

# CCWG ACCT Meeting #82 (2 February @ 06:00 UTC)

## Attendees:

**Members:** Alan Greenberg, Alice Munyua, Athina Fragkouli, Becky Burr, Bruce Tonkin, Cheryl Langdon-Orr, Eberhard Lisse, Izumi Okutani, James Bladel, Jordan Carter, Julia Wolman, Julie Hammer, Leon Sanchez, Mathieu Weill, Olga Cavalli, Pär Brumark, Robin Gross, Samantha Eisner, Sébastien Bachollet, Steve DelBianco, Suzanne Radell, Thomas Rickert, Tijani Ben Jemaa (23)

**Participants:** Aarti Bhavana, Andrew Sullivan, Anne Aikman-Scalese, Avri Doria, Barrack Otieno, Brett Schaefer, Cherine Chalaby, David McAuley, Edward Morris, Feng Guo, Finn Petersen, Greg Shatan, Harold Arcos, Jonathan Zuck, Jorge Cancio, Kavouss Arasteh, Keith Drazek, Malcolm Hutty, Mark Carvell, Martin Boyle, Mary Uduma, Matthew Shears, Maura Gambassi, Megan Richards, Mike Chartier, Niels ten Oever, Paul Szyndler, Pedro da Silva, Philip Corwin, Rafael Perez Galindo, Sabine Meyer, Seun Ojedeji, Snehashish Ghosh, Stephen Deerhake, Thomas Schneider, Tom Dale (36)

**Legal Counsel:** Edward McNicholas, Michael Clark, Nancy McGlamery, Rosemary Fei (4)

**Observers & Guests:** Annaliese Williams, Jonathan Robinson, Konstantinos Komaitis, Lise Fuhr, Luca Urech, Manal Ismail, Michael Niebel, Navid Heyrani, Olof Nordling, Rory Conaty (10)

**Staff:** Bernie Turcotte, Brenda Brewer, Grace Abuhamad, Hillary Jett, Karen Mulberry, Laena Rahim, Nigel Hickson, Tarek Kamel, Theresa Swinehart

## Apologies:

*\*\*Please let Brenda know if your name has been left off the list (attendees or apologies).\*\**

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## Transcript

- [Transcript \\_CCWG ACCT Meeting #82\\_2 February.docx](#)
- [Transcript \\_CCWG ACCT Meeting #82\\_2 February.pdf](#)

## Recording

- The Adobe Connect recording is available here: <https://icann.adobeconnect.com/p92vmrb5ec9/>
- The audio recording is available here: <http://audio.icann.org/accountability/ccwg-accountability-02feb16-en.mp3>

## Agenda

1. Opening Remarks
2. 3rd Reading on Recommendation #11 -- GAC Advice
3. Final readings on Recommendations that required CWG-Stewardship feedback:
  - Recommendation #4a --Budget
  - Recommendation #4c -- Community IRP & Separation Process
  - Recommendation #7 -- Scope of IRP
4. 3rd reading on Recommendation #9 -- AOC Reviews
5. 4th Reading on Recommendation #5 -- Mission
6. Timeline & Communication
7. AOB
8. Closing

## Notes

These high-level notes are designed to help you navigate through content of the call and do not substitute in any way the transcript.

### 1. Opening Remarks MW

Audio only: Sebastien Bachollet; Barrack Otieno; Jordan Carter; Seun Ojedeji

No updates to SOIs

### 2. 3rd Reading on Recommendation #11 -- GAC Advice TR

Significant discussion on mailing list both on process (related to polling) and on substance (options for solution including the 60% proposal by Kavouss and the 'reverse carve out' by Becky)

These proposals introduced in good faith and have generated interest.

Leadership has decided to not go to polling given the encouraging signals which could lead to a compromise solution.

KArasteh - Becky proposal is good but would require a structural change. 60% is in line with the current proposal as a compromise on the numbers.

**Decision** - TRickert - There have been no objections to not polling and proceeding as proposed by the leadership. As to KA issue around the Becky carve out, this is not unprecedented in our current round of work (we have established other carve outs since the third draft). But let us consider the 60% proposal first to see if could be a consensus positions. We will then look at the Becky proposal.

SOjedeji - timeline, if there is enough progress today we may not need a special group to meet on this given the timing requirements. 60% should be accepted.

TRickert - We are trying to find consensus but we stand by the overall timeframe that will be presented by MW later in this call. Any further comments on the 60% proposal?

JBladel - Registrar perspective - 60% was intriguing to some but need more time to properly consider.

MHutty - Need a compromise to address the concerns - the 2/3rd rule creates two bites at the apple - which is addressed by the Becky proposal but does not address the special requirement for the Board. A change in supermajority does not create a presumption that the GAC must accept advice. The Board has a duty to consider all advice - continuing the current criteria for evaluating GAC advice.

ELisse - against 2/3 but support 60%. Do not agree with MH. We need to be precise. Special GAC advice is that which has consensus as currently defined - this kind of advice would require 2/3rd.

TRickert - 60% could be part of the solution. Let us now understand the Becky proposal.

BBurr - The point of this proposal does not involve any changes to rec. 11. Rather when there is a discussion of using a comm. power to challenge the Board following GAC advice - to ensure there is a fair possibility to challenge such actions would not allow the GAC to vote on this (carve out). Would have to adjust thresholds, mostly in IRP if this was accepted. It is simply to address the two bites at the apple issue.

TRickert - Any questions - no ok proposal is understood. Any support for this.

KArasteh - this is complex and must be discussed

TRickert - JC suggesting this item be completed today, but this is not the feeling of the group with respect to these two additions.

BShaefer - would like to see the Becky proposal in writing and this could be a very positive step towards resolution.

ASullivan - No official position. Trying to understand how this comes to an end.

TRickert - no intent to extend the proposed deadline. Propose to use a dedicated calls on this specific topic (Thursday and Monday). A final position needs to be in by 23:59 UTC Monday.

SRadell - We have no GAC position beyond the Jan 25 position. Welcomes the additional time.

TRickert - Additional calls, this is not establishing a new subgroup, simply a forum for discussing the specific topic. This closes this topic.

### 3. Final readings on Recommendations that required CWG-Stewardship feedback: MW

MWeill - Closing of ongoing issues. first part about resolving CWG issues. Recommendation #4a --Budget - timing issues have been addresses and a requirement to keep interacting as implementation goes forward. Separation was not contentious. On IRP, bylaws would mention that ICANN is responsible for PTI applying its Bylaws as well as process to address issues. Our next steps will be to closing up these items in the next few days as per our current process. No issues raised. All CWG dependencies are now addressed. thanks the co-chairs of the CWG for the cooperation. This closes this point.

### 4. 3rd reading on Recommendation #9 -- AOC Reviews MW

SDeIBianco - Annex 9 has size and composition in para 54, methods in in 57. Timing of reviews is per review, but propose no less than once every 5 years. Yesterday RI replied to the CCWG. There seems to be a misunderstanding. We are not recommending a fixed number simply a maximum of 21. Also on schedule we are only requiring a minimum of 5 years. What is the Board really asking - Board and Staff want to compile operation standards vs Bylaws on size, composition, timing and process. Contrasting AOC vs operational reviews. There are 3 questions for the Board so we can understand these requirements better. Would the community have input on developing or approving these initial Oper. Standards? Could the CCWG proposals on size & composition, working methods, and timing be considered the starting point for the Operational Standards? What is process for revising and approving changes later on?

MWeill - No Board members present (confirmed by SE). We need to resolve this.

AGreenberg - AOC reviews managed by the community? No, conducted by the community. Supports the Board position.

MWeill - the Board concerns have been taken into account and many things are for implementation.

JCarter - support Bylaws being as thin as possible but we have run out of time and we have made a commitment to translate the AOC in the Bylaws. We should go forward with third draft.

MWeill - not all operational details are in the Bylaws but the rather high level requirements - the rest is for implementation.

