

# CCWG ACCT Meeting #47 (30 July)

## Attendees:

**Members:** Alan Greenberg, Alice Munyua, Becky Burr, Cheryl Langdon-Orr, Fiona Asonga, Izumi Okutani, Jorge Villa, Julie Hammer, Lyman Chapin, Mathieu Weill, Olga Cavalli, Pär Brumark, Robin Gross, Samantha Eisner, Sébastien Bachollet, Steve DelBianco, Suzanne Radell, Thomas Rickert, Tijani Ben Jemaa (19)

**Participants:** Andrew Harris, Anne Aikman-Scalese, Avri Doria, Barrack Otieno, Carlos Raul, Christopher Wilkinson, David McAuley, Farzaneh Badii, Finn Petersen, Greg Shatan, Jonathan Zuck, Jorge Cancio, Kavouss Arasteh, Malcolm Huty, Martin Boyle, Mike Chartier, Philip Corwin, Sabine Meyer (18)

**Legal Counsel:** Holly Gregory, Josh Hofheimer, Michael Clark, Nancy McGlamery, Rosemary Fei, Stephanie Petit (6)

**Staff:** Adam Peake, Bernie Turcotte, Berry Cobb, Brenda Brewer, Grace Abuhamad, Hillary Jett, Kim Carlson, Laena Rahim, Marika Konings, Mary Wong, Theresa Swinehart

**Apologies:** Eberhard Lisse, Leon Sanchez, Matthew Shears, Keith Drazek

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

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## Transcript

- [Transcript CCWG Acct Meeting #47 - 30 July 2015.doc](#)
- [Transcript CCWG Acct Meeting #47 - 30 July 2015.pdf](#)


## Recording

- The Adobe Connect recording is available here: <https://icann.adobeconnect.com/p4alqt134b6/>
- The audio recording is available here: <http://audio.icann.org/gnso/gnso-ccwg-acct-1700-30jul15-en.mp3>

## Proposed Agenda

1. Opening Remarks
2. Update on voting weights discussion per legal advice
3. Review of previous call (11:00 UTC)
4. Review of XPlane graphics
5. Procedural approach for calls today and for Public Comment
  - A. Freeze starts on Friday 31 July at 18:00 UTC
  - B. Publication on Monday 3 August
6. AOB
  - A. Webinars on 4 & 7 August
  - B. Call on 4 August cancelled (replaced by webinar)
7. Closing remarks

## Documents

File	Modified 
PDF File 28 July IRP Checklist V9.pdf	Jul 30, 2015 by Kimberly Carlson
PDF File 28 July Annotated Recon Enhancements Section.pdf	Jul 30, 2015 by Kimberly Carlson
PDF File CCWG-Proposal_XPLANE-Visual Summary_DRAFT.pdf	Jul 30, 2015 by Kimberly Carlson
PDF File 30 July IRP revisions to 4 May IDR - MSAH.pdf	Jul 30, 2015 by Kimberly Carlson
PDF File 30 July revisions to IRP 4 May IDR.pdf	Jul 30, 2015 by Kimberly Carlson
PDF File ST 18 edits for draft 2.pdf	Jul 30, 2015 by Kimberly Carlson

 [Download All](#)

## Notes

### 1. *Opening Remarks*

Reconvening after 4h break

On audio only:

- Samantha Eisner on audio only (member)

### 2. *Update on voting weights discussion per legal advice*

- Proposal to do 5x5 + 2x2 , giving SSAC and RSSAC only 2 votes each and not 5.

·Robin Gross will file dissenting opinion on this issue. Her proposal: ratio of 2 GNSO, 2 ccNSO, 2 ASO, 1 ALAC and liaison roles for the GAC, RSSAC and SSAC

·Support for the 5x5 + 2x2 voting model? Green Ticks: 16 (+2 from Tijani Ben Jemaa and Jonathan Zuck) Red Crosses: 2

- ---> moving forward with 5x5 + 2x2 voting model

### 3. *Review of previous call (11:00 UTC)*

#### Human rights:

- updated text (please see page 4, 2nd row, red text).

·Greg Shatan's text suggestion: "Within its mission and in its operations, ICANN will be committed to respect internationally recognized fundamental human rights."

·Can you accept the language in the document? Green ticks (yes): 12 Red Cross (no): 6 + Jonathan Zuck and Tijani

·**recap**: include in the report a statement that our group agrees that an additional commitment to human rights in WS1 is advisable and is currently investigating a proper language.

Questions:

1. Do you want to see some human rights language in that box with an 8 and with red text.

- **Green ticks (yes)**: avri, CLO, David, Gary, Jordan, Jorge, Julie, Mathieu, Robin, Thomas (10)
- **Red crosses (no)**: Tijani, Izumi, Arasteh, Greg, Jonathan, Par, Steve, Samantha (8)

2. If language is included, do you prefer what is written there suggested by Keith, or do you prefer Greg's alternative?

- Green Ticks (Keith): 8
- Red Crosses (Greg): 11

- If you do not tick anything, you indicate that you don't like either text

·Greg Shatan's text suggestion: "Within its mission and in its operations, ICANN will be committed to respect internationally recognized fundamental human rights."

Do you agree that we mention the recognition of the human rights in the bylaws at WS1 while the details would be worked out in WS2?

- Green (yes): arasteh, Jonathan, Mathieu, Par, Robin, Thomas, Martin, Avri (8)
- Red (no): greg, Sam, Sebastien, Becky, (4)

#### Exec Summary

new version circulated before this call

Updates include:

- WS1 definition included
- Language to clarify that powers are escalation path

- Added mention of IFR challenge (Sabine's point)
- Removed () around Human rights WS2 issue.
- Robin's language

**Action** (Sebastien): send comments in writing

**Action** (Christopher) send comments in writing

#### ***4. Review of XPlane graphics***

led by Thomas

No objections

#### **Stress Test #18**

- GAC members opposed to reference to specific government opposition
- Not enough support for removing stress test #18 altogether

**Action:** Delete the last 2 sentences in paragraph of document

**Action:** consider Kavouss' language in second to last paragraph on page 1: The proposed bylaws change recognizes that GAC may wish to consider, if necessary, to amend its consensus rule to something less than "in the absence of any formal objection" while still requiring ICANN to try "to find a mutually acceptable solution."

#### ***Independent Review Process***

Deadline 16:00 UTC on Friday

#### ***5. Procedural approach for calls today and for Public Comment***

- Freeze starts on Friday 31 July at 18:00 UTC
- Minority Statements are due by Saturday at 12:00 UTC
- Publication on Monday 3 August

#### ***6. AOB***

##### ***Webinars on 4 & 7 August***

Link to the Webinar announcement: <https://www.icann.org/news/announcement-2015-07-30-en>

4 August from 19:00 – 21:00 UTC

7 August from 07:00 – 09:00 UTC

Webinars will be interpreted in 5 UN languages plus PT

Call on 4 August cancelled (replaced by webinar)

7. Closing remarks

Bye!!

## **Action Items**

**Action** (Sebastien): send comments in writing

**Action** (Christopher) send comments in writing

**Action:** Delete the last 2 sentences in paragraph of document

**Action:** consider Kavouss' language in second to last paragraph on page 1: The proposed bylaws change recognizes that GAC may wish to consider, if necessary, to amend its consensus rule to something less than "in the absence of any formal objection" while still requiring ICANN to try "to find a mutually acceptable solution."

## **Chat Transcript**

Kimberly Carlson: (7/30/2015 08:53) Welcome to CCWG Accountability Meeting #47 on 30 July! 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>

Kimberly Carlson: (10:51) Hello Kavouss

arasteh: (10:51) Hi everybody

arasteh: (10:52) Hi Grace

arasteh: (10:52) Hi Brenda

arasteh: (10:52) HinKim

arasteh: (10:52) Hi everybody

Brenda Brewer: (10:52) HI Kavouss...we are calling you now!

arasteh: (10:52) Okn

Grace Abuhamad: (10:53) Hi Kavouss

arasteh: (10:53) It is 02h00 SEOUL

Kimberly Carlson: (10:53) Ouch!

