

CCWG ACCT Meeting #79 (21 January @ 12:00 UTC)

Attendees:

Members: Alan Greenberg, Athina Fragkouli, Becky Burr, Cheryl Langdon-Orr, Izumi Okutani, Jorge Villa, Julia Wolman, Julie Hammer, Leon Sanchez, Lyman Chapin, Mathieu Weill, Pär Brumark, Robin Gross, Roelof Meijer, Samantha Eisner, Sébastien Bachollet, Steve DelBianco, Suzanne Radell, Thomas Rickert, Tijani Ben Jemaa (20)

Participants: Aarti Bhavana, Alain Bidron, Allan MacGillivray, Andrew Harris, Andrew Sullivan, Avri Doria, Brett Schaefer, Cherine Chalaby, Chris Disspain, Christopher Wilkinson, David McAuley, Edward Morris, Farzaneh Badii, Finn Petersen, Greg Shatan, Harold Arcos, James Gannon, Jonathan Zuck, Jorge Cancio, Kavouss Arasteh, Keith Drazek, Lito Ibarra, Louisewies van der Laan, Malcolm Hutton, Mark Carvell, Markus Kummer, Martin Boyle, Matthew Shears, Megan Richards, Mike Chartier, Niels ten Oever, Paul Szyndler, Pedro da Silva, Phil Buckingham, Philip Corwin, Rinalia Abdul Rahim, Ron da Silva, Sabine Meyer, Seun Ojedeji, Simon Jansson, Steve Crocker, Suzanne Woolf, Tatiana Tropina, Thomas Schneider, Tom Dale, Tracy Hackshaw, Wolf-Ulrich Knochen (47)

Legal Counsel: Edward McNicholas, Holly Gregory, Ingrid Mittermaier, Michael Clark, Rosemary Fei (5)

Observers and Guests: John Poole, Jonathan Robinson, Manal Ismail, Michael Niebel, Mike Silber, Navid Heyrani, Nick Shorey, Oscar Robles, Rory Conaty (9)

Staff: Alice Jansen, Bernie Turcotte, Brenda Brewer, Grace Abuhamad, Karen Mulberry, Marika Konings, Nigel Hickson, Tarek Kamel, Theresa Swinehart, Trang Nguyen

Apologies:

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

Transcript

- [Transcript_CCWG ACCT_21 January.docx](#)
- [Transcript_CCWG ACCT_21 January.pdf](#)

Recording

- The Adobe Connect recording is available here: <https://icann.adobeconnect.com/p6pt03oonod/>
- The audio recording is available here: <http://audio.icann.org/gnso/gnso-ccwg-acct-21jan16-en.mp3>

Agenda

1. Welcome, Roll Call & SOI (2 min)
 2. Update from Chartering Organizations (5 min)
 3. Timeline and next steps (10 min)
 4. Rec 2 - Escalation timeframes (third reading) - <http://mm.icann.org/pipermail/accountability-cross-community/2016-January/009637.html> (10 min)
 5. Rec 3 - Fundamental Bylaws (second reading) - <http://mm.icann.org/pipermail/accountability-cross-community/2016-January/009639.html> (10 min)
 6. Rec 7 – IRP & PTI IANA decisions (20 min)
 7. Rec 4 – Scope of community IRP and separation power (second reading) - <http://mm.icann.org/pipermail/accountability-cross-community/2016-January/009635.html> & <http://mm.icann.org/pipermail/accountability-cross-community/2016-January/009731.html> (10 min)
 8. Rec 7 – Scope of IRP (third reading) - <http://mm.icann.org/pipermail/accountability-cross-community/2016-January/009802.html> (10 min)
 9. Update on Board removal liability mitigation - <http://mm.icann.org/pipermail/accountability-cross-community/2016-January/009645.html> (10 min)
- Break (10 min)*
10. Rec 11 – GAC advice (continued) (20 min) - <http://mm.icann.org/pipermail/accountability-cross-community/2016-January/009801.html>
 11. Rec 1 – GAC as decisional participant (first reading) - <http://mm.icann.org/pipermail/accountability-cross-community/2016-January/009632.html> (20 min)
 12. Rec 10 – SO/AC accountability (first reading) - <http://mm.icann.org/pipermail/accountability-cross-community/2016-January/009728.html> (20 min)
 13. Rec 8 – Reconsideration (first reading) - <http://mm.icann.org/pipermail/accountability-cross-community/2016-January/009727.html> (20 min)
 14. A.O.B (3 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.

Holly Gregory, Roelof Meijer on bridge.

Update from Chartering Organizations

- We are awaiting input from GAC and GNSO. GNSO Council call later today - accountability is on agenda. GAC had a call yesterday and is finalizing its input. Important to receive this input shortly to make informed decisions for way forward.

Feedback:

- Items to be discussed on this call (see chat). GAC is dedicated to putting feedback together.
- GNSO: The GNSO communication will be a summary/consolidation of the SG and C statements.

Timeline

Overview of timeline and next steps slides

Feedback:

- We should reduce pressure. Disagree with supplemental report - we should have a revised proposal and should discuss with full CCWG whether changes require a public comment. Not in favor of public comment period but we should still discuss. Body of report should be submitted for comments for longer period of time to ensure there is consistency.

---> Supplemental means a new iteration of the report that takes feedback into account along with a description of the changes. We do not see need for another public comment period as specificities related to implementation.

- Time to comment will not be sufficient. We will need to go back to our communities and make sure the bodies approving the report are comfortable with the final version.

- Plan is consistent with Dublin plan. But what is the date of submission?

--> Some discussions we will have trouble closing without GNSO, GAC input. There are still a number of gaps to bridge that will be closed next week hopefully. Issuing supplemental report in February.

- Will timeline delivery date be discussed with NTIA? Need to ensure NTIA has sufficient time for their process.

---> Need for all to compromise to get report out in prompt fashion.

- We should not initiate any coordination with NTIA but if they have questions or a need for clarification, it is their decision to raise the questions and seek clarification

CONCLUSION: We will move forward with supplemental draft but will re-discuss with full group for second reading. To preserve integrity of project, CoChairs will produce projections once they have a complete picture and will discuss with the group.

Escalation timeframe

Is there additional need to discuss this? Overview of conclusions.

CONCLUSION: reading of rec 2 escalation timeframe is complete.

Fundamental Bylaws

Overview of conclusions.

CONCLUSION: 2nd reading of rec 3 is complete.

IRP & PTI IANA decisions

We determined that PTI actions/inactions would be part of IRP. Concern raised that standard may not be limited to Bylaws only.

Do we have agreement that the standard of review is different from other types and is there a preference for either approach? 1) Provide direct access to IRP for PTI action or inaction or 2) obligate ICANN in Bylaws to ensure PTI compliance, in which case failure to do so is covered by the IRP.

Feedback:

- Ask the CWG.

CONCLUSION/ACTION ITEM: CoChairs to share this with CWG-Stewardship CoChairs for feedback. This item will be rediscussed next week.

Scope of community IRP and separation power

Carve out language to be added along with note that we should not use acronyms.

Feedback:

- Not allowing the rest of the community to disagree with something another set of community produced jeopardizes the multistakeholder model.

- A PDP means a public comment period took place. Community could still elaborate a policy by ignoring public comments. What means would community have to stop this?

--> There are iterative steps with the community and Board to see whether any recommendations made through the PDP are contravening public interest.