SDeIBianco - We only require max, size, composition, timings and methods. The rest can be in Ops. Stnds. We understand that the Board wishes to move these to op. stnds.

ADoria - lets leave it as is in 3rd draft. The AOC is specified and cannot be changed. As such our transition of the AOC should be in the Bylaws. In order to cancel the AOC we are putting these in our Bylaws.

**Decision** - MWeill - there seems to be some confusion about what we are trying to do. We are simply proposing a minimal framework as standard Bylaws. Keep our recommendations as is. Action item for co-chairs to reach out to RI to explain our recommendation and this can go into finalizing drafting. This closes this item.

## 5. 4th Reading on Recommendation #5 -- Mission TR

TRickert - Becky will provide an overview of where we are.

BBurr - On consumer trust Where feasible and appropriate - we have agreed to reinsert that text and have general agreement. Still waiting final input on ASO and the RSSAC. We continue to have an open discussion about how scope of agreement with contracted parties is dealt with in Bylaws. Lawyers have advised that it may be best to have a general statement and leave the rest to interpretation. Board has suggested that this should be drafted in another part of the Bylaws. Grandfathering language is based on agreements from last week. Looking forward to trying to close grandfathering and then trying to confirm the regulatory prohibition goes somewhere else in the Bylaws.

TRickert - On Board input maybe BTonkin can provide updates on ASO and RSSAC language. SE is working with RSSAC on language. We would expect input from the Board by Monday. 2359UTC on these topics.

GShattan - Third party beneficiaries, why is this there and why is it serious.

TRickert - Can we resolve this.

BBurr - not proposing any changes to language just saying it has to be considered. where does this concept go in the Bylaws.

Malcolm Hutty: Easy to close: just include a clause saying that this does not create any rights in those contracts for third parties

BBurr - agree. but we need to understand where we put this and the Board comments.

TRickert - The Board is not against this it is just suggesting it not go in the mission. Can we conclude on accepting that suggestion?

BBurr - It is complicated creating a contracting section. Need to emphasize that enforcement of contracts should be in the mission.

TRickert - who objects to putting this into another section.

AGreenberg - no particular opinion. We do not seem to be making progress - we need to close on this.

MHutty - A cannot be moved, possibly B - Lawyers advice is draft principles these are A,B,C and D.

GShattan - do not agree with separating A from B.

**Decision** - TRickert - There seems to be consensus to leaving 4 as it is. Any objections? (none). AG wants to talk to the market mechanisms.

AGreenberg - issue vs bottom up PDP. Would like to eliminate the words Policy Dev.

BBurr - This language is the result of much work and appears in core value 2. Caution vs the global public interest. Need to think about deviating from this.

TBenJemaa - support AG otherwise ICANN could be in breach

**Decision** - TRickert - let us note this and see if there is support on list in the next 48 hours, If not it will not be included. Grandfathering - any issues with proceeding with the recommendation (BTonkin asking to not use grandfathering, BB will look at replacing.) No objections. Is the consensus way forward.

## 6. Timeline & Communication MW

GAbuhamad - presentation of tracker tool.

MWeill - the only things left is rec 4 indemnification and rec 11. It is an appropriate time to communicate to the community via a co-chair blog post which will also be sent to the chartering organizations. We would provide an update of where we are and that we are planning to send an supplemental to the Chartering Org. in time for approval in Marrakech.

KArasteh - Rec 1 and rec 11, or only rec 11.

MWeill - it is about finding consensus. completely new ideas are not acceptable, tweaks are possible.

SRadell - GAC has a request from JC as to the status on Rec. 11, when will this text be posted.

MWeill - We will be working on text on Thursday and Monday. Dedicated calls to produce consensus.

MHutty - is my proposal being considered in those calls.

TRickert - can be brought up during the call.

MWeill - Hope this, hope this answers the question.

KArasteh - The only thing to report is that this will be discussed Thursday.

AFragkouli - Given the time required by NTIA to process our proposal and ask the CO's to approve before Marrakech.

MWeill - How would you propose we proceed? Uncertain how this can be done given recent history.

AFragkouli - Appreciate the work and that it is difficult - we need to put in hard deadlines and stick to them. Participants need to compromise and there should be no new issues.

**Decision** - MWeill - appreciate your concerns. Marrakech would be time for the approval of the recommendations which implies the proposal will have to be ready significantly before Marrakech - if any CO's wish to approve before Marrakech it would be great.

BSchaefer - details on the Thursday call? Concern re gNSO meeting on Th and Fri.

MWeill - full CCWG call on one on topic. Will look at how to accommodate the gNSO so there can be participate.

KArasteh - why not use noon UTC?

**Decision** - MWeill - we will come back very quickly with a time for this Thursday meeting. Will close this item with this.

## 7. AOB - TR

TRickert - any AOB - none.

## 8. Closing

TRickert - We need to close rec 11 on Monday latest to try and avoid voting.

Adjourned.

## Action Items

## Documents

- [Rec 11 - First reading conclusion v4\\_2Feb.pdf](#)
- [Annex 9 - second reading conclusions.pdf](#)
- [Rec 5 - Mission - conclusions\\_1 February.pdf](#)
- [CCWG Status Tracker\\_2Feb.pdf](#)
- [Table Extract with Status.pdf](#)

## Adobe Chat

Brenda Brewer: (2/1/2016 22:43) Hello and welcome to CCWG Accountability Meeting #82 on Tuesday, 2 February 2016 @ 06:00 UTC! Please note that chat sessions are being archived and follow the ICANN Expected Standards of Behavior: <http://www.icann.org/en/news/in-focus/accountability/expected-standards>

Kavouss Arasteh: (23:27) Hi BRENDA

Kavouss Arasteh: (23:27) Hi Hilary

Brenda Brewer: (23:37) Hi Kavouss!

Olga Cavalli - GAC Argentina: (23:42) Hi Brenda, good morning, can you do a dial out to me?

Olga Cavalli - GAC Argentina: (23:42) hi Kavouss

Brenda Brewer: (23:42) Yes Olga! Good day!

Olga Cavalli - GAC Argentina: (23:42) thanks, well it is 3 am .....

Thomas Rickert, CCWG Co-Chair: (23:54) Hello all!

Jonathan Zuck: (23:54) Greetings!

Martin Boyle, Nominet: (23:55) morning all

Kavouss Arasteh: (23:56) Hi those already joined and those who join later

Bernard Turcotte Staff Support: (23:57) hello all

Kavouss Arasteh: (23:57) Olga ,I had two times attened a call between 03-05 am

Kavouss Arasteh: (23:57) IT IS NOT A SUITABLE WINDOW BUT YOU ARE AN ACTIVE MEMBER AND CAN WITHSTAND

Olga Cavalli - GAC Argentina: (23:58) Kavouss you are a a hero!

Suzanne Radell (GAC): (23:58) Hello everyone

James Bladel: (23:58) Good evening..or morning I guess.

Sabine Meyer (GAC - Germany): (23:58) hello everyone

Kavouss Arasteh: (23:58) yESTER i SPENT 14 HOURS WITH MANY MANY E-MAIL EXCHANGE

Olga Cavalli - GAC Argentina: (23:59) @kavouss yes yesterday was the email day...

Alice Munyua (GAC): (23:59) hello

Sabine Meyer (GAC - Germany): (23:59) Hm, not sure I was actually joined to the call...

Alice Munyua (GAC): (23:59) Hello everyone

Andrew Sullivan: (23:59) Yes, my employer is also keen that this effort end so that I can do some of the things they pay me for :)

Olga Cavalli - GAC Argentina: (23:59) Hi Alice Sabine Susan!

Keith Drazek: (23:59) @James: Congrats on surviving the Caucus

Alice Munyua (GAC): (23:59) Hi Olga

Suzanne Radell (GAC): (2/2/2016 00:00) Hi Olga

Alice Munyua (GAC): (00:00) Hi Sabine and Suz

Bernard Turcotte Staff Support: (00:00) hello all , please remember to mute your line if not speaking

Cheryl Langdon-Orr: (00:00) Hi everyone

Greg Shatan: (00:00) Hello all.

