves away from a simple threshold of voting meaning that 2/3 or 3/4 was enough despite the objections.

And move us closer to something that approaches the definition of consensus used by groups like the ccNSO where it's strong support in the absence of objection.

And with that in mind we did our best to come up with a multistep model that built gradual amounts of support until the ultimate exercise of a community power. Then point you would look for even stronger support in the absence of strongly held objections. And we also adhered to a decision rule that we were given in our terms of reference. And, Jordan, you'll remember this. It was that no one AC or SO should be able to block or veto the exercise of a community power and that's why in all cases it required more than one objection to block the exercise of a power.

And all of it presupposed that the exercise of power would be enforceable, although we didn't concern ourselves in the least with whether it was designator or member or IRP or anything else. This was only about the community expressing its preference on the exercise of a power and that's why we came back into the room thinking we had cut the Gordian knot here and moved away from simple super majority voting to something that more closely approximate the view of consensus.

So thanks, Jordan, I thought I just wanted to slot that in.

Jordan Carter: Thank you, Steve. That's a helpful explanation of what we've done. So the paper - what I tried to do with the paper was just distinguish what had changed, if you like, how this was different from what we put in our second draft proposal. And the three key differences, if you like, are set out in Paragraph 15 on the third page - third page of this paper so you might want to scroll down to have a look at that.

The - so if we look at kind of the substance of the model first and then the actual numbers later I think that's the way I've set out the questions and the agenda for us to answer. So we'll do those kind of three points that are raised in Paragraph 15, A, B and C.

And so - I think we need to deal with them each separately because I think its right to acknowledge that this is a relatively significant change to the decision making model compared with the second draft proposal. And we have to be - we have to acknowledge that it isn't a change that's in keeping with the public comments that we received on the model in some respects. Not say there weren't comments that were sort of indicating a preference for consensus then votes, but we didn't get a lot of feedback on that.

But we didn't get any feedback really that said we should have each SO and AC suggesting one point of view and we didn't get any feedback that pointed in the direction of each SO and AC having the same relative input. That was a move in the opposite direction from what the public comments had.

So the reason I highlighted those questions is I think we need to kind of validate that. And if we're going to make those changes in the third proposal draft we need to explain why we've made them. So that's just something to keep in mind.

So the kind of consensus approach having been developed what do people feel about that? I'll take a speaking list. Is there anyone who's radically opposed to that? You know, indications of consensus in the absence of strong objection as opposed to the simply straight up and down voting methodology we described last time. So if you've got a view on that question it's the first question I put in the agenda, Question A. And it's sort of that change that's identified in

Paragraph 15A of the community decision Dublin approach paper that's in the screen.

Robin, your hand is up. Please go ahead.

Robin Gross: Hi. This is Robin Gross. Can you hear me okay?

Jordan Carter: Yeah.

Robin Gross: Okay. So basically I'm not against calling it consensus, against calling it voting. I just want to make sure we understand what we're doing. We are - the main impact of this shift would basically be to change the relative weights in the decision making process of the SOs and the ACs in the opposite direction of that public comment called for.

So I'm...

((Crosstalk))

Jordan Carter: Robin, sorry.

Robin Gross: Yes.

Jordan Carter: Could I - may I interrupt you? Sorry. I know this is a bit particular of me but I would really, really like us to take these questions one at a time. And...

Robin Gross: I thought I was answering that question though. No?

Jordan Carter: No that's the third question. So that's about the relative influence. Is that right?

Robin Gross: But they're all related. I mean, it's really - they're all related.

((Crosstalk))

Robin Gross: It's the same set of arguments that's some issue that goes to each one of these questions.

Jordan Carter: Okay, carry on. Carry on. Sorry.

((Crosstalk))

Robin Gross: Okay. So again if we want to call it consensus, fine, let's call it consensus. But let's not design it in such a way that it alters the relative weight among the SOs and the ACs in the opposite direction of what public comment called for. So I'm not opposed to coming up with the mechanism to call - that wants to label itself consensus. But what I am against is changing the underlying value of the different - the relative value - the relative weights that the different SOs and ACs have in that system. I hope that makes sense.

Jordan Carter: Yeah, it does. Thank you, Robin.

Robin Gross: Okay.

Jordan Carter: The next speaker on the list is...

((Crosstalk))

Chris Disspain: Jordan, can Robin answer a question about - is it all right to ask Robin a question or do you want to wait in turn? I'm happy to wait, I just thought I'd ask.

Jordan Carter: Go ahead, let's be a bit fluid about this. Chris, I guess that's Chris Disspain speaking.

Chris Disspain: My question is simply - my question was simply - yes it is, sorry, it's Chris.

((Crosstalk))

Chris Disspain: My question was simply - I just want to be clear, how do you measure the weights? I just want to be clear. Are you talking about board seats? Or how were you measuring the weights?

Robin Gross: Yeah, in terms of today's model that is how I measure the weights. I think the - you know, the ultimate authority of the existing ICANN structure is the voting board of directors. And so I would take that as the basis and I would say, well, some of the ACs recognize that they don't want to participate so we'll take them out and let's look at who's remaining and see what is the relative weight between them. And I would try to develop a model that's based upon that structure because then we're not really changing the overall structure, the overall relative weights between the SOs and the ACs.

Jordan Carter: Okay thanks. Thanks for answering that question, Robin. Let's carry on with the speaking list as in the Adobe room. CW, Christopher Wilkinson perhaps?

Christopher Wilkinson: Can you hear me?

Jordan Carter: We can now, yes. However now not so much.

Christopher Wilkinson: Sorry for the hiatus. I think we're now on talk mode? Can you hear me?

Jordan Carter: Yes, you are. You are.

Christopher Wilkinson: Jordan, just two principle points. First of all I do not favor a voting model at all. I think there's a serious risk that since the advisory committees are weaker than the supporting organizations in terms of their organization, their ability to reach decisions, a voting model will lead to basically a supporting organization cartel. And since the dominance supporting organization is GNSO a voting model will be perceived outside the ICANN community as a cartel, as an interest group voting for its own interests. I do not accept that.

Regarding the distribution of votes I think that's academic. I'm not interested. I do not want a voting structure. And the - in so far as the discussion and even the public comments lean towards a particular solution I would not accept a solution which resulted in increasing the voting power or even in the consensus model the influence of the supporting organizations.

We have a big problem here that this whole process risks creating a structure which is too easy to capture by a few large corporations, a few companies in the supporting organizations and at the limit a few individuals. Please be very careful. No voting, a consensus system, which balances - strictly balances the public interest with the interest of the supporting organizations.

Jordan Carter: Thank you, Christopher. And the next person on the speaking list is Kavouss Arasteh. Kavouss, please go ahead.

Kavouss Arasteh: Yes, good day to all of you. I full agree with what was said by my previous colleagues that we should totally talk about consensus. We should not increase the power of SOs. We should always defer to the advisory committee as consensus against or in favor and for others using the same thing. We should distinguish (unintelligible) in the definition consensus against or consensus in favor and the weighting. We should maintain the weighting factor that we have before in our second draft and translate that into consensus and (unintelligible) as consensus again. And that is the way that we will enabling ACs to have the ability to participate in a consensus approach. Thank you.

Jordan Carter: Thank you, Kavouss, for that intervention. I just want to make a comment in response to the last few comments. I'm not hearing any objections so far to the kind of consensus rather than pure voting model. I'm hearing a bit of dissonance about the relative level of influence of SOs and ACs so the discussion might evolve in that direction.

Greg, your hand is the next one in the speaking list. If you've spoken please take your hand down, Christopher and Kavouss. Thanks. Greg, go ahead.

Greg Shatan: Thanks. Greg Shatan for the record. I still have trouble calling what we're talking about consensus. To my mind, consensus is a process and not merely a result. And it seems to me that operating this, you know, strictly at the SO AC level really isn't consensus, it's just a different form of nose counting, you know, especially when you have, you know, a group that is - an SO or AC that is multi-stakeholder within itself.