- We should make sure we enhance accountability of SO/ACs. We should consider worst case scenarios

CONCLUSION/ACTION ITEM: We will proceed with the conclusion and adopt this. Sebastien/Roelof invited to send thoughts on list and we will re-evaluate if it gets traction.

Update on Board removal liability mitigation

We will be adding clarifications:

- Since any individual can petition, it will require a rationale;

- There will be a dialogue with Board member;

- Pre-service letters to be included.

Legal counsel update: language shared with Jones Day on a waiver and we are working on indemnification. We will share in upcoming days.

Feedback:

- Can we assume that if there are discussions with ICANN legal we can expect change from the Board? Indemnification of whom?

—> Legal counsel: No commitments have been made but we are discussing what sort of waiver/indemnification (if any) would be acceptable. Breadth and depth are being discussed.

CONCLUSION: We will wait to hear conclusions from lawyers.

GAC Advice

Overview of conclusions.

Feedback:

- "This recommendation does not create" is not an acceptable wording. Use "shall not create".

--> Intent for sentence is to provide directions for implementation where we will draft actual text.

- Legal counsel: We are having trouble in having pieces of language consistent. We are uncertain how it is possible to act inconsistently with GAC advice and not have that reconsidered a rejection for example. We are planning to frame a high level concern about this.

--> Highlight whether that is due to existing Bylaws or proposed Bylaws.

- Rejection by 2/3 would trigger obligation to try and find a mutually acceptable solution. We did not change any of the other language.

- This is moving in the right direction. With respect to ICANN needs to act in accordance with its Bylaws: it should be clarified that we are not suggesting that it be limited to Empowered community.

- Problem arises in draft Bylaw: we are introducing concept of rejection that does not have this concept in; it adds complexity.

- IRP is against action/inaction by the Board and not against GAC advice.

Avoiding use of "reject" could address concerns about implied obligations. Need to point out aggrieved party. This is only supposed to restrict Board's obligation to find mutually acceptable solution. It is Board's responsibility to assess advice it received. 2,3,4 is trade-off appropriate?

Feedback:

- Concerns about 2/3 being unwelcome by congress in light of statement that was made by Fadi.

Items 2, 3, 4 for discussion on Tuesday:

CONCLUSION/ACTION ITEM: Lawyers to come back to us on concern that was expressed in consideration of Greg's comments. Items to 2, 3, 4 to be discussed.

GAC as decisional participant

Concerns expressed about GAC's role are not sufficient to jeopardize consensus of Third report but it is open for debate to see if any traction.

Feedback:

- In GAC there was discussion about definition. What are decision-making steps? Group needs to initiate petition is not decision-making. How could you prevent GAC from participating in forum. Step 6-7 are important.

- NCSG still has concerns. GAC is not permitted to select Board members but we are now empowering GAC to remove Directors and approve budgets. GAC was never designed to do that. We are empowering them. We need to take will of community into consideration.

- This may raise real issue as to whether or not ICANN is becoming intergovernment and in violation of NTIA criteria.

--> 48 in support - 10 against

- All the thresholds no longer work - the model disappears if go down from 5 to 4.

CONCLUSION: We will keep report from language. This topic will be rediscussed next week.

SO/AC Accountability

Overview of discussion items.

Feedback:

- WS1 gives unilateral control of reviews to Board. It is not a bottom-up approach.

CONCLUSION: Clarify process / outcome of structural reviews to address this concern that the Board can restructure at will. Concern with respect to the GAC to be addressed in second reading.

Reconsideration

Overview of discussion items.

Suggestion: acknowledge these concerns and address in implementation

CONCLUSION: Move forward with second reading.

AOB

- Share any views you may have on approaches to speed up process.

Action Items

Documents

- [Timeline and next steps.pdf](#)
- [Rec 2 - Escalation timeframes - 2nd reading conclusions.pdf](#)
- [Rec 3 - Fundamental Bylaws - 1st reading conclusions.pdf](#)
- [Rec 7 - Scope of IRP - 2nd reading conclusions.pdf](#)
- [Rec 4 - Community IRP & separation power - 1st reading conclusions.pdf](#)
- [Rec 11 - First reading conclusions \(to be continued on call #79\).pdf](#)
- [Recommendation 1 - Inspection rights.pdf](#)
- [Rec 10 - SO-AC Accountability.pdf](#)
- [Rec 8 - Reconsideration.pdf](#)

Adobe Chat

Brenda Brewer: (1/20/2016 17:43) Welcome to CCWG Accountability Meeting #79 on Thursday, 21 January 2016 at 12:00 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: (1/21/2016 05:40) Hi Brenda

Kavouss Arasteh: (05:40) Hi Tijana

Kavouss Arasteh: (05:45) Dear Co-Chairs

Kavouss Arasteh: (05:46) I note that you have put a very heavy agenda each of which crucial points but only 10-20 mints assigned to them

Kavouss Arasteh: (05:46) One again we are rushing and rishing

Kavouss Arasteh: (05:47) I am really much concerned about this kind of time managment

Kavouss Arasteh: (05:49) Second point thai wish to raise with co-chairs is that, before reaching the end of the time assigned to each topic, YOU ARE REAUESTED TO ask IICANN whether still they have some concers which have not yet been addressed and resolved.

Kavouss Arasteh: (05:52) Third points that I wish to raise is to express my sincere graptitudes and in-depth appreciations to ICANN staff for a very duly, devoted and efficient works that have they have done, and continue to doing now in hopefully in future.

Kavouss Arasteh: (05:53) Brenda and Alice are amamong those key role players

Kavouss Arasteh: (05:54) Mathieu

Mathieu Weill, ccNSO, co-chair: (05:54) Hello Kavouss, how are you ?

Kavouss Arasteh: (05:54) Good afternoon , pls look at my first and second comments in chat .I will raise them formally

Kavouss Arasteh: (05:55) Still suffering from pain but seriously and constantly working on CCWG and GAC issues

Mathieu Weill, ccNSO, co-chair: (05:55) Thanks Kavouss. Noted. Indeed many point on agenda today, most are confirmations from previous meetings though.

Kavouss Arasteh: (05:56) Then no in-depth discussion s.

Mathieu Weill, ccNSO, co-chair: (05:57) Unless the group has unforeseen concerns of course. We'll stay receptive to that

Suzanne Radell: (05:57) Good morning all

Sabine Meyer (GAC - Germany): (05:57) Hello everyone!

Kavouss Arasteh: (05:57) Pls also note one of your golden rules was that no one could comment morethan twice on a given issue . We should avoid dialogue between participants and Co-Chairs

Pär Brumark (GAC Niue): (05:57) Hi all!

Mathieu Weill, ccNSO, co-chair: (05:58) Good point on the golden rule !

Bernard Turcotte Staff Support: (05:58) hi all

Tatiana Tropina: (05:58) Hi all

Chris Disspain: (05:58) Greetings

Lousewies van der Laan: (05:58) HI

Athina Fragkouli (ASO): (06:00) hello!

Harold Arcos: (06:00) Greetings

Avri Doria: (06:00) people have been adhering to that golden rule? I had not noticed.

Rosemary Fei (Adler & Colvin): (06:00) Hello, all.

Niels ten Oever: (06:01) Hi all

Andrew Sullivan: (06:01) Hello.

Robin Gross [GNSO - NCSG]: (06:01) Good morning from San Francisco, where it is still dark.

Aarti Bhavana: (06:02) Hi All!

