CCWG ACCT Meeting #81 (28 January @ 19:00 UTC)

Attendees:

Members: Alan Greenberg, Bruce Tonkin, Cheryl Langdon-Orr, Fiona Asonga, Jordan Carter, Jorge Villa, Julia Wolman, Julie Hammer, Leon Sanchez, Mathieu Weill, Olga Cavalli, Pär Brumark, Robin Gross, Roelof Meijer, Samantha Eisner, Sébastien Bachollet, Steve DelBianco, Suzanne Radell, Thomas Rickert, Tijani Ben Jemaa (20)

Participants: Aarti Bhavana, Allan MacGillivray, Andrew Harris, Andrew Sullivan, Anne Aikmna-Scalese, Avri Doria, Barrack Otieno, Brett Schaefer, Cherine Chalaby, Chris Disspain, David McAuley, Farzaneh Badii, Finn Petersen, Greg Shatan, Harold Arcos, Jonathan Zuck, Jorge Cancio, Kavouss Arasteh, Keith Drazek, Malcolm Hutty, Martin Boyle, Mike Chartier, Oscar Robles, Paul Rosenzweig, Paul Szyndler, Pedro Ivo Silva, Phil Buckingham, Philip Corwin, Sabine Meyer, Seun Ojedeji, Stephen Deerhake, Steve Crocker, Suzanne Woolf, Tatiana Tropina, Thomas Schneider, Tom Dale (36)

Observers and Guests: John Poole, Luca Urech, Michael Niebel, Navid Heyrani, Taylor Bentley (5)

Legal Counsel: Edward McNicholas, Michael Clark, Rebecca Grapsas, Rosemary Fei, Stephanie Petit (5)

Staff: Bernie Turcotte, Berry Cobb, Brenda Brewer, Grace Abuhamad, Hillary Jett, Karen Mulberry, Mandy Carver, Marika Konings, Nigel Hickson, Tarek Kamel, Trang Nguyen, Yuko Green

Apologies: Becky Burr, Matthew Shears, Izumi Okutani, Mark Carvell, Holly Gregory

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

Transcript

- Transcript_CCWG ACCT_28 January.doc
- Transcript_CCWG ACCT_28 January.pdf

Recording

- The Adobe Connect recording is available here: https://icann.adobeconnect.com/p29xtomvdpl/
- The audio recording is available here: http://audio.icann.org/gnso/gnso-ccwg-acct-28jan16-en.mp3

Agenda

1. Welcome, Roll Call & SOI (5 min)

2. Rec 1 – GAC as decisional participant – (30 min) Second reading

   http://mm.icann.org/pipermail/accountability-cross-community/2016-January/009842.html

3. Rec 10 – SO/AC accountability - (30 min) Second reading

   http://mm.icann.org/pipermail/accountability-cross-community/2016-January/009840.html

4. Rec 8 – Reconsideration – (20 min) Second reading

   http://mm.icann.org/pipermail/accountability-cross-community/2016-January/009838.html

   BREAK (10 min)

5. Rec 11 – GAC Advice – (60 min) Second reading

   http://mm.icann.org/pipermail/accountability-cross-community/2016-January/009944.html

6. A.O.B (5 min)

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. Welcome, Roll Call & SOI (5 min) LS

   On audio only: Seun Ojedeji, Barrack Otieno

   No updated SOI.

2. Rec 1 – GAC as decisional participant – (30 min) Second reading TR

   http://mm.icann.org/pipermail/accountability-cross-community/2016-January/009842.html

TR - First conclusion was that the GAC could be included as a decisional participant.

RGross - NCSG objects and is going against the basic structural arrangements which created ICANN - grave mistake.

BSchaefer - Not really a second reading becasue last time this was discussed. GAC still has not decided if it will. Thresholds would be affected if GAC does not join or if they cannot decide how to vote if they do join. Should have GAC as an advisory member to the empowered community.

KAresteh - We have to allow the GAC to decide if the wish to participate. How would we handle the EC handling an issue which directly affects the GAC. This is the second reading.

OCavalli - The GAC must have the right to decide if they want to particpate.

PIvoSilva - The GAC has not objected to this. The GAC will decide and has the right to participate if it so wishes.

SBachollet - this is a new arrangement and should include the GAC.

Alan Greenberg: @Robin, and GNSO is not longer developing and recommending policy, but taking on a VERY different role.

Decision - TR - There are no new objections. It will be possible for RG and others to add minority statements in the final report. As such we should confirm that the conclusion of the second reading is that the GAC can be a decisional participant in the EC if it so decides.

3. **Rec 10 – SO/AC accountability - (30 min) Second reading LS**

   http://mm.icann.org/pipermail/accountability-cross-community/2016-January/009840.html

   LS - SOAC accountability should be handled in WS2.

   AGreenberg - include in current Bylaws revisions.

   LS - reviews vs GAC ?

   KArasteh - GAC representatives have a special responsibility as representatives of their govts.

   LS - this could be discussed in WS2.

   TRickert - GAC is evolving. Suggesting that GAC proposes review processes as to how the GAC is accountable for how it interacts with the community but not about how the GAC works internally.

   FBadii - Are we amending article 4 of section 4?

   LSanchez - this will update that Bylaw.

   OCavalli - Thanks TR for his proposal.

   CDispain - Board generally supportive - The SOAC reviews are independent.

   FBadii - Object to 4,4 as a great mistake, please reconsider.

   LS - We should proceed as proposed and include some reference to the possibility of some type of GAC accountability reviews.

   SDelBianco - The ATRT currently reviews the effectiveness of GAC interaction with the Board. We could a minor review which would include the interaction of the GAC with all the community vs only the Board.

   Decision - LS - Good suggestion. Any objections.? (none). Way forward is to make the amendment to 44 and include the suggested language to ATRT (SDB). Any other objections to WS2 plan? (none). This concludes this item.

4. **Rec 8 – Reconsideration – (20 min) Second reading TR**

   http://mm.icann.org/pipermail/accountability-cross-community/2016-January/009838.html

   Decision - TR - Second reading, any new arguments vs the consensus? the issues noted should be handled in implementation. Any further discussion? (none) - Recommendation approved as it.

5. **Rec 11 – GAC Advice – (60 min) Second reading TR**

   http://mm.icann.org/pipermail/accountability-cross-community/2016-January/009944.html

   TR - SDB can you do a recap of where are and the 6 discussion points.

Discussion 1 - No change in voting requirements.

   PIvoSilva - no new requirement.

   SDelBianco - this is a response to IPC that the recommendation was creating new obligations. This was verified with our lawyers - and we are simply confirming that there are no changes.

   GShatan - Just confirming we are continuing as is.

   TR - Any objections (None). we will ask again after all questions.

Discussion 2 - Rationale requirement was too weak - this has been strenthened for all ACs and it is the Board that decides if it is adequate.

TR - important to note - this is for all ACs.

KArasteh - what happens if the Board decidees the rationale is not acceptable.

SDelBianco - The Board if it rejects the rationale and request revisions and clarification which is not required to be a formal process.

TR - interesting discussion in chat:

Bruce Tonkin: One of the struggles in our ICANN format is that the Board meets with the GAC early n the ICANN week. THe Gac uses that discussions to develop their communqiue. THe challenge is that the Baord doesn't generlaly have an opportunity to meet with the GAC and seek clarifications. Ther are some process improvements that coul dbe made there.

Jonathan Zuck: unclear and unconvincing are two different things

Bruce Tonkin: I would love to have statements from ACs before the Board meetins with them at a public meeting. In some cases that might mean there are two separate meetinss. -

Sabine Meyer 2: Bruce, so you would like to meet the GAC after the communiqué is published?

Bruce Tonkin: Good point @Jonathan! Often ICANN people assume that their arguemnts are convinsicng so the recipient can't be listening - so speak louder, restate the same position etc. I think we are all a bit guitly of that.

Bruce Tonkin: Yes @Sabine - I think that would be a wa to have more constructive discussions on some topics.

Kavouss Arasteh: tHAT IS A POSITIVE STEP

OCavalli - Similar concerns for 1 and 2.

TR - we are making good progress.

KArasteh - clarification is good.

Decision - TR - seems to be consensus - any objections? (none).