And thus effectively gives a voice only to the majority of those in that SO and takes away the voice of the minority with that SO not even heard by any other SO or AC except, you know, perhaps in the community forum. But it's not the - it's not a voice when it comes to actually reaching consensus. So, you know,

I think this is a bit of a mislabeling approach and, you know, so it's really a - it's a decisional result that really comes from, you know, yes or no which is no matter how you shape it really just voting.

And as far as relative weights goes, and participation, you know, one of the things that - there are a number of different ways to look at it and we've looked at it a number of different ways. But to my mind it's important to think about whether we're using the SOs and ACs as a kind of a simulation for the stakeholder community in which case at least RSAC and SSAC, which I acknowledge may not - well may well not be participating at all - are really expert committees.

You know, the GAC is a stakeholder organization. ALAC is a stakeholder organization but RSAC and SSAC, you know, exist to give advice from a basis of expertise. So even, you know, we're getting into a lot of mislabeling and the idea here ultimately should be to have - to give the community the ability to come to a consensus decision. And I just don't see us getting there yet. Thanks.

Jordan Carter: Thanks, Greg. And the next person on the speaking list is Chris Disspain. Chris, please go ahead. If you're speaking, Chris, I can't hear you.

Chris Disspain: It would help if I unmuted my microphone I suspect.

Jordan Carter: Yes, now we can hear you.

Chris Disspain: Is that better?

Jordan Carter: That helps.

Chris Disspain: Sorry. I was enjoying so much what I was saying as well. I've to a sort of smorgasbord of comments. First of all just to agree with Greg, I think it's clear that the RSAC and SSAC are expert advisory committees. I think the stance that the SSAC has taken, and I suspect that the RSAC will take the same stance; it's perfectly logical and sensible.

I do think we will need to come up with some way of dealing with advice that they give. It's not going to (unintelligible), the RSAC and the SSAC but there may come a time where there is - we're heading towards a consensus position and there's a security issue that they want to give advice on. It's certainly going to have to figure that out in respect to the GAC for the period of time that the GAC remains advisory, which may be forever for all we know.

To come back to the main points for me, consensus is a position that is reached by whatever method each SO and AC chooses. And then they deliver the position of that SO and that AC into the main mix. That's what I mean by - what I think take we mean by consensus in this discussion.

The alternative, it seems to me, is to have a situation where you (unintelligible) the votes up and I know that there are some in the GNSO that want this where you could end up with, you know, reaching a 66% majority, for example, of votes by having no consensus across a SO and AC but by just totaling up a series of votes across the four participating SOs and ACs. And I find that uncomfortable and I think its dangerous which is why I would rather - consensus is reached by whatever method within that SO and that AC.

And finally the point - the last I wanted to make was in respect to Robin's point about board structure and reducing the role of the At Large to what we'd expect to be our 50% what the SOs would have be it voting or counting towards consensus.

And I just want to make what I think is a very specific practical point which is if one does that then with a pool of four, which is what we currently have, if you ignore the GAC for the moment, that in effect means that you really do have the three SOs in effect in charge and it makes coming up with a methodology to figure out how to (unintelligible) the whole of the community that is participating has reached consensus almost impossible in my view. And I acknowledge that from a principle point it's a practical point.

Jordan Carter: Thank you, Chris. That was Chris Disspain for those who were not sure. My hand is up as a speaker. I just wanted to make a few points as a participant. One is that I agree with Chris - I share his definition of what consensus means within an SO and AC. And just wanted to reiterate that in our second draft proposal we had that decision making model (unintelligible) in the sense that all of the decisions were to be achieved through whatever internal process the SO or AC chose.

And so I think for some SOs and ACs it would have been the consensus that as Chris described. And even in this model I've been assuming all through that we wouldn't tell each SO and AC how to regulate their own internal processes, just that they had to come up with an answer in respect of how they explained to the community, if you like, what their view is. So whether they do that by voting in the GNSO Council or whether they do it by a consensus process it wouldn't be our place necessarily to say or to require but the changes that they would have to come up with and answer to the question.

The other point I was going to make was more about the relative influence. I don't think - given that this is the decision phase that follows the community forum, and given that we've all said that the dialogue and discussion in the community forum is really important, and given that we've said that that will

be the spot for all of the SOs and ACs whether they are participating in decision making or not to add their perspectives and given that that's the place where groups within an SO and AC who want to express a view can do so, then I think there's a bit of a view that there should be sort of the chance to make written statements and so on, that came through a bit in the decision making discussions we had in Dublin.

I think we just constantly in this process have to keep all of the steps in mind. So while there may not be a kind of fractionated vote in this approach I think it is reasonable to assert that there aren't any voices that are going to be silenced by it, it's just that in the decisional calculus that comes at the end of the process. And we have some indications of consensus or objection coming from each SO or AC that's participating.

I have a personal view that we need to be crisp and decisive about who the participants are. We did get feedback, I recall, in the public comments where people were not happy about the idea of some uncertainty about that, they weren't really happy about opting in or opting out. So I think we need to make our rule set for these one that does say either way the standing of each SO and AC to participate in offering their consensus view either in favor or against the exercise among these community powers.

So that's just (unintelligible) intervention as a participant so I'll put my rapporteur hat on and thank myself for my contribution and move us on to Sebastien. Sebastien, the floor is yours.

Sebastien Bachollet: Thank you very much, Jordan. I think that the question of voting versus consensus it's quite strange discussion in our organization because a lot of our (bodies) are just running their business by voting. And we say that okay we don't want to vote at the next step. I have no problem with consensus. My - in

general. My only concern is that we keep this organization siloed and we can just think about how a silo can say something. And I really think that the diversity must be one element to take into account.

For example, if I can take one example, maybe it will be a bad example but sorry about that. If the participant in each and every SO and ACs from one region have the same point of view it may be not be heard within each SO and AC but may be heard at a (unintelligible) level. Then I know that we will have to find a consensus for our work. But I just want to raise this issue to keep in mind that the world is not just organized with SO and ACs and when we want to have input point of view there may be other way to come into ICANN and into the (unintelligible) process. Thank you.

Jordan Carter: Thank you, Sebastien. So to recap on where we are at in the agenda because one person did just ask. I tried to persuade you all to discuss one question at a time and you're happily galloping across all three and that's fine. So we're discussing the three kind of first questions that I asked in the agenda.

And shortly I'll sort of ask kind of sense of the room - I think we can possibly risk using the ticks and crosses in the Adobe room because that's always fun and it's a way to let us see where everyone's head is at without everyone having to take time to talk, which is quite helpful, but it's not a vote to be clear.

And so I haven't heard from many people a sort of direct opposition to describing, you know, at 15A decision making model that's consensus rather than voting. I've heard in the chat a bit more discussion about the only one point of view. Robin had asked a question about where did this come from. The only thing I can say about where did that come from was the discussion in Dublin which I didn't participate in because I was lost in the morass of

designators and members. And so it may be that others on this call do want to talk about that question or, Robin, you may wish to raise it directly.

And the question of the equal say, if we kind of move the discussion onto those second and third questions I - my view is that we have to respect the express view of the SSAC that it doesn't want to be a decisional voice here. Not to suggest that we will pay good heed to their advice but it would be kind of rude, if nothing else, and impractical to say sorry, not interested in your preferences.

Anyway I'm sort of (wittingly) but I notice that there are no hands up so do people want to take any more discussion of these questions or would you like to show each other your ticks and crosses to just see where you're at and then maybe discuss it? I think we might try that. So if you used your Adobe room before you'll hopefully be aware of how you put your hand up, there's a little picture of a person with his hand up or her hand up. And the button is at the top of your screen.

And if you click the arrow beside it you get a little dropdown menu and you can raise your hand, you can agree with a green tick or you can disagree with a red cross. So in the absence of - and I know this isn't voting though it might look like it - in the absence of a kind of long queue I'd like to ask the question of whether people agree with a shift in our next report to describing this as a kind of consensus building model. So that's the question. Do you agree with describing the decisional mechanism as consensus rather than voting?