Olga Cavalli - GAC Argentina: (10:53) hi grace can you dial out to me +54 11 4819 7979 thanks

Kimberly Carlson: (10:54) Olga we'll let the operator know

arasteh: (10:54) This CCWG call at this time really is a challenge

Olga Cavalli - GAC Argentina: (10:54) thanks Kimberly

arasteh: (10:54) Olga

arasteh: (10:55) did you read my mail about the GAC STRONG VIEWS ON THGAT STRING THAT AVRI REFERRED

Holly Gregory (sidley): (10:55) Greetings all.

Rsoemary Fei: (10:56) Good morning (again), all.

arasteh: (10:57) Hio Holly

arasteh: (10:57) Hi Rosenary

Martin Boyle, Nominet: (10:57) Hello

Bernard Turcotte Staff Support: (10:57) hi all

Rsoemary Fei: (10:57) Hi, Kavouss.

Mathieu Weill, ccNSO, co-chair: (10:57) Hi all

Farzaneh Badii: (10:58) Hi

Olga Cavalli - GAC Argentina: (10:59) no Kavouss I missed it , can you resend please?

Robin Gross [GNSO - NCSG]: (10:59) Hello again

arasteh: (10:59) Geeting to all CCWG fithful and devoted members

Pär Brumark (GAC Niue): (11:00) Hi all!

Gary Hunt - UK Government: (11:00) Good evening from London!

Becky Burr: (11:00) Hello again all!

jorge cancio (GAC): (11:00) hi everybody!

Greg Shatan: (11:00) Hello all from rainy, hot and humid New York.

Suzanne Radell (GAC): (11:00) Hello again

Olga Cavalli - GAC Argentina: (11:01) i need a dial out!

Olga Cavalli - GAC Argentina: (11:02) im in the call thanks

arasteh: (11:02) Mathieu

arasteh: (11:03) Pls note thgat we should stop back and foirth on voting weight

David McAuley (RySG): (11:03) Mathieu that was Sam

arasteh: (11:03) WE have discussed that many times

Rosemary Fei (Adler & Colvin): (11:03) I'm in both Adobe and on the phone

Jordan Carter (.nz, rapporteur): (11:03) Hel-lo.

James Bladel: (11:03) Sorry for joining late.

arasteh: (11:04) 29 weighting was the one that we agree pending the announcement of three ACs whether they will or not join in future

Grace Abuhamad: (11:04) ok Malcolm we will update

Sabine Meyer (GAC - Germany): (11:06) hello Jordan! still alive or undead by now?

arasteh: (11:06) YES THOMAS

Jordan Carter (.nz, rapporteur): (11:06) I am not sure, Sabine

Alan Greenberg: (11:06) Thomas: "Thank you very much Leon". Clearly co-chairs are interchangeable.

arasteh: (11:07) I agree to that these individual experts appointed by ICANN SHALL not have the same weight as those represented by the community and thus no blocking should occur because of this no of weight

Malcolm Hutty: (11:08) Sorry

Jordan Carter (.nz, rapporteur): (11:08) Along with some cool noises.

Robin Gross [GNSO - NCSG]: (11:09) the ratio of 2 GNSO, 2 ccNSO, 2 ASO, 1 ALAC and liaison roles for the GAC, RSSAC and SSAC

Sabine Meyer (GAC - Germany): (11:09) @Jordan all I hope for is this not being the afterlife

David McAuley (RySG): (11:09) My colleague Keith, who cannot be on this call, made a suggestion to the list supporting 5x5, 2x2 for the next public comment period (with further discussion needed). The RySG supported this during public comment period #1. This seems like a very sensible suggestion and I would like to note Keith's point if we take a "sense of the room" tally. Keith and I are both long-standing participants in CCWG, and Keith is also ICG liaison.

Carlos Raul: (11:12) hard to understand

CLO: (11:12) I seriously doubt you would get sign off as a CO from ALAC under this 'suggestion' from Robyn

arasteh: (11:15) Olga +1

Pär Brumark (GAC Niue): (11:15) +1 Olga

arasteh: (11:15) Alan+ 1

CLO: (11:15) to say the LEAST. Alan

James Bladel: (11:15) Just for my understanding: We are proposing converting governments in to voting members of the Community?

Robin Gross [GNSO - NCSG]: (11:15) yep.....

Mathieu Weill, ccNSO, co-chair: (11:16) James : we are leaving the door open if they chose to join

David McAuley (RySG): (11:16) also getting echo, audio issues, though minor ones

David McAuley (RySG): (11:16) audio, that is

Alan Greenberg: (11:16) James, we are not proposing that. It was proposed about 9 months ago.

Becky Burr: (11:16) @James - GAC has not reached consensus on whether or not it wants to vote

Jorge Cancio (GAC): (11:16) the open door policy seems sensible for the time being

arasteh: (11:16) We are treating governments equally like any other community in exercising their rights in regard with the ICANN Activities

Jordan Carter (.nz, rapporteur): (11:17) Kavouss: yep we are.

arasteh: (11:17) I do not thus understand the argument of SOME PEOPLE

Jordan Carter (.nz, rapporteur): (11:18) Five each for ASO, ccNSO, GNSO, ALAC, GAC

Hillary Jett: (11:18) All, a reminder, if you are not speaking can you please mute your lines?

Jordan Carter (.nz, rapporteur): (11:18) Two each for RSSAC and SSAC

arasteh: (11:18) Jordan + 1

arasteh: (11:18) 5 for GAC

David McAuley (RySG): (11:18) Thomas, Keith asked me to note his support for 5x5, 2x2

Jordan Carter (.nz, rapporteur): (11:19) sixteen greens, two reds

Avri Doria: (11:19) so it does not matter what model other than 5x5 2x2 we support. we got red cross.

Jordan Carter (.nz, rapporteur): (11:19) you're right, Avri

Julie Hammer (SSAC): (11:19) SSAC can comment in response to 2nd draft should they so choose.

Robin Gross [GNSO - NCSG]: (11:20) Note: In the board composition model, it is the ratio of 2 GNSO, 2 ccNSO, 2 ASO, 1 ALAC, and liaison roles for the GAC, RSSAC and SSAC that I'm seeking (rather than actual votes). So it would probably make most sense for the number of actual votes to come out as 4 GNSO, 4 ccNSO, 4 ASO, 2 ALAC, and liaison roles for the GAC, RSSAC and SSAC.

Alan Greenberg: (11:21) @Robin, for clarity, what does a Liaison mean in this context?

arasteh: (11:21) Robin

Holly Gregory (sidley): (11:21) how did the IRP doc circulate. We have not seen

Jordan Carter (.nz, rapporteur): (11:22) there are no liaison roles in a vote counting mechanism

Sébastien (ALAC): (11:22) I would like to talk about the executive summary

Grace Abuhamad: (11:22) one minute please Holly and we will update our Wiki page

Jordan Carter (.nz, rapporteur): (11:22) the liaising would have to happen through the ICANN community forum or such like

Grace Abuhamad: (11:22) it was circulated to WP2. Lawyers are not on that list

Robin Gross [GNSO - NCSG]: (11:22) it means to remain in an advisory role (rather than voting).

Becky Burr: (11:24) apologies Holly - it is a mark up from the Initial Draft Report reflecting modified checklist

Mathieu Weill, ccNSO, co-chair: (11:24) Please remove your ticks

Grace Abuhamad: (11:24) This page is now updated with latest IRP doc

Grace Abuhamad: (11:24) <https://community.icann.org/x/pKs0Aw>

Mathieu Weill, ccNSO, co-chair: (11:24) and crosses

Becky Burr: (11:24) can we put up the language Brenda

Jordan Carter (.nz, rapporteur): (11:24) Don't random tick or cross.