Athina Fragkouli (ASO): (00:00) hello all!

Kavouss Arasteh: (00:00) Dear Co-Chairs, Good morning. Pls apply the same Rules as call 81

Mathieu Weill, ccNSO, co-chair: (00:00) Hello everyone, how are you today ?

Julia Wolman, GAC, Denmark: (00:00) Hello all

Olga Cavalli - GAC Argentina: (00:01) Hi Mathieu

Olga Cavalli - GAC Argentina: (00:01) Hi Julia

Kavouss Arasteh: (00:01) Not more than two intervention with 5 and 3 minutes respectively on any given subject.

Kavouss Arasteh: (00:01) Not a new subject

Rosemary Fei (Adler & Colvin): (00:01) Hello, everyone.

Julia Wolman, GAC, Denmark: (00:01) Hi Olga

jorge cancio (GAC Switzerland): (00:02) hi all

Harold Arcos: (00:02) Hi all

Olga Cavalli - GAC Argentina: (00:02) hola Jorge

Pär Brumark (GAC Niue): (00:02) Hi all!

Olga Cavalli - GAC Argentina: (00:02) Hi Par

Bernard Turcotte Staff Support: (00:03) test

Grace Abuhamad: (00:04) received @Bernie

Aarti Bhavana: (00:04) Hi All

Bruce Tonkin: (00:07) Hello All

Bruce Tonkin: (00:07) Note the text "The Board should determine whether the raioatlanle is adquate" I don;t think is the right language.

Bruce Tonkin: (00:07) I think an advisory committee just like the Baord should be required to provide a rationale for their advice.

Bruce Tonkin: (00:08) The Board can then decide to accept or reject advice based on the rationale. The Baord can also ask calrying questions before making a decision.

Steve DelBianco [GNSO - CSG]: (00:08) Right, Becky. The draft displayed on the screen is one generation old.

Bruce Tonkin: (00:08) So I think it is sufficent o simply require that all advisory committees provide a clear public rationale for their advice.

Andrew Sullivan: (00:09) Since there was a plan for a poll anyway, is there any value in trying a straw poll now?

Bruce Tonkin: (00:09) The Baord always has the option to meet with an advisory committee to get clarification on teh advice.

Avri Doria: (00:09) Next week? or this week?

Robin Gross [GNSO - NCSG]: (00:10) It is probably true that we should work on this a bit more before being forced into a corner.

Andrew Sullivan: (00:10) (I have a great deal of sympathy for the desire to work this out, but I am deeply worried that we're again kicking this off for yet another week)

Becky Burr: (00:11) that's not my proposal ...

Keith Drazek: (00:11) I think more time to discuss the substantive proposals is a good thing.

Matthew Shears: (00:11) agree

Anne Aikman-Scalese (IPC): (00:11) Agree with Keith

Martin Boyle, Nominet: (00:12) Keith +1

Keith Drazek: (00:12) I refer everyone to the email I sent to the CCWG list about 40 minutes ago, suggesting a possible combination of Becky's and Kavouss' proposals. Something for further discussion.

Jonathan Zuck: (00:12) +1 Keith

Greg Shatan [GNSO - IPC]: (00:12) Kavouss, that was Malcolm's proposal, not Becky's.

Andrew Sullivan: (00:12) I agree that more time to discuss is valuable, but I also wish I could be young again. We are way running out of time, and I'm trying to understand how we draw the discussions to an end

Suzanne Radell (GAC): (00:13) If this particular recommendation and the alternatives will be taken up by a small drafting group for further work, is this call still intending to hold a poll?

Eberhard W Lisse [.NA ccTLD Manager]: (00:13) I agree with the deferment of the decision to

Greg Shatan [GNSO - IPC]: (00:13) Can we put Becky's proposal on the screen.

Becky Burr: (00:13) no, i think no poll tonight

Eberhard W Lisse [.NA ccTLD Manager]: (00:13) s/to/too/

Alice Munyua (GAC): (00:13) I think the polling proposal is no longer on the table

Keith Drazek: (00:13) Agree Andrew...I'm thinking a matter of days, not longer.

Eberhard W Lisse [.NA ccTLD Manager]: (00:14) the polling proposal is still on the table but not today :-)-O

Alice Munyua (GAC): (00:14) and further work by a small drafting team will still have to be subjected to public/GAC comments?

Alice Munyua (GAC): (00:14) Ah so polling still on, but not for today. Thanks EL

Alan Greenberg: (00:15) @Keith, perhaps a few days would do it, but we only have one more CCWG meeting prior to the middle of the month which I thought was the deadline for coming to agreement in order to have a proposal approved by Manrakech.

Eberhard W Lisse [.NA ccTLD Manager]: (00:15) Alice, if we can come to consensus then there is no need for polling

Keith Drazek: (00:15) @Alan:: Yep. Crunch time (again)

Alice Munyua (GAC): (00:15) +1EL

Matthew Shears: (00:15) consensus is certainly preferable

James Bladel: (00:16) I can report Registrars are still discussing potential compromise alternatives to the 2/3rds threshold, so more time would be valuable.

Brett Schaefer: (00:16) Could Becky clarify a couple of things for me about her proposal? First, this would apply to all consensus GAC advice not rejected by the Board, correct? Second, if GAC is not included, the thresholds for exercising powers 1, 2, 5 and 7 would have to be adjusted to prevent a unanimity requirement for exercising them, correct?

Kavouss Arasteh: (00:16) What I want to avoid is voting

David McAuley (RySG): (00:17) I agree that taking some days to further probe the potential of Kavouss and Becky ideas makes sense

Jor: (00:17) Made it to Adobe, hi all

Kavouss Arasteh: (00:18) I agree to give a one week time under Beck's guidance with a view to come back with an agreed compromise

Jordan Carter (.nz, WP1 rptr): (00:18) :)

Kavouss Arasteh: (00:18) Becky sorry to disturb you

Andrew Sullivan: (00:18) We don't have a week

Mark Carvell [GAC - UK Govt]: (00:19) Suggest the Rec 11 sub-group cracks on quickly and meets virtually this week with aim of submitting a final proposal for sign off by full group by this time next week..

Andrew Sullivan: (00:19) days, I can see. "another week" is just a way of saying "we won't ship"

Izumi Okutani(ASO): (00:19) I agree with Andrew and would be good to have clarity on how we can proceed with this issue

Jordan Carter (.nz, WP1 rptr): (00:19) let's meet in 8hrs

Matthew Shears: (00:19) + 1 Mark

Eberhard W Lisse [.NA ccTLD Manager]: (00:19) I can live with 60%

Jordan Carter (.nz, WP1 rptr): (00:19) and every 8 hrs, until a consensus is arrived at.

Kavouss Arasteh: (00:19) No that is not correct

Jordan Carter (.nz, WP1 rptr): (00:19) (Kavouss, don't worry, I am joking.)

Andrew Sullivan: (00:19) @Jordan: the beatings will continue until morale improves?

Izumi Okutani(ASO): (00:20) ASO can live with 60%

Andrew Sullivan: (00:20) s/Jordan/Jordan

Eberhard W Lisse [.NA ccTLD Manager]: (00:20) But I can live with 60% plus

Kavouss Arasteh: (00:20) Lowering the threshold may not remove the objection of GNSO with respect to Rec 1

Athina Fragkouli (ASO): (00:20) ASO is fine with 60%

Eberhard W Lisse [.NA ccTLD Manager]: (00:20) Rather 60% plus Becky

Eberhard W Lisse [.NA ccTLD Manager]: (00:20) I will object to 2/3 even with Becky's proposal

Kavouss Arasteh: (00:21) I formally request that ONE WEEK TIME BE GIVEN TO FIND A WORKABLE SOLUTION

Kavouss Arasteh: (00:21) UNDER BECKY'S leadership

Matthew Shears: (00:21) A combination of the lowering in addition to Becky's proposal deserves more consideration

Matthew Shears: (00:21) + 1 Malcolm

Kavouss Arasteh: (00:22) Dear Thomas, could you take the one week proposal to come up with a compromise solution

Eberhard W Lisse [.NA ccTLD Manager]: (00:22) I can live with Board having to follow GAC advice if by consensus, in principle, ie overruled by 60%

Becky Burr: (00:23) My proposal with Keith's proposed modification. Require 60% of the Board to reject GAC Advice but also provide that the GAC cannot act in a decision-making role with respect to an exercise of community power designed to challenge the Board's implementation of GAC Advice. In other words, the GAC would not be counted in the "no more than two SO/ACs objecting" threshold to a community IRP challenge to the Board's implementation of GAC Advice alleged to exceed the scope of ICANN's Mission.