And if you do agree with that would you be able to use your Adobe room to do a green tick. And the what it is question is the model that's set out in the paper so it's each SO and AC by whatever process expressing support for the exercise of a power or objection to it. So if you think that is a thing to do you

might want to offer a green tick. If you don't agree with that you might want to offer a red cross. We might just take a little minute to look at that and see what comes of it.

There's no compulsion on you to express a view on this question. But it's just an interesting question to get a sense of the room.

Chris Disspain: Jordan, you're asking just on - just asking on A?

Jordan Carter: Just on A. So this is whether you agree with a shift in the description of our model - in our model to this consensus process that this has been discussing rather than a vote counting model as per the second draft proposal. And we're not - this is - we're taking these in a granular step. So this doesn't prejudge a question about relative influence of the particular SOs and ACs.

((Crosstalk))

Chris Disspain: ...challenging for some people.

((Crosstalk))

Jordan Carter: There's more ticks than crosses on this one. There's about 11 ticks and three crosses so that's just info for you to (unintelligible) to hands. So if you would like to clear your ticks and crosses. Chris was that the point that you wanted to make or was that - I am intending to...

Chris Disspain: Yes, Jordan.

Jordan Carter: ...to ask the same questions about the other points. Just to react to a couple of points in the chat, yes, this was about Question A. Christopher Wilkinson has

said as far as our conference call the agenda appears to be trying to overturn the Dublin consensus. I disagree with you, Christopher. The intent of this call was to write up the Dublin consensus and to test the agreement of it in the absence of the heady rush of an ICANN meeting. So I don't have a view particularly about where this should land. And even if I did, as rapporteur, my job is to help us have the discussion and come to an agreement about it.

So we would then probably move on to the second question which is one to do with the single point of view and that was another key feature of the discussion in Dublin that instead of having a set of votes that each SO and AC could express in whatever way it wanted, could sub delegate to a regional grouping or some other stakeholder grouping, some decisional rights, it would come to a conclusion amongst its participants through whatever process it felt was the view about whether to add its voice to consensus to exercise a power which would (unintelligible) to that.

And just before we do some ticks and crosses I'd ask if there are any speakers on this. Chris, your hand is up. Go ahead.

Chris Disspain: Yes. So, Jordan, I really - I appreciate what you're doing. I really do. And I - it's easy for me to side pretty much with A, B and C. but I can see how if you don't agree with only expressing one point of view then answering the question - answering Question A in any other way than negatively doesn't make sense. I can see an argument saying that at least A and B sit together as one question. C I think you can separate.

I'm really fine to answer the Questions A and B but I suspect that the people like Robin and probably Greg it's pretty hard to do that. I'm not trying to speak for them, they can speak themselves. But I can - I'm just a little bit

concerned that an answer in isolation for A or B is actually perhaps not particularly helpful. Thanks.

Jordan Carter: Thanks, Chris. I wasn't kidding when I said this wasn't a decision making process per se. All I'm hoping to achieve by asking people to give ticks and crosses here is to give each other a sense of where they stand on these sort of micro-level questions. So I agree with the concern that you've raised as a potential issue. I don't want anyone to feel like they're kind of committing some kind of irrevocable support or opposition to anything by offering a tick or a cross. And all of the reservations you've expressed are perfectly reasonable.

It's just to get some more information about where people's heads are at on the table for the discussion. And Greg has asked why I don't call it consensus counting. Because it's not trying to establish a decision, that's why I'm not calling it that at all.

Robin, your hand is up. Please go ahead.

Robin Gross: Hi, this is Robin Gross. Can you hear me okay?

Jordan Carter: Yeah.

Robin Gross: Okay so on the issue of the single point of view requiring SOs or ACs to have a single point of view, I would strongly object to that. The idea that the GNSO, which is supposed to be comprised of all stakeholders is going to come down to a single point of view on every single issue is really not doing justice to what multi-stakeholder process is capable of in terms of consensus building.

So I think we have to continue with what we had in our first proposal, in our second proposal, which is to allow for actionable voting, which is not to require SOs or ACs to insist on always having a single vote. That's just a recipe for tyranny of the majority and we don't get to experience the diversity of viewpoints and the minority viewpoints and sometimes on a final issue there'll be some agreement with some subset within the GNSO and subset within the ALAC and some subset within the ccNSO.

And so I think it would be a terrible shame if we refuse to count that what could be a brand range of support for something just because of the way we've drawn the silos. So I think there's really no justification, I haven't seen any call for or any rationale for why we would now be shifting from what we had in our first and second proposal and try to restrict viewpoints in the decision making process. Thank you.

Jordan Carter: Thanks, Robin. Greg, your hand is up. Next speaker, go ahead.

Greg Shatan: Greg Shatan for the record. And I think this kind of answers Chris's question, which is, first, the GNSO doesn't reach consensus to make policy. GNSO working groups reach consensus to make policy. Once the policy recommendation reaches the GNSO Council it's passed by a super majority of each house. So it is a voting model at that point. Or it can be passed by simple majority in which case the board can reject it by lower threshold.

So, you know, the GNSO Council is a real voting. Can't call it consensus no matter how hard you try to stand on your head and spit nickel. So, you know, the GNSO Council is supposed to be a policy management body. That is what it is - that's its remit. Borrowing it to use it to give a voice to six or seven, depending upon how you want to count it, different stakeholder groupings really is a bastardization of its reason for existing.

And, you know, essentially, you know, we'll take certain groups and consign them to continual powerlessness. And there's enough of that within the GNSO taking it and bringing that same concept out into the multi-stakeholder model is really wrong-headed. We've gone a fair amount far down the wrong path. We're not just dealing with apples and oranges, we're dealing with apples and leopards and balloons. They're very different types of organizations.

And, you know, frankly, and I'm not saying this merely because I'm the chair of an organization within the GNSO if we want the opinions of stakeholders or positions of stakeholders within the GNSO it'd be better to give a voice to each stakeholder grouping through its chair or whatever rather than look at the GNSO Council with its limited remit and, you know, majority voting process the ability to basically hold a fairly large amount of the stakeholder groups within ICANN and especially within the gTLD process which often is, you know, the most significant process within what we do.

Not to denigrate any other part of what we do but, you know, many times we're talking about the gTLD related stuff. And, you know, to use it in that way is really - I know it's largely inadvertent if not entirely inadvertent. There's no ill will. But it's just an attempt to use something for which it was not designed and which perpetuates the biggest issues within that group.
Thank you.

Jordan Carter: Thank you, Greg. The next speaker is Chris Disspain.

Chris Disspain: Thanks, Jordan. I just wanted to respond to that because I have some sympathy with Greg's view. But I think it's a misunderstanding of what - sort of what I've been talking about and what I thought other people have been talking about which is it's up to each SO to use its own (unintelligible) to

reach consensus. So in the ccNSO I'm pretty certain that in most cases if not all cases the - on serious issues, such as these community powers, the ccNSO would hold a membership vote. And it remains to be decided and it remains to be seen whether it's - who's in the room at the time and so on. But nonetheless that's the most likely outcome.

My point is not how the GNSO reaches its decision, whether it uses the Council or each of its houses or whatever, it's a matter for the GNSO. My point is it should reach consensus. I don't want to see - I cannot for all practical purposes see how it would be possible to have split voting amongst the SOs and the ACs and claim that there is cross community consensus to do something.

If you can - in other words, fight your battle in your SO and AC. Which may not be the most elegant way of putting it. But I just wanted just to repeat, to be clear, it's for the GNSO to decide how it reaches consensus. And it's open to the GNSO to come up with whatever methodology it chooses to do that. Splitting the votes is simply adds to the dysfunctionality and the lack of consensus. Thanks.