Grace Abuhamad: (11:24) Becky do you want IRP language? or Mission?

Mathieu Weill, ccNSO, co-chair: (11:24) Mission

arasteh: (11:24) pls put the text o/n the screen

Becky Burr: (11:24) Mission - that has the new language on HR

Grace Abuhamad: (11:25) done

Grace Abuhamad: (11:25) done

Becky Burr: (11:25) commitment 8

Greg Shatan: (11:25) "Within its mission and in its operations, ICANN will be committed to respect internationally recognized fundamental human rights."

Jorge Cancio (GAC): (11:25) sounds like a starting point

David McAuley (RySG): (11:26) I'm lost, what page is new language on

Grace Abuhamad: (11:26) Page 4

David McAuley (RySG): (11:26) thanks Mathieu

Holly Gregory (sidley): (11:27) could someone put the relevant page on screen?

arasteh: (11:27) Grec +1

Grace Abuhamad: (11:27) It's an unsynced document @Holly. Page 4 2nd row, in red

David McAuley (RySG): (11:28) thanks Grace

arasteh: (11:28) PLS be mindful of those which invoked and incite some section of the society b

arasteh: (11:28) I agree with Grec Proposal

Carlos Raul: (11:29) hardly

Samantha Eisner: (11:29) I register my same concern that I flagged earlier today - the Bylaws are a key governance document of the organization. We should not be putting new language and new concepts into the Bylaws at the last minute, particularly where we have agreement that we still need details. There are high possibilities of unintended consequences

Becky Burr: (11:29) I think Greg's language is significantly broader than the language we discussed this morning

Jordan Carter (.nz, rapporteur): (11:30) This proposal is for a public comment report.

Farzaneh Badii: (11:30) be careful of what? we cannot mention human rights?

Mary Wong: (11:30) Sorry, but please clarify - the language in black and in red seems identical at the moment?

Carlos Raul: (11:30) fundamental human rights, full stop is what I heard

David McAuley (RySG): (11:31) Keith's proposal was: Within its mission and in its operations, ICANN will be committed to respect the fundamental human rights of the exercise of free expression and the free flow of information.

Farzaneh Badii: (11:31) United Nations is not the world!

Avri Doria: (11:31) not that we not single out free expression a free flow of information.

Christopher Wilkinson: (11:31) @co-chairs: I withdraw my comment in the previous call in favour of an improvement. CW

Anne Aikman-Scalese: (11:31) @Greg - great drafting on this point!

arasteh: (11:31) pls stop Greg proposal after fundamental rights and not further expand this

Samantha Eisner: (11:32) We have different understandings of what we mean by human rights, or how inserting language on human rights as a core value in the Bylaws could make ICANN susceptible to IRPs based on how people allege ICANN follows or does not follow a particular human rights

arasteh: (11:33) Mathieu

jorge cancio (GAC): (11:33) I think Greg's wording is a good basis for generating a good debate during the public comment period

arasteh: (11:33) It is perfect. It is high level and covering the issue in a smooth and clear manner

Greg Shatan: (11:33) Please note that IPC has continuing concerns even with this language. But this is sufficient to allow IPC not to consider the highest level of dissent.

Becky Burr: (11:34) I agree with Sam's concern about exposing ICANN too much

Greg Shatan: (11:34) Someone violated James's right of free expression.

arasteh: (11:34) Once again

Samantha Eisner: (11:34) Got it, James

Becky Burr: (11:34) "fundamental human rights" is very broad and each country decides how to apply

arasteh: (11:35) Pls put full stop after "Rights"

Avri Doria: (11:35) I would hope there was nothing in the RA or the RAA that contravenes internationally agreed human rights, i.e. the International Bill of Rights, UDHR, ICCPR & ICESCR.

Anne Aikman-Scalese: (11:35) I think ICANN would absolutely have to re-examine RA and RAA if this language is added because Board must uphold on all its operations.

James Bladel: (11:35) Thanks Sam. I'm looking specifically at RAA Sec. 6.1 "Special Amendments"

James Bladel: (11:36) @Avri - probably not. But neither would I want to open up those agreements to the universe of human rights issues. Especially if that is not our intention.

arasteh: (11:36) We do not agree to put anything after "Rights"

David McAuley (RySG): (11:36) I take it sense of room will be red language on page 4 and Greg's language

Anne Aikman-Scalese: (11:37) Creep is intended I think

Samantha Eisner: (11:37) Avri, there is nothing in the agreement that contravenes such rights. But I understand James' question to be more about does this open up the ability for human rights to serve as a basis for driving new provisions into the contracts that are already in force

Greg Shatan: (11:37) Becky: That's why "internationally recognized" was added. We also considered "universally recognized." or a reference to International Treaties.

Jordan Carter (.nz, rapporteur): (11:37) there are a little over two months until we have to finalise the paper

James Bladel: (11:38) Sam - thanks. That's it.

arasteh: (11:38) Mthieu

Jordan Carter (.nz, rapporteur): (11:38) can we get the advice we need to know exactly how to do this properly without bad effects between now and then?

arasteh: (11:38) If there is no agreement

Avri Doria: (11:38) I do not think there are any intended consequences. and I still think we need more work to fully understand what the implications are. for example we have not yet committed to human right impact assessments..

Jordan Carter (.nz, rapporteur): (11:38) alongside agreeing to put it in, in the current PC report?

arasteh: (11:38) delete paragraph 8

Anne Aikman-Scalese: (11:38) U.S. Convention also respects fundamental rights of authors.

Avri Doria: (11:38) I think those IDRs, if there were any, would be seen as frivolous.

Avri Doria: (11:39) I mean IRPs.

arasteh: (11:39) Mathieu

arasteh: (11:39) This is a super sensitive and delicate issue

arasteh: (11:39) Please stop after "Rights"

Robin Gross [GNSO - NCSG]: (11:40) so is it Keith's language or Greg's language we are voting on?

Anne Aikman-Scalese: (11:40) Sorry - I mean United Nations - U.N. Convention - not US Convention. There is an article regarding respecting rights of authors as a fundamental human right.

Avri Doria: (11:40) they are both the same

Jordan Carter (.nz, rapporteur): (11:40) yes

Robin Gross [GNSO - NCSG]: (11:40) what if I can live with either Keith or Greg's language.

Christopher Wilkinson: (11:40) Actually there is nothing in red on my screen. I believe that I am following the discussion notwithstanding. CW

Jorge Cancio (GAC): (11:40) what is being voted?

Jordan Carter (.nz, rapporteur): (11:40) so tick for the language

Avri Doria: (11:40) black and red are the same

Jordan Carter (.nz, rapporteur): (11:40) or red for no

Jordan Carter (.nz, rapporteur): (11:41) yes, we have all noticed that

Jorge Cancio (GAC): (11:41) let's vote for both separately or against each other

Jordan Carter (.nz, rapporteur): (11:41) they are precisely identical

Becky Burr: (11:41) sorry - the right and left are the same in this case. It is proposed to add to Initial Draft Report language

Jordan Carter (.nz, rapporteur): (11:41) I can't vote on this.

Jordan Carter (.nz, rapporteur): (11:41) I have 12 and 6

Avri Doria: (11:42) I can accept both formulations as long as it is in the bylaws. the shorter one is better to my mind..

Jordan Carter (.nz, rapporteur): (11:42) 12/7

Jordan Carter (.nz, rapporteur): (11:42) anyone can use this function

Robin Gross [GNSO - NCSG]: (11:42) we have a number of NCSG members who are not on this call but support human rights inclusion.

Jordan Carter (.nz, rapporteur): (11:42) "Attendee Status View"

James Bladel: (11:42) Now it's 12/5

Carlos Raul: (11:42) @robin but some are only participants

Carlos Raul: (11:42) not members

arasteh: (11:43) Thomas

arasteh: (11:43) MATHIEU

arasteh: (11:43) IEON

Jordan Carter (.nz, rapporteur): (11:43) 13/8



arasteh: (11:43) we can not porceed with such divergence of view

jorge villa (ASO): (11:43) As I can understand, we are voting for the writing not for the respect of human rights. That's right?