Cherine Chalaby: (06:02) Hi everyone.

Andrew Sullivan: (06:02) I'd be worried if San Francisco had moved so much as to make it light at 04:00 in January!

Edward Morris: (06:02) Good morning Robin.

jorge cancio (GAC Switzerland): (06:03) hi all

Leon Sanchez (Co-Chair ALAC): (06:04) Hello everyone

Megan Richards, European Commission: (06:04) In Brussels it is very light and just after 13:00 - that is quite a feat !

Keith Drazek: (06:05) The GNSO has a meeting later today and expects to finalize its communication to the CCWG.

Chris Disspain: (06:05) Do we have any indication from GAC and GNSO re dates?

jorge cancio (GAC Switzerland): (06:05) GAC is working on an additional input on the third draft report

Chris Disspain: (06:05) Thank you for the details mathieu

Keith Drazek: (06:06) The GNSO communication will be a summary/consolidation of the SG and C statements.

Keith Drazek: (06:06) Fortunately, the CCWG has already been workong on the SG and C input, so there should be no surprises.

Roelof Meijer (SIDN, ccNSO): (06:06) Hello all! @Kavouss: with meeting #79 on it's way and the mail count of accountability-cross-community@icann.org standing at 10,200 (not counting the other lists), I have difficulty accepting that we are "rushing things"...

Brett Schaefer: (06:07) Does thin mean that points 10 and 11 will be deferred until the next call?

jorge cancio (GAC Switzerland): (06:07) After yesterday's call our GAC Chair is working on the new GAC input

Avri Doria: (06:07) Keith, except that once the council votes on it, especially the indications of what might not be approved by the GNSO, becomes a chartering groups input.

Brett Schaefer: (06:07) Edit this

Keith Drazek: (06:08) Correct Avri.

nigel hickson: (06:08) good day

jorge cancio (GAC Switzerland): (06:08) Mathieu: the GAC call was yesterday. Now we have to finalize our updated input in the coming days.

Alice Jansen: (06:13) Scorecard: https://docs.google.com/spreadsheets/d/13LvomhRnT1DBY9QvsXMorUPQ9wYpFtd2j_LpITks04g/edit#gid=0

Kavouss Arasteh: (06:13) Dear Mathieu,

jorge cancio (GAC Switzerland): (06:13) Do we know what form the GNSO input will take?

Avri Doria: (06:14) thank you for the scorecard

Kavouss Arasteh: (06:15) Pls also discuss the form of the CCWG proposal a) supplement which I disagree with and b) revised CCWG WITH WHICH I AM COMFORTABLE

Aarti Bhavana: (06:16) Will this supplemental proposal be put through a public comment period?

Keith Drazek: (06:16) The GNSO will submit a letter and a summary table covering each of the 12 recommendations. It will indicate the range of support /concern across all SG/Cs, and provide recommendations for any desired/necessary amendment. All will be reflective of the previously submitted SG and C comments.

jorge cancio (GAC Switzerland): (06:17) Thanks @Keith - does the GNSO intend to consider this as its final position?

Sabine Meyer (GAC - Germany): (06:17) Do you expect the feedback from the Chartering Organisations to include any of the points that according to the charter are necessary to trigger a supplemental report? I.e. notification of non-adoption etc.

Steve DelBianco [GNSO - CSG]: (06:17) the GNSO letter will say that GNSO expects to see a Supplemental Final proposal on which it would take a position in support/opposition

Keith Drazek: (06:17) @Jorge: No. The GNSO anticipates a formal vote on the recommendations following issuance of the supplemental report.

Mark Carvell GAC - UK Govt: (06:18) Useful to hav some target dates for this finalisaion process. Is that possible?

jorge cancio (GAC Switzerland): (06:19) @Keith: and what would happen if the GNSO and others do not adopt one or several of the recs? would there need to be a re-supplemental report?

Avri Doria: (06:20) so it is more like a Draft 3 bis, not a draft 4

Avri Doria: (06:20) and supplement does not equal appendix

Thomas Rickert, CCWG Co-Chair: (06:20) hopefully just a final draft, Avri

Keith Drazek: (06:20) Whatever we call it (revised or supplemental), the next phase is Chartering Org approval. Not yet another full-blown public comment period. The next phase is for the CO's to assess and confirm that their concerns have been addressed following the v3 public comment period.

Andrew Sullivan: (06:22) How much time, then?

Steve DelBianco [GNSO - CSG]: (06:22) +1 Keith.

Sabine Meyer (GAC - Germany): (06:22) With regard to the charter, I would say there is a difference between a revision of the draft report and a supplemental report.

Andrew Sullivan: (06:22) How long can this possibly go on?

Keith Drazek: (06:22) @Jorge: I think it depends on the number of Chartering Organizations not supporting a particular recommendation. Our Charter allows for a single CO to be silent or oppose a recommendation, but still go forward.

Brett Schaefer: (06:23) @Andrew, well if you are including WS2, at least another year

Avri Doria: (06:23) Andrew, that is question that should not be asked as it can only prolong thee time while we discuss how long is possible.

jorge cancio (GAC Switzerland): (06:23) Imagine GNSO and GAC reject rec 18 (so to say)... what would happen then?

Andrew Sullivan: (06:23) I feel like I am trapped in Zeno's CCWG

Andrew Sullivan: (06:23) we're always just about there

Avri Doria: (06:23) good analogy

Steve DelBianco [GNSO - CSG]: (06:24) Of the 90 comments received on 3rd draft, nearly all were from entities that are part of a chartering org (or eligible to be)

Keith Drazek: (06:24) @Jorge: I don't see that happening. I could see one or the other, but not both. I defer to the Co-Chairs on the hypothetical.

Avri Doria: (06:24) usually deadlines act as a forcing point, but we have blown by so many they no longer have meaning with regard to this group or process.

Kavouss Arasteh: (06:24) THE TIME TO COMMENT ON FINAL (REVISED OR SUPPLEMENTED) PROPOSAL should be fairly sufficient so as enabling chartering organization could examine the changes and comment on those revised texts

jorge cancio (GAC Switzerland): (06:25) @Keith: thanks! let's see what happens with 11, 18 or whatever ;P

Brett Schaefer: (06:25) @Keith, i would think that they would reject for different reasons

Avri Doria: (06:26) we also have to account for any revision that are needed post charter group approval - assuming there will be answers like yes, as long as x is changed to y.

Avri Doria: (06:26) to account for a period for and revisions ...

Kavouss Arasteh: (06:29) We should not initiate any coordination with NTIA but if they have questions or a need for clarification, it is their decision to raise the questions and seek clarification

Avri Doria: (06:29) if a proposal is sent that the AC and SO are condemning in the press as not having their agreement, NTIA and Congress will have trouble accepting it.

Athina Fragkouli (ASO): (06:29) thank you Matthieu for your reply

Brett Schaefer: (06:29) +1 Avri

Avri Doria: (06:30) i am sure NTIA is watching closely.

Keith Drazek: (06:30) The closer we get to Marrakech in early March, the more likely it becomes that the Chartering Organizations will conduct their final vote at their F2F meetings IN Marrakech. I hope we can conclude before then. As Mathieu noted, NTIA has said that every day that passes introduces additional risk to the September/October 2016 date, so we should continue our intense work to complete as early as reasonably possible.

Matthew Shears: (06:30) How does this final report track with the process for review in the Charter?