Discussion 3 - Decisions on GAC advice by Board need to be consistent with the Bylaws.

TR – discussion?

MHutty - Support.

GShatan - Supports.

Decision - TR - seems to be consensus - any objections? (none).

Discussion 4 - addressing lawyer comments received over the weekend.

SDelBianco - Discussion 4.1 - Duly taken into account - this is in no way changed in the current proposal. So there is no need for change and not accept the suggestion.

SDelBianco -all other comments are useful clarifications but there is no need to make any changes.

TR any objections to proceeding like this?

KArasteh - supports

Decision - TR - no objections - approach is accepted.

Discussion 5 - 2/3rds Board Threshold to reject GAc advice.

History of this point.

KArasteh - The only GAC support for this recommendation is based on 2/3rds.

AGreenberg - Supports

PRosensweig - Granting greater power to GAC and goes against NTIA requirements - If we go forward with this we put the entire transition at risk.

TRickert - We are not changing the relative balance of power.

GShatan - It is change and do not support.

MWeill - clarification of CCWG meeting 70 (American than ksgiving).

MHutty - against.

OCavalli - This is important for the GAC and was supported by consensus in the GAC.

RGross - Against. Significant empowerment of govts.Puts the entire transition at risk.

KDrazek - The GNSO has voting rules and procedures. The approval or rejection of the CCWG proposal (or portions thereof) will require a simple majority of EACH house (non-contracted and contracted). Neither GNSO house currently supports the addition of 2/3. That said, the amendements made in response to the RySG comments are welcomed by the RySG, but they may not be sufficient to sway other groups. It's not clear to me that the GAC will reach consensus on Recommendation 11 however it ends up on 2/3.

PIvoSilva - PDPs can be rejected by 2/3rds - so it would just create a level playing field.

10-minute Break

From chat:

Keith Drazek: Following up the earlier comment on GNSO PDP adice thresholds, there are several important distinctions: one key part of that threshold for the GNSO is that the Board only has to show any deference to the GNSO IF AND ONLY IF that advice come through a formal PDP. This means not all GNSO resolutions (call it advice) gets the Board deference even if the vote of the GNSO Council is unanimous. In addition, the GNSO may only issue a formal PDP under certain restrictions in both scope and jurisdiction. Not every topic can be properly considered in scope for a GNSO PDP. In fact, as part of every issue report in the GNSO PDP process, the General Counsel is asked to opine as to whether the proposed issue is properly within the jurisdiction of the GNSO. If it is not, that does not prevent the PDP from continuing, but arguably, the increased Board threshold would not apply in such a case.

JCancio - this was a community compromise. Both the gNSO and the GAC are unhappy with it. Supports.

TRickert – No consensus – we will move to the next discussion point.

Discussion 6 - Original ST18 recommendation

PRosenzweig - Support. How are we going to resolve this?

TRickert – will propose a way forward after the comments on this point.

BSchaefer - Assumes this includes para 5 from the Bylaws and object to the example as it contravenes what is proposed here.

SDelBianco – Disagree with BS as per discussion 5 or 6.

KArasteh - 6 is not an alternative to 5. Do these address ST 18.

SDelBianco - both do.

OCavalli - similar to KA.

Decision - TRickert - this ends discussion on rec. 11. We have consensus on items 1 to 4. We do not on 5 or 6. We will poll on those issues at the next meeting given we see no alternative. We would ask that members try and be present at the next CCWG meeting next week for the polling. We would encourage participants to continue seeking a compromise position before the next meeting.

6 AOB MW

MW - Any other items to be discussed? (none).

Next call is February 2nd @ 06:00 UTC.

Call adjourned.

Action Items

none noted

Documents

- Rec 1 - GAC as decisional participant - 1st reading conclusions.pdf
- Rec 10 - SOAC Accountability - 1st reading conclusions.pdf
- Rec 8 - Reconsideration - 1st reading conclusions.pdf
- Rec 11 - GAC advice First reading conclusion v4_SDB.pdf

Adobe Chat

Brenda Brewer: (1/28/2016 11:54) Hello and welcome to CCWG Accountability Meeting #81 on Thursday, 28 January 2016 @ 19:00 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: (12:46) Hi Brenda

Olga Cavalli - GAC Argentina: (12:46) hi brenda! can you do a dial out to me? +541148197979 thanks

Kavouss Arasteh: (12:46) Hi Olga and Tijani

Olga Cavalli - GAC Argentina: (12:46) Hi Kavouss how are you doing?

Olga Cavalli - GAC Argentina: (12:46) Hi Tijani!

Kavouss Arasteh: (12:47) I am ok and you

Olga Cavalli - GAC Argentina: (12:47) very good thanks

Brenda Brewer: (12:47) Hi All! Yes, Olga, have your dial out info.

Olga Cavalli - GAC Argentina: (12:47) thanks brenda

Brenda Brewer: (12:48) You're welcome!

Kavouss Arasteh: (12:52) Hi Keith, Are ready

Bernard Turcotte Staff Support: (12:54) Hi all

Luca Urech (GAC - Switzerland): (12:55) Good evening everyone!

Kavouss Arasteh: (12:55) good that people are happy

Kavouss Arasteh: (12:57) It seems that there is a party some where

Pedro Ivo Silva [GAC Brasil]: (12:57) Hello everyone!

Thomas Rickert, CCWG Co-Chair: (12:58) Hi all!

Kavouss Arasteh: (12:58) Thomas, I hope you have read my message carefully

cherine chalaby: (12:58) hi everyone

Brenda Brewer: (12:58) Seun Ojedeji is on Audio only at this time

Sabine Meyer: (12:58) hello everyone!

Sabine Meyer: (12:59) just getting off the train and trying not to bump into people :)

Rosemary Fei (Adler Colvin): (13:00) Hello, all. I know this time is tough for some, but here in California, we're loving it.

Pär Brumark (GAC Niue): (13:00) Hi all!

Aarti Bhavana: (13:00) Hi All

nigel hickson: (13:00) Good evening

Suzanne Radell (GAC): (13:00) Greetings all

Keith Drazek: (13:01) Hi everyone! Time to make some progress. P-R-O-G-R-E-S-S! ;-)

Andrew Sullivan: (13:01) Hi all. +1 to Keith!

Roelof Meijer (SIDN, ccNSO): (13:01) Evening, everyone

Sabine Meyer: (13:02) Keith, that's a weird way to spell "4th reading" ;)

Keith Drazek: (13:02) lol

Tatiana Tropina: (13:02) hi all

Brenda Brewer: (13:02) Barrack Otieno is on Audio only at this time.

Greg Shatan: (13:02) Hello, all.

Sabine Meyer: (13:02) must be the American spelling.

Paul Rosenzweig (Heritage): (13:03) Is the audio on yet?

Greg Shatan: (13:03) Kindly mute your children and keyboards when not speaking.

Sabine Meyer: (13:03) yes, Paul.

Kavouss Arasteh: (13:04) Thomas Pls fully apply decipline

Olga Cavalli - GAC Argentina: (13:04) some echo

David McAuley (RySG): (13:04) can hear you twice Robin

Andrew Sullivan: (13:04) I can hear the echo too. I think we'll have to cope

Bernard Turcotte Staff Support: (13:04) good now

Leon Sanchez (Co-Chair ALAC): (13:04) Please mute your microphones if not speaking

Kavouss Arasteh: (13:05) No one should be allowed to speak more than two times on a given topic

Leon Sanchez (Co-Chair ALAC): (13:05) Is that a promise Kavouss? :-)

Kavouss Arasteh: (13:05) From whom

Leon Sanchez (Co-Chair ALAC): (13:05) @Kavouss we read your mail and deeply appreciate your suggestion. We will try to apply your advice

Alan Greenberg: (13:06) "Public Sector Led" does not imply *NO* involvement of Gov'ts

Kavouss Arasteh: (13:06) Pls count the speaking people and tell them to be short concise and precise

Kavouss Arasteh: (13:06) People MUST AVOID TO REPEAT THEIR VIEWS

Leon Sanchez (Co-Chair ALAC): (13:06) We will eoncourage all speakers to be as concise as possible Kavouss

Keith Drazek: (13:07) The GNSO comments highlighted a concern with the *combination* of GAC as a decisional participant in the community mechanism *and* the 2/3 vote threshold for Board rejection of GAC advice. So, IF the GAC gets to participate as a decisional part of the empowered community mechanism, the 2/3 threshold will be an obstacle to GNSO approval.