Greg Shatan: (11:43) Why aren't we supporting any other human rights?

arasteh: (11:43) There is NO CONSENSUS

Robin Gross [GNSO - NCSG]: (11:43) can we vote on Greg's language?

Carlos Raul: (11:44) can articipants also vote? or only members?

Jordan Carter (.nz, rapporteur): (11:44) 14/8

Grace Abuhamad: (11:44) anyone can participate in straw poll

arasteh: (11:44) CANCEL PARA 8

Carlos Raul: (11:44) txs grace

arasteh: (11:44) Vote foir that

Anne Aikman-Scalese: (11:44) Please read Greg's draft again and vote on yhat

Megan Richards 2: (11:45) could the lawyers check whether this wording limits the provisions that already exist in the articles of incorporation ?

Anne Aikman-Scalese: (11:46) this is an unclear vote call

David McAuley (RySG): (11:46) Mathieu the however formulated language is hard to assess

Olga Cavalli - GAC Argentina: (11:46) there is a window

Jordan Carter (.nz, rapporteur): (11:46) the question is some language

David McAuley (RySG): (11:46) "the text" needs definition in poll

Jordan Carter (.nz, rapporteur): (11:46) isn't it?

Anne Aikman-Scalese: (11:47) Please conduct poll baSED on Greg's draft

Jordan Carter (.nz, rapporteur): (11:47) NON SPECIFIC so far

Rosemary Fei (Adler & Colvin): (11:47) "the" text, or "any" text on HR?

Greg Shatan: (11:47) "Any" text.

CLO: (11:47) any

Robin Gross [GNSO - NCSG]: (11:47) can we please vote on Greg's language?

arasteh: (11:47) Thomas

Anne Aikman-Scalese: (11:47) agree with Thomas

arasteh: (11:47) Specific language is

jorge villa (ASO): (11:48) @Rosemary I asked the same thing previously but no answer

Steve DelBianco [GNSO - CSG]: (11:48) Greg's suggested text was: "Within its mission and in its operations, ICANN will be committed to respect internationally recognized fundamental human rights."

arasteh: (11:48) deletion of paragraPH 8

Anne Aikman-Scalese: (11:48) Thanks Steve!

arasteh: (11:48) Thomas Rickert + 1

Avri Doria: (11:48) ok ia mguess i am back to full dissent

Grace Abuhamad: (11:48) We've clarified the question. please resubmit your poll answer

Greg Shatan: (11:48) core commitments = Core Values of the ICANN Bylaws?

Robin Gross [GNSO - NCSG]: (11:48) I'm also back to dissent if we are changing this based on this poll.

Christopher Wilkinson: (11:48) I thought we were voting on the text that ends with "... human rights."

CLO: (11:49) see the new poll language

Avri Doria: (11:49) i hav to go teach now. i cannot beleive you are iunwidning this. i am very distressed and will file a dissenting view if we remove the langauge.

jorge cancio (GAC): (11:49) +1 to robin

Carlos Raul: (11:49) agree with Robin

Christopher Wilkinson: (11:49) @Robin +1

David McAuley (RySG): (11:50) Would it be feasible for pro and con members to get together and submit issue after proposal (as soon as possible) that would allow for a full statement about issue – proposal could state this is coming

Carlos Raul: (11:50) this is very strange....

Anne Aikman-Scalese: (11:50) agree with Robin

Avri Doria: (11:50) please add a plus one for me on language in the bylaws that includes human rights. Greg's is better.

Robin Gross [GNSO - NCSG]: (11:50) we have the language before us.

Carlos Raul: (11:50) I also have to leave in 10 minutes

Robin Gross [GNSO - NCSG]: (11:50) why hold up the vote?

Carlos Raul: (11:50) support GREG

arasteh: (11:50) Robiun

Robin Gross [GNSO - NCSG]: (11:50) This is inappropriate.

Avri Doria: (11:51) but i accept Keith's. I will diesstn and recommend rejection of the proposal if we do not include human rights in the bylaws.

James Bladel: (11:51) Agree with Robin - why wouldn't we proceed with Greg's language?

Carlos Raul: (11:51) +1 @ Robin +1 @ james +1 Gregs text

Carlos Raul: (11:51) why are we changing the flow?

Robin Gross [GNSO - NCSG]: (11:51) We had a 16-4 vote this morning supporting Keith's compromise. Greg came up with language to address the concerns of those 4. This is unacceptable to game the process this way.

James Bladel: (11:52) Who is gaming this? It just seems fragmented & confused.

Anne Aikman-Scalese: (11:52) agree with James and Robin and Avri as to straw poll on Greg's language

Carlos Raul: (11:52) +1 @ james

arasteh: (11:52) the alphabet ofd voting is that the amendment should be put t

arasteh: (11:52) to vote

Steve DelBianco [GNSO - CSG]: (11:53) Lets give the co-chairs and staff a few minutes to frame the HR question, okay?

Sabine Meyer (GAC - Germany): (11:54) that was Holly's proposal :)

Holly Gregory (sidley): (11:54) These powers are intended to provide recourse as part of an escalationpath in case of substantial disagreement between the Board and the community. They do notinterfere with the day-to-day operations of ICANN. Suggest change in last sentence to "They are not intended to interfere" ...

James Bladel: (11:55) I have to drop at the top of hte hour. Apologies.

Holly Gregory (sidley): (11:55) +1 Sabine!

Holly Gregory (sidley): (11:56) On page 2 it reads "These powers are intended to provide recourse as part of an escalationpath in case of substantial disagreement between the Board and the community. They do notinterfere with the day-to-day operations of ICANN. Suggest change in last sentence to "They are not intended to interfere" ...

Sabine Meyer (GAC - Germany): (11:56) I had an issue with taht part too, but without providing a specific suggestion.

Anne Aikman-Scalese: (11:58) sorry but i must board a plane. good luck all! Anne

Sabine Meyer (GAC - Germany): (11:58) have a safe flight!

Holly Gregory (sidley): (12:00) Just lost audio

FIONA ASONGA (ASO): (12:00) Kavous is so soft

Greg Shatan: (12:01) That's a first....

Carlos Raul: (12:03) :)

Rosemary Fei (Adler & Colvin): (12:03) Extra "the" in the intro text, near end.

Rosemary Fei (Adler & Colvin): (12:03) That's on Slide 2

Roel Uleners (XPLANE): (12:05) Will fix. Thank you, Rosemary

Christopher Wilkinson: (12:10) A general point: 'significant concern' and the 'trigger' must be \_MOTIVIATED\_

Julie Hammer (SSAC): (12:10) It would be helpful if Slide 13 made it clear that SO/ACs can join the discussion whether they have votes in the CMSM or not.

CLO: (12:11) good point Julie

Greg Shatan: (12:12) I see 7 ticks.

Greg Shatan: (12:12) And no fleas.

Greg Shatan: (12:12) Is there still a question whether the IRP meets the CWG's needs?

Becky Burr: (12:13) needs to reflect ASO decision not to utilize IRP

arasteh: (12:13) Thomas

Hillary Jett: (12:13) @Greg, this slide has not been fully developed. We are still working on finishing it, we just wanted to have something to provide for today's call

Greg Shatan: (12:13) Hillary: Check.

Jordan Carter (.nz, rapporteur): (12:14) Tick

arasteh: (12:14) PLS spell out CMSM when APPEARS FIRST

Sébastien (ALAC): (12:15) the same for all the accronisms

Jordan Carter (.nz, rapporteur): (12:15) Kavouss, I think all of that will happen in the proof reading :-)

Steve DelBianco [GNSO - CSG]: (12:15) Note: the quoted text at top is frm ICANN's present Articles of Incorporation, not the Bylaws.