Andrew Sullivan: (06:31) I think if this really is going to last until March, then we ought to give up. It will be too late.

Keith Drazek: (06:31) @Brett: I expect the CCWG to ensure we don't have 2 groups rejecting a single recommendation.

Alan Greenberg: (06:33) @Andrew, that is indeed the issue. All of our rushing is curious if the end-point if the end-point makes the transition moot.

Avri Doria: (06:33) we can not give up, while we have a deadline for pre election, we have a much longer deadline for the contract itself.

Avri Doria: (06:34) i think we have to try to meet the election driven deadline, but we have to continue on if we dont. and that itself should be a major motivation. but we can't give up.

Matthew Shears: (06:34) + 1 Avri

Greg Shatan: (06:34) Marrakech starts 6 weeks from tomorrow....

Kavouss Arasteh: (06:34) This would be a compromise to make a trade-off between streamlining time line and making Conference call optionalé

Kavouss Arasteh: (06:34) I AGREE WITH THE APPROACH

Mark Carvell GAC - UK Govt: (06:34) Strongly urge everyone commits to finalisation ahead of Marrakech - when by the way ministers and senior officials will wish to review the complete package as an outcome of this process at their meeting there on 7 March.

Kavouss Arasteh: (06:35) mARK

Avri Doria: (06:35) Mark, that is a good urging.

jorge cancio (GAC Switzerland): (06:35) @Mark: wouldn't it be fun to explain all of this to our ministers for a decision to be taken? (joking)

Kavouss Arasteh: (06:36) I do not think the Minister would have time to review, Their meeting is coincidentally fall in that time

Avri Doria: (06:36) the supplemental approach makes sense to me.

Andrew Sullivan: (06:36) If this isn't done before the election, what makes you think anyone in USG will put even one scintilla of effort into doing anything after a new administration takes over?

Avri Doria: (06:37) because they will be expected to deal with the issue

Andrew Sullivan: (06:37) They can. Put it out to re-bid, done

Keith Drazek: (06:37) NTIA has said they need 4 months to review, ICANN has said they need 5 months to implement. Those requirements should instruct our urgency.

Matthew Shears: (06:38) agree Keith

Mark Carvell GAC - UK Govt: (06:38) @ keith - strongly agree!

Andrew Sullivan: (06:38) +! Keith

Avri Doria: (06:38) Keith in that case we have already missed the window since Mid September is only 8 months from now.

Brett Schaefer: (06:39) @Keith, my math may be off, but that timeline looks to have been missed

Keith Drazek: (06:39) Those dates are not sequential. ICANN can start implementing before the final approval. That was made clear in the Dublin timeline, if I'm not mistaken.

Avri Doria: (06:39) true

Keith Drazek: (06:39) Final NTIA approval, that is.

Becky Burr: (06:40) I am now on the call

Avri Doria: (06:40) but some has to have been implemented in order for NTIA to approve. Are they a true end to end dependency, if no what is the lag time.

Jonathan Zuck: (06:41) +1 Keith

Kavouss Arasteh: (06:41) Mathieu

Kavouss Arasteh: (06:42) What is the Board's view on these two options?

Becky Burr: (06:43) Note that the CWG will discuss this, so hope our decision can be informed by the CWG's views

Avri Doria: (06:43) lost sound. might just be me

Matthew Shears: (06:43) It might be good to put these options to the CWG

Keith Drazek: (06:43) We can still hear Mathieu.

Greg Shatan: (06:44) CWG is meeting one hour after this meeting ends.

Kavouss Arasteh: (06:44) May we go to the Board asking their views

David McAuley (RySG): (06:44) very faint Seun

David McAuley (RySG): (06:44) at least here

Kavouss Arasteh: (06:45) May we need to ask the Lawyers?y

Avri Doria: (06:45) sorry i missed that while restarting.

Avri Doria: (06:46) will read in transcript.

Rosemary Fei (Adler & Colvin): (06:47) May we have scroll control, so I can enlarge to readable size?

Mathieu Weill, ccNSO, co-chair: (06:47) @Avri: conclusion was to reach out to CWG for preference on way forward

Becky Burr: (06:47) having that problem too Rosemary

Avri Doria: (06:48) i expect they will give guidance on what they need and not on how we do it.

Avri Doria: (06:48) but could be wrong.

Avri Doria: (06:49) i CWG i will argue for a the stand alone function, whether as part of IRP or some other process.

Avri Doria: (06:51) because the current IRP process only allows for answers such as, you did wrong, do better. and i think the CWG was looking for a bit more from the appeals mechanism.

Becky Burr: (06:51) that's fine Avri, if they need direct appeal, not appeal of ICANN failure to correct, we can make that happen

Becky Burr: (06:51) and specificity about what is needed will help

Avri Doria: (06:51) again apologies for inability to say all that during the interval allowed for this discussions, when i turn on my mike, i lost all sound and needed to restart.

Edward Morris: (06:54) Thanks Thomas. Agree with all that you've said.

Rosemary Fei (Adler & Colvin): (07:00) We spoke with Jones Day yesterday. We are working on language.

Holly J. Gregory: (07:00) i just hung up instead of taking off mute. will dial back in

Holly J. Gregory: (07:02) im back on apologies. I take it that Rosemary reported on the conversation .

Leon Sanchez (Co-Chair ALAC): (07:02) yes Holly, Thanks! It has happened to me a number of times too!

Holly J. Gregory: (07:03) It is too early -- not enough coffee inhaled yet

Chris Disspain: (07:04) NO!

Chris Disspain: (07:04) Sorry that large NO was re the break :-)

Chris Disspain: (07:05) although I am worried about your coffee intake Holly

Holly J. Gregory: (07:05) I thought it was a health warning re consumption of large amounts of coffee

Chris Disspain: (07:05) :-)

Rosemary Fei (Adler & Colvin): (07:05) Inhaling coffee seems particularly dangerous

Alan Greenberg: (07:06) We mentioned cruel and unusual punishment the other day. Is that in reference to too much coffee, or not allowing us to have enough?

Michael Clark (Sidley): (07:06) Intravenous administration is most effective.

Avri Doria: (07:06) Caffeine consumption is outside the narrow mission of ICANN

Megan Richards, European Commission: (07:06) we inject our coffee - never inhale :-)

Holly J. Gregory: (07:07) I think caffeine is a human right

Chris Disspain: (07:07) no Holly, that's chocolate

Mathieu Weill, ccNSO, co-chair: (07:07) You would need to define how caffeine applies to Icann's narrow mission (chocolate as well)

Avri Doria: (07:08) ah, well then I understand why some are blocking adoption of respect for human rights.

Mathieu Weill, ccNSO, co-chair: (07:08) I suggest a framework of Inhalation

Chris Disspain: (07:08) LOL Mathieu

Keith Drazek: (07:08) lol

David McAuley (RySG): (07:08) Verry nice Mathieu

Suzanne Woolf: (07:10) @Mathieu I can assure you the operational side of the DNS runs largely on caffeine, chocolate, and beer :-)

Lousewies van der Laan: (07:10) :-)

Leon Sanchez (Co-Chair ALAC): (07:10) Indeed Suzanne! :D

Mathieu Weill, ccNSO, co-chair: (07:11) ... and lack of sleep :-)

Sabine Meyer (GAC - Germany): (07:11) Re suggestion 5 - what is meant by an "adequate" rationale?