Izumi Okutani(ASO): (00:23) Just to explain the reason for ASO support for 60% -

Megan Richards, European Commission: (00:24) let's not step backwards from the current bylaws re GAC advice

Izumi Okutani(ASO): (00:24) The Board going forward is going to quite likely insist upon clear rationale accompanying GAC advice, and furthermore is far more likely to engage collaboratively with the community impacted by GAC advice before taking any action. Under these circumstances, the specific threshold chosen is unlikely to have an influential impact on the outcomes of the GAC advice in the future.

Eberhard W Lisse [.NA ccTLD Manager]: (00:24) Let's be precise on the language, GAC advice means GAC Consensus advice

Becky Burr: (00:25) +1 Eberhard

Pedro da Silva [GAC Brasil]: (00:25) The immediate concern Becky's proposal raises is the fact that it singles out the GAC...a SO/AC neutral approach, as Jorge indicated in the list, is always preferable

Brett Schaefer: (00:25) Becky, objection is not the only issue with exercising EC powers. There is also a threshold (in four instances, 4 supporting) which could require unanimity in the SOACs to exercise those powers absent the GA.

Eberhard W Lisse [.NA ccTLD Manager]: (00:25) in respect of ease of rejection

Robin Gross [GNSO - NCSG]: (00:25) For me, it is principle, 60% or 66% does not matter.

Becky Burr: (00:25) @ Brett, I hear you, would need to adjust

Greg Shatan [GNSO - IPC]: (00:26) The GAC would need to change its operating procedures to send non-consensus "advice," would it not? It's not just something GAC can do at any time.

Kavouss Arasteh: (00:27) We need to retain the language of REC 11

jorge cancio (GAC Switzerland): (00:27) dear all, I don't think a subgroup will bring us closer to agreement than what is being discussed in this call. why not close the issue today?

Kavouss Arasteh: (00:27) JORGE

Kavouss Arasteh: (00:27) oKAY IF WE CAN

Greg Shatan [GNSO - IPC]: (00:27) We have 69 people on th is call,; why is that a "subgroup"?

Jordan Carter (.nz, WP1 rptr): (00:27) GNSO needs more discussion time

Matthew Shears: (00:29) agree

Greg Shatan [GNSO - IPC]: (00:29) I agree as well.

jorge cancio (GAC Switzerland): (00:30) Marrakech rapidly approaches if we wait so much...

Kavouss Arasteh: (00:31) It is a complex proposal .It requires further analysis

Olga Cavalli - GAC Argentina: (00:31) +1 to Kavouss

Greg Shatan [GNSO - IPC]: (00:32) I don't see the complexity.

jorge cancio (GAC Switzerland): (00:32) I find Becky's proposal reasonable as a principle, but still think it should not single-out the GAC, unless it is fully reasoned and its non-application to other SO/AC is motivated

Eberhard W Lisse [.NA ccTLD Manager]: (00:33) We can only close this today if we can do it before 07:00 UTC :-)-O

Julia Wolman, GAC, Denmark: (00:33) I am sorry but I have to leave the call. Good day/night to you all!

jorge cancio (GAC Switzerland): (00:33) Dear Thomas: we are waiting for the gnso - but we are at a critical juncture

Becky Burr: (00:34) Please see my response earlier today to Jorge with explanation for why I think application to GAC Advice (as opposed to all SO/ACs) is appropriate

Matthew Shears: (00:34) Agree with Brett need to see this prpoosal "on paper"

Jordan Carter (.nz, WP1 rptr): (00:34) This is promising

Sabine Meyer (GAC - Germany): (00:35) @Becky: you differentiate GAC advice from PDPs. how about other advice?

Jordan Carter (.nz, WP1 rptr): (00:35) No other advice faces a "must resolve" test, Sabine

Jordan Carter (.nz, WP1 rptr): (00:35) GAC advice is Unique with a capital U.

Becky Burr: (00:36) @Sabine - do you mean SSAC and RSSAC Advice?

Jordan Carter (.nz, WP1 rptr): (00:36) (a must-try-to-resolve)

Anne Aikman-Scalèse (IPC): (00:36) Reaching a consensus compromise will hopefully avoid a stand-off between the GAC and the GNSO on the overall recommendation. That is desirable in the Board's process for transmitting the proposal to NTIA and NTIA's role in certifying the proposal to Congress. If we meet calendar timeline but have either GAC or GNSO not in support, that is very bad.

Athina Fragkouli (ASO): (00:36) agree with Andrew

Becky Burr: (00:36) They have no mandatory consideration, threshold for rejection, etc.

Megan Richards, European Commission: (00:36) Jordan +1

Jordan Carter (.nz, WP1 rptr): (00:37) it's more like a one-subject call than a "sub-group"

Andrew Sullivan: (00:37) And I should have said, if there is anything I can do to contribute or help or whatever, I am certainly happy to put my shoulder to the wheel

Mathieu Weill, ccNSO, co-chair: (00:37) Thanks Andrew !

Andrew Sullivan: (00:37) and thanks for the clarity

Kavouss Arasteh: (00:38) May we assign the Thursday call devoted to this subject in which all people could pèarticipate

Jordan Carter (.nz, WP1 rptr): (00:38) Yep, that's the idea I think Kavouss.

Pär Brumark (GAC Niue): (00:38) +1 Suzanne

Matthew Shears: (00:38) helpful thanks Suzanne

Sabine Meyer (GAC - Germany): (00:38) @Becky and Jordan: what about ALAC? Not to be glib, but I would suppose that given their abstention from the empowered community RSSAC and SSAC would not figure into Becky's argument.

Malcolm Huty: (00:38) A timely reminder that the GAC are not asking for this

Kavouss Arasteh: (00:38) We can not block the situation by a particular SO or AC

Matthew Shears: (00:38) + 1 Malcolm

Izumi Okutani(ASO): (00:39) can you not hear me

Izumi Okutani(ASO): (00:39) Ok

Grace Abuhamad: (00:39) nope. You need to connect your mic

Izumi Okutani(ASO): (00:39) I will type

Becky Burr: (00:39) Does the Board have an obligation to reach mutual agreement with the ALAC regarding its advice?

Eberhard W Lisse [.NA ccTLD Manager]: (00:39) im ok

Jordan Carter (.nz, WP1 rptr): (00:39) Sabine: the ALAC advice is not subject to the same test

Alan Greenberg: (00:39) @Becky, No.

Kavouss Arasteh: (00:39) What about m,y last proposal in deciding that Thursday xcall be devoted the entire three hours for this subject

Mathieu Weill, ccNSO, co-chair: (00:39) That is agreed Kavouss

Jordan Carter (.nz, WP1 rptr): (00:40) Kavouss: there is no new group, that's what the Thursday call will be

Pedro da Silva [GAC Brasil]: (00:40) @Becky: the obligation of the Board is to TRY to reach mutual agreement

Becky Burr: (00:40) @ Sabine - it is that unique obligation that makes GAC Advice unique

Becky Burr: (00:40) correct Pedro

Jordan Carter (.nz, WP1 rptr): (00:40) Pedro: precisely. That's the Unique bit.