Becky Burr: (12:16) it is in the revised Mission, Commitments & Core Values Steve

Jordan Carter (.nz, rapporteur): (12:16) So if we have no lingo here (here = core commitments), it's still in the founding document

Becky Burr: (12:16) yes Jordan

Steve DelBianco [GNSO - CSG]: (12:16) both places, then. Belts AND Suspenders. Question is, does that include UN Declaration of Human Rights? I think so

Becky Burr: (12:17) yes, i've circulated Jack Goldsmith's analysis

David McAuley (RySG): (12:17) thank you for interim work on framing questions

Greg Shatan: (12:19) Nought crosses.

Robin Gross [GNSO - NCSG]: (12:19) it seems confusing to pose the question on Keith's language as a "negative" vote with "do you support removing" the language.

Greg Shatan: (12:19) or should that be "now't crosses"? Wlth apologies to any Lancashiremen....

Becky Burr: (12:21) that's percentages

Greg Shatan: (12:21) This is why "survey experts" get paid the big bucks.

David McAuley (RySG): (12:21) Keith, obviously, would support his language

David McAuley (RySG): (12:21) and he is not on call but asked me to note that

Jonathan Zuck (IPC): (12:22) @David would keith support Greg's language?

Jordan Carter (.nz, rapporteur): (12:22) no it is not

Robin Gross [GNSO - NCSG]: (12:22) these polls are not very transparent. we can't see how our colleagues are voting.

Becky Burr: (12:23) anyway this is not voting

Farzaneh Badii: (12:23) because wevoted against the language not the value of hugman rights!

Holly Gregory (sidley): (12:23) I think some people thought the first proposal was simply to delete language and not have any language

Robin Gross [GNSO - NCSG]: (12:24) Why wasn't Keth's language stated in a positive way? Given the language barriers, it seems easy for people to be confused and think a YES vote is for the language they see on the screen.

Greg Shatan: (12:25) Maybe we should have a rank order poll?

Robin Gross [GNSO - NCSG]: (12:25) I object to the framing of these polls and the weight that is being assigned. Very arbitrary.

Jordan Carter (.nz, rapporteur): (12:25) I wish we could have tested which of the two languages was preferred, and then do an up or down - that preferred language or nothing

Greg Shatan: (12:26) Agree with Jordan.

Jonathan Zuck (IPC): (12:26) i think that's what we did but it was unclear

Robin Gross [GNSO - NCSG]: (12:26) That would have been fair, Jordan. What we did was not fair.

Greg Shatan: (12:26) Or we could use digital archery to make our decision.

Alan Greenberg: (12:26) Every time a WG resorts to adobe polling, we seem to descend to chaos (just a historical perspective!)

Robin Gross [GNSO - NCSG]: (12:26) I'm not voting on the 3rd item because these polls are rigged.

Christopher Wilkinson: (12:27) The word 'towards' is unnecessarily weak.

Robin Gross [GNSO - NCSG]: (12:27) why are we voting in secret? we should see how our representatives are voting.

Jordan Carter (.nz, rapporteur): (12:27) GOsh, I am glad we haven't used this polling before

Becky Burr: (12:27) just shows the value of a consensus based approach

Jonathan Zuck (IPC): (12:27) @Jordan, yep poll design is pretty critical

Jonathan Zuck (IPC): (12:28) it's a fun feature of adobe connect though !

Malcolm Hutty: (12:28) If we're going to say something, I don't see how we're going to do better than Keith's option. It is the most clear and specific we are likely to get

Robin Gross [GNSO - NCSG]: (12:28) I will file a minority report if human rights are being left out.

Alan Greenberg: (12:28) @Jonathan, you have a curious definition of "fun"

Greg Shatan: (12:29) My preferred option "won," and yet I'm unhappy.

CLO: (12:29) it was to assist ease in counting and clarity of questions after the earlier debarcle @robyn but for the record I voted. No , Yes , yes

Greg Shatan: (12:29) I think this shows why voting and consensus are antithetical concepts.

Robin Gross [GNSO - NCSG]: (12:29) No one is happy with what just happened.

Greg Shatan: (12:30) To achieve consensus, sometimes you have to accept a little "no".

Sabine Meyer (GAC - Germany): (12:30) as the AC froze me out at the pivotal moment: how are we moving forward?

Greg Shatan: (12:30) But in a vote, you will tend to move back to your corner.

David McAuley (RySG): (12:30) Gre, wasn't outcome to go to option 3?

David McAuley (RySG): (12:30) Greg, that is

Avri Doria: (12:31) this is quite outrageous.

jorge cancio (GAC): (12:31) Just to clarify: definition of consensus in the GAC Operating -principles stems from a 2011 reform.

David McAuley (RySG): (12:31) We should get pro and con people together to work on a statement to follow proposal - and suggest way forward, happy to volunteer

Robin Gross [GNSO - NCSG]: (12:31) The framing of these questions would be an interesting subject for "how to game the system" to kill human rights.

Greg Shatan: (12:31) It was. Which is what I personally support. But I'm not sure it achieves our larger goals.

David McAuley (RySG): (12:32) ok, I see

jorge cancio (GAC): (12:32) before 2011 if my recollection is right, there was only a mention of consensu without any further definition

CLO: (12:32) that is what it says

CLO: (12:32) leave it to the GAC

Becky Burr: (12:32) that's what this does Jorge

Becky Burr: (12:32) however you define consensus in the GAC

Jonathan Zuck (IPC): (12:33) the gac can do whatever it wants

Robin Gross [GNSO - NCSG]: (12:33) HR supporters were not able to be on this call and HR is out of the report? What a rigged system.

Mary Wong: (12:33) The GAC Operating Principles were last amended in October 2011, at the Dakar meeting.

Jordan Carter (.nz, rapporteur): (12:33) it is NOT an issue of GAC. It is about what ICANN has to do in response to GAC.

Jonathan Zuck (IPC): (12:33) it's not Steve, it's a significant majority of the ccwg

Greg Shatan: (12:33) GAC can vote as it wants. But it shouldn't expect the Board to give the same level of deference to a majority vote as to current consensus.

CLO: (12:33) we have a ST- WP

jorge cancio (GAC): (12:33) just giving some background

Pär Brumark (GAC Niue): (12:34) +1 Olga

Becky Burr: (12:34) yes, the GAC has full authority to make decisions however it likes

Suzanne Radell (GAC): (12:35) The U.S. does not interpret this stress test as dictating to the GAC; rather, it is directed to the Board's response to less than consensus GAC advice. The long standing practice of the GAC has been consensus-based public policy advice, which was formalized in response to the ATRT recommendation that the GAC clearly state how it arrives at its policy advice

CLO: (12:35) exactly Suzanne

Becky Burr: (12:35) all other groups operate by consensus, in any case

Philip Corwin: (12:35) This is not about interfering with GAC internal procedures. It is about what deference the Board would owe to GAC advice rendered by mere majority vote. Failing to address this effectively opens up the possibility of governmental dominance of ICANN in the future.

Greg Shatan: (12:36) On HR, we should have voted for what we can live with, not for what we wanted.

jorge cancio (GAC): (12:38) Just to state once again that GAC is still trying to reach a common position on this topic

CLO: (12:38) suggest a rephrase

Steve DelBianco [GNSO - CSG]: (12:38) @Olga -- can you suggest a phrase that you would prefer?

Becky Burr: (12:38) yes greg, although i'm not sure we would have come out in a different place

Jordan Carter (.nz, rapporteur): (12:38) "It is noted that during a discussion in finalising this Report, representatives from....

Steve DelBianco [GNSO - CSG]: (12:38) We were attempting to note your Dissent, which was what I thought you asked for this morning

David McAuley (RySG): (12:38) The three named countries "among others"?