Jonathan Zuck: (07:11) Caffeine and Beer. That explains some of the more questionable network configurations...

Avri Doria: (07:11) including beer is mission creep and chooses winners and losers in the booze category.

Brett Schaefer: (07:11) On this point, I believe we should add a concluding sentence onto the suggested bylaw text along these lines -- "As with all Board decisions, those based on Governmental Advisory Committee consensus advice shall be subject to appeal through the Independent Review Process."

Holly J. Gregory: (07:11) +1 Avri!

Thomas Rickert, CCWG Co-Chair: (07:11) not sure the mix of alcohol, no sleep and caffeine is good for security stability and resiliency

Suzanne Woolf: (07:12) @Avri informational point only, hadn't planned to put it in a fundamental bylaw :)

Thomas Rickert, CCWG Co-Chair: (07:12) maybe we need a stress test for that

Suzanne Woolf: (07:12) And I'm not sure what the IRP complaint would look like.

Andrew Sullivan: (07:12) Apologies, power outage

Brett Schaefer: (07:13) I have serious concerns that raising the threshold to reject GAC consensus advice to 2/3rds is in direct conflict with assurances given to Congress by Fadi.

Mike Silber: (07:13) @SdB - what is an abundance of clarity? New term to me

Brett Schaefer: (07:14) Edit -- the, not teh, and direct, not driect.

Sabine Meyer (GAC - Germany): (07:14) I am wondering if asking for an "adequate" rationale shifts focus from dealing with the actual advice first- and foremost.

Avri Doria: (07:14) Fadi's promises do not constrain the ICANN community of the CCWG.

Steve DelBianco [GNSO - CSG]: (07:14) @Kavouss -- these three clarifications were circulated by me immediately after the Tuesday call.

jorge cancio (GAC Switzerland): (07:15) +1 Sabine

James Gannon: (07:15) Afternoon all

Brett Schaefer: (07:15) @Avri, Congress asked him about this possibility directly and was told it was "off the table". They took him at this word and will feel misled/led to. Not a positive thing considering that they will be reviewing this proposal.

Mark Carvell GAC - UK Govt: (07:15) @ Sabine: GAC would be able to expand on the rationale if necessary quite quickly. GAC should always aim to provide full rationale.

Avri Doria: (07:16) he will just have to admit he did not have the authority to promise vis a vis the outcome of this process to make ICANN, including him, more accountable.

Edward Morris: (07:16) @ Brett. Completely agree. This is DOA on the Hill.

Brett Schaefer: (07:17) Gee, that will make Congress feel more confident about the maturity of ICANN to operate absent the historical contractual arrangement with the U.S.

Mark Carvell GAC - UK Govt: (07:17) +1 Avri - the community process is paramount.

James Gannon: (07:17) Agree Brett

Robin Gross [GNSO - NCSG]: (07:18) This recommendation is likely to kill the proposal in Congress. While the improvements are better, the underlying principle is still wrong.

Avri Doria: (07:18) Brett, that is only one interpretation of what they might decide. they might also decide that the change to a new CEO was timely.

Sabine Meyer (GAC - Germany): (07:18) @Mark: the requirement targets all AC's. Maybe it should be placed under a different heading than "board obligations with regards to GAC advice"?

Steve DelBianco [GNSO - CSG]: (07:18) Agree, Malcolm

Edward Morris: (07:19) If the community is paramount than should we not respect community opposition that was expressed during the last attempt to raise the threshold for rejecting GAC advice?

Mark Carvell GAC - UK Govt: (07:19) @ Sabine: yes agree.

jorge cancio (GAC Switzerland): (07:19) Agree with Sabine

Brett Schaefer: (07:20) +1 Ed. Also, my quick count on the excel summary of comments showed only 6 in favor of Rec 11 and 15 against.

jorge cancio (GAC Switzerland): (07:20) We are not drafting Bylaws here, are we? the recommendation as a whole is the mandate for lawyers to develop the new bylaws as such...

Greg Shatan: (07:21) A Board determination to take an action that is not consistent with Governmental Advisory Committee advice approved by a full Governmental Advisory Committee consensus, understood to mean the practice of adopting decisions by general agreement in the absence of any formal objection, may only be adopted by a vote of 2/3 of the Board.

Steve DelBianco [GNSO - CSG]: (07:22) @Greg -- seems to me that your formulation gets to the same result. Are you sure that it solves the IPC concerns?

Steve DelBianco [GNSO - CSG]: (07:23) Exactly, Kavouss

Greg Shatan: (07:23) I'm not sure. I've drafted it on the fly. It gets rid of the confusion that "reject" inserts into this.

Malcolm Huty: (07:23) @Steve, Greg: surely not. there's still the 2/3 threshold

Megan Richards, European Commission: (07:23) on rationale etc perhaps point 5 could be improved to say "whether the rationale is CLEAR" rather than adequate - the latter implies a subjective assessment of whether it will be accepted and applied - clarity though is to help the Board to ensure implementation (or in worst case not implement)

Greg Shatan: (07:23) But it may not provide all the clarity.

Becky Burr: (07:24) Correct - Board or staff action/inaction only

Kavouss Arasteh: (07:24) Mathieu

Chris Disspain: (07:24) Kavouss - no IRP re GAC advice but YES, can have IRP on Board's action following GAC advice

Greg Shatan: (07:24) Malcolm -- that is only an attempt to solve the problem of the mandatory vote.

Kavouss Arasteh: (07:24) Pls put a language along the line of what you have said

Mathieu Weill, ccNSO, co-chair: (07:24) Yes Kavouss we will

Kavouss Arasteh: (07:24) tHIS IS VERY IMPORTANT ISSUE

Becky Burr: (07:24) correct Chris, assuming Board's action is alleged to violate bylaws

Chris Disspain: (07:25) agree Becky....that would be the claim in the IRP

Sabine Meyer (GAC - Germany): (07:25) Thank you for that proposal, Megan.

Kavouss Arasteh: (07:26) Mathieu, pls confirm that what you said would be included somewhere in Rec 11

Sabine Meyer (GAC - Germany): (07:26) Is it not the obligation to assess the advice?

Kavouss Arasteh: (07:26) Sabine

Kavouss Arasteh: (07:26) W

Matthew Shears: (07:27) a rationale must be clear in order to determine that the rationale for the advice is adequate

Greg Shatan: (07:27) I agree that the 2/3 vote is still a major problem, and if that's taken out, the drafting has to change significantly.

jorge cancio (GAC Switzerland): (07:27) +1 Sabine - we should focus consultations on the advice. The rationale has to be there but itself should not be subject to subjective consideration by the Board

Greg Shatan: (07:28) I think we need to see a "draft bylaw" that does not include the 2/3 threshold.

Julia Wolman, GAC, Denmark: (07:28) Yes, the Board should always take advice from ACs duly into account (assess)

Thomas Rickert, CCWG Co-Chair: (07:28) I a sure all that is asked for is sufficient rationale so that GAC advice and the reasons for it can be understood

Andrew Sullivan: (07:28) I don't really understand how we can be held to pronouncements Fadi made

Avri Doria: (07:28) Agreee Andrew

Andrew Sullivan: (07:28) he didn't have the ability to make such assurances, and it seems to me we'll just have to tough that one out

Keith Drazek: (07:29) The GNSO will have input on the 2/3 threshold issue, reflective of the SC/C comments already submitted.