Sabine Meyer (GAC - Germany): (00:40) Also:

Izumi Okutani(ASO): (00:40) Yes that's fine

Izumi Okutani(ASO): (00:40) I will type

Sabine Meyer (GAC - Germany): (00:41) sorry for that, ghost "enter"

Mark Carvell GAC - UK Govt: (00:41) Thanks - good way forward with target date.

Pedro da Silva [GAC Brasil]: (00:41) So, no obligation to REACH a mutual solution...decision power remains with Board, just as with other advices

Brett Schaefer: (00:41) Jordan, will the Thursday call be arrange to allow those in the GNSO intersessional meetings to attend?

Jordan Carter (.nz, WP1 rptr): (00:42) Brett: do you mean in terms of time? I'm not involved with the scheduling.

Kavouss Arasteh: (00:42) Becky is kindly requested to clarify whether her proposal requires7 involves structural changes. This must be confirmed by Lawyers and ICANN Board

Brett Schaefer: (00:42) Oh, wh will schedule it? GNSO is central to this, so it woul dbe good to make sure they can participate.

Kavouss Arasteh: (00:43) I am not comfortable to discuss structural changes at this stage of work

Jordan Carter (.nz, WP1 rptr): (00:43) brett: I am sure staff will take that into account and so will cochairs

Izumi Okutani(ASO): (00:43) I completely agree with Andrew and reasuraing to have clarity by the CCWG Co-Chairs that tihs will not affect the timelines. I wanted to suggest to at least test the waters among the participants about the options on the table, so we have more clarity about a way forward on Rec11 (not a poll or a vote). It's not very clear to me what are the directions we are seeing as possible agreable way forward.

Jonathan Zuck: (00:43) Not structural at all

jorge cancio (GAC Switzerland): (00:43) agree with Izumi

Izumi Okutani(ASO): (00:43) May I also ask next Monday to be a hard deadline for CCWG to agree on it

Thomas Rickert, CCWG Co-Chair: (00:44) Izumi, it is a hard deadline. Should the group fail to come up with a consensus position, we will proceed to voting.

jorge cancio (GAC Switzerland): (00:44) and what will happe if we fail with consensus?

Jordan Carter (.nz, WP1 rptr): (00:45) we go to voting

Jonathan Robinson: (00:45) @MATHIEU. tHANKS. i THINK YOU COVERED IT WELL.

Jordan Carter (.nz, WP1 rptr): (00:45) CWG Budget stuff seems to be good.

Jonathan Robinson: (00:45) Sorry for caps

jorge cancio (GAC Switzerland): (00:45) and if there is no decision coming out of the voting?

Jordan Carter (.nz, WP1 rptr): (00:45) Jorge: there will be. Some kind of consensus, or no consensus.

Kavouss Arasteh: (00:45) In view of the fact that PTI is an affiliate to ICANN , THE SECOND OPTION IS MORE ACCEPTABLE

jorge cancio (GAC Switzerland): (00:46) and what happens if we have a split?

Alan Greenberg: (00:46) I don't see how the CCWG can agree on ANYTHING regarding Rec 11 by next Monday, when we don't meet until Tuesday and we in theory require two meetings to finalize anything. SOMETHING will have to give!

jorge cancio (GAC Switzerland): (00:46) what is the default?

Izumi Okutani(ASO): (00:46) Thank you Thomas for the confirmation about the deadline. Helpful to know

Jordan Carter (.nz, WP1 rptr): (00:46) Jorge: presumably we have to say to the community there' sno consensus on changing what was in the 3rd draft?

Thomas Rickert, CCWG Co-Chair: (00:46) There is the possibility that the co-chairs declare the absence of consensus. It is a possibility. We can and will use it if need be lacking alternatives. It would likely lead to the transition fail. It is for the group to avoid this. The co-chairs stand by to implement what is in our charter.

jorge cancio (GAC Switzerland): (00:46) aha - that is a kind of default we have used before

Jordan Carter (.nz, WP1 rptr): (00:46) as per Thomas statement.

Lise Fuhr: (00:47) @Mathieu thank you too for the work with the CWG requirements

Jordan Carter (.nz, WP1 rptr): (00:47) Chuck was super helpfule, Lise/Jonathan

Lise Fuhr: (00:47) @Jordan good to know

Lise Fuhr: (00:48) I will need to drop of now - bye for now.

Steve DelBianco [GNSO - CSG]: (00:48) <http://mm.icann.org/pipermail/accountability-cross-community/2016-February/010331.html>

Jordan Carter (.nz, WP1 rptr): (00:51) These ATRT reviews consider ICANN's overall accountability and performance. Isn't it reasonable to have the parameters for that set out in a way that the entity being reviewed (ICANN and its Board) face some hurdles to change?

Steve DelBianco [GNSO - CSG]: (00:53) Would the community have input on developing or approving these initial Oper Standards? Could the CCWG proposals on size & composition, working methods, and timing be considered the starting point for the Operational Standards? What is process for revising and approving changes later on?

Samantha Eisner: (00:53) The Board has a conflict and no Board members could attend this meeting. We can take back requests for clarification.

Jordan Carter (.nz, WP1 rptr): (00:54) Bruce Tonkin is on the call.

Stephen Deerhake (.as): (00:54) NOT a single Board member?

Jordan Carter (.nz, WP1 rptr): (00:54) (according to the Adobe room.)

Steve DelBianco [GNSO - CSG]: (00:54) May I ask, does anyone else on this call have experience with ICANN's Operational Standards in use today?

Brett Schaefer: (00:55) Bruce made a few comments at heh start of the call.

Brett Schaefer: (00:55) edit, the

Samantha Eisner: (00:55) My sense is that the CCWG work could be the starting point on this, and there would be community involvement in the development.

Samantha Eisner: (00:55) I cannot speak for the Board on this, of course.

Steve DelBianco [GNSO - CSG]: (00:55) Thanks Sam

Samantha Eisner: (00:56) For clarification, Bruce is following the proceedings online but is not able to hear the proceeding or be on audio

Malcolm Hutty: (00:56) Breaking news: Alan supports the Board's comments

Samantha Eisner: (00:56) Also, I think that the detail of how the operational standards are revised - with community input - can be developed in the implementation phase

Avri Doria: (00:56) they ae currently cast in the concrete of the AOC

Thomas Rickert, CCWG Co-Chair: (00:57) Didn't the Board declare there would be two Board members on all of our calls?

Avri Doria: (00:57) all declarations have exceptions.

Bruce Tonkin: (00:58) On point 8 with respect to the operational standards. I recommend the following. WE keep the bylaws simple and refer to an operatioanl stadnard documntt that will be updated after each review with process improvements.

Kavouss Arasteh: (00:58) WHY WE NEED ALL OPERATION DETAILS IN THE BYLAWS

mike chartier: (00:59) Jordan +1

Bruce Tonkin: (00:59) Take the material from the current report that has been drafted by Steve Delbinaco and include in an appendix to the CCWG report, and let that be the first version of the operational standards. These standards can then be refined by the review teams and community as we go along.

Kavouss Arasteh: (01:00) We should not tied up the hand of the Board in going into micromaganement

Bruce Tonkin: (01:00) The staff input on tis topic was to avoid setting into stone some parameters that the community will want to adjsut depering on the particular review and the range of topics to be considered by the review.

Jordan Carter (.nz, WP1 rptr): (01:00) But at this point, three minues past midnight, we should leave them in the bylaws. The bylaws can be changed if needed.

Kavouss Arasteh: (01:00) I was joking

Andrew Sullivan: (01:01) Give that these aren't fundamental bylaws, it's not really setting in stone anyway, is it?

Kavouss Arasteh: (01:01) Srriously ,the Board must be given some degree of monouvering

Andrew Sullivan: (01:01) Maybe setting in heavy clay :)

Jordan Carter (.nz, WP1 rptr): (01:01) We only have some very narrow key points in the bylaws. It's not a million page charrter of detail tying the board or anyone up in knots. It provides a nice clean minimal framework within which operational standards can be crafted to establish teh detail.

Jordan Carter (.nz, WP1 rptr): (01:01) And Andrew is quite right: it is not set in stone.