Greg Shatan: (12:39) Eliminating the stress test itself means not acknowledging the issue.

arasteh: (12:39) Olga +1

Becky Burr: (12:39) this has no impact on how the GAC does its work

CLO: (12:39) AT-18 can not just suddenly be deleted and we have had that clear from NTIA in Paris

CLO: (12:40) AT should read ST

CLO: (12:40) exactly Jordan

Jonathan Zuck (IPC): (12:40) +1 Jordan

Becky Burr: (12:40) +1 Jordan

Malcolm Hutty: (12:41) We cannot remove any stress tests: stress tests are our tool for understanding what others will think. Removing them does not persuade anyone, it just blinds us to the fact that we will not gain consensus support from the wider community

CLO: (12:41) exactly Malcolm

Greg Shatan: (12:41) What if we change the word "The" at the beginning of j. to "All".?

Becky Burr: (12:42) correct, and if we remove this language we fail stress test 18

CLO: (12:42) yup

Malcolm Hutty: (12:42) well said Jordan

Megan Richards: (12:42) is there another way of looking at this? that is by indicating different considerations by the ICANN board of advice from GAC depending on whether advice is consensus, simple majority or large majority. This becomes quite complicated of course but is it a way out ?

jorge cancio (GAC): (12:42) I don't think we are talking about binary options

Jordan Carter (.nz, rapporteur): (12:43) The Board will still be obliged to take the advice of the GAC into account

Jordan Carter (.nz, rapporteur): (12:43) on public policy matters

Sabine Meyer (GAC - Germany): (12:43) "duly" might be the magic word here.

Finn Petersen, GAC - DK: (12:43) Jordan - very clear

Steve DelBianco [GNSO - CSG]: (12:43) Glad to delete the last 2 lines, Kavous. Agree to your text too

Malcolm Hutty: (12:43) @megan: I had previously suggested text that would implement that, but it was not taken up

Christopher Wilkinson: (12:43) What is perceived is that this endorses a new option on the part of the ICANN Board, to pick and choose as to which GAC advice to act upon or not. CW

Jordan Carter (.nz, rapporteur): (12:43) no Christopher: it is precisely the opposite

Malcolm Hutty: (12:44) no it does not CW.

CLO: (12:44) I'm OK with that proposed language change Karvous

Christopher Wilkinson: (12:44) @jordan. then it is not necessary to say anything.

Steve DelBianco [GNSO - CSG]: (12:44) From the beginning of ICANN through the present, the GAC has used a strong consensus rule for its decisions, "consensus is understood to mean the practice of adopting decisions by general agreement in the absence of any formal objection." The proposed bylaws change recognizes that GAC may wish to consider, if necessary, to amend its consensus rule to something less than "in the absence of any formal objection" while still requiring ICANN to try "to find a mutually acceptable solution."

Jordan Carter (.nz, rapporteur): (12:44) the issue is the GAC picking and choosing its methods.

Becky Burr: (12:44) No Christopher - it prevents the non-consensus view of the GAC from blocking through delay

Jordan Carter (.nz, rapporteur): (12:44) not ICANN.

Grace Abuhamad: (12:44) it has not been captured. Kavouss -- can you type into chat

Jordan Carter (.nz, rapporteur): (12:44) GAC should be free to choose its working methods

jorge cancio (GAC): (12:44) A place-holder would help, indicating that GAC is still working on this issue

Becky Burr: (12:45) which is why it is an important stress test to meet the USG requirements

Jordan Carter (.nz, rapporteur): (12:45) but it should not be free to choose to move the goalposts in terms of when ICANN is obliged to "find a mutually acceptable solution."

CLO: (12:45) yes. to accept the text from Kavous as a friendly amendment

Steve DelBianco [GNSO - CSG]: (12:46) Here is what I have from Kavous: The proposed bylaws change recognizes that GAC may wish to consider, if necessary, to amend its consensus rule to something less than "in the absence of any formal objection" while still requiring ICANN to try "to find a mutually acceptable solution."

Becky Burr: (12:46) i don't know which lines he proposes to delete

Malcolm Hutty: (12:46) no I

CLO: (12:46) no de

Malcolm Hutty: (12:46) nor I

Jordan Carter (.nz, rapporteur): (12:46) this is all about \*\*protecting the status quo\*\* for the whole ICANN community, \*\*without\*\* constraining GAC processes or decision-making in any way \*\*at all\*\*.

arasteh: (12:46) Grec

arasteh: (12:46) NO

arasteh: (12:46) It is not

Steve DelBianco [GNSO - CSG]: (12:46) Kavous want to delete the last two lines on page 2. No problem. That was added because I thought AR, FR, and BR wanted their dissent noted

Christopher Wilkinson: (12:47) Lowered hand. for now.

CLO: (12:47) demo delett other than the last 2 lines in yellow. we all agreed to delete there are a few clarification words added as captured in the chat

Becky Burr: (12:47) that's fine, but doesn't solve the real problem

Malcolm Hutty: (12:47) So AR, BR, FR want to dissent: IR wants to remove notice of that dissent???

jorge cancio (GAC): (12:48) A factual statement that GAC is still considering this would be necessary to keep the public informed

Suzanne Radell (GAC): (12:48) May I ask that the amended language be more clearly identified? I don't have scroll capabilities so can't tell what we're being asked to agree to

Malcolm Hutty: (12:48) And they wonder why we struggle with GAC advice!!

Jordan Carter (.nz, rapporteur): (12:49) Steve said: Here is what I have from Kavouss: The proposed bylaws change recognizes that GAC may wish to consider, if necessary, to amend its consensus rule to something less than "in the absence of any formal objection" while still requiring ICANN to try "to find a mutually acceptable solution."

Jordan Carter (.nz, rapporteur): (12:49) it's a change to the explanatory language around the ST changes, don't have a para ref sorry

Brenda Brewer: (12:49) i will check on it...stand by

CLO: (12:50) so added is "may wish to consider, if necessary..."

Christopher Wilkinson: (12:52) Thankyou everyone. Leaving the call. now. Shall post some additional comments as requested. CW

Greg Shatan: (12:53) It's always 4 o'clock somewhere.

Farzaneh Badii: (12:54) well it is everyone's time ...

Farzaneh Badii: (12:54) ture that Greg!

CLO: (12:54) we work until its finished. and its early herein AU and NZ as well

Farzaneh Badii: (12:54) \*true

arasteh: (12:55) I also thank Malcolm

Jordan Carter (.nz, rapporteur): (12:55) I think Kavouss has the worst possible time for this meeting - a 2-4am window is very unpleasant

arasteh: (12:55) tks JordaN

David McAuley (RySG): (12:56) Agree Jordan, thank you Kavouss on tough time for call

Jordan Carter (.nz, rapporteur): (12:56) why don't we go to what Becky put out on the list?

Rosemary Fei (Adler & Colvin): (12:57) Please note that legal counsel have not seen this text before the call, and we would like the opportunity to review and comment on this.

Jordan Carter (.nz, rapporteur): (12:57) (to review, i mean)

David McAuley (RySG): (12:59) noon would be 1600 utc i think

David McAuley (RySG): (12:59) noonin DC

Becky Burr: (12:59) no worries Malcolm, that's the intent

Holly Gregory (sidley): (13:00) please let us know which draft we should review -- wioll someone send it to us for legal review?

Greg Shatan: (13:00) Malcolm's language is new to me (and I'm in WP2). It may have been posted recently but I haven't seen it yet. I get the idea of what it's trying to achieve but I'm not sure I can get behind the language itself.

David McAuley (RySG): (13:01) I'd like to reiterate a proposal made a few minutes ago. Could the proposal state that a reference to HR was discussed but not agreed. Certain members and participants of CCWG on both sides of the issue as discussed have agreed to draft a statement of the issue as discussed and suggest ways forward. This document should be produced shortly (meaning in WS1) and will be announced upon its release.

Mathieu Weill, ccNSO, co-chair: (13:01) @Holly: start with Malcolm's please

Rosemary Fei (Adler & Colvin): (13:02) Is that available somewhere we have access to?