Robin Gross [GNSO - NCSG]: (07:29) I agree with Brett. Given the public comments against this, Fadi's promises to Congress, the difficulty much of the community is having in accepting this recommendation, it won't get through Congress, which it must to go anywhere.

Matthew Shears: (07:29) + 1 Greg - agree that might be useful

Sabine Meyer (GAC - Germany): (07:29) I am not coming out against providing a rationale. I would only hope that it wouldn't shift the attention given to any AC's advice.

jorge cancio (GAC Switzerland): (07:29) The focus in checking on the rationale should be a factual one: is there a rationale? And any clarifications should be sought on the basis of the advice as such

Chris Disspain: (07:30) I'm not speaking in favour or against BUT I do think that just because Fadi said something it doesn't mean the ccwg has to follow and the ccwg recs are made in the round whereas Fadi was discussing a single issue that wasn't part of the transition recommendations but stood alone

Thomas Rickert, CCWG Co-Chair: (07:30) Sabine, I am not sure I see evidence for your concern in the language

Andrew Sullivan: (07:30) +1 Chris

Megan Richards, European Commission: (07:30) @Steve - thanks for the clarification - agree

Chris Disspain: (07:30) so I don't think it follws that Congress will object

jorge cancio (GAC Switzerland): (07:31) dear all, the trade-off was so difficult that neither side is happy with the deal. Reopening this will not help anybody

Andrew Sullivan: (07:31) Surely we do not think that people in Congress are unused to trade-offs?

Andrew Sullivan: (07:31) (Even this Congress?)

Malcolm Hutty: (07:31) Respectfully disagree with Steve's suggestion that Fadi's commitments to Congress on this issue of 2/3 can be dismissed as being wholly different

Brett Schaefer: (07:31) Disagree with Steve's summary of context on Fadi's remark. [accountability-proposal-annex-11-01dec15-en.pdf](#) (accessed December 17, 2015). [15] Senator Fischer asked Mr. Chehade directly about a proposal to require a two-thirds vote to reject GAC advice. Mr. Chehade responded that such a requirement "would be incongruent with the stated goals. The board has looked at that matter and has pushed it back, so it's off the table." Senator Fischer followed up and asked, "It's off the table?" Mr. Chehade reaffirmed, "It's off the table."

mike chartier: (07:32) Agree Steve. It has to be viewed as a "carefully crafted compromise".

James Gannon: (07:32) If we are to go down the road that Steve is describing, our comms on it need to be crystal clear, and I mean that seriously, we have still entirely failed in communicating this proposal to actors outside of the CCWG, if thats our approach then again we need to work on our comms

Malcolm Hutty: (07:32) @Andrew, no Congress are used to trade-offs, but they're also used to claims that something is a trade-off when actually it's a reversal

Mark Carvell GAC - UK Govt: (07:32) Thank you Steve - and Chris for clarification re-Fadi and 2/3.

Andrew Sullivan: (07:32) Agree with James

Chris Disspain: (07:32) Brett - that is what Fadi said...no argument...it's the consequences of that and the distinction between then and now that we are discussing

Keith Drazek: (07:32) I think Steve's explanation is accurate, but that doesn't entirely remove the risks identified by others.

Robin Gross [GNSO - NCSG]: (07:32) Thanks to a "straw poll" vote in one mtg of mostly GAC members, it appears to be back on the table.

Steve DelBianco [GNSO - CSG]: (07:32) You are helping to make MY point, Brett. That exchange with Fadi was long before we proposed a trade for the 2/3 threshold -- to get the high threshold for GAC Consensus on its advice

Andrew Sullivan: (07:32) @Malcolm: I think you read different news about the US Congress than I do

Jorge Cancio (GAC Switzerland): (07:32) we have consensus on that

Kavouss Arasteh: (07:33) I agree with Steve that if we want that this Rec. get some agreement from GAC we should retain the need of having 2/3 of majority in rejecting GAC Advice

Jorge Cancio (GAC Switzerland): (07:33) (on not making a break)

Greg Shatan: (07:33) Try to use language a 4th Grader can understand.

Andrew Sullivan: (07:33) Oh, wait, I misunderstood you: read a "not" where there was none. Apologies

Brett Schaefer: (07:34) I don't think so Steve. There was no discussion of trade offs, the concern was about raising the threshold, dead stop.

Robin Gross [GNSO - NCSG]: (07:34) That's an NCSG statement

Edward Morris: (07:34) I agree with Robin, as do the NCUC, NCSG and NPOC.

James Gannon: (07:34) Yes that is a NCSG position not Robins solo

Avri Doria: (07:34) and different views in the NCSG

Malcolm Hutty: (07:35) Well, Steve's presentation of this as a trade-off is as clever as always, he's a real pro at persuasion, but the fact remains that the rest of the community isn't getting anything in return for this "trade-off" beyond continuation of the status quo

Andrew Sullivan: (07:35) @Malcolm: it's agreed continuation of the status quo, though

Andrew Sullivan: (07:36) that seems like more than nothing from here

Jonathan Zuck: (07:36) @Malcolm but there's nothing in the status quo which preserves it

Jorge Cancio (GAC Switzerland): (07:36) @Malcolm: something which was voluntary for the GAC now becomes an obligation, beyond its control...

Keith Drazek: (07:36) @Malcolm: Getting the current definition of GAC consensus into the bylaws is a significant improvement.

Steve DelBianco [GNSO - CSG]: (07:36) @Malcolm -- continuation of the status quo would be locked into the bylaws. That is valuable, since some in the GAC want to change the status quo to voting, and the GAC has the ability to change its decision making at any time. That's what ST 18 is all about

Keith Drazek: (07:36) That is a departure from the status quo.

Malcolm Hutty: (07:37) @Keith, we haven't got current definition of GAC consensus: we are also saying GAC can determine that there is no "formal objection" even when a country disagrees

Becky Burr: (07:37) I believe we long ago crossed the bridge about whether or not the GAC could participate as a decision maker in the empowered community.

Brett Schaefer: (07:37) Which raises the concern about the follow on text in Rec 11 instructing them, seemingly with approval, on how to circumvent that definition.

Malcolm Hutty: (07:38) @Brett, absolutely

Brett Schaefer: (07:38) A major problem.

Becky Burr: (07:38) That said, I don't accept the delineation Kavouss just articulated regarding what is "decisional: and what is not.

Jorge Cancio (GAC Switzerland): (07:39) we are changing the role of all SO/Acs

Brett Schaefer: (07:39) Also, there is no denying that maintaining GAC's privileged advisory power and granting them decisional power in the EC is an increase in government power in ICANN versus the status quo.

Alan Greenberg: (07:39) I am happy to put my hand down in favour of those who support a change, but please do not close the queue before allowing others to talk.

jorge cancio (GAC Switzerland): (07:39) we all get new functions

Becky Burr: (07:39) a vote to block escalation of a discussion leading to a community IRP is in fact decisional. So my only concern is that GAC should not be able to block a decision to escalate towards a community IRP when the subject of the IRP would be the Board's adoption of GAC advice in violation of the bylaws

Avri Doria: (07:39) though there remain difference of opinion in the NCSG

Keith Drazek: (07:40) +1 Becky

Avri Doria: (07:40) neither was the GNSO defined to disapprove budgets

Megan Richards, European Commission: (07:40) sorry Robin but participation does not include removing or appointing Directors etc - it is being part of the multistakeholder community which is to participate

Brett Schaefer: (07:40) Yes, Becky, that is a major concern.

jorge cancio (GAC Switzerland): (07:40) was any SO/AC to exercise accountability powers (as part of the community)?