Jordan Carter: Thanks, Chris. If I could just interject what I was hearing was something a little different which wasn't that a process couldn't be organized to do it but rather that the GNSO compared with any of the other SOs or ACs is multi-stakeholder in the sense that it's got registries and registrars and commercial users and noncommercial users and so on.

And so wrapping all of those constituencies up into a single point of view was the concern that I was hearing. But anyway that's just to add that view. Steve, your hand is up.

Steve DelBianco: Thanks, Jordan. Steve DelBianco. And as that Saturday breakout in Dublin went our terms of reference were to move away from the majority rules. It didn't say move away from quote unquote voting. And the best way to think of that is retain the use of the word vote for the expression of preference. And let's all agree that if somebody is asked, "What do you say? Support or object." And when they answer that we'll call that a vote.

What we moved away from is this notion that the majority or super majority would rule, which was in our second draft proposal, in favor of something that tries to measure strong support in the absence of strong objections. And while support and objections are still indications of the preference, call that a vote, the way you measure the outcome is completely different than majority rules. Because it acknowledges that two ACs and SOs or two as a percentage of the total objections would block a significant majority from exercising a community power.

So that is the change that was made. I don't necessarily buy that we should call it consensus. We didn't even call it that. We said this is how we would measure consensus for purposes of a decision making model. And the other innovation was to defer this quote unquote vote until a process had exercised itself, a process that began with ACs and SOs expressing petitions to get started on having a conference call, adding another AC SO to have a community forum, a place where all views would be aired and even minority views would be aired.

And only after that were we moving to this indication where ACs and SOs are asked to indicate their preference. Now throughout that process in the back of our mind we understood that we had granular indications of preference in our first and second draft proposal. That's why there were five quote unquote votes in the GNSO, ASO, ccNSO, ALAC and GAC.

And those five were chosen to give more granularity so that three parts of GNSO might say yes and one might say no. And that those three and two get translated to the greater body for the purpose of measuring the decision instead of turning a three versus two into a well, into a one and a zero.

So I don't believe that our group sitting outside in the breakout on Saturday really addressed this issue of giving granular indications. We did feel like it was appropriate to give equal weights in the exact same way that our first and second draft did. We didn't deviate from that.

But you could add granularity of preference to the model we came up with, the Dublin model. And for the sake of argument if each of them had five then their decisions have five counts and there could be from GNSO 3 and a 2, the GAC might come back 2 and 3, ALAC etcetera. And if you add it all up you could still map it to the mathematics of saying was there strong support in the absence of strong objections? You could still map it to that.

Because if you recall the decision model that's later on in the document here, the chart that we displayed in Dublin, that chart can be translated in a situation that said you had to have three in favor and no more than one against, that might be 15 in favor and no more than five against.

So we can translate the math to retain the granularity. People still indicate their preference. You may call that vote if you wish. But it's a clear departure from saying that majority rules since we are taking into account a strongly held objections from a significant part of the community. I hope that helps, Jordan.

Jordan Carter: Thank you, Steve. That helps me to understand another approach. It doesn't - it doesn't help me try and land the discussion but that's all right, because we're not at that landing point yet.

So what else? Who else wants to discuss this point? I think there's a question that people from the GNSO need to share with us if there's a known view which is that I think it's relatively straightforward for the other SOs and ACs to be okay with expressing a view either way as a whole group. And the reason I think that is that one of the ACs that we're talking about tends to operate by consensus.

And the other two SOs are pretty much single stakeholder groups, the ASO and the ccNSO. For the GNSO people there do you have a view or a knowledge or an insight about whether this would be an issue around which the GNSO wouldn't be able to endorse the report? So this would be a change to the model and it would be a significant change to the proposal.

Would going ahead with an approach that only had one voice, if you like, for the GNSO be a deal breaker? Would it mean that the GNSO couldn't approve the proposal? And if the answer is you don't know please say that as well. It might be something to add...

Steve DelBianco: Jordan, its Steve. I only am trying to help with three of the GNSO components and there are others on the phone who could speak to it. But the GNSO as a body has never considered the first or second draft proposal. All of the public comments we collected for the first and second draft were from the component elements of GNSO. And that is why they continue to maintain different views here.

When Council - when the GNSO Council as a chartering org takes up the proposal it has rules for how it will come back with a yes or no on whether to endorse the entire CCWG proposal. And for that we will use voting and it would require a majority of both in the non-contract and contract parties. That's the rules for a resolution in GNSO today.

And so that would actually come back as a yes or no or split decision. And that would be based on voting between a split between contract and non-contract party house.

Jordan Carter: Thanks for that, Steve. But my question was not about how the GNSO will decide about the proposal. My question was whether this changed the decisional formula that only allowed the GNSO to express one view or other in exercising community powers would mean that the GNSO didn't approve the proposal. So that...

((Crosstalk))

Steve DelBianco: But, Jordan, we can't say because the GNSO never approved it. And I don't know what the GNSO as a whole would say but the second draft clearly said we had granular ability to indicate preferences in the GNSO. So we could expect lots of comments from the components of GNSO if we wipe that out.

Jordan Carter: Okay thank you. So I - we'll keep talking. We need to do this. So Greg, is that an old hand or a new hand?

((Crosstalk))

Greg Shatan: No, it's a new hand.

Jordan Carter: Okay.

((Crosstalk))

Greg Shatan: ...you asked for hands and I gave you one. The fact that you kind of had trouble processing Steve's answer is an example of why this is a problem. You know, the fact of the matter is the GNSO as such, you know, doesn't exist for the purpose of reviewing this until it's asked at the end of the process as a chartering organization to deal with this. So there can be no view.

Furthermore, when we get to the Council table, you know, the councilors will, to a greater or lesser extent, vote the way that their - that they've decided to vote within their specific constituencies or stakeholder groups. So it's not like the councilors are all going to have a freewheeling discussion starting from scratch about how this proposal works.

So you'll still basically get the opinions of the separate stakeholder groups and constituencies. And at that point it's going to be majority rule if, you know, a majority in each house agree, you know, then it'll be supported. If a majority in each house - if you can't get a majority in both houses then the GNSO isn't going to approve.

And I think that, you know, from the point of view of one of those voting subcomponents or as a member and of one of those who occasionally speaks for it, although I can't speak for it now since I, again, have not consulted with my community, but, you know, I think there would be a great deal of upset if we are essentially walled out of the process because, you know, we in the IPC only have two votes out of the 13 in our house. And therefore as such, you know, have no real, you know, way to make our views known unless we tend to agree with a lot of other people. So - or other people agree with us.

So, you know, basically this is just, you know, putting tape over our mouth. And I don't think, you know, I can't say what any of the other groups will think but as Steve says, you're going to get a lot of comments. And maybe that's Steve's way of saying nicely you're going to get a lot of negative comments.

And then the question is going to be do we want to trip the whole transition up on this issue or, you know, gag on it and almost die in a ditch but move on because it's not going to be palatable and it's not going to be pretty and it does present radical questions about whether GNSO Council decision making is the right way as opposed to some other decision making process which has never really been used in the GNSO for instance, you know, to have something that does not use the Council as a way to make decisions for the GNSO.

So either way we're getting off into difficult waters. And I do think there will be some very difficult decisions about, you know, whether - nobody will like it. The question is just going to be will we dislike it enough to really cause a problem.

Now remember, we have the process that allows us to disagree with certain recommendations within the overall report. And then you're going to get a split bid and then we're going to have to go back and solve that. So that probably is as likely as any other result here if the - to end up in that split bid situation. And that'll be a lot of fun to deal with. Thanks.

Jordan Carter: Thanks, Greg. I'd just like to clarify for the record that I did understand Steve's explanation perfectly. I may have asked too indirect a question to restate with what you came to. If you guys are saying there'll be difficulties in

agreeing to this that is the information that I was after, not the process that was involved.

The next speaker is Robin.

Robin Gross: Hi, this is Robin. Can you hear me okay?

Jordan Carter: Yeah.