Paul Rosenzweig (Heritage): (13:08) This is not a second reading ...

Robin Gross [GNSO - NCSG]: (13:08) I would appreciate the notes reflect my reasons for objecting, not only NCSG's conclusion "grave mistake".

Steve Crocker: (13:08) Hello, everyone

Kavouss Arasteh: (13:09) Providing the right is differnt from exercising the right

Alan Greenberg: (13:09) For the record, the ALAC has not taken a formal decision on whether we will participate in the community powers. We do have a vote coming up to do that, but as of now, we have not yet done so.

Kavouss Arasteh: (13:09) People MUST BE PRECISE , CONCISE AND NOT PROVISDING A LECTURE

Jordan Carter: (13:10) nobody has been asked to commit on that point.

Robin Gross [GNSO - NCSG]: (13:10) I support Brett's proposal to make GAC "advisory" in our proposal.

Paul Rosenzweig (Heritage): (13:11) As do I

Robin Gross [GNSO - NCSG]: (13:12) Public comments went against providing GAC this kind of power, and we did it anyway.

Brett Schaefer: (13:12) Alan, there does not seem to be any doubt about the decisions of the other SOACs.

Steve DelBianco [GNSO - CSG]: (13:13) One important distinction: ACs provided Advice to the Board. The AC/SOs in the empowered community contribute to community decisions to enforce powers, and they do not advise the board.

Cheryl Langdon-Orr: (13:14) Indeed Steve

Alan Greenberg: (13:14) @Brett, I was pointing out that the lack of a formal commitment by the GAC is not relevant.

Olga Cavalli - GAC Argentina: (13:14)   +1 to Pedro´s comments

Cheryl Langdon-Orr: (13:14) AGREE Alan

Robin Gross [GNSO - NCSG]: (13:14) That's the problem, Steve, they are no longer "advisory" but also decisional.

Steve DelBianco [GNSO - CSG]: (13:14) as are the ALAC, SSAC, RSSAC, Robin.

Andrew Sullivan: (13:14) While I don't feel strongly about how this should go, I think that it is false to suggest that the CCWG is treating GAC's lack of consensus as a consensus in the negative

Paul Rosenzweig (Heritage): (13:15) @ Alan -- are you serious? We are considering giving a role to the GAC and their own inability to reach a decision is "not relevant" to that question?

Alan Greenberg: (13:15) @Robin, and GNSO is not longer developing and recommending policy, but taking on a VERY different role.

Chris Disspain: (13:15) does the GAC need consensus to CHANGE from the current situation?

Brett Schaefer: (13:15) Pedro, no one said that the GAC rejected it, just that it had not reached a decision.

Andrew Sullivan: (13:15) it's no consensus, and including a group in a new power does seem to be a change from the _status quo_

Cheryl Langdon-Orr: (13:15) and that cn be said regrding ALAC as wwelll Brett, shuld I ever wish too follow your logic on this matter...and I do NT

Robin Gross [GNSO - NCSG]: (13:15) The only reason this extra power got into the 3rd report is because of a "straw poll" of mostly GAC members (in violation of CCWG Charter - votes are supposed to be by Members).

Andrew Sullivan: (13:15) therefore, it isn't obvious what the default should be

Greg Shatan: (13:16) Robin, which "extra power" are you referring to? GAC as decisional participant?

Alan Greenberg: (13:16) @Anddrew, EVERYTHING we are doing changes the status quo. If we are not supposed to be doing that, let's all just adjourn and take back our lives.

Jonathan Zuck: (13:16) GAC ARE a chartering org in this effort, after all. +1 Sebastian

Brett Schaefer: (13:17) Mathieu, that is a strange assertion of consensus -- the same people are objecting, so we have consensus.

Robin Gross [GNSO - NCSG]: (13:17) Greg, yes, in this case, GAC as decisional authority over ICANN's governance with equal level as GNSO (and other SOs).

Andrew Sullivan: (13:17) @Alan: sure, but the point here is that the GAC didn't come to consensus -- it has said neither yes nor no

Andrew Sullivan: (13:18) so one could argue the "default" could go either way, though I would say the explicit rejection by other groups means that the GAC's inclusion stands unless they lsay other wise

Brett Schaefer: (13:18) This is absurd.

Robin Gross [GNSO - NCSG]: (13:18) Alan, we said at the beginning that we weren't going to use this process to change the relative power balance and structure at ICANN. But CCWG is now.

Greg Shatan: (13:19) I don't want to lose Keith's comment from earlier in the chat: "The GNSO comments highlighted a concern with the *combination* of GAC as a decisional participant in the community mechanism *and* the 2/3 vote threshold for Board rejection of GAC advice. So, IF the GAC gets to participate as a decisional part of the empowered community mechanism, the 2/3 threshold will be an obstacle to GNSO approval. "

Robin Gross [GNSO - NCSG]: (13:19) between and among SO/ACs that is.

Julia Wolman, GAC, Denmark: (13:19) The GAC is till discussing the issue and should have the possibility to decide for itself'

Luca Urech (GAC - Switzerland): (13:19) +1 Julia

Jordan Carter (.nz, WP1 rapporteur): (13:20) We've been consistent through three reports in providing for GAC as a decisional participants for these accountability powers, which are narrow and focused on holding ICANN to account. The idea that governments don't have a role there isn't one I support. I believe that we have this one right.

Farzaneh Badii: (13:20) are we keeping the amendment in section IV(4) ?

Andrew Sullivan: (13:20) I don't think it's fair for any organization to think it has forever to decide

Cheryl Langdon-Orr: (13:20) I believe that is what the majority of u aee supporting Julia

Pedro Ivo Silva [GAC Brasil]: (13:20) Robin, with an empowered community we are changing the power balance within ICANN

Andrew Sullivan: (13:20) if GAC can't decide, we should draw our conclusion and move on

Andrew Sullivan: (13:20) we need to end

Greg Shatan: (13:20) +1 Jordan, that is my recollection (and my position) as well.

Pedro Ivo Silva [GAC Brasil]: (13:20) It is the very objective of the CCWG

FIONA ASONGA (ASO): (13:20) +1 Andrew S.

Brett Schaefer: (13:21) I agree Julia, but we are proceeding without the certainty of GAC participation, which affects the EC powers. When/if the GAC decides, it can be added to teh ED as a decisional participant -- it is provided for int eh proposal.

Robin Gross [GNSO - NCSG]: (13:21) Our first two reports were very clear that we said we would not use this process to change the power balance among the SO-ACs.

Kavouss Arasteh: (13:21) 1+ oLGA, Julia, Pedro

Jordan Carter (.nz, WP1 rapporteur): (13:21) Andrew: I agree. We end like this: GAC is listed as a participant, unless by consensus they say that they don't want to be.

Farzaneh Badii: (13:21) but we have objected to the insertion in the bylaws in section IV(4)

Jordan Carter (.nz, WP1 rapporteur): (13:21) jut like we did in V1, V2, V3

Farzaneh Badii: (13:21) are we gonna ingore the objections?

Keith Drazek: (13:22) I agree Jordan, with the caveat I expressed earlier regarding the GNSO's concerns over the combination of Recs 1, 10 and 11.

Andrew Sullivan: (13:22) @Jordan, yeah, I think that's the way we have to go too

Farzaneh Badii: (13:22) some GAC members don't even represent their state!

Farzaneh Badii: (13:22) they never even state they are talking on behalf of a country ...

Chris Disspain: (13:22) Jordan, does that mean we have a 'pool' of 5 for the purposes of numbers etc though 1 of the 5 has not confirmeds the principle of participaring?

Alan Greenberg: (13:23) Even if the review does not IMPOSE change on the GAC, that is no reason not to do a periodic review.