Matthew Shears: (07:40) |+ 1 Becky

Avri Doria: (07:40) making the deal is the essence of the multistakeholder process.

Chris Disspain: (07:41) @ Brett and others who believe the 2/3 is a problem...is the 'operationalisation' of the GAC a similar problem in your view?

Andrew Sullivan: (07:41) I think this is really an equivocation that Robin is making

Seun Ojediji: (07:41) Well we should ask why that is so with GAC (re: board member) as it seem it was by choice and unfortunately by the structure of the GAC. Appointing someone as board member from GAC could mean communicating one country is superior than the other (but again, asking what the motivations were should be the point of action)

Sabine Meyer (GAC - Germany): (07:41) @Becky: to my understanding, no single SO/AC can block the advancement of a motion. wouldn't that solve your issue?

Andrew Sullivan: (07:41) does GAC contribute to decision-making or does it not?

Megan Richards, European Commission: (07:41) also for Robin why would GAC become a significant decisional power when other ACs etc would not be?

Edward Morris: (07:41) Opposition will not just be from the Republicans on this issue. Just a note of warning and advice. Robin is correct.

Andrew Sullivan: (07:41) well, it already contributes, because it can offer advice to the Board

jorge cancio (GAC Switzerland): (07:41) @Becky: we should be SO/AC-neutral in such carve-outs

Andrew Sullivan: (07:41) what the new proposal does is permit a formal way for GAC to participate in the community process

Kavouss Arasteh: (07:41) what public comments

Chris Disspain: (07:42) @ Ed...so you believe Congress will have a problem with this as well as the 2/3?

Andrew Sullivan: (07:42) I would prefer that GAC participated in the same way others do, but I think that is unrealistic

Edward Morris: (07:42) @Megan. I agree that ALAC is a problem, as well. The difference is that ALAC currently appoints a Board member, the GAC does not.

Becky Burr: (07:42) but two can.

Pedro da Silva [GAC Brasil]: (07:42) 48 comments were supportive of rec 1 and 8 comments against...

Greg Shatan: (07:42) @Andrew -- advice plus voting empowerment can be considered "double-dipping."

Andrew Sullivan: (07:42) and the new power does not align with appointing board members, because those appointments are typically direct appointments

Brett Schaefer: (07:42) @Chris, yes, it is, but they are also related. Paul and I have long held that the GAC should be advisory in the EC. If they held that advisory role, I would be less concerned about the 2/3 threshold.

Kavouss Arasteh: (07:42) there were some mobilizations by some interested people to exclude GAC WHICH NOW REFERRED TO AS PUBLIC COMMENT

Pedro da Silva [GAC Brasil]: (07:43) out of the 8 against, 5 were related to GAC involvement as a decisional participant

Andrew Sullivan: (07:43) whereas in this case the GAC has no direct independent power

Chris Disspain: (07:43) thanks Brett - I don't agree but I do want to understand the position

Andrew Sullivan: (07:43) @Greg: That argument cuts against all the SOs, too

Avri Doria: (07:43) In any compromise there are always some hold outs.

Andrew Sullivan: (07:43) who have quite a bit more power and where the accountability is just as murky as in the GAC

Kavouss Arasteh: (07:44) Malcolm

Becky Burr: (07:44) i think we have a specific case where the implications are worth discussing, but don't propose to re-open the fundamental question

James Gannon: (07:44) Andrew that goes to the core of the differentiation between SOs and ACs though, one are the source of policy one are advisory

jorge cancio (GAC Switzerland): (07:44) question to colleagues: what has been the problem with GAC participation during this CCWG and the CWG which feeds the reuctancy to treat the GAC equally to other SO/AC?

Seun Ojedeji: (07:45) As an individual (leaving out the 2/3 debate), i will support anything that uphold multistakeholder practice. What is proposed by Robin obviously does not respect MS. I don't know what we are even encouraging this at all

Andrew Sullivan: (07:45) @James: but in that case, we're in even more trouble, since the other ACs seem to be invited to this party too

Mark Carvell GAC - UK Govt: (07:45) GAC needs to discuss further whether there is an option to maintain a meaningful advisory role at steps 6 and 7 when voting by the SOs and other ACs is taking place. I would expect Governments will want to contribute to these decisional steps that impact ICANN governance in some way as members of the community.

Andrew Sullivan: (07:46) and if you start excluding all the ACs, you're down to just the SOs, and then Alan's worry (just stated on the call) is really hot

Becky Burr: (07:46) Jorge - IMHO, no problem. But i think it is fair to acknowledge that giving GAC the ability to block (with one other SO/AC) an IRP involving the Board's implementation of GAC advice amounts to two bites at the apple

Kavouss Arasteh: (07:46) Pls kindly explain how in an inclusive button up multistakeholder approach that one community id excluded in the name of NTIA conditions. How inclusion of GAC would violate NTIA conditions

James Gannon: (07:46) It has been my position that ACs should not be involved in the decision making personally, I dont single out the GAC myself

Brett Schaefer: (07:46) Alan, voting thresholds are adjustable. It is silly to use that as a defense.

jorge cancio (GAC Switzerland): (07:47) @Becky: as I said I would agree with any SO/AC-neutral solution to adress such problems

Steve DelBianco [GNSO - CSG]: (07:47) @Becky -- but it take more than 1 AC/SO to block the community decision to exercise a power.

Malcolm Hutty: (07:47) @Kavouss, nobody wants to exclude GAC. Question is whether it should remain participating in an advisory capacity only, or become part of decision-making. Even GAC does not have a consensus on that

Mathieu Weill, ccNSO, co-chair: (07:47) @Becky: very unusual that I have to correct your statement. Community IRP cannot be blocked by GAC. Threshold is at 3 SO/AC in support, one objection maximum

Alan Greenberg: (07:47) @Thomas, it is DIRECTLY related as removing the GAC as a decisional AC/SO reduces the overall ount from 5 to 4.

Avri Doria: (07:47) Becky, it gives every SOAC a extr bite in relation to their recommendations or advice. and is a new power for all SOAC. I do not support abandoning the compromise.

Chris Disspain: (07:47) But Alan...we may well have only 4 in practice anyeay

Seun Ojedeji: (07:47) @James and whats your reason for that position, becasue SO are setup to make decisions?

Becky Burr: (07:48) Still two bites at the apple Steve, and only 1 other SO/AC is needed to fully block.

James Gannon: (07:48) Personally I content that its faithful to the design yes Seun

Keith Drazek: (07:48) Correct Chris

Thomas Rickert, CCWG Co-Chair: (07:48) Alan, we discussed whether the GAC is an eligible member of the empowered community as a decision party. The question of voting thresholds is an important and related one, but not the question I asked :-)

Brett Schaefer: (07:48) +1Chris

Steve DelBianco [GNSO - CSG]: (07:49) Advisory Committees advise the BOARD. Members of the empowered community are "advising" the Sole Designator about exercise of powers. These are different apples!

Robin Gross [GNSO - NCSG]: (07:49) But it is still ultimately decision making power over ICANN. That is the point.

Brett Schaefer: (07:49) +1 Robin

Rinalia Abdul Rahim: (07:49) Question: In Section 4 (changes Made Since 2nd Draft) . Item 10.4, it is unclear what "controlling" SOI means.