Andrew Sullivan: (01:01) I think Jordan's point about the time we have left is the important thing to consider here

Andrew Sullivan: (01:02) Either we start hacking off as many changes as possible from the list people seem to want

Jordan Carter (.nz, WP1 rptr): (01:02) Also: most of the CCWG's third proposal is actually consistent wthn the \*substance\* of what the Board said in its comments. Let's not change things we don't \*absolutely have\* to change.

Andrew Sullivan: (01:02) or else we're just never going to ship

Bruce Tonkin: (01:03) Well there is a fair bit of ovehad in changing any bylaw . The GNSO for exampel has operational procedures that are not in the bylaws as does GAC. Review teams likewise shoudl have that flexibility as well.

Eberhard W Lisse [NA ccTLD Manager]: (01:03) I have my hard stop now, but we should not back off, AoC belongs in Blyaws

Anne Aikman-Scalese (IPC): (01:03) AGree with Steve - agree with Avri that AoC Commitments should be in the By-Laws.

Kavouss Arasteh: (01:03) Why we need to put this even minimal in the Bylaws? why not just ask the Board to publish those operational practices for public comments without putting them in the Bylaws

Jordan Carter (.nz, WP1 rptr): (01:03) Kavouss: because three times we have told the Community that we \*will\* put them in the bylaws.

Bruce Tonkin: (01:04) AS does the nominating committee. The Baord and/or community doesn;t gebnerally approve changes in operational procedures for each group.

Steve DelBianco [GNSO - CSG]: (01:04) Anything in the bylaws can be revised. These are regular bylaws, not Fundamental.

Jordan Carter (.nz, WP1 rptr): (01:04) Bruce; review teams WILL have that flexibility. The process is not captured in anything in the CCWG report in any great detail.

Andrew Sullivan: (01:04) I have a lot of sympathy for the position that these needn't be in here, but this is the proposal that's been kicked around. The more we change, the worse shape we're in

Jordan Carter (.nz, WP1 rptr): (01:04) in fact, what we have proposed to put in the bylaws is precisely that general, high level framework within which detail can be fleshed out.

Bruce Tonkin: (01:05) Yesa anything in bylaws or for that matter fundamental bylaws can be changed. I think the question thoughh is why do we need s=uch microdetail in bylaws in teh first palce.

Andrew Sullivan: (01:05) the question isn't any longer, "If we were doing the perfect thing de novo, how would we do it?" The question should be, "Can we live with the text as it is?"

Samantha Eisner: (01:05) I tend to agree with Steve's suggestion that we are talking past each other. It is important to have both high level requirements in the Bylaws, as well as having more detail in operational standards

Jordan Carter (.nz, WP1 rptr): (01:05) it's consistent with the status of the AOC to put these into the bylaws.

Izumi Okutani(ASO): (01:05) I agree with Jordan Avri

Jordan Carter (.nz, WP1 rptr): (01:05) Sam: I think we just seem to have arrived at different conclusions about what the appropriate level of detail is

Jordan Carter (.nz, WP1 rptr): (01:06) and since it isn't actually that important either way, my strong bias is to \*not change it\*. :-)

Izumi Okutani(ASO): (01:06) If we address the issues being raised in essence, I think we can move with keep our rec as it is

Steve DelBianco [GNSO - CSG]: (01:06) Sure, Mathieu. I will draft a reply to Rinalia

Alan Greenberg: (01:06) For the record, We are putting in the Bylaws MORE detail than in the AoC. Rules about number of members per AC/SO for instance. That being said I agree it is a bit late to make changes now.

Samantha Eisner: (01:06) On the timing of the reviews, for example, the Board was highlighting the need for flexibility in the initiation of the first set of reviews performed under the Bylaws, but there would clearly need to be a regular review cycle set forth in the Bylaws so there was a clear Bylaws requirement to measure against

Jordan Carter (.nz, WP1 rptr): (01:07) and Sam: that's possible with the proposal, right?

Jordan Carter (.nz, WP1 rptr): (01:07) It could be cleaner, but it works.

Samantha Eisner: (01:07) @Jordan, yes.

Athina Fragkouli (ASO): (01:07) thank you Mattheu, I agree with the proposed way forward

Jordan Carter (.nz, WP1 rptr): (01:07) Thanks for the summary Mathieu - seems good.

Bruce Tonkin: (01:07) @Jordan that sounds right about what level of detail needs to be in what palce. FOr any group that has a long term puporse which the AOC reviews are - will have operational procedures that each review team should update over

Steve DelBianco [GNSO - CSG]: (01:07) @Samantha -- the board's reply, however, did not agree to having any minimum frequency for the AoC reviews.

Jordan Carter (.nz, WP1 rptr): (01:08) Bruce: totally agree. I really don't think that what was in the third draft was problematic about it. May have been preferably drafted differently, but at this point in my view we are at "can we live with this?" stage

Bruce Tonkin: (01:08) time. What would be helpful is to accept that there will be some operatioan lprocedures that will be developed over tie, and then capture the key high level details that need to be in the bylaws.

Jordan Carter (.nz, WP1 rptr): (01:08) Bruce: I agree that's ideal; it just isn't where we are at now.

Steve DelBianco [GNSO - CSG]: (01:09) I guess what we really need from the board is a markup to Rec 9 paragpahs 54 and 57

Anne Aikman-Scalèse (IPC): (01:09) Frequency of reviews is in fact a key provision that needs to be in the By-Laws even if not fundamental by-laws.

Bruce Tonkin: (01:09) @Steve - I think it is fine to have a minimum frequency of reviews - and it would also be useful to have some maximum time for deliveing a review report. ie if it takes two years to procued a review report and 3 years to implement all the changes - it makes no sense to have a review every 3 years.

Bruce Tonkin: (01:10) If we set up an ap[proprate rhythm - you might have say a review every say 5 years. Year 1 is do develop imprvements that can be completed in year 2, and then there is three years of operatioan to form the basis of thea review in year 5.

Mathieu Weill, ccNSO, co-chair: (01:10) @Bruce : I am unsure how well the proposal has been reviewed by the Board. Minimal proposed frequency is 5 years !

Jordan Carter (.nz, WP1 rptr): (01:10) .... and that's what the Third Draft provides for.

Avri Doria: (01:11) has been set at 5 yrs for quite a while now.

Bruce Tonkin: (01:12) Sorry - I am aSOrry I was using 3 years aan example - I accept that 5 years is the proposal and I have said that I am OK with 5 years.

Bruce Tonkin: (01:13) I am just suggesting that we need (maybe as part of other documents) that the process accommodates what happens within each 5 year cycle

Bruce Tonkin: (01:13) Il thin it is appropraite that 5 year cycles be incorporated into the bylaws.

Jordan Carter (.nz, WP1 rptr): (01:14) Bruce, I hope and believe that that's what the existing proposal does., so I hope the Board is OK with the decision just now to move on with legal review as drafted

Jordan Carter (.nz, WP1 rptr): (01:14) Sorry you can't be there

Becky Burr: (01:14) i thought Bruce wasn't on audio

Alan Greenberg: (01:14) Sam had said that Bruce cannot speak\

Bruce Tonkin: (01:14) I am not on audio.I have no audio. I am in the middle I am not on audio - just followign the chatof an

Samantha Eisner: (01:14) The board liaison is still working with RSSAC on this item

Rosemary Fei (Adler & Colvin): (01:15) Bruce can't hear you.

Bruce Tonkin: (01:15) I don't have audio - just responding to the chat room.

Samantha Eisner: (01:15) We'll provide an update after discussing with Suzanne

Jordan Carter (.nz, WP1 rptr): (01:15) Can we set out a same deadline?

Jordan Carter (.nz, WP1 rptr): (01:15) Monday 2359?

Bruce Tonkin: (01:15) I am in another Board meeting at the moment talking about new GLTDS trying to do two things at once.

Alan Greenberg: (01:15) He cannot hear either!