Robin Gross: Okay. So in answer to your question would this be a big deal issue for us, I can tell you I'm pretty sure it would be. This is something where the noncommercial users were always in the minority in the GNSO. And so the idea that we're going to abandon what we had in our first proposal and our second proposal for - I'm not sure exactly on what basis are we giving this specific proposal to require everyone to count as one. On what basis are we giving this specific proposal so much consideration right now?

Considering it is obviously so disruptive in achieving the overall final consensus. And it wasn't something that was called for in the public comments, it just seems to have come out of thin air and all of a sudden we're debating it as if it's a serious proposal that has some public comment behind it or something. So, you know, this would be a serious issue if the minority viewpoints were not allowed to (unintelligible) in the final decision...

((Crosstalk))

Robin Gross: Thanks.

Jordan Carter: Thanks, Robin. I don't know why there's really bad feedback and echo going on but could everyone please make sure that they are absolutely muted unless

they're speaking? And there definitely is live mics which is causing the horrible echo and noises that we were just hearing. Robin, did you finish your point there? Yeah, I think you did.

Robin Gross: Yes, thank you.

Jordan Carter: Thanks. And, Greg, that's your old hand, so, Chris, I think you're next.

Chris Disspain: Yeah, can you hear me all right, Jordan?

Jordan Carter: Yeah.

Chris Disspain: Good so, sorry, I know you have to keep coming off mute even to say yes. So I'm confused. And I need - so first of all my apologies, I'm going to have to leave in a second but I must state a little bit of confusion. I just want to make sure I understand correctly, if I understand it, we're talking about anyone can have whatever voice they want at the community forum. Everybody gets a say whether it's individuals or in their constituencies or whatever.

What we're talking about is reaching a formal decision, the last point of the process, where we had suggested or it's been suggested that that decision be based on reaching consensus in each SO and AC. If you accept just for the moment that the ASO will operate on a consensus based one voice, the ccNSO will do the same, and I really am unclear as to how you would count the split to be able to say (unintelligible).

Jordan Carter: Did anyone else...

((Crosstalk))

Chris Disspain: ...three SOs or four or however many we decide, and how you would say one SO or two SOs have blocked. You'd have to abandon that as a concept. And you'd have to go to process SO and AC (unintelligible) and you wouldn't be able to have an SO as such out of the - a percentage of each of the SOs.

And it seems to me that that actually breaks the whole basis upon which we will (unintelligible) a model. I understand Robin's concern and Greg's concern, I really do. But I would have thought that the place to fix that would be in the GNSO, not in the overarching exercising of community power. It's not that you're losing your voice, you're not losing your voice. It's that you have to persuade your colleagues in the GNSO to reach an agreement. So I really don't - I don't really understand what the problem is.

I've heard a couple of comments about what I would call sort of contradictory comments about the Council. My understanding is the Council in effect votes by direction. So, Greg, I don't think anyone is saying we're suddenly creating this new role for the Council where they have to come up with consensus. They just vote by direction.

So if 66% or whatever the majority of the instructed votes of the GNSO Council vote in a particular way then that's consensus. You seem to be implying that we would have to create some new process where the GNSO Council sort of had to make an actual decision which is - unless I've misunderstood is not what they do now. What they do now is (unintelligible) vote in the way that their constituencies tell them to.

Jordan Carter: Thank you, Chris. Izumisan, your hand is up. You're next.

Izumi Okutani: Thanks. So first of all I have no strong opinion either way about how the - our votes will be casted, whether that's going to be a single vote or whatever like

expression per SO or AC or it gets split. But just to understand the issues of both sides I'd like to know what exactly is it that would be disrupted if we allow the splitting of the vote given that this was a proposal which was not put on the table for the public comment and it seems that the GNSO have strong concerns about putting it to a single vote.

So, Chris or anyone who supports this position be able to explain.

Jordan Carter: There's a question. And I think Chris has got to leave, Izumi. So this question has come up a couple of times. And Robin has asked in the chat, "Where did this come from?" I think in her verbal comments. To the best of my knowledge this whole model that we're talking about came out of the small group discussion in Dublin. It wasn't sparked in particular by a thrust in the public comments.

There's been the suggestion from Steve that you could slice things across the SOs and ACs and allow for the kind of fractioning of views. I think the query I've got about that one is how does it sort of work in a practical sense if that is the only group that is doing that it would still need a unified agreement among all the GNSO stakeholders for example to register an objection with the same weight as some of the other SOs or ACs.

So, you know, I think that it's tricky to work out exactly how you'd progress that. But I'm not hearing sort of, you know, I think we need to think about this one a bit more. And I don't quite see a path out of it. So let me loop around to the - for a moment to the third question which is the one about the relative influence.

And so just pick up in the chat we have considered I think the public comments, that's why I asked for you to read the public comment report on

this. And the biggest test in the public comment report was in the role of the SOs and ACs and not shifting things in the direction of more influence for ACs. So that's a material question to the third of the questions here which is the relative influence between SOs and ACs.

Our initial proposal had the GAC and ALAC and the three SOs with the same influence and less influence for the RSAC and SSAC. SSAC has said it doesn't want to participate which is even less influence than that. And Chris said that RSAC he felt would make the same call.

Is anyone from RSAC on this call? No one's rushing to put their hands up on it. If we were to think that they weren't going to participate in this decisional role then each of the remaining SOs and ACs participating having the same relative influence is consistent with our second draft proposal. So I don't know if people would have problems or concerns with that approach.

So help me out, people, where do we go with squaring that away? What do we advise the CCWG about it? Do we need to continue an online discussion over the weekend that tries to flesh out whether it's possible to allow for split decision making? Or do we need to do something else? Does anyone have a tidy solution to this challenge for us?

Because if they don't my suggestion for now at this point in the call will be that we just put it on the table and have another look at those numbers in the table because we need to think about that in the context of five decisional groups rather than seven.

And because I don't see any hands there I will move us straight on to that. And I'm going to ask Steve to have a chat with us. If you could scroll down on your screen to the start of Appendix 1, which is the sixth page of the PDF,

it's the community decision process table. And that will give us a chance to clean up those numbers.

Steve, would you like to comment on those based on what we've discussed so far and any changes required? Are you able to take a call on that?

Steve DelBianco: Sure, Jordan. This was the table that the breakout group came up with. And to make it clear about the breakout group I put the terms of reference that was given to the breakout group into the chat. And again, the idea was to get away from super majority rules to something that takes into account strongly held objections and strong support.

In doing that the terms of reference also said that no single AC and SO could block. And we fleshed this out this way. So the columns moving across talk about the levels - the different parts of the escalation process. The first one of having a call; the second one is convening a community forum.

And I think we've already been through in great detail how this escalation process would work to bring all parties in open to all, translated and recorded sessions and their objective is to make sure that the concerns are obvious so that the board is facing the prospect of having a community power be exercised gives the board every ample opportunity to take the action necessary to address the community concern before we get to the exercise of the community power. And that is that last column, consensus support to exercise the power.

So all of the thresholds that you see on this piece of paper could be mapped to the parts of each AC and SO, if you wished. You could, for instance, say that each AC and SO gets five and then everywhere you see a number simply multiply it by five.

So the first line of blocking a strat plan, you could say that it would take 20 to support the blocking and no more than five objecting. And the effect of that is to change nothing if every AC and SO voted it's five as a block. But if any AC and SO chose to divide its five like three in favor and two of them opposed, then those numbers would translate straight through to these thresholds of indicating support in the absence of objection.

So that sounds like a relatively simple matter of math. Although I will acknowledge it will create complexity to those who are new to the process and trying to understand well how do I figure that out? What if the GAC comes back and they're always all yes or all no because of consensus? Well that's not a concern. That would mean that the GAC's five go to yes or the GAC's five go to no or maybe the GAC sits this one out or just provides advice. That's completely up to the GAC.

The ALAC may or may not decide to split its five. It could go all five on one one way or they could split three and two, four and one. The idea here is to create the opportunity to participate in a granular basis but it would be up to our respective ACs and SOs to decide whether and how we would do that.