Alan Greenberg: (07:49) @Thomas, We may choose to ignore implications of a decision that we are discussing, but I feel that is ostrich behaviour.

Becky Burr: (07:49) All I am suggesting is that the GAC should not be able to act in a decisional role (block escalation) in the narrow case of a potential community IRP challenging the Board's implementation of GAC Advice.

Chris Disspain: (07:50) @ Steve - not sure I'm prepared to agree apples....cumquats possibly :-)

Steve DelBianco [GNSO - CSG]: (07:50) GNSO develops gTLD policy. And GNSO is part of the empowered community. We ALL have those dual roles

Avri Doria: (07:50) multistakeholder decision making. a remarkable advance in Government participation and a new power for all of the multistakeholder community.

Farzaneh Badii: (07:50) also GAC is not subjected to the review and can come up with its own mechanism

Sabine Meyer (GAC - Germany): (07:51) @Becky: should this then also apply to other SO/ACs whose advice/policy is under scrutiny?

Robin Gross [GNSO - NCSG]: (07:51) I share Ed's concerns.

Matthew Shears: (07:51) If we are going to make all the SO/ACs "equal" in the community powers then all SO/ACs should be subject to the same transparency and accountability mechanisms and requirements

Seun Ojedeji: (07:51) @James maybe you would have to provide reference to where SOs are tagged decision making because i know SOs develop policies and the board ultimately decides on whatever. Its been said several times that this is a new community power that has never been envisaged before (its not policy related at all) so why would you want to remove part of a community from contributing to how ICANN should operate

Chris Disspain: (07:51) @ Ed where does the current rec give the BOARD that right?

jorge cancio (GAC Switzerland): (07:51) +1 Sabine: either we are SO/AC-neutral or we are discriminating

Avri Doria: (07:51) i support Ed's concern

Farzaneh Badii: (07:52) I support Ed too

Chris Disspain: (07:52) I may support Ed, Avri but right now I don't understand

James Gannon: (07:52) @Seun so i dont spam here see my comments to the 2nd draft proposal where I go into it at length

Avri Doria: (07:52) Chris, the current process assumes that right of the Board which controls the reviews and the outcomes of those reviews.

Julia Wolman, GAC, Denmark: (07:52) Good point Sabine

Matthew Shears: (07:52) + 1 concerns expressed above on role of Board

Farzaneh Badii: (07:53) It is not indicated in the proposal that GAC is not subject to the review

Chris Disspain: (07:53) 'right of the Board' in what context Avri?

Avri Doria: (07:53) But GAC has not been subject to review to date

Robin Gross [GNSO - NCSG]: (07:53) I had my hand raised on that.

Robin Gross [GNSO - NCSG]: (07:53) To mention the concern that GAC is exempted from the accountability reviews.

Farzaneh Badii: (07:54) Avri, So?

Robin Gross [GNSO - NCSG]: (07:54) Since the conversation has gone on to a new rec, I'll lower my hand. But we need to discuss this issue

Avri Doria: (07:54) Chris, you are correct 'right' is the wrong word is the by laws defined power of the Board to do so.

Chris Disspain: (07:55) understood Avri

Avri Doria: (07:55) Farzi, So? so it needs to be fix for multistakeholder parity.

Avri Doria: (07:55) parity cuts both ways

Matthew Shears: (07:55) agree Avri

Farzaneh Badii: (07:56) Avri, so we should not amend section IV(4) of the bylaw like it is suggested in the proposal

Chris Disspain: (07:56) OK...we have 65 minutes for other business....anybody????

Farzaneh Badii: (07:56) And perhaps get rid of this "2. The Governmental Advisory Committee shall provide its own review mechanisms."

Edward Morris: (07:56) Hi Chris. It appears that under the current language that the Board will have unilateral control of the review process. In the worst case the fear is the Board could use the review process to punish a specific SOAC and change its governance in retribution for actions, an IRP for example against the Board, that the Board did not agree with.

Chris Disspain: (07:57) How Ed?

Matthew Shears: (07:57) @ Farzi - if iut is empowered like the rest of the community I agree

David McAuley (RySG): (07:57) +1 Kavouss

Megan Richards, European Commission: (07:57) agree with Kavouss re ICANN staff help and contributions !

Thomas Rickert, CCWG Co-Chair: (07:57) I agree, Kavouss

James Gannon: (07:57) Chris I dont know about you but I like the idea of 60mins of AOB back, i.e back to day job business =)

Avri Doria: (07:57) Farzi, i support as well

Edward Morris: (07:57) Under the Proposal, an amendment of 4(4), the Board will hve unilateral responsibility for setting the parameters and conditions of review.

Mark Carvell GAC - UK Govt: (07:58) +1 Kavouss.

jorge cancio (GAC Switzerland): (07:58) +1 Kavouss

Pär Brumark (GAC Niue): (07:58) +10 Kavouss

Keith Drazek: (07:58) I believe there is full consensus in recognition of staff. Thank you all!

Seun Ojedeji: (07:58) +1 while i hope we make it all worthwhile afterall ;-)

Matthew Shears: (07:58) + 1 Keith

James Gannon: (07:58) +1 Keith, potentially the only thing that we have 100% agreement on!

Chris Disspain: (07:59) @ James...given it's 1.00am here - amen

Izumi Okutani(ASO): (07:59) Totally agree with Kaviouss! On ICANN staff's excellent hard work

Alan Greenberg: (07:59) GAC is explicitly not part of the review process, not just that there hasn't been one.

Avri Doria: (07:59) if this holds together to end up with a proposal it will be the chairs and staff that enabled that. we are fortunate to have them. it is nice that someone remembers to say it from time to tome. the pressure on them must be amazing.

Robin Gross [GNSO - NCSG]: (08:00) Alan, that is the concern, we are saying these reviews will be how the community is accountable, but the GAC is explicitly exempted from them.

Farzaneh Badii: (08:00) It should be a part of the review process if it gains a decisional role .

Farzaneh Badii: (08:00) yes

Andrew Sullivan: (08:00) Many thanks for a short call!

Pär Brumark (GAC Niue): (08:00) THXall! Bye!

Steve DelBianco [GNSO - CSG]: (08:00) @Robin -- I support your point about GAC reviews

Seun Ojedeji: (08:00) Thanks bye

Matthew Shears: (08:00) thanks all

James Gannon: (08:00) Thanks all

Andrew Sullivan: (08:00) thanks bye

Avri Doria: (08:00) bye

Keith Drazek: (08:00) Thanks all

Tracy Hackshaw (Trinidad & Tobago): (08:00) Bye all

David McAuley (RySG): (08:00) Thanks all

nigel hickson: (08:00) bye

Greg Shatan: (08:00) Bye all

jorge cancio (GAC Switzerland): (08:00) thanks and bye!

Rosemary Fei (Adler & Colvin): (08:00) Bye, everyone.

Leon Sanchez (Co-Chair ALAC): (08:00) We did it in 2 hours!

Leon Sanchez (Co-Chair ALAC): (08:01) thanks!

Athina Fragkouli (ASO): (08:01) bye all!

Phil Buckingham: (08:01) thanks

Lito Ibarra: (08:01) Thanks

Mark Carvell GAC - UK Govt: (08:01) Well done!

Robin Gross [GNSO - NCSG]: (08:01) Thanks, bye!

Cheryl Langdon-Orr: (08:01) bye

Theresa Swinehart: (08:01) thank you all!