Martin Boyle, Nominet: (13:23) @Keith, @Greg: I'm not sure how the GAC as a decisional participant in the community mechanism and the 2/3 vote threshold for Board rejection of GAC advice are related

Brett Schaefer: (13:23) So, Jordan, if the GAC never reaches consensus, we will have a permanent non-vote on use of community powers. In other words, we will allow one decisional SOAC to block exercise of the most significant enforcement powers.

Steve DelBianco [GNSO - CSG]: (13:24) @Chris -- in that pool of 5, let's acknowledge there will be instances where any of them might neither oppose or support exercise of a community power. That's why we set the Support thresholds at 2/3

Greg Shatan: (13:24) Keith, I think we need to treat GAC as being "in" as a decisional participant in regard to the appropriatentess of the 2/3 vote proposal.

Robin Gross [GNSO - NCSG]: (13:24) Martin, they are two places where the GAC is specifically empowered in this process

Keith Drazek: (13:24) @Martin: The GNSO sees the combination of (decisional participation, the increased 2/3 threshold, and the lack of GAC reviews as being a substantial net increase in the role of governments and GAC.

Keith Drazek: (13:25) @Greg: I agree

Kavouss Arasteh: (13:25) Thomsa,$How you expect that a given Gov. be accountable to another Government or to another private entity

Olga Cavalli - GAC Argentina: (13:25) +1 to Thomas´comments

Robin Gross [GNSO - NCSG]: (13:25) We started off to hold ICANN community, but this has become a process of handing ICANN over to the governments, sadly.

Julia Wolman, GAC, Denmark: (13:25) +1 Thomas

Kavouss Arasteh: (13:25) It is fundamental .One should not enter into the sobverginty of government

Martin Boyle, Nominet: (13:25) @Brett: if the GAC does not reach agreement on an issue, doesn't it abstain so it is not blocking. So we need to think about threshold votes inthe case of abstentions - which I thought we had

Robin Gross [GNSO - NCSG]: (13:26) Let me try that again. We started off to hold ICANN ACCOUNTABLE, but this has become a process of handing ICANN over to the governments, sadly.

Andrew Sullivan: (13:26) I really think that "handing over" is a mischaracterization of the change

Kavouss Arasteh: (13:26) Robin

Julia Wolman, GAC, Denmark: (13:26) That is simply not the case Robin

Jordan Carter (.nz, WP1 rapporteur): (13:26) because one voice among five to decide on narrow accountability powers is really a hand over. Come on, Robin. I don't believe you actually think that.

Kavouss Arasteh: (13:26) That interpretation is absolutely wrong

Andrew Sullivan: (13:26) I think it is true that it is a formal change to power structures

Paul Rosenzweig (Heritage): (13:27) @ Martin -- it is because of the nature of the voting in the EC. If one assumes that the GAC will reach consensus to join, but rarely reach consensus for a decision as a group then they will be a permaentent "non vote" in the EC on almost any issue of consequnce. As written that means that the reamining SO/ACs need to be unanimous to use the EC powers -- whereas if the GAC were not present or if its non vote were not counted it would not require unanimity in the EC. So the prosepct that I and others fear is taht a GAC view musters only 1/3 of the Board in support and then the GAC's non-vote prevents community overruling. As Robin says, the governments become empowered much more than they are now.

Andrew Sullivan: (13:27) but "hand over" is a pretty strong claim

Brett Schaefer: (13:27) @Martin - exercise of EC powers 1, 2, 5 and 7 require affiramtive support of 4 SOACs.

Robin Gross [GNSO - NCSG]: (13:27) Jordan, you have to look at the totality of this proposal. GAC empowered in Rec 1 and in Rec 11 and relieved of accountability in Rec. 10. Wow!

Roelof Meijer (SIDN, ccNSO): (13:28) @Robin: I am sorry, but I do not subscribe at all to that opinion. Governments do have a role, we can ignore that, we can deny that. The price however, will be very high eventually

Robin Gross [GNSO - NCSG]: (13:28) Roelof, of course governments have a role, but isn't "decisional".

Jordan Carter (.nz, WP1 rapporteur): (13:29) the alternative to appropiate governmental involvement in ICANN is the end of the ICANN experiment.

Martin Boyle, Nominet: (13:29) @Paul: in this case the GAC would be voting, surely, if only in support of their advice?

Roelof Meijer (SIDN, ccNSO): (13:29) @Robin: that's your opinion. I think it's naive

Robin Gross [GNSO - NCSG]: (13:30) I think it is "naive" to think US Congress will accept this.

Grace Abuhamad: (13:30) http://mm.icann.org/pipermail/accountability-cross-community/2016-January/010128.html

Martin Boyle, Nominet: (13:30) But GAC advice on policy and GAC voting on governance are not really the same areas of concern

Kavouss Arasteh: (13:30) 1+ Roelof, Martin

Paul Rosenzweig (Heritage): (13:30) @ Jordan -- sadly it is the inclusion of governments that will end the experiment, not their exclusion

Martin Boyle, Nominet: (13:30) @Jordan +1

Kavouss Arasteh: (13:31) I am sorry

Robin Gross [GNSO - NCSG]: (13:31) I agree with Farzi.

Jordan Carter (.nz, WP1 rapporteur): (13:31) Chris: and other board member s- is it possible to get Board comments *before* the calls, so we can read them?

Roelof Meijer (SIDN, ccNSO): (13:31) @Robin: is that not a government....? Deciding? Or do you suggest that only one government should have a decisive role?

Paul Rosenzweig (Heritage): (13:31) @ Martin -- in that case the same as well -- as an objector the remaining SO/ACs would have to be unanimous to move forward on the EC powers

Alan Greenberg: (13:31) WHY is it a grave mistake? How does putting it in the Bylaws alter anything?

Tatiana Tropina: (13:31) Agree with Farzi, too

Brett Schaefer: (13:31) @Jordan, appropriate government involvement doesn't necessarily mean making them decisional participants. What aboutjust preserving their current advisory role?

Kavouss Arasteh: (13:32) This is an important issue. No one could held a gov. of any country accountable to other government. If we do so we totally cobntradcic the alphabet of sovergntiy

Steve DelBianco [GNSO - CSG]: (13:32) (b) assessing the role and effectiveness of GAC interaction with the Board and making recommendations for improvement to ensure effective consideration by ICANN of GAC input on the public policy aspects of the technical coordination of the DNS

Jordan Carter (.nz, WP1 rapporteur): (13:32) I agree with that Brett in respect of ICANN policymaking. I do not agree that having Governments involved a a group in being part of the community that makes decisions on using accountability powers is inappropriate.

Robin Gross [GNSO - NCSG]: (13:32) Roelof, it is a reality that the US Congress must sign off on this proposal. That is a practical reality. We are wasting a lot of time sending a proposal that will be sent back to us.

Steve DelBianco [GNSO - CSG]: (13:33) (b) assessing the role and effectiveness of GAC interaction with the Board [and with the broader ICANN community,] and making recommendations for improvement to ensure effective consideration by ICANN of GAC input on the public policy aspects of the technical coordination of the DNS

Kavouss Arasteh: (13:34) We are an independent group and should act independently and not supporting particular entity outside CCWG

Andrew Sullivan: (13:34) @Robin: but the "sent back" claim only follows if you interpret the new arrangements as somehow giving governments control. And I don't see how that's supported by the evidence

Pedro Ivo Silva [GAC Brasil]: (13:34) @Martin: additionally, there also may be a difference between GAC advice and the way ICANN interprets /implements it in case it is not rejected by the ICANN Board...we cannot consider that those two things always meet...GAC Secretariat produced a report on this topic

Keith Drazek: (13:34) I support Steve's suggested edit to the existing language.

Thomas Rickert, CCWG Co-Chair: (13:34) Me, too!

Jordan Carter (.nz, WP1 rapporteur): (13:34) I support Steve

Jordan Carter (.nz, WP1 rapporteur): (13:34) the lingo looks good

Olga Cavalli - GAC Argentina: (13:34) ye old hand

Olga Cavalli - GAC Argentina: (13:34) sorry

David McAuley (RySG): (13:34) +1 Steve

Steve DelBianco [GNSO - CSG]: (13:35) Thanks, I will circulate an email to list with the ATRT amendment after this call.

Farzaneh Badii: (13:35) yes thank you.