I'm just simply trying to use a little bit of math to extend this model so that it could apply where granular levels of minority views are present. So we could redo this table based on five for every AC and SO and not that much would change in terms of how we adjusted away from super majority rules because we are in all cases considering whether there is strongly held objections by a significant quantity at least more than one AC and SO in the case of saying that you had to have more than one to object.

So, Jordan, I hope that that helps to frame this so that it's reflective of the discussion we've had so far. But if you wish I could deep dive on any of these rows or columns and rely heavily in the document pages that follow. Thank you.

Jordan Carter: Thanks, Steve. That's a helpful explanation of how the multiplication process will - could work. And I think this might be a little bit cheeky but I think it would be useful to just write that up in a one pager if we could. Would you possible be able to volunteer to do that and to circulate it on the list?

Steve DelBianco: Yes, did you mean in the next hour or something I can do overnight?

Jordan Carter: Overnight would be very reasonable by my point of view.

Steve DelBianco: Sure.

Jordan Carter: But if you could do it in an hour that would be good as well. But my question was a little - thank you for explaining that. And I don't think anyone - I hope no one would object if we had that sort of written up and circulated so if we can note that into an action point.

Steve, I was actually asking a slightly different question. Correct me if I'm wrong but the numbers in this table in front of us with two ACs and - say look at the first power, two ACs or SOs support blocking to get to a conference call; three to get to a forum and then four supporting blocking and so expressing a view in favor of that. And then no more than one objection.

Those numbers were developed with seven participating SOs and ACs in mind. Is that correct?

Steve DelBianco: When we met outside of the Dublin room Julie Hammer was with us and we had a clear understanding that the RSAC and SSAC were not likely to participate in the oppose or support column. So that changed the seven to feel a little bit more like five. But we realized that after we changed the model it could be that RSAC and SSAC would say well hey, under these new rules we're back in. We didn't want to rule it out or in. So we chose to look at this by saying how do we evidence strong support in the absence of strong objections - strongly held objections?

And that's where these numbers came from. And I believe these numbers work with five of the seven participating. But you guys may believe that we ought to make the threshold of support a bit lower if we know for a fact that only five ACs and SOs were going to participate from day one. Because this is a relatively high threshold of support for four of the powers. Three of the powers have a lower level of support. But all of them obey the rule that no single AC and SO would be enough to kill it.

So seven was the theoretical number of ACs and SOs; five was what we considered to be the practical number that would participate. I hope that helps.

Jordan Carter: Thank you, Steve. It does help. And the reason I asked the question was to understand whether we needed to fundamentally take a look at the numbers. From what you've just said I think that we probably don't, that it was kind of developed with probably five participating in mind. And the numbers with that in mind do kind of reflect the same thresholds that were the second draft proposal anyway. So it works.

In the chat there's an ongoing discussion about the consensus building, one voice per SO and AC. And so I would like us to kind of just share the views using the green ticks and the red crosses again as we did to just see, you know,

same basis as the last one so that people can share their views without everyone having to speak on the call.

So if that's all right could we loop back to that second question which is only one view being expressed by each SO or AC, is the question at this point. And we will do a test in a bit about the kind of alternative that Steve has presented. So if you agree that this should be just one view per SO and AC expressed as written up in the Dublin consensus paper, please give a green tick. I'll demonstrate with an agree.

If you don't agree that there should be only one voice per SO and AC give a red cross as demonstrated. And if you would be able to do those now we'll just get a sense of the room.

Okay there's a few fewer people putting ticks and crosses there than last time. But we've got a couple of green hands and seven red crosses with a couple of step-aways at this point. So that is useful for information for you all to share and to consider. If you want to clear your ticks and crosses and step-aways that would be good.

I know that we haven't got anything in writing about Steve's proposal. But Robin, this is a test of the views of the people in the room. This isn't measuring public comments. Steve, your hand is up.

Steve DelBianco: Hey, thanks Jordan. I don't think me writing this up would present much more clarity than we have now. And I hate the idea of losing the momentum of all the people on this call and waiting for another document to circulate. So I ask you to suspend belief for a moment, go to Page 6, and pretend that every one of the numbers in the right hand column are simply multiplied by five.

So where it says “Four support and no more than one objection,” it would be 20 support and no more than five objection for a total of 25. And if we have five ACs and SOs and the GAC says we are for this power then all five of the GAC’s would count for that. And each AC and SO would have its own.

So trying that on for a moment those of you in the chat saying we haven’t explored the pros and cons, I believe, Jordan, this is the chance to explore the pros and cons. I would love to hear how translating those integers into multiples of five suddenly creates new concerns that need to be addressed. And now the time to air those concerns, not just in the chat but please take the microphone and articulate the concerns. And maybe we’ll all be educated and step back from the precipice here. But this is just simple math and shouldn’t create new problems that weren’t there before. Thank you.

Jordan Carter: Thanks, Steve. If I could just offer briefly while there’s no speaking list up an alternative point of view, it is the removal of the ability to express these views that is the change. And, you know, and our proposal and the public comments didn’t point in a direction of saying that there should be only one voice per SO and AC. And so, you know, your mathematical formula, the second draft proposal allowed that and are more consistent with where the public mind got to and this model that came up in Dublin. I don’t think I’m making any kind of outrageous statement there.

So I think we do need to keep that in mind because we do need to bear in mind the written feedback that was had from the 93 groups who took the time to express their views to us.

Jorge, your hand is up, please go ahead.

Jorge Cancio: Hello? Do you hear me?

Jordan Carter: Yeah.

Jorge Cancio: Hi. I'm just at home and I was listening to the discussion. And I think that we are conflating two things. From one side as I understand Robin's and some other people's points, there is a concern that minority views could be ignored if every SO and AC has just the single voice. I think that that starts from the premise that in every SO and AC the decision will be taken by a majority (unintelligible) but that's not the real necessity.

Every SO and AC can decide to have a very large super majority or a consensus or unanimity. They can establish the right incentives in order to include relevance or significant minorities in the decision making. This would be, for instance, be probably of the GAC if we were to participate normally because our present standard is one of no formal objection. That means that every single country or every single minority would need to be included, would need to be really taken account by the SO and AC when taking its decision. So I think those are the right incentives for consensus meeting.

We're actually talking about not just mathematics or counting votes, counting heads, we are talking about the exercise of community powers. And the exercise of community powers has really to strive for very wide consensus within the community with very large support. And if we start from the beginning to establish incentives for split voting we will make the wrong choices in this regard.

We will establish incentives for the creation of factions within different SOs and ACs. We won't be establishing really a mechanism which is a meaningful for the escalation path we have been designing in Dublin and which gained so much support among the CCWG at large and also now the communities.

When this proposal was presented to some of the communities in ICANN talk about the GAC but there was about the feeling you got with other stakeholders. It got a lot of traction because it's really meaningful for consensus building. If we go back to voting, to strict votes, we're creating a different kind of incentives. So I would really urge colleagues to be very careful and to see that minority concerns within SOs and ACs can be (unintelligible) within or by other means than voting. Thank you.

Jordan Carter: Thank you, Jorge. Steve, your hand is up.

Steve DelBianco: Thanks, Jordan. Jorge, I think that your perspective entirely fits an advisory committee that represents one aspect of the community like governments in the GAC. The GNSO is a thrown together batch that includes contract parties, registries and registrars, and then business users and registrants, non-business users and registrants, intellectual property community and then the Internet service providers. And we are all thrown together, like it or not, in something called the GNSO.

The GNSO's decision rules today are that half of each house is required to support a resolution. So never mind the notion that minorities don't get to express themselves. But the fact is that on a controversial exercise of power where registrars and registries differed from the non-contract parties, the GNSO would have no voice at all since it requires 50% of each house for the GNSO to take a resolution.

So using our own method the GNSO could not muster enough votes for a yes, enough votes for a no and would be silent. There might be times that the GNSO could end up with a few extra votes for and against in which case a minority might be silenced in a binary world. But the prospect - the very real

prospect is the GNSO would have no voice at all if it were forced to have a yes or no on the current decision rules.

