

Adobe Connect Chat Transcript – CCWG Accountability Face to Face Plenary PM Session – 27 October 2017

Brenda Brewer: (10/27/2017 03:52) Lunch Break from 12:40 - 13:40 GST.

Brenda Brewer: (03:53) Welcome back to CCWG Accountability WS2 Face to Face Plenary at ICANN60. The PM Session will begin at 13:40 GST.

Seun: (04:03) Thanks

Brenda Brewer: (04:29) Reminder to all, please state your name before speaking for the transcript. This call is recorded.

Jorge Cancio (GAC Switzerland): (04:45) I was dropped from the queue :-(

Thomas Rickert, Co-Chair: (04:46) Sorry, Jorge.

Thomas Rickert, Co-Chair: (04:46) I see you back in the queue, so you will get your opportunity to speak soon

Niels ten Oever: (04:48) Jurisdiction: You, me and work stream 3

Jordan Carter: (04:49) all participants here are on an equal footing - so there is a consensus document from the group and a dissenting opinion offered

Jordan Carter: (04:49) and now we are exploring perspectives etc

Cheryl Langdon-Orr (CLO): (04:57) good idea to include today's transcript @thomas

Jordan Carter: (04:57) will help elicit views through the Public Comments process too (if we make a second reading)

Robin Gross [GNSO-NCSG]: (05:08) transcript erroneously says "statement comes from a ghost", but Farzi said "comes from a government" NOT a ghost. any way to correct that error in the transcript?

Thomas Rickert, Co-Chair: (05:08) The transcript will be tidied up

Robin Gross [GNSO-NCSG]: (05:09) thanks

Jordan Carter: (05:09) this is not the transcript - these scribe notes are the quick and draft text. It gets checked against the audio later

Christina M Rodriguez: (05:09) Transcripts will always be reviewed before delivery

Cheryl Langdon-Orr (CLO): (05:10) agree with you Farzi

Dalila RAHMOUNI: (05:11) I raised my hand /°

Anne Aikman-Scalese (IPC): (05:12) Can we get more volume on Greg?

Thomas Rickert, Co-Chair: (05:12) OK. You're in the queue after parminster

Dalila RAHMOUNI: (05:12) Can I have the floor?

Jorge Cancio (GAC Switzerland): (05:12) @Thomas: why can't we just say that discussions were inconclusive on such issues (partial immunities) and suggest that follow-up discussions should be held? it is quite open-ended...

Dalila RAHMOUNI: (05:12) thank you Thomas

Thomas Rickert, Co-Chair: (05:12) @dalila that is

Kavouss Arasteh: (05:12) None of my intervention has had any political motivation as it expressed withij the technical and legal aspects of the issue -

Jordan Carter: (05:13) I don't know what the best way would be to pursue the ongoing discussion. Is it a CCWG framework just on that topic? If so, need some chartering orgs and a drafting team. Or maybe there's some other entirely different process?

Jordan Carter: (05:14) but I also don't think we need to solve it - as thomas said, we don't have the mandate to do so

Keith Drazek: (05:16) Agree Jordan. If the community wants to continue this conversation, it can do so, but it's not the job of this group.

Cheryl Langdon-Orr (CLO): (05:17) Exactly

Robin Gross [GNSO-NCSG]: (05:17) I agree with Jordan and Keith also. We can stay within our mandate, but if there is a will to continue this conversation, it will happen.

Greg Shatan: (05:18) The Charter refers to "minority viewpoints" where full consensus is not achieved.

Farzaneh Badii: (05:19) since it's not in this group mandate I don't think refering to the recommendation makes sense

Kavouss Arasteh: (05:20) No one has raised the issue that there was not fairness in the activities of the group

Jordan Carter: (05:25) Just to be clear, we can't be making major changes to the report at this point. If it passes second reading it goes out for public comment and further input. If not, well, not...

Keith Drazek: (05:26) If minority recommendations are included in the final report that did not receive support in the sub-group, the final report and recommendations may not be accepted by the SOs and ACs during their approval processes.

Robin Gross [GNSO-NCSG]: (05:27) Yes, Keith. Nor did they go through the same process of being approved at the first reading.

Farzaneh Badii: (05:28) somewhere in the transcript it said that Farzi testified on hill, can we correct that thanks :)

Keith Drazek: (05:29) that was supposed to be "Fadi"

Farzaneh Badii: (05:29) yeah... I never testified on hill. only on the mountain

Anne Aikman-Scalese (IPC): (05:31) ..over the hills and everywhere!

Greg Shatan: (05:32) I did not say there was not any support....

John Laprise: (05:32) The kind of immunity sought by minority voices would not be offered by any state.

John Laprise: (05:33) And certainly not to an organization like ICANN

Thomas Rickert, Co-Chair: (05:34) Discussions in the Jurisdiction sub-group were inconclusive on some issues - an example is the question of partial immunities for ICANN. It may be that the

ICANN community wishes to organise follow-up discussions on these issues, many of which are recorded in the annexes to this part of the Report.

Jordan Carter: (05:34) that's a version of what Jorge said

Dalila RAHMOUNI: (05:35) We support the proposition by Jorge

Robin Gross [GNSO-NCSG]: (05:35) True, John. A bit odd to be discussing things that don't actually exist in reality. Sounds like fantasy immunity.

John Laprise: (05:50) Good examples of mitigation of jurisdictional issues. Nice job!