Farzaneh Badii: (13:35) I think Brett didn't hear me

Jonathan Zuck: (13:36) agree steve

Farzaneh Badii: (13:36) Thanks Brett .

Julia Wolman, GAC, Denmark: (13:36) Since the ATRT 1and ATRT 2 the GAC works continously to improve its working methods (to partcipate early in the policy making processes)and engaging with the community etc.

Brett Schaefer: (13:37) No problem, Farzi, not sure what just happened. But I'm happy to try and help.

Keith Drazek: (13:38) +1 Julia. This has become clear and is welcomed by the GNSO at a minimum. I think the intent of this language is to provide for future reviews., not necessarily to review the current GAC.

Bruce Tonkin: (13:38) Good morning all - I have been on the phone line since the beginning but just joining the Adobe room now.

Keith Drazek: (13:38) Just like the GNSO itself will have future reviews.

Avri Doria: (13:38) And ATRT2 recognized the improvement that had been made by GAC since ATRT1, while making further recommendations.

Paul Rosenzweig (Heritage): (13:40) He took his hand down ...

Steve DelBianco [GNSO - CSG]: (13:40) I have found the current Reconsideratin process mostly useless and completely frustrating.   This will, I hope, make it work better

Brenda Brewer: (13:40) Mathieu is not on audio at this time

Keith Drazek: (13:41) Can staff contact Mathieu and let him know we're ahead of schedule?

Thomas Rickert, CCWG Co-Chair: (13:42) Mathieu will join as soon as he can,

Thomas Rickert, CCWG Co-Chair: (13:42) so no need to reach out at this point.

Keith Drazek: (13:42) Ok thanks Thomas

Grace Abuhamad: (13:43) Bummer, I love hunting my Chairs down

Thomas Rickert, CCWG Co-Chair: (13:43) Thanks, Keith, for being attentive.

Sabine Meyer 2: (13:43) Bow or rifle, Grace?

Leon Sanchez (Co-Chair ALAC): (13:43) We're nice guys, we don't use weapons Sabine ;-)

David McAuley (RySG): (13:44) @ Sabine, maybe a Net would be more appropriate

Grace Abuhamad: (13:44) ICANN trains you to hunt with bard hands @Sabine

Sabine Meyer 2: (13:44) Touché, David.

Grace Abuhamad: (13:44) bare*

Jonathan Zuck: (13:44) curved dagger

Keith Drazek: (13:45) not bear hands?

Julia Wolman, GAC, Denmark: (13:46) +1 Thomas

Greg Shatan: (13:46) @Grace, I thought that was a Shakespearean touch.

Keith Drazek: (13:46) Thanks for that clarification, Thomas. This includes, but is not limited to, the GAC.

Bruce Tonkin: (13:47) I think the Board should be asking clarifying questions if a ratioanle is not clear.

Jonathan Zuck: (13:47) they don't adopt the advice

Grace Abuhamad: (13:48) Just in: Board comments on Rec 11 http://mm.icann.org/pipermail/accountability-cross-community/2016-January/010129.html

Bruce Tonkin: (13:48) One of the struggles in our ICANN format is that the Board meets with the GAC early n the ICANN week.   THe Gac uses that discussions to develop their communqiue.   THe challenge is that the Baord doesn't generlaly have an opportunity to meet with the GAC and seek clarifications.   Ther are some process improvements that coul dbe made there.

Jonathan Zuck: (13:48) unclear and unconvincing are two different things

Bruce Tonkin: (13:49) I would love to have statements from ACs before the Board meetins with them at a public meeting.   In some cases that might mean there are two separate meetinss. -

Sabine Meyer 2: (13:49) Bruce, so you would like to meet the GAC after the communiqué is published?

Bruce Tonkin: (13:50) Good point @Jonathan!   Often ICANN people assume that their arguemnts are convinsicng so the recipient can't be listening - so speak louder, restate the same position etc.   I think we are all a bit guilty of that.

Bruce Tonkin: (13:51) Yes @Sabine - I think that would be a wa to have more constructive discussions on some topics.

Kavouss Arasteh: (13:51) tHAT IS A POSITIVE STEP

Greg Shatan: (13:51) You don't need to do anything.

Greg Shatan: (13:52) Sorry not meant for this discussion.

Chris Disspain: (13:52) although it's good advice Greg ;-)

Kavouss Arasteh: (13:52) I have no problem with the seciond part as explained by Steve

Sabine Meyer 2: (13:52) Correct me if I'm wrong, but isn't the GAC/board meeting on Wednesday morning, i.e. the day of communiqué drafting?

Bruce Tonkin: (13:52) You are doing well Thomas.

Sabine Meyer 2: (13:52) I've only been to two ICANN meetings so far, so sorry if I'm unsure.

Jordan Carter (.nz, WP1 rapporteur): (13:53) Sabine isn't that the point? Once the communique is done, there's no follow up meeting to talk through any clarifications

Tom Dale (ACIG GAC Secretariat): (13:53) Sabine, that is correct. It used to be on the Tuesday.

Sabine Meyer 2: (13:53) Ah, thanks Tom!

Chris Disspain: (13:53) @ Jordan, there are follow up discussions often but they usually stretch over ICANN meetings...

Pedro Ivo Silva [GAC Brasil]: (13:54) @Steve: Thanks for the clarification, but as Olga said, the sentence does not seem to state exactly what we mean and agree to

Jordan Carter (.nz, WP1 rapporteur): (13:55) something happens beyond ICANN meetings?!

Robin Gross [GNSO - NCSG]: (13:55) While these recent additions to Rec. 11 are an improvement, Rec. 11 is still wrong on principle and NCSG retains its objection to Rec. 11 for over-empowering governments in this process.

Sabine Meyer 2: (13:55) @Jordan! Sure! IETF and RIPE meetings :D

Bruce Tonkin: (13:56) @Chris - yes - hard to have a discussion when you receive a GAC COmmunqiuye at the e3nd of the week, and then discuss again in 3 months time.   Parties on both sides need to get back up to speed on the topic.   A littel like the days when letters between AUstralia and the UK were carried byb boats that took months to travel between the locations.   Surely we can do better with modern communications tools :-)

Sabine Meyer 2: (13:56) and the other RIRs as well (sorry for being Eurocentric.)

Keith Drazek: (13:56) A lack of clear rationale causes a significant delay in either acceptance or rejection of any advice.

Keith Drazek: (13:57) Any delay or uncertainty is a problem for contracted parties, and I believe the community as a whole.

Paul Rosenzweig (Heritage): (13:57) +1 Gre

Jonathan Zuck: (13:57) no Voltairian decisions by the board!

Chris Disspain: (13:57) I have sent some comments to the list Thomas

Chris Disspain: (13:57) Board comments

Grace Abuhamad: (13:57) Board comments on Rec 11 http://mm.icann.org/pipermail/accountability-cross-community/2016-January/010129.html

Greg Shatan: (13:57) We've gone from Shakespeare to Voltaire. Very well-read crowd here.

David McAuley (RySG): (13:58) para 3 of what Chris sent deals with adequcy issue

Thomas Rickert, CCWG Co-Chair: (13:58) I know, Chris. Wanted to give you the opportunity, though.

Andrew Sullivan: (13:58) @Greg: it's the best of all possible crowds in this, the best of all possible worlds

Kavouss Arasteh: (13:58) Fully agreed as this is more than obvious that the Board's action or inaction must be consistentz with Bylaws

Chris Disspain: (13:59) thaks Thomas :-)

Chris Disspain: (13:59) much appreciated

Keith Drazek: (14:00) I believe that edit does address the RySG's concerns, as supported by others.

Mathieu Weill, ccNSO, co-chair: (14:00) Hi all, sorry to be late. You seem to be making good progress without me ! That's great

Steve DelBianco [GNSO - CSG]: (14:00) and we want to avoid that implication, Malcolm. Exaclty

Kavouss Arasteh: (14:01) + Malcolm

Greg Shatan: (14:01) @Andrew, thank you for your candide assessment.

Andrew Sullivan: (14:01) I can't believe that anyone could in good faith say that you could write a bylaw that forced you to act inconsistently with other of your bylaws, but I'm in support of what Malcolm said

Sabine Meyer: (14:01) Nice one, Greg.