And I just ask you - I do my best to understand the perspective of the GAC as an advisory committee composed of very similarly situated sovereigns. But your point of view as sovereigns is about public policy. The point of view of the GNSO is that we're thrown together with multiple points of view about the thing called the generic name space. So it's a very different animal. And you can see why the ability to register split votes might fit very perfectly with GNSO and might not fit at all with the GAC.

But again, the GAC would suffer not one bit from being able to say that all five of its opinions, all five of its votes, go one way or the other as a result of the GAC's chosen method of consensus. I don't think that disenfranchises the GAC in any way and yet it's an option that makes it available to the GNSO that wouldn't otherwise be there. Thanks.

Jordan Carter: Thank you, Steve. Jorge, your hand is up again.

Jorge Cancio: Yes, sorry to come back. I see Steve's point. And it's a very valid point and it's a point about minorities and about relative parts of the GNSO which are really very different. And I can understand that.

At the same time and perhaps we (unintelligible) at some point of time we should exchange roles or do a kind of exercise like that because if you were a GAC you would see how different we are. We are people from 150 countries from normally around 70 active countries who come to all the meetings. We have very different cultural traditions, very different views about public policy.

And we still have the most exigent threshold for decision making. We don't have super majorities, we don't have a rough consensus; we have almost unanimity. And still we arrive at decisions which are meaningful for all of us.

So I think that in terms of diversity of interests of culture and so on, we can understand workings in the GNSO because the differences are also very large in the GAC.

However, I would really urge that we pause a moment and we think about what a return to split vote system or a voting system would mean for the community. What mean in comparison to that we achieved in Dublin to what was the impression in other parts of the community about the escalation mechanism and perhaps look really carefully into the effect.

And if we are able to solve issues in each of the SOs and ACs through special consensus building mechanism I would be very careful in extending the split votes or returning to the split vote system as a general rule to the whole decision making process because it really may create the wrong incentives within the community in an escalation path which is consensus building path.

And putting at the end of the path a split vote mechanism that really creates the wrong incentives. And I think that if we were to look into this (unintelligible) we would see that that is what the political signs and experience can tell us about this kind of arrangement. Thank you.

Jordan Carter: Thank you, Jorge. I think in this discussion the views on either side of this are - have been pretty eloquently expressed. And so we've had one call for some ticks and crosses about the Question B, only one view being expressed by each SO or AC.

We've had a bit of a discussion about the proposal that Steve raised around sort of multiplying things and allowing diversity to arise, which is consistent with all of our analysis that we've done in the first and second draft proposal and it's consistent with the, you know, there was no mandate from the public feedback to reduce that through a consensus based model. It is something that emerged at Dublin. It got mixed views there.

So what I would like to do with your indulgence (unintelligible) is to ask you to use your ticks and crosses again and the question is do you agree that we should explore the approach that Steve has outlined, that there should be the ability of an SO or AC if it requires it to be able to sort of express more than one view?

So do you think that that should be further explored? And the way we'd explore it is to have him - to write it up and to get it on the list and discuss it, please tick green. And if you think that that should not be explored please use your red cross. And we can just, once again, get a sense of the room. And the next - thanks that's - and no, this isn't committing us to decide it. It's getting a sense where we're at and giving Steve some homework to do.

And I count 12 green ticks and one red cross in that one so I think - and a non - a step-away. So I think that's a clear (unintelligible) to explore it, Steve, so I'm going to take that as a homework item to Steve. Lucky you and thank you, Steve, for doing that.

Please clear your ticks and crosses. I'm not going to ask a similar question around the equality of voice for the simple reason that I think we're dealing with five participating SOs and ACs so I'd like to suggest that the quality of voice question is roughly the same as in the second draft proposal in all

practical senses. And we didn't have a real mandate to move much beyond that.

So if we carry on through the questions that we did ask in the agenda, the Question D was around the participation in the decision making. I recall from the public feedback a desire for clarity around who would be decisional or not. And so the assumption I've made as rapporteurs that we should aim for that clarity and that we should respect the views of groups that say that they don't want to participate and those that do.

Our central proposal has been the five SOs and ACs participating in a decisional way with an equality of influence and some other role for RSAC and SSAC. SSAC has said it doesn't want to participate. So I think we should stick with that methodology and have an action point to approach the RSAC directly and ask them and see what they say and otherwise leave that question on the table.

So if anyone has got a problem with that approach now is the time to speak it. And I'll just loop to Question E, because you may want to have a little think about that. Question E was whether we need to reassess the numbers in the table. And the reason I ask that question was because I was uncertain about the answer to the question about whether it had been developed with five or seven groups participating in mind. And Steve answered that in a way that left me relaxed.

So my answer to E is that we don't need to make any changes to the thresholds set out there unless we need to multiply them based on the discussion we've had about (unintelligible).

So that's the five questions dealt with by my reading in the second agenda item on the community mechanism. So - and I just want to pick up something that Matthew said in the chat and maybe be a little less obtuse about the question in the chat. Matthew says, "Can an SO or AC say it is not participating and then change its position at the power exercising stage?"

We propose the model in the second draft report about how an SO or AC could decide to participate or not. And that involves a kind of notice period and then becoming involved or not. And it's difficult to try and - it's difficult to try and read the chat and chair the call at the moment. There's quite a lot of discussion going on but people aren't actually taking calls. So are there any things being expressed in the chat which we would like to put on the record by speaking? Brett, for example? Steve? Robin?

Steve, could you go ahead?

Steve DelBianco: Yeah, the decision escalation model is built to gather community consensus through this notion of petitions, phone calls, getting additional support for a community forum, discussing the issue and then going back to our original ACs and SOs to decide whether we want to exercise the power.

By setting strong support in the absence of objection it's clear that the people that feel most strongly about exercising a community power are going to have to convince ACs and SOs that we're merely neutral, that's it's in the interest of the community to support. That is why there's a support threshold, a strong support threshold that's there. It doesn't change if one group decides it's going to sit out.

The point of it is you had to muster and convince the community to support something to move it ahead. And that is to say three ACs and SOs or if you

multiply that by five it'd be 15 votes. And for some of them four ACs and SOs. And if you multiply that by five it gets to 20 votes. So the model that we constructed, the Dublin model on the breakout was meant to try to build support through this long community mechanism, this process of deciding.

And that process would not adjust the numbers if one party decided at the last minute, you know, I'm neither supporting nor opposing, I'm going to sit this one out. And I realize that means these powers will be more difficult to exercise and that's something a lot of us are thinking about on the call. But there is no need to adjust it since it anticipates you have to muster strong support in the absence of strong objections.

Jordan Carter: Thanks, Steve. So one way of expressing that is that having these groups as able to participate doesn't oblige them to participate. They're not going to have a naughty mark or a black cross if they don't express a view either way. But if we - as long as we include them in the thing if they do wish to take a view they'll be able to.

Robin, your hand is up.

Robin Gross: This is Robin, can you hear me?

Jordan Carter: Yeah.

Robin Gross: Okay so I just wanted to make sure that we didn't forget one issue which is the adjustment of the relative weights among the SOs and ACs. I think when we take this existing page and multiple it by five that would still have them all as begin sort of equally weighted underlying that. And I think that issue is still up for debate that equal weight underlying whatever multiple, perhaps it's five that we take into account to ensure there's a diversity of viewpoints.

So can we explore a table that would also show us if we took - if we took, for example, something based on the existing board model and had two votes for the GNSO, ccNSO and the ASO and one vote for ALAC and then maybe these would all be multiplied by five to achieve the minority views. And so if we could take a look at what that would look like as well a system that has the underlying relative decisional weight that is not changed from the existing corporate board structure. Thank you.

Jordan Carter: Are you volunteering to draw up such a table, Robin?

Robin Gross: I would be happy to, absolutely.