Malcolm Hutty: (13:03) @Greg Yes: but it is close. The text we have seen is the Draft Bylaws text 28 July IRP BB compilation. This needs to implement that

Holly Gregory (sidley): (13:03) could someone please send what is on the screen to us if that is the relevant copy to review? we will review right away and get back to you our comments this evening.

David McAuley (RySG): (13:03) Agree with Thomas, this has been an honest but difficult discussion and looking for a good way forward is good

Grace Abuhamad: (13:03) Holly, Rosemary -- please wait for instructions from the Chairs on which documents to review. This needs new certification request

Rosemary Fei (Adler & Colvin): (13:04) Great. Thanks, Grace.

Jordan Carter (.nz, rapporteur): (13:06) I would be much happier to go with the language that was agreed on the last call (the so-called Keith language) than to stick with the weird tripartite polling we did before.

Robin Gross [GNSO - NCSG]: (13:07) so would I, Jordan.

Farzaneh Badii: (13:07) so would I

Jordan Carter (.nz, rapporteur): (13:07) I just lost Kavouss?

David McAuley (RySG): (13:07) loat audio

Jordan Carter (.nz, rapporteur): (13:07) oh, it was an Adobe hang

Greg Shatan: (13:08) Jordan, I have real issues with the Keith language.

David McAuley (RySG): (13:09) Agreee @Jordan, @Robin

Farzaneh Badii: (13:09) we cannot push for rushing to remove human rights either !

Jordan Carter (.nz, rapporteur): (13:09) Greg, I know.

Jonathan Zuck (IPC): (13:09) It was NOT a vote

Robin Gross [GNSO - NCSG]: (13:09) We were close to finding agreement on langauge - why don't we continue with that effort?

David McAuley (RySG): (13:09) Well put CLO on hours

CLO: (13:12) happy to do so Robyn

Jonathan Zuck (IPC): (13:13) it's really two simple questions. 1. do you support adding HR language to the bylaws. If the consensus is yes, then 2. do you support Keith's language or Greg's?

Jonathan Zuck (IPC): (13:13) And of course, it's a question of weighing the objections that will result in either case.

CLO: (13:14) let's run with that now Jonathan as a temperature taking POLL

Robin Gross [GNSO - NCSG]: (13:15) I like that framing better, but most of the HR supporters are not on this call.

Jordan Carter (.nz, rapporteur): (13:15) we already know the answer to 1

Jordan Carter (.nz, rapporteur): (13:15) 16/4 in the last call and one of our earlier polls answered it

Jordan Carter (.nz, rapporteur): (13:15) so we could just do 2

Robin Gross [GNSO - NCSG]: (13:16) Agreed, Jordan.

Jonathan Zuck (IPC): (13:16) not sure that's true, Jordan. that was a "would you support" type question. still about the compromise not the question

Jonathan Zuck (IPC): (13:16) beter to ask both]

Jonathan Zuck (IPC): (13:17) that was a "would you live with" construction this morning

Jordan Carter (.nz, rapporteur): (13:17) green ticks for something about HR

Jordan Carter (.nz, rapporteur): (13:18) as the first question

Grace Abuhamad: (13:18) Sorry @Thomas!

Jordan Carter (.nz, rapporteur): (13:18) can we just look at what we might get to use ticks on now, maybe?

Jordan Carter (.nz, rapporteur): (13:18) the two questions of Zuck?

Jonathan Zuck (IPC): (13:19) Alan, Jordan's talking about the previous call

Jonathan Zuck (IPC): (13:19) yes!

CLO: (13:19) exactly Alan

Greg Shatan: (13:19) "Could you live with" and "Do you support" are two different types of questions....

Robin Gross [GNSO - NCSG]: (13:19) I thought Thomas was talking about the call earlier today.

David McAuley (RySG): (13:19) so options would be silence, Greg, Keith, or abstain

Jonathan Zuck (IPC): (13:19) And keep in mind that no language is minority report from Robin, Greg's language is inline objection

Jonathan Zuck (IPC): (13:19) fro IPC

Jordan Carter (.nz, rapporteur): (13:19) there are two tickcrosses to take

Sébastien (ALAC): (13:20) Do an online stawpool

Jordan Carter (.nz, rapporteur): (13:21) why can we not simply do it now to see where we are thinking, and then do the list thing as well

Jordan Carter (.nz, rapporteur): (13:21) just so people can see each other's preferences?

Robin Gross [GNSO - NCSG]: (13:21) a transparent online poll



Jonathan Zuck (IPC): (13:22) the problem with that is that it doesn't reflect reality. that prevents the IPC from registering a vote against any language

Jonathan Zuck (IPC): (13:22) while still suggesting a compromise

Greg Shatan: (13:22) I suggest a rank order poll or a poll where each position has 3 answers: support, can live with, violently object....

Jonathan Zuck (IPC): (13:23) rank order doesn't serve you either Greg. need tdo be too parts

Avri Doria: (13:23) since i cannot hear as i am giving a class, can i ask tat any poll be written in the chat.

Greg Shatan: (13:23) 15 minutes? Moi?

CLO: (13:23) no one has spoken for 15 mins

Robin Gross [GNSO - NCSG]: (13:23) yes, Greg, because I have positive thoughts about both the Greg and Keith language.

Avri Doria: (13:24) i can also support both sets of langauge, though i do favor Greg's

Robin Gross [GNSO - NCSG]: (13:24) that is where I am also, Avri.

arasteh: (13:24) pls put my proposal to temperature meaSUREMENT

arasteh: (13:25) Question to be put to temperature measurement

Jordan Carter (.nz, rapporteur): (13:26) just to see what we think, together

Robin Gross [GNSO - NCSG]: (13:26) or instead of polls, those of us who want to work on a compromise, could just work on it. (or in addition).

arasteh: (13:26) Do you agree that there should be a high level refernce to Human Rights in the Bylaews indicating that the detials of the process would be worked out in ws2s

Jordan Carter (.nz, rapporteur): (13:26) I suggest the first quetion is -- should we include human rights language in this report

Jordan Carter (.nz, rapporteur): (13:26) yes or no

Jordan Carter (.nz, rapporteur): (13:26) as per Zuck

Robin Gross [GNSO - NCSG]: (13:27) but most of the HR supporters are not on this call

Jordan Carter (.nz, rapporteur): (13:27) the second question: if including language do you prefer Keith's as per the previous call, or Greg's alternative

Becky Burr: (13:27) matthew and ed, robin?

Robin Gross [GNSO - NCSG]: (13:27) right and James Gannan

arasteh: (13:28) PLS PUT MY SUGGESTION TO VOTE

Sébastien (ALAC): (13:28) In this report or in the bylaws?

Greg Shatan: (13:28) Jordan, by "in this report" do you mean "In the Bylaws" or "in any way at all"?

Jonathan Zuck (IPC): (13:28) in the bylaws

Becky Burr: (13:28) if we are that close we have no consensus

arasteh: (13:28) THE QUESTION PROPOSED BY JORDAN IS MISSLEADING

arasteh: (13:28) Every body is in favour of HR

Jordan Carter (.nz, rapporteur): (13:29) the question is the question.

Greg Shatan: (13:29) If we mean in the bylaws, let's say it. That is not the only way we can refer to Human Rlghts in this report.

Jordan Carter (.nz, rapporteur): (13:29) we are talking about the Core Value 8

Jordan Carter (.nz, rapporteur): (13:29) or whatever part of the proposed report we were looking at before.

Robin Gross [GNSO - NCSG]: (13:29) we are requesting a committment to fundamental human rights in bylaws in WS1.

Jonathan Zuck (IPC): (13:29) +1 Robin

Jordan Carter (.nz, rapporteur): (13:29) which was for the Mission, Values and Commitments sections of the bylaws.

David McAuley (RySG): (13:30) Kavouss, though, with respect, this poll is being set up where Q1 is in view of two alternatives to follow -

Greg Shatan: (13:30) Bylaws are not a place to leave "notes to self" for further work.