Andrew Sullivan: (14:02) Definitely a point for you, Greg!

Jordan Carter (.nz, WP1 rapporteur): (14:02) Andrew: there are many moments in this proces which are unbelievable, in the actual meaning of the word

Greg Shatan: (14:03) :-)

Leon Sanchez (Co-Chair ALAC): (14:03) :-)

Kavouss Arasteh: (14:03) Thoms,

Robin Gross [GNSO - NCSG]: (14:03) That is an understatement, Jordan. :-)

Kavouss Arasteh: (14:03) You need to be fair to every body

Kavouss Arasteh: (14:03) No congradulation

Kavouss Arasteh: (14:03) No disappointment

Jordan Carter (.nz, WP1 rapporteur): (14:03) Happy with Point 3

Kavouss Arasteh: (14:03) Be tortally fair to all

Thomas Rickert, CCWG Co-Chair: (14:04) Kavouss, this was just a referene to the last call - a humorous one.

Greg Shatan: (14:04) @Kavouss, Thomas was merely engaging in levity. But not excessive levity.

David McAuley (RySG): (14:04) A good one Thomas

Kavouss Arasteh: (14:04) Grec

Kavouss Arasteh: (14:05) I do not mind if people congradulating you personally

Jordan Carter (.nz, WP1 rapporteur): (14:05) Economical levity

Jonathan Zuck: (14:06) +1 Steve (or H & R)

Brett Schaefer: (14:07) If there are remaining concersn, "duly taken into account" could just be replaced by "considered"

Jordan Carter (.nz, WP1 rapporteur): (14:07) I agree with Steve's suggestion, seems fine to me

Keith Drazek: (14:07) +1

Bruce Tonkin: (14:09) I note with respect to advice that sometimes the advice can be about a particular matter before the Baord - e.g budget approval or policy approval.   IThe advice can be taken into consideration when the Board makes its decision.

Robin Gross [GNSO - NCSG]: (14:09) A straw poll vote of GAC members voted for this in that meeting. It was not a vote of members, in violation of CCWG's charter.

Kavouss Arasteh: (14:10) Brett

Kavouss Arasteh: (14:10) Absolutely NOT

Paul Rosenzweig (Heritage): (14:10) +1 Robin ... a flawed process that was rescineded in the second reading ...

Brett Schaefer: (14:10) I actually believe this would be clearer: "The advice of the Governmental Advisory Committee on public policy matters shall be CONSIDERED, both in the formulation and adoption of policies."

Kavouss Arasteh: (14:10) bRETT, not at all

Bruce Tonkin: (14:11) The other form of advice we get - particularly from ALAC and SSAC is for a series f proejcts that the AC would like ICANN to understake.   This advice may be able to be actioned within the current budget, but otherwise should probably go through a prioritisation process at the annual budget and operationg plan.

Kavouss Arasteh: (14:11) There is a big difference between considering and taking into account

Andrew Sullivan: (14:11) @Robin and Paul: if the consensus were rejected and as a consequence we couldn't get the accountability changes in the rest of the document, would that be an acceptable trade to you?

Brett Schaefer: (14:11) Why not Khavous? Is that not what we agreed it was meant by "duly taken into account" in our discussions?

Bruce Tonkin: (14:11) So the Board could accept advice and not disagree with that advice - but the actual implemenbtation of advice from some ACs shoud probably be handled through the communiyt budgeting and prioritsation process.

Malcolm Hutty: (14:12) It's not just an extra 2/3, it's moving from majority to 2/3

Malcolm Hutty: (14:12) that may be 2 votes now, but it may not remain so

Paul Rosenzweig (Heritage): (14:12) It's moving from majority to 2/3 in contradictionof a recent community decision

Malcolm Hutty: (14:12) also, it sends a message that it is not balanced

Andrew Sullivan: (14:12) But it gets for the community the strong additional rule about the GAC's own decision making

Andrew Sullivan: (14:12) which does not exist now

Andrew Sullivan: (14:13) in order to get some benefit, you need to trade something

Paul Rosenzweig (Heritage): (14:13) @ Andrew -- that rule already exists ... so we get nothing that doesn't exist

Robin Gross [GNSO - NCSG]: (14:13) This is the outcome of a straw poll vote on Thanksgiving Day of mostly GAC members.

Andrew Sullivan: (14:13) It is nowhere enshrined

Andrew Sullivan: (14:13) under the current arrangement, the GAC could change its rules tomorrow

Paul Rosenzweig (Heritage): (14:13) @Andrew 00 Wrong -- it is in the GAC OPs

Finn Petersen, GAC - DK: (14:13) + 1 Thomas

Andrew Sullivan: (14:13) And the GAC could change those unilaterally

Steve DelBianco [GNSO - CSG]: (14:14) @Paul -- the GAC may amed its operating principles at any time. The community has nothing to say about that

Alan Greenberg: (14:15) @Andrew, not quite tomorrow, as the process requires decisions at consecutive meetings, but they could change (and have the resultant decisions be "consensus"

Paul Rosenzweig (Heritage): (14:15) Yes, Steve, per its own operating procedures. Today it is full consensus and majority. We are changing that ... there is no way to avoid that conclusion

Keith Drazek: (14:15) The GNSO comments (and the individual comments submitted by the GNSO's constituent parts) make clear there is majority opposition to inclusion of the 2/3 threshold, particularly in the context of the GAC participating as decisional in the community mechanism. If the 2/3 threshold were to remain, I believe the GNSO would likely oppose Recommendation 11. The GNSO supports incorporating the definition of GAC consensus for Board obligations (absence of formal objection) as required by NTIA, but does not support the increase of Board obligation to 2/3. If the 2/3 threshold were removed and returned to simple majority, I believe the GNSO would support Recommendation 11. The GNSO will vote and require a simple majority of EACH house, and there is not currently majority support in EITHER house to agree to 2/3.

Cheryl Langdon-Orr: (14:15) Agree Alan

Steve DelBianco [GNSO - CSG]: (14:16) NTIA

Kavouss Arasteh: (14:16) tHIS LAST STATEMENT IS NOT A B NEW ELEMENT AND DOES NOT HELP AT ALL

Avri Doria: (14:16) they said we could nto turn it over to governments, not that they might not share in some extra pwoer.

Jordan Carter (.nz, WP1 rapporteur): (14:16) NTIA said no government control

Steve DelBianco [GNSO - CSG]: (14:16) NTIA's requirement was not to replace NTIA's role with a government or intergovernmental orga

Cheryl Langdon-Orr: (14:16) I do not agree wth your interpretation on this Paul

Alan Greenberg: (14:16) Should the Board ever take the onerous decision to reject GAC advice, it will certainly be by a vast majority of the Board, so ithis will not change anything in practice.

Keith Drazek: (14:17) So why insist on it, Alan?

Jordan Carter (.nz, WP1 rapporteur): (14:17) Steve Crocker has said that it would be by consensus in the ICANN Board anyway. So it's well beyond the 2 /3 in any case

Jordan Carter (.nz, WP1 rapporteur): (14:17) to me it deos not matter if it is in the rules or not

Kavouss Arasteh: (14:17) This is Paul's view that may not shared by others

Kavouss Arasteh: (14:17) We should be positive, constructive and objective

Brett Schaefer: (14:18) Of course, Khavous, as your views may not be shared by others.

Jonathan Zuck: (14:18) think we're over concerned about approval. if it's a good trade, we can communicate that

Kavouss Arasteh: (14:18) Fair Enough Dear Brett

Chris Disspain: (14:18) Keith D posated what I think is a VERY imporetant note above re likley response from GNSO...

Brett Schaefer: (14:19) Jonathan, but it is not a good trade when taken incontext with granting GAC decisional participation in the EC. Th ebottom line is that those two changes result ina substantial expansion in GAC athority versus the status quo.