Jordan Carter (.nz, WP1 rptr): (01:16) Bruce can you get Board OK re Root Servers ASAP, preferably this week?

Bruce Tonkin: (01:16) If you hl can respond to comments in this chat forum.

Jordan Carter (.nz, WP1 rptr): (01:17) Thomas is establishing next Monday night UTC as a deadline for feedback on this, for the chat record and for Bruce.

Bruce Tonkin: (01:17) @Jordan - yes just spoke to Suzanne Woolf. I expect to close out the RSSAC text this week. Probabl just need a call with some RSSAC members and staff.

Becky Burr: (01:18) I have raised it repeatedly Greg - just a general comment

Becky Burr: (01:18) all of them are serious, sorry

Mathieu Weill, ccNSO, co-chair: (01:18) @Bruce : may I suggest that doing two things at once may not be optimal for either ? We would fully understand that you give your undivided attention on the Board duties.

Jordan Carter (.nz, WP1 rptr): (01:18) it would be very seriously helpful if it could be this week :-)

Becky Burr: (01:18) this is the freedom of contract issue Greg

Becky Burr: (01:19) Greg we can discuss off list but I have raised this issue repeatedly

Becky Burr: (01:19) part of the entire contracting issue

Malcolm Hutty: (01:20) Easy to close: just include a clause saying that this does not create any rights in those contracts for third parties

Becky Burr: (01:20) not proposing any change

Kavouss Arasteh: (01:20) does the Board agree with Izumi proposal?

Bruce Tonkin: (01:21) @Jordan - agreed.

Stephen Deerhake (.as): (01:22) Agree with Becky.

Kavouss Arasteh: (01:22) Bruce, do you agree with Izumi's proposal?

Izumi Okutani(ASO): (01:22) @Kavouss my understanding is ASO is waiting for Board feedback. Happy to be corrected if further update from the Board.

Bruce Tonkin: (01:23) @Kavouss - I expect that the ASO language can be closed out this week as well. No major issue from the Board. Mlght be some wordsmithing through the ASO Board members.

Anne Aikman-Scalese (IPC): (01:23) It is important to emphasize that enforcement of contracts is part of the Board's Mission.

Greg Shatan [GNSO - IPC]: (01:23) I would not accept Malcolm's change, and I think that would reopen the discussion of this section.

Kavouss Arasteh: (01:23) I am comfortable to ASO proposal than the first proposal talking of refification which provide a decision making process

Jordan Carter (.nz, WP1 rptr): (01:24) \*\*why\*\* does it matter \*\*where\*\* in the bylaws these are? does it make any actual, substantive difference?

Jordan Carter (.nz, WP1 rptr): (01:24) (other than whether it is fundamental or not)

Kavouss Arasteh: (01:24) Simpler is better

Greg Shatan [GNSO - IPC]: (01:25) Divorcing (b) from (a) would remove context. These are a pair.

Kavouss Arasteh: (01:26) I am hesitant to agree the term "ratify"

Greg Shatan [GNSO - IPC]: (01:27) Correct.

Izumi Okutani(ASO): (01:27) Can we have the questio to be typed on the notes, so we can be clear about suggestions about the text/

Malcolm Hutty: (01:29) +1 Greg from me on a Mission comment !- leave (a) and (b) as they are

Jordan Carter (.nz, WP1 rptr): (01:30) let's close it then, and move on?

Anne Aikman-Scalese (IPC): (01:30) It is not appropriate to move this language based on Board comment and a straw poll.

Keith Drazek: (01:30) close and move on

Jordan Carter (.nz, WP1 rptr): (01:30) what difference does moving it make or not make, Anne?

Anne Aikman-Scalese (IPC): (01:32) Greg is correct that a and b must be read together.

Izumi Okutani(ASO): (01:32) @Thomas :)

Kavouss Arasteh: (01:32) 100% AGREED WITH THOMAS

Izumi Okutani(ASO): (01:33) I like this approach

Kavouss Arasteh: (01:33) alAN WOULD BE A GOOD CANDIDATE TO CHAIR ANY so AND ac AS HE DEFENDED HIS ac UP TO THE TEETH

Jordan Carter (.nz, WP1 rptr): (01:34) he should have gone up to the eyeballs ;-)

Malcolm Hutty: (01:34) @Kavouss, Yes. Maybe not to chair a working group that needs to conclude its work though! (joke!)

Greg Shatan [GNSO - IPC]: (01:34) Alan, good point.

Avri Doria: (01:34) make sense to me

Jordan Carter (.nz, WP1 rptr): (01:35) I agree with Alan

Matthew Shears: (01:35) so would still retain multistakeholder process?

Greg Shatan [GNSO - IPC]: (01:35) Are the regional strategies developed through bottom-up multistakeholder processes?

Cheryl Langdon-Orr: (01:35) yes Mathew

Bruce Tonkin: (01:35) I think it would be helpul. not to use the term grandfathering in this context - as the concern is that t is suggesting that prioopro agreements don't meet the new policy. It would be find to include some text about PICs perhaps as part of a transition section of the bylaws.

Jordan Carter (.nz, WP1 rptr): (01:35) (where \*exactly\* in the current doc is this language?

Greg Shatan [GNSO - IPC]: (01:36) page 18

Stephen Deerhake (.as): (01:36) +1@Becky

Kavouss Arasteh: (01:36) jORDAN +1

Keith Drazek: (01:36) I agree with Becky. Need to review and consider Alan's suggestion.

Alan Greenberg: (01:36) I would be happy to talk to Becky offline on this.

Jordan Carter (.nz, WP1 rptr): (01:37) page 18, middle column

Becky Burr: (01:37) but we have been very careful to ensure that the public interest is developed through the bottom up multistakeholder policy development process

Matthew Shears: (01:37) agree Becky

Andrew Sullivan: (01:37) It seems to me that this sort of tight editing word by word is exactly the sort of thing that phone calls are bad at

Jordan Carter (.nz, WP1 rptr): (01:37) Andrew: +16

Andrew Sullivan: (01:37) could we take this detailed discussion to the list?

Greg Shatan [GNSO - IPC]: (01:37) If this is something we are tacking on many times, there may be another way to solve it that doesn't create confusion.

Izumi Okutani(ASO): (01:38) Indeed Andrew - better for online

Keith Drazek: (01:38) it's also not capitalized, so not sure it needs amending

Alan Greenberg: (01:38) My only concern is that we not have Bylaw language that will prohibit critical work in support of developing economies

Cheryl Langdon-Orr: (01:38) I SUPPORT THE PROPOSED TEXT CHNAGE SUGGESTED BY Alan

Jordan Carter (.nz, WP1 rptr): (01:38) Need to leave the Adobe room, sorry

Cheryl Langdon-Orr: (01:38) sorry CAPS

Becky Burr: (01:38) noted Bruce's request to avoid use of the term "grandfathering"

Alan Greenberg: (01:38) @Andrew, Agreed on wordsmithing. Was just trying to raise the issue.

Anne Aikman-Scalese (IPC): (01:39) If the GAC advises on public policy and the Board takes into account GNSO Advice, GAC Advice, ALAC and other advice, then Global Public Interest is not necessarily defined by the bottom up pollicy process. It ma in fact be ultimately determined by the Board.

jorge cancio (GAC Switzerland): (01:39) "through A bottom-up multistakeholder policy development process"?

Mark Carvell GAC - UK Govt: (01:39) Agree Alan's concern about wider initiatives needs addressing. His proposal seems to work.

Greg Shatan [GNSO - IPC]: (01:40) Have bottom-up multistakeholder policy development processes identified increasing competition in developing nations as being in the public interest?

jorge cancio (GAC Switzerland): (01:40) There has been no discussion on the "impact assesment" asked for by several members, right?

Finn Petersen, GAC - DK 2: (01:40) The is a need for an impact assessment.