Steve DelBianco [GNSO-CSG]: (05:50) would the contract party and ICANN need to agree upon the menu item selected?

Jordan Carter: (05:51) Greg just outlined answer to that

Steve DelBianco [GNSO-CSG]: (05:52) "negotiate" implies that ICANN would need to agree with whatever menu item was selected by the contract party, right?

Parminder1: (05:53) why are these options listed when they were not recommended and not had consensus. actually they were hardly discussed at any length

Steve DelBianco [GNSO-CSG]: (05:54) Thanks, Greg

Parminder1: (05:54) and if they can be listed why not the customised immunity also listed in the main report

Parminder1: (05:54) when in fact it was discussed often and with much greater nuance

Parminder1: (05:55) list as an option discussed without being recommended

John Laprise: (05:55) Apples and oranges: this isn't nuance...there's just a series of established choices and Greg's laying them out.

Parminder1: (05:55) this question was asked by me thrice but remains unanswered.

John Laprise: (05:55) customized immunity is just that: customized.

Parminder1: (05:55) no point in providing participation if specific questions are not answered

Parminder1: (05:56) john at this point we are not discussing merits of the issue

Parminder1: (05:56) was immunity was not part of discussions then

Parminder1: (05:56) ofac is seeking part immunity from one part of US gov

Parminder1: (05:57) that is unfair and unequal treatment

Parminder1: (05:59) i disagree with the report because it very inadequately addresses the mandate given to it, and bec the process was vitiated by non consideration of important issues considered important by manyThere is also no point in making readings and giving time to comment etc when no substantive changes can be made to the report... If time is the problem it should have been managed better.

Jordan Carter: (06:01) The time and place for substantive input was in the subgroup in the preparation of the report. Not in the Plenary, which has essentially the chance to look and approve or look and send back.

Parminder1: (06:01) and if disagree with the manner the process was carried out in the sub group?

Jordan Carter: (06:02) if this was several months earlier, there would be the chance to send the report back for further input. But as outlined earlier today, there is no runway left in the overall project's timeline. So the choice of where we are now is whether to allow and seek public comment, or to not include any recommendations on jurisdiction in the final report

Parminder1: (06:02) then the group chairs should have minded the process better

Parminder1: (06:03) meaning time better

Parminder1: (06:03) so that there was real and not surface participation at all levels

Jordan Carter: (06:03) I don't think that's reasonable. We didn't manage the interactions or the contributions of people participating in the subgroup. We provided the structure and timeline and supported the rapporteur in doing a very difficult job.

Parminder1: (06:04) ok, let's agree to disagree. and do disagree

Jordan Carter: (06:04) The fact the group took a long time to get down to the recommendations it reached consensus on can't be blamed on any individual, I don't think. Not us co-chairs, and not the rapporteur. But yes, we can agree to disagree on any or all of this :-)

Parminder1: (06:05) our chair said at the start of a/c is not in mandate

Parminder1: (06:05) and similar strong opinions were frequently inputted

John Laprise: (06:05) If you couldn't build support for your objections to the process in the subgroup, that's not a problem of the moderators

Jordan Carter: (06:05) On the topic of the meeting right now

Jordan Carter: (06:06) I think these stress tests are helpful and useful

Jordan Carter: (06:06) they seem to bear out that the recommendations of the report will help improve things

Jordan Carter: (06:06) thanks to those who worked on them

Parminder1: (06:06) from the start a strong presumption was maintained of some kinds that give many things the space and chance they deserved

Parminder1: (06:10) no

Dalila RAHMOUNI: (06:12) We think also

Olga Cavalli: (06:12) the transcription is mentioning Tijani and it should say Benedicto this should be corrected

Jordan Carter: (06:12) the formal transcript will be corrected on this

Olga Cavalli: (06:12) thanks

Dalila RAHMOUNI: (06:12) as Brazil that this is important to join the statement to the report

Olivier MJ Crépin-Leblond: (06:12) Because Thoas asked Thiago - misunderstood at Tijani :-)

Olga Cavalli: (06:13) How are the stress tests to be included in the report?

Parminder1: (06:15) also we need like to make some amendments to our dissenting view due to some clarifications given today... thanks.

Greg Shatan: (06:16) Thank you, all!

Cheryl Langdon-Orr (CLO): (06:16) Thanks Greg, good progress

John Laprise: (06:16) Nice work all!

Lori Schulman: (06:17) Congratulations to Greg and the Subteam.

Dalila RAHMOUNI: (06:18) Thank you Léon!

Greg Shatan: (06:18) Congratulations, Leon! Job well done.

Jordan Carter: (06:18) Thank you Leon!

Dalila RAHMOUNI: (06:18) Congrats to Tijani!

Michael Karanicolas: (06:22) +1 Niels - I think that would be very useful on the transparency side.

Robin Gross [GNSO-NCSG]: (06:22) Agreed

Jordan Carter: (06:24) the question will be whether anyone has the will to do it

Jordan Carter: (06:24) the energy, not the will

Thomas Rickert, Co-Chair: (06:25) we are interrupting the meeting as there is a prayer being broadcast through the pa in the room.

Greg Shatan: (06:25) Is there any sound.

Farzaneh Badii: (06:25) there is call for prayers

Farzaneh Badii: (06:25) it's done now

Jordan Carter: (06:27) and now I am Leon in the scribing

Jordan Carter: (06:27) my work here is done

Cheryl Langdon-Orr (CLO): (06:27) Great Job People.... Thans everyone