Kavouss Arasteh: (14:19) During the 17 years of ICANN life only two time GAC advice was rejected, In 2008 AND 2011

Kavouss Arasteh: (14:19) tHAT ALL

Kavouss Arasteh: (14:20) pEOPLE ARE OVER EMPHASIZING THEIR VIEWS

Paul Rosenzweig (Heritage): (14:20) So ... are we going to just ignore the GNSO altogether?   It seems clear that one of our chartering organizations will reject the proposal

Kavouss Arasteh: (14:21) We should not ignor the majority views

Philip Corwin: (14:22) The past is not prologue. The GAC has become much more active since the development of the new gTLD program, is being integrated into the GNSO policy process, and may be aprt of the Empowered Community. So GAC engagement in the future likely to be much more than in the past.

Avri Doria: (14:22) While I do not support the postion taken, they view is not just Robin's but was the Consensus of the NCSG - not full consensus by NCSG consensus.

Greg Shatan: (14:22) Mathieu, you should also look at the WP meeting where this was approved prior to it going to the full WG.

Kavouss Arasteh: (14:23) Grec

Greg Shatan: (14:23) Technically, it's 50%+1 vs. 2/3

Paul Rosenzweig (Heritage): (14:23) +1 Greg -- we are taliking about a different meeting Mathieum ...

Avri Doria: (14:23) ... not full consensus by consensu of the NCSG - not just Robin

Greg Shatan: (14:23) +1 Malcolm

Avri Doria: (14:24) just want that to be straight in the notes,

Kavouss Arasteh: (14:24) WP was composed of limited number of people ,sometimes less than 15 We therefroe should reply on the views expressed at the CCWG Plenary

Brett Schaefer: (14:24) We are also ignoring the public comments that went overwhelmingly against this proposal last year. Also the 3rd Draft comments were 2/3 against on Rec 11.

Mathieu Weill, ccNSO, co-chair: (14:24) @Greg : this proposal was not approved in the subgroups first.

Steve DelBianco [GNSO - CSG]: (14:25) GNSO said "Little support; strong opposition" to Rec 11.   I am not mis-characterizing this

Keith Drazek: (14:25) The GNSO has voting rules and procedures. The approval or rejection of the CCWG proposal (or portions thereof) will require a simple majority of EACH house (non-contracted and contracted). Neither GNSO house currently supports the addition of 2/3. That said, the amendements made in response to the RySG comments are welcomed by the RySG, but they may not be sufficient to sway other groups.

Kavouss Arasteh: (14:26) We are in this year and not last year. I do not know what was the weithing (scorecard 9 of those comments. We do not know those who have not commented were against

Kavouss Arasteh: (14:26) wE NEED TO BE SHORT , CONCISE AND PRECISE AND NOT REPEATING PREVIOUS VIEWS

Brett Schaefer: (14:27) Kavouss, those same objectiosn could apply to every other recommendation.

Kavouss Arasteh: (14:27) wE ARE 66 and 4 are against

Paul Rosenzweig (Heritage): (14:27) Mathieu -- it was overly optimistic ...

Robin Gross [GNSO - NCSG]: (14:27) Shouldn't the standard be "approval" of a recommendation, not lack of rejection.

Kavouss Arasteh: (14:28) Olga + 1

Bruce Tonkin: (14:29) You have a very clear line Robin.

Kavouss Arasteh: (14:29) Therte are 66 people on this call

Greg Shatan: (14:29) I hope this is not an indication of how GAC will argue for support of its consensus positions in the Empowered Community.

Keith Drazek: (14:29) It's not clear to me that the GAC will reach consensus on Recommendation 11 however it ends up on 2/3.

Kavouss Arasteh: (14:29) 4 ARE AGAINST , THUS WE NEED TO TAKE THAT INTO ACCOUNT

Olga Cavalli - GAC Argentina: (14:30) @Keith it is more probable with 2/3 than without

Rosemary Fei (Adler Colvin): (14:30) Kavouss, would that be "duly"?

Kavouss Arasteh: (14:30) These opponents extremly discourage GAC to pursue to join the consensus

Paul Rosenzweig (Heritage): (14:30) No Kavouss -- I am sorry but you cannot count. If you read the GNSO, almost the entire organization is in opposition and I am quite certain that if the CCWG does adopt this proposal the GNSO will reject it.

Paul Rosenzweig (Heritage): (14:30) Amen Robin ...

Kavouss Arasteh: (14:31) GNO did not reject this Rec but expressed concerns

Greg Shatan: (14:31) The argument that we all need to agree with the GAC because the GAC came to consensus is a troubling argument. I am sorry to say that, as I have the utmost respect for the GAC members.

Greg Shatan: (14:31) And that is not "utmost respect" as Nigel's rubric in the email list would have it....

Brett Schaefer: (14:32) Kavouss, you are happy to cite majority when you like the result (your arbitrary count in this chat), but eager to dismiss it when it does not (in the Draft 3 comments)

Paul Rosenzweig (Heritage): (14:32) Kavous, as Malcolm said, and as Keith is saying riight now, the GNSO will oppose this ...

Avri Doria: (14:32) I like the terminlogy: GNSO Constituent Parts.

Kavouss Arasteh: (14:33) But you need to also consider that i CAG may has also something to say

Andrew Sullivan: (14:33) I was in the queue before you closed (I was ahead of Kavouss)

Andrew Sullivan: (14:34) But I'm prepared to stand mute in the interests of time, and send a note to the list instead

Kavouss Arasteh: (14:34) Andrew

Avri Doria: (14:34) and though i peronsally support the recommendation, i think that GNSO objection might mean this did not have CCWG consensus.

Thomas Rickert, CCWG Co-Chair: (14:34) I apologize, Andrew!

Keith Drazek: (14:34) I have a process question: Will the final Chartering Organization vote be on the CCWG proposal as a whole, or will the Chartering Orgs vote on the 12 individual recommendations?

Kavouss Arasteh: (14:34) I offer my turn to you

Olga Cavalli - GAC Argentina: (14:34) +1 to Pedro´s comments

Paul Rosenzweig (Heritage): (14:34) Of couse you do Olga ...

Kavouss Arasteh: (14:34) 1+ oLGA, PEDRO

Greg Shatan: (14:35) This is not intended to denigrate or diminish the role of the GAC in any way, That is not in any way an underlying theme to the comments of the IPC.

Kavouss Arasteh: (14:35) tHOMAS

Kavouss Arasteh: (14:36) wE ARE ABOUT TO HAVE THE bREAK

Kavouss Arasteh: (14:36) pLS KINDLY ANNOUNCE THE BREAK

Kavouss Arasteh: (14:36) 1+ PEDRO AGAIN

Olga Cavalli - GAC Argentina: (14:36) +1 to Pedro again

Steve DelBianco [GNSO - CSG]: (14:37) I represent the CSG, which includes constituencies who are split on the 2/3 threshhold.   So while I am presenting the alternatives, I am not able to indicate support or opposition for #5

Greg Shatan: (14:37) Paul and Brett will tell you that, since I am a card-carrying liberal, I love government, and the more the better.

Brenda Brewer: (14:37) BREAK...will resume in 10 minutes.

Sabine Meyer: (14:38) Oh! Greg opened his mic :)

Bernard Turcotte Staff Support: (14:39) Noptes cleared to avoid maximum size issue during the call

Bernard Turcotte Staff Support: (14:39) Notes

Luca Urech (GAC - Switzerland): (14:40) @Chair: could you kindly add Jorge Cancio to the speakers queue for after the break (he is on the audio bridge)?

Brett Schaefer: (14:40) @Greg, after the last Adobe chat, that fetish is rather minor.

Paul Rosenzweig (Heritage): (14:43) @Greg -- time to turn in your card :-)

Keith Drazek: (14:46) Following up the earlier comment on GNSO PDP adice thresholds, there are several important distinctions: one key part of that threshold for the GNSO is that the Board only has to show any deference to the GNSO IF AND ONLY IF that advice come through a formal PDP. This means not all GNSO resolutions (call it advice) gets the Board deference even if the vote of the GNSO Council is unanimous. In addition, the GNSO may only issue a formal PDP under certain restrictions in both scope and jurisdiction. Not every topic can be properly considered in scope for a GNSO PDP.   In fact, as part of every issue report in the GNSO PDP process, the General Counsel is asked to opine as to whether the proposed issue is properly within the jurisdiction of the GNSO. If it is not, that does not prevent the PDP from continuing, but arguably, the increased Board threshold would not apply in such a case.