Jordan Carter: I think it might be a table that has existed in the past, I'm not sure. But writing it up is useful. So if you are able to do that that would be useful. I think that...

Robin Gross: I will.

Jordan Carter: ...through our - so there is - there's the occasional view expressed that we should replicate the board structure. There's the occasional view expressed otherwise. I do think we're going to need to land on a decision on this on the CCWG call on Tuesday. It's always been a minority view as far as I can understand it but that doesn't mean we shouldn't get it clearly in front of us now if we're going to make a final call on it.

There are other hands, Sebastien, your hand is up.

Sebastien Bachollet: Yes. I will try to be calm on that but it's not because the board that decided not to give two seats on the board for ALAC after the review where the reviewer suggests a proposal say that it will be a good idea. That we need

to still be in this position. And I have the impression that if we go to that direction it will be a hard stop for ALAC.

We don't consider that current board repartition is the right one (unintelligible) but we are doing with. Then you can do as much as work as you want but I really think that it's going to (unintelligible). Thank you.

Jordan Carter: Thank you, Sebastien. So there are no more speakers on that point. We have an offer from Robin to write up that kind of table of decisions. We've got a piece of homework from Steve. And the next kind of question I think we need to address is whether we're going to need to have another meeting before the CCWG on Tuesday, which would be Monday. But I want to just flag that as a question for us to deal with any other business. Are there any other last points that you want to raise now on this decision making item?

And the sort of answers to the questions that I got out of this - the discussion are that we are okay broadly with the group with describing our decision making model to consensus one. That there isn't in this group a lot of support for only one view per SO and AC. There's a preference more for the kind of Steve alternative that was fleshed out.

That the participation in decisions we should respect the SSAC's desire not to and there's an action point to ask the RSAC and that there's an ongoing discussion around the equal say or otherwise for each participating SO or AC, moving back to Question C. And on Question E the numbers were generally done in a view of five participating groups.

So if there are other just last points to make before we do Item 3 and then whether we need another meeting now is the time. Jorge, I see your hand up so please go ahead.

Jorge Cancio: Thank you, Jordan. I would also be a bit afraid or careful to return to discussions about giving different weights to SOs and ACs. I think that's a path which will only lead us to conflict between SOs and ACs. Maybe on this call there are some people who want to go down that path but if we go back to the CCWG or if we go to the public comment period we'll see that this only leads to conflict. So I would be very careful in doing this. Thank you.

Jordan Carter: Thanks, Jorge. I think that comment is more appropriately directed to the CCWG as a whole. Now it's been suggested to me - Brett, I don't know what the call in number is for this call. I think it depends on where you are. But ICANN staff on the call, Alice or Bernie or Brenda - oh Robin shared the number. Don't worry.

Brett, your hand is up. But I think you might be dialing in and therefore unable to speak at this point. We'll just give Brett a moment. And Steve has suggested to me that we do a sense of the room check so using the green ticks and red crosses on Robin's suggestion which as I see is two votes essentially for each of the SOs and one for the ALAC and no say for the GAC. That was a suggestion that was in the minority expressed in the second draft report.

We're sort of getting low on the time on the call but it might be useful for people to express their view on that just for people to see whether other's heads are at so if you could get ready to use your ticks and crosses again. And, Brett, we'll come to you after this and assuming that you are able to join the line.

The tick and cross is relating to Robin's suggestion of the three SOs having the same relative weight in our decisions; ALAC having half and GAC and the other advisory committees none. If you support that distribution of

influence could you give a green tick on your Adobe room? If you do not support that could you give a red cross on your room?

So the green tick is in support of three for the - three SOs having the same weights, half that weight for the ALAC and none for any of the other advisory committees. And I count three green ticks and eight red crosses on that one. Thank you for that.

There's a hand up and I think that's Brett. So thank you for your ticks and crosses everyone. And please lower them. And, Brett, you're in the speaking list so please go ahead.

Brett Schaefer: Thank you. And apologize for the difficulty in getting in. I just joined the work party so I wasn't on the original invitation and didn't have the passcode or the number.

My question relates back to Number 2D which on the list says, "Should all SOs and ACs being participating and should we respect SSAC's desire not to? And do we take a view on RSAC?"

My opinion obviously is - and I expressed this in the chat - is that the voting, for lack of a better word, participants in the designator should be restricted to those SOs and ACs that actually appoint members to the board, after all we are talking about a designator model.

And that's the advisory committees that don't have appointing powers. Should performing an advisory role similar to what they have normally. And if that involves a preferential advice that has to be considered that's possible too. But I think under the designator model we have to consider that we consider a model that involves only the four voting SOs and ACs and then three advisors.

And I think that was the proposal that was preferred by Bruce Tonkin in Dublin. I think a number of people were supportive of that. And I don't understand why that wasn't even discussed during this debate.

Jordan Carter: Thanks Brett. I think it has been discussed a number of times in this debate. And it was discussed thoroughly in the CCWG as we came to call about what to put in the second draft proposal. And it's always been a minority viewpoint and it just was expressed on - as a minority viewpoint again in the room here.

I just want - as a broader point the sole designator standing of the community mechanism is a choice between membership and designator status for its legal powers and rights to what's enforceable. But each time this idea that there should be a sort of reduced say for the other ACs has come up in the discussion the general view of the CCWG has been that the exercise of the community powers should be broader than the four appointing groups to the direct spots on the ICANN board.

But of course the broader community is involved with the other eight spots through the Nominating Committee. So I don't think that it's a reasonable argument to elide the standing of those designators into this decision. But that's just me expressing an opinion which I probably shouldn't do.

Sebastien, you've got your hand up. And I would like to remind us all that we've got about seven minutes left on the call so what have you got to offer? Please go ahead.

Sebastien Bachollet: Thank you, Jordan. Yeah, thank you Jordan. I will be short. But you always can express your point of view if we know that it's your point of view it's okay. And always welcome. Yeah, about this discussion about the board,

if we want to mimic the board then we have already a board they can do - they do good jobs and why we are - we want to have a second board or an organization organized like the board to take decision on some part.

And my other point is that each SO and ACs elect or select people either to vote or not to vote but the liaison participate to the (unintelligible) within the board. They don't participate to the board but they participate to the (unintelligible). Then we can discuss if the GAC, the SSAC, SSAC are designator at least they designate a liaison who are participating to the discussion and to the (unintelligible) of the board. Thank you.

Jordan Carter: Thank you, Sebastien. I just want to clarify for Brett's point in the chat, all we're doing here is working on what we can advise the CCWG about our views. The CCWG is but a decision maker here. We're not the decision maker. We're meant to be the analysis and a study group and so on. So please rest assured that nothing that we decide here is final. It's about what we advise CCWG to do.

The last question to ask you all, because we don't have time to go through other work required by WP 1, I know there's going to be text reviewing stuff and we'll probably have to have quite a few calls in the next 10 days or so that relate to that. We'll be clearer about it after the CCWG meeting on Tuesday. The last question I want you to get ready to use your ticks and crosses on is whether we need to have a meeting on Monday to continue this discussion and to look at the homework material that's been done.

So get your ticks and crosses ready. If you think we need to organize another meeting on Monday please have a green tick. And if you think that we can just go into the CCWG on Tuesday without a further conversation here just with the material that's been presented and please give a red cross. I have a horrible

feeling that we should probably organize another chat. And I can sense the reluctance.

But there are no red crosses so it looks like on Monday a call it is. And doing a similar time will probably work which would be 18 hours UTC on Monday the - I don't even know what day it is - I think it's the second of November. Monday the second of November. And it doesn't clash any other CCWG meetings that I'm aware of. So consider that notice and we'll put a note on the WP 1 list and I'll forward it to the CCWG (unintelligible) for two hours, I'm sure the staff will send out a note soon.

And thank you all for that discussion which was useful and constructive. I hope you have a lovely weekend. And I guess we'll all talk to each other on Monday. See you later.

Steve DelBianco: Thanks, Jordan.

END