Mark Carvell GAC - UK Govt: (01:40) REC 11 Sorry to go back to previous agenda item 2 on Rec 11. Can you confirm that the upcoming focus issue call (s) will consider only the two proposals by Becky and Kavouss and that no WHOLLY new propoal will be considered. I think it is important to make this clear if we are to achieve closure by next week - which everyone wants I'm sure!

Becky Burr: (01:41) i am ok with addressing Alan's concern but not comfortable with breaking the link between use of the bottom up multistakeholder policy development process to identify the global public interest.

Thomas Rickert, CCWG Co-Chair: (01:41) Mark, we do not have indications for other proposals than those from Kavouss and Becky.

jorge cancio (GAC Switzerland): (01:41) +1 Mark

Keith Drazek: (01:41) Possibly a combined Becky / Kavouss proposal

Izumi Okutani(ASO): (01:41) I think Mark's suggestion and confirmation makes sense

Izumi Okutani(ASO): (01:41) and good to see confirmation from Thomas on this

Olga Cavalli - GAC Argentina: (01:42) +1 to Mark's comments

Matthew Shears: (01:42) + 1 Keith

Grace Abuhamad: (01:42) Yes, I can send out an update tomorrow with more blue on this chart. We are moving quickly on most Recs

Thomas Rickert, CCWG Co-Chair: (01:42) I should add for clarity that a combination of both Becky's and Kavouss' was also suggested.

Avri Doria: (01:42) just one thought, if the discussion is a compromise based discussion then the final proposal might vary from either of the two input proposals.

Andrew Sullivan: (01:42) Do we have any clue when ICANN legal will deliver its response?

Matthew Shears: (01:43) very useful tables

Andrew Sullivan: (01:43) Hurray! (Thanks)

Anne Aikman-Scalese (IPC): (01:43) Becky's proposal in chat in this call is modified from her previous proposal - I think it is 60% but GAC cannot thwart community action where it has provided advice to the Board. Is that right, Becky?

Grace Abuhamad: (01:43) The naster/monster table is on the Wiki: <https://community.icann.org/display/acctcrosscomm/Final+Report>

Brett Schaefer: (01:44) Mattheiu, the REC 11 compromise may require adjustment to REC 1 in regard to GAC participation

Grace Abuhamad: (01:44) master/monster\*

Mark Carvell GAC - UK Govt: (01:46) Very helpful table - great to see the word "finlaised" more than once! Looking forward ot next week's version....

Brett Schaefer: (01:46) Clarify -- Becky's proposal

jorge cancio (GAC Switzerland): (01:46) Have we understood correctly that you plan to have supplemental report approval IN Marrakech?

Kavouss Arasteh: (01:47) Yes

Greg Shatan [GNSO - IPC]: (01:48) How long before Marrakesh would the Chartering Orgs see the Supplementary Proposal?

Brett Schaefer: (01:48) Mattheiu, I think she means the compromise proposal to be discussed this week

Anne Aikman-Scalese (IPC): (01:49) I think that Suzanne is referring to the combined proposal that Becky put forth.

Mathieu Weill, ccNSO, co-chair: (01:49) @Jorge: yes

Avri Doria: (01:50) so now there are 3 input proposals.

Malcolm Hutty: (01:50) @Thomas, thank you. I thought you had accepted it for consideration earlier

Suzanne Radell (GAC): (01:50) My apologies; I managed to drop off the call. Yes, I was seeking to understand when the text would be circulated with clear timelines of the next calls and expectations for GAC input

jorge cancio (GAC Switzerland): (01:50) So we will have a full-blown discussion on the supplemental report in Marrakech: sounds interesting...

jorge cancio (GAC Switzerland): (01:50) Please confirm this new deadline in writing as soon as possible

Mathieu Weill, ccNSO, co-chair: (01:51) Approval (or not).

Matthew Shears: (01:51) do we have time planned for such a discussion in Marrakech?

Sabine Meyer (GAC - Germany): (01:51) +1 to Jorge's request.

Kavouss Arasteh: (01:51) Suzanne

Kavouss Arasteh: (01:51) There is no proposal yet?

jorge cancio (GAC Switzerland): (01:51) Mathieu: if you get people to discuss on a f2f, there will be more than yes or no, I guess

Izumi Okutani(ASO): (01:52) Indeed and also for implementation.

Kavouss Arasteh: (01:52) We need to discuss these issues formally on Thursday in a dedicated time under Beck's leadership

jorge cancio (GAC Switzerland): (01:53) Request to co-chairs: please send an email with the options to be considered for discussion on Rec 11 (and 1), with the deadline of next Monday, so that we are all on the same sheet

Anne Aikman-Scalese (IPC): (01:53) Is the Thursday call a sub-group call or an extra CCWG call to address Recommendation 11?

Malcolm Hutty: (01:53) I've been asked to remind you, that my proposal was that Rec.11 also clarify that the move to a supermajority does not change the Board's duty in how it evaluates advice it has received so as to create a presumption of acceptance

Kavouss Arasteh: (01:53) jORGE

Kavouss Arasteh: (01:54) pLS KINDLY BE CLEAR ,NEXT mONDAY IS FOR THE ccwg. but thursday is for Beck's Group to discuss two alternatives + Malcolm,if it does not require Structural changes

Keith Drazek: (01:54) Do we have a target date for delivery of the Supplemental Report? Are we thinking 2 weeks prior? 3 weeks?

Keith Drazek: (01:55) Prior to Marrakech

Izumi Okutani(ASO): (01:55) On Mathieu's question, perhaps we can set a date before Marrekesh, but perhaps seek for feedback some SOs and ACs before. Perhaps leave the meeting as an opportunity for remaiinnng issues in case if needed?

Izumi Okutani(ASO): (01:55) Right I agree with this suggestion by Mathieu.

Athina Fragkouli (ASO): (01:55) thank you Mathieu

Malcolm Hutty: (01:55) @:Kavouss, no structural changes proposed this time. Only a clarification that the existing criteria for evaluation remain unchanged

Keith Drazek: (01:56) It's a full group call, not a sub-group.

Matthew Shears: (01:56) + 1 Brett

Alan Greenberg: (01:56) Is it a GNSO meeting in LA, or a subset of the GNSO?

Anne Aikman-Scalese (IPC): (01:57) @Mathieu - Thanks for clarifying the Thursday call if full CCWG.

Keith Drazek: (01:57) It's the NCPH intercessional

Brett Schaefer: (01:57) Yes, Keith, sorry I was not specific

Keith Drazek: (01:58) I knew what you were talking about ;-)

Brett Schaefer: (01:58) Tought you might :-)

Brett Schaefer: (01:59) thought

Keith Drazek: (01:59) lol

Andrew Sullivan: (01:59) Worth noting that the CWG has a call Thurs also

Anne Aikman-Scalese (IPC): (01:59) 1200 UTC is not set as far as I know. For those in GNSO meeting of NCPH, this is a bad time.

Andrew Sullivan: (01:59) 16:00 UTC IIRC

David McAuley (RySG): (02:00) Excellent work by co-chairs this call, thank you

Cheryl Langdon-Orr: (02:00) Thanks everyone... we do still make progress... let's keep it up... talk again soon... Bye for now...

Brett Schaefer: (02:00) bye all

Seun Ojedeji: (02:00) Thanks bye

Izumi Okutani(ASO): (02:00) thanks all !

Pär Brumark (GAC Niue): (02:00) Thx Bye

Keith Drazek: (02:00) Thanks all. Talk on Thursday

Matthew Shears: (02:00) thanks all

James Bladel: (02:00) Thanks.

Athina Fragkouli (ASO): (02:00) thank you all

Anne Aikman-Scalese (IPC): (02:00) Thank you

Andrew Sullivan: (02:00) thanks, bye

jorge cancio (GAC Switzerland): (02:00) bye

Avri Doria: (02:00) bye

Stephen Deerhake (.as): (02:00) Good night!

Mark Carvell GAC - UK Govt: (02:00) Many thanks everyone - bye -eee

Martin Boyle, Nominet: (02:00) bye all

Greg Shatan [GNSO - IPC]: (02:00) Bye all!