Bernard Turcotte Staff Support: (14:46) 1 minute warning

Brenda Brewer: (14:48) Recordings are going.

Chris Disspain: (14:48) thanks for that clarification Keith....I agree that there are fundamental differences between PDP output and advice

Robin Gross [GNSO - NCSG]: (14:48) Crucial distinctions, Keith. Thanks.

Philip Corwin: (14:51) +1 Keith

Avri Doria: (14:51) i do not see the fundamental difference. they are both subject to rejection by the Board according to some defned process.

Avri Doria: (14:53) advice: an opinion that someone gives you about the best thing to do in a particular situation; recommendation: a suggestion or piece of advice about how to solve a problem, deal with a situation, Synonyms and related wordsAdvice:advice, guidance, recommendation...

Philip Corwin: (14:53) But who is the compromise with? The GAC has now stated that it has no consensus position on recommendation 11, and has also failed to provide any explanation of why those governments who oppose it do so.

Bruce Tonkin: (14:53) From a Board perspective - whether it is a recommendation from an SO or Advice from an AC - it is useful to udnerstand the process used to develop the position and the level of support for the position.   COuld be unaninmous, no objections, majority support, minoority support etc.

Keith Drazek: (14:53) To be clear, I was just reporting the views of the GNSO as I understand them. Nothing apocolyptic about it. Better that everyone have eyes open about the current position, at least as of the Version 3 proposal.

Robin Gross [GNSO - NCSG]: (14:54) As this Recommendation has yet to be approved of in any public comment period to date, we have no excuse for still including it in our proposal.

Greg Shatan: (14:54) 1. It's not personal, at lest for me. 2. If compromises were inviolate and immune to change, we'd still be on the first draft.

Greg Shatan: (14:54) -least-

Avri Doria: (14:55) that's funny Grec

Keith Drazek: (14:56) Process question: Will the Chartering Orgs vote on the CCWG Proposal as a package (one vote for everything) or will the Chartering Orgs be asked to vote on the 12 individual recommendations? Or will that be up to the Chartering Orgs?

Mathieu Weill, ccNSO, co-chair: (14:56) Up to the Chartering Orgs Keith

Thomas Rickert, CCWG Co-Chair: (14:56) Exactly, up to the COs

Keith Drazek: (14:56) Thanks Mathieu.

Keith Drazek: (14:57) ....and Thomas.

Avri Doria: (14:57) i would assume it was up to the chartering group. unless the charter said something specific that we can do exigesis on.

Pedro Ivo Silva [GAC Brasil]: (14:57) @Robin: I would agree to removing ALL recommendation 11 from our proposal, if is that what you mean

Malcolm Hutty: (14:57) Support 6

Keith Drazek: (14:58) We cannot remove the ST18 language regarding the definition of GAC consensus. NTIA has stated clearly it's a requirement.

Pedro Ivo Silva [GAC Brasil]: (14:59) @Keith: To me, the transition requirements are the ones in the March 14th 2014 announcement. period.

Olga Cavalli - GAC Argentina: (14:59) +1 to Pedro´s remarks

mike chartier: (15:00) BSchaefer +1

Jordan Carter (.nz, WP1 rapporteur): (15:00) Pedro, NTIA has bee crystal clear about how it will intepret this matter. We can't ignore that and nor should we.

Keith Drazek: (15:00) We can't ignore Larry's comments and official statement from late November on this and hope/expect the transition to proceed.

Brett Schaefer: (15:00) +1 Keith

Olga Cavalli - GAC Argentina: (15:00) xcannot unmute

Jonathan Zuck: (15:00) @Pedro, the May 14th requirements leave open for interpretation the langague regarding governments and the NTIA have signaled how they will interpret it

Jonathan Zuck: (15:01) 6 still implies the presense of st 18

Philip Corwin: (15:01) Agree with keith. Since March 2014 NTIA has added specificity to the relevant general principle.

Olga Cavalli - GAC Argentina: (15:01) i cannot unmute :(but similar question that Kavouss made

Jordan Carter (.nz, WP1 rapporteur): (15:02) both 5 and 6 on the first page of this PDF meet ST18

Brett Schaefer: (15:02) I specificaly recomend that paragraph 5 on page 4 be edited to read: "The Governmental Advisory Committee has the autonomy to refine its Operating Procedures to specify how objections are raised and considered. However, when transmitting consensus advice to the Board for which the Governmental Advisory Committee seeks to receive special consideration, the Governmental Advisory Committee has the obligation to confirm the lack of any formal objection."

Pedro Ivo Silva [GAC Brasil]: (15:02) @Jordan: Brazil has agreed to engage in this process based on the March 14th requirements. Additional requirements (of interpretations of those requirements) should have been discussed and agreed with the community who was already engaged in the process.

Kavouss Arasteh: (15:02) sTEVE

Kavouss Arasteh: (15:02) NOT AT ALL

Paul Rosenzweig (Heritage): (15:02) Sorry

Robin Gross [GNSO - NCSG]: (15:03) Support for point 6.

Kavouss Arasteh: (15:03) no. 5 must be without Stress Test 18

Kavouss Arasteh: (15:03) Sorry typo

Jordan Carter (.nz, WP1 rapporteur): (15:03) Pedro: NTIA makes the assessment about whether NTIA's criteria are met, so it's useful to understand how they will interpret the criteria that they set out,a nd under which they are prepared to agree to a transition of IANA stewardship.

Kavouss Arasteh: (15:03) NO 6 MUST BE WITHOUT ST18

Andrew Sullivan: (15:04) 6 is entirely consistent with ST 18

Jordan Carter (.nz, WP1 rapporteur): (15:04) kavouss -- both of these resolve ST18 concerns.

Brett Schaefer: (15:04) Yes, I agree with the principle, Steve. But I think that the example is confusing and unnecessary and should be deleted.

Pedro Ivo Silva [GAC Brasil]: (15:05) @Jordan: requirements can be met in many ways. I believe it is not appropriate to indicate the ONLY way a requirement is met. That is what was done half way through our process.

mike chartier: (15:05) Agree with Brett- the objecting party determines whether it is objecting.

Kavouss Arasteh: (15:05) no 6 reflects GNSO and few people took the floor

Steve DelBianco [GNSO - CSG]: (15:05) I represent the CSG, which includes constituencies who are split on the 2/3 threshhold.   So while I am presenting the alternatives, I am not able to indicate support or opposition for #5

Chris Disspain: (15:05) Thomas/Steve...for clarity...are we clear that the items in 1 to 4 are not affected by the final decision on 5 or 6?

Steve DelBianco [GNSO - CSG]: (15:06) Yes, Chris.

Jordan Carter (.nz, WP1 rapporteur): (15:06) Yep, Chris.

Chris Disspain: (15:06) cool - thanks Steve

Chris Disspain: (15:06) and Jordan

Jordan Carter (.nz, WP1 rapporteur): (15:06) This has to be resolved next call.

Avri Doria: (15:07) i support the move to member polling if compromise can't be reached in the next few days. thanks.

Keith Drazek: (15:07) +1 Jordan

Paul Rosenzweig (Heritage): (15:07) Thank you Thomas -- that answers my question ....

Robin Gross [GNSO - NCSG]: (15:07) As per CCWG Charter, polling for these purposes needs to be done by Members.

Chris Disspain: (15:07) when is the next call?

Avri Doria: (15:07) agree Robin

Chris Disspain: (15:08) thanks Mathieu

Jordan Carter (.nz, WP1 rapporteur): (15:08) 06H-08H UTC

Avri Doria: (15:08) and as a non member i am supporting that you all be polled

Sébastien (ALAC): (15:08) and next calls?

FIONA ASONGA (ASO): (15:08) Thanks all

Avri Doria: (15:08) thanks. great meeting.

Robin Gross [GNSO - NCSG]: (15:08) Thanks all, bye!

FIONA ASONGA (ASO): (15:08) bye

Jordan Carter (.nz, WP1 rapporteur): (15:08) by eall, progress continuing!

Andrew Sullivan: (15:08) bye

Brett Schaefer: (15:08) bye all

Martin Boyle, Nominet: (15:08) bye all

Sabine Meyer: (15:08) bye!

Cheryl Langdon-Orr: (15:08) bye for now