Jonathan Zuck (IPC): (13:30) +1 Greg

Jordan Carter (.nz, rapporteur): (13:30) we aren't doing notes

Jordan Carter (.nz, rapporteur): (13:30) the second question chooses the language

David McAuley (RySG): (13:30) agree @Jordan, Question 1 being constructed with Q2 in mind

Robin Gross [GNSO - NCSG]: (13:31) Plus Keith is not on this call to vote for his language.

Jordan Carter (.nz, rapporteur): (13:31) Q1 is whether to include the language IN THE SAME PLACE>

Jordan Carter (.nz, rapporteur): (13:31) or not.

Jordan Carter (.nz, rapporteur): (13:31) Q2 is WHICH LANGUAGE.

Jonathan Zuck (IPC): (13:31) +1 Jordan

Jonathan Zuck (IPC): (13:31) @Robin, we can give David two votes

Jordan Carter (.nz, rapporteur): (13:31) this is not complicated

Jonathan Zuck (IPC): (13:32) it really isn't

Robin Gross [GNSO - NCSG]: (13:32) @Jonathan, David?

David McAuley (RySG): (13:32) Keith did ask me to note his language and his support for it

Jonathan Zuck (IPC): (13:32) from Verisign

Suzanne Radell (GAC): (13:32) As a non-lawyer, this idea may be a non-starter, but I'm wondering if there could be a footnote or comment linked to the existing references in the core mission to "in conformity with relevant principles of international law, international conventions" could not provide the basis for the indication that detailed work will be undertaken on HR in work stream 2?

Robin Gross [GNSO - NCSG]: (13:32) right - sorry

Jordan Carter (.nz, rapporteur): (13:33) can we PLEASE IN THE NAME OF ALL THAT IS GOOD

Jordan Carter (.nz, rapporteur): (13:33) Use the ticks and see what we think!

Jordan Carter (.nz, rapporteur): (13:33) and then keep discussing what it means after we know what we think!

Olga Cavalli - GAC Argentina: (13:33) dear all, I must leave the call to attend other meeting, thanks to all and looking forward for new versions of the document

Jordan Carter (.nz, rapporteur): (13:33) ciao Olga

Jordan Carter (.nz, rapporteur): (13:34) Yes they will answer it anyway

Jonathan Zuck (IPC): (13:34) NO! you can answer no to the first question and still have a preference for the second one

Jordan Carter (.nz, rapporteur): (13:34) good god no that is a terrible idea Alan

CLO: (13:34) fine with that Alan

Jordan Carter (.nz, rapporteur): (13:34) it forces people who don't want it in to choose their least bad option

Greg Shatan: (13:35) Agree with JZ and JC...

Jordan Carter (.nz, rapporteur): (13:35) can we please take the temperature on the two questions.

Jonathan Zuck (IPC): (13:36) they were poorly worded, that's all. it's okay. This is easy. Honest.

Jordan Carter (.nz, rapporteur): (13:36) 1. Do you want to see some human rights language in that box with an 8 and with red text.

arasteh: (13:36) PLS PUT MY SUGGESTION TO TEMPERATURE MEASURING

Jordan Carter (.nz, rapporteur): (13:36) 2. do you prefer what is written there, or do you prefer Greg's alternative

Jordan Carter (.nz, rapporteur): (13:36) can we please use our ticks on these two questions

Jordan Carter (.nz, rapporteur): (13:36) please

Jordan Carter (.nz, rapporteur): (13:36) please

Jordan Carter (.nz, rapporteur): (13:37) 2. do you prefer what is written there suggested by Keith, or do you prefer Greg's alternative

Jonathan Zuck (IPC): (13:37) it was NOT asked

Jordan Carter (.nz, rapporteur): (13:37) recap the first

Jordan Carter (.nz, rapporteur): (13:37) and let's go on with it please

arasteh: (13:37) The issue is important and we should not rush to reply to that fully in WS1

Avri Doria: (13:37) explicitly what is the Q?

Jordan Carter (.nz, rapporteur): (13:38) I just typed them here, Avri.

arasteh: (13:38) Deat Mathieu

Jordan Carter (.nz, rapporteur): (13:38) and let's work out what they mean last time

Jordan Carter (.nz, rapporteur): (13:38) no

arasteh: (13:38) I made a firm and formal proipoosal

David McAuley (RySG): (13:38) Tijani

David McAuley (RySG): (13:38) was speaking

Jonathan Zuck (IPC): (13:38) Q1. Do you support an explicit reference to human rights be added to the bylaws

arasteh: (13:38) I sincerely request you to put iot to temp MNeasu

Avri Doria: (13:38) k the 1 and 2. so ticking on 1 first?

Robin Gross [GNSO - NCSG]: (13:38) my HR colleauges could not make this call.

Jordan Carter (.nz, rapporteur): (13:38) WE CANNOT HAVE ONE QUESTION

Jonathan Zuck (IPC): (13:38) Q2...only if Q1 passes. Do you prefere Keith or Greg's language

Jordan Carter (.nz, rapporteur): (13:39) no Jonathan

Jordan Carter (.nz, rapporteur): (13:39) we need to share our views about both questions.

arasteh: (13:39) I do not agree with such question

arasteh: (13:39) bPLS PUT MINE INTO VOTE

Jonathan Zuck (IPC): (13:39) ok Jordan, you can ask "if we do, which do you prefer"

arasteh: (13:39) I object tyo the process in rejecting a formalmpposal

Robin Gross [GNSO - NCSG]: (13:40) I like that formulation, Jonathan.

Julie Hammer (SSAC): (13:40) Isn't second question...do we do it in WS1 or in WS2/

Jonathan Zuck (IPC): (13:40) everyone else stop typing

Jordan Carter (.nz, rapporteur): (13:40) 1. Do you want to see some human rights language in that box with an 8 and with red text.

Jordan Carter (.nz, rapporteur): (13:40) 2. do you prefer what is written there suggested by Keith, or do you prefer Greg's alternative

Robin Gross [GNSO - NCSG]: (13:40) Those participants not on this call will want to weigh in on the email list.

Alan Greenberg: (13:40) Despite the desire to have a "no question" proposal going out for comment. Perhaps the HR issue "IS" one we need to simply ask in the PC.

Jordan Carter (.nz, rapporteur): (13:40) yes

Jordan Carter (.nz, rapporteur): (13:40) and they should

Avri Doria: (13:41) are we still on Q1?

Jordan Carter (.nz, rapporteur): (13:41) in the bylaws in other words

Jordan Carter (.nz, rapporteur): (13:41) he is reading the questions out

arasteh: (13:41) PLS PUT MY PORIOPOSAL

CLO: (13:41) this IS a temp taking Kavous

Jordan Carter (.nz, rapporteur): (13:42) and recalling some ticks from people who are no longer here

Izumi Okutani (ASO): (13:42) May I confirm, as metnioned in teh chat ath the first answer could be no but still repond to the second with preference?

Samantha Eisner: (13:42) Please note that my objection is not because of any objection to human rights, but for the governance issues I've raised before

Jordan Carter (.nz, rapporteur): (13:42) 10 in favour, 4 against

Mathieu Weill, ccNSO, co-chair: (13:42) Yes Izumi

Jordan Carter (.nz, rapporteur): (13:42) YES

Jordan Carter (.nz, rapporteur): (13:42) these are two separate questions

Jordan Carter (.nz, rapporteur): (13:43) 11/5

Jordan Carter (.nz, rapporteur): (13:43) with a red cross from Tijani and a green tick from Keith as communicated by David

Jordan Carter (.nz, rapporteur): (13:43) can we move on to the second question

Jordan Carter (.nz, rapporteur): (13:43) 2. do you prefer what is written there suggested by Keith, or do you prefer Greg's alternative

Greg Shatan: (13:43) I saw 7 red crosses including Tijani

David McAuley (RySG): (13:43) lost audio

David McAuley (RySG): (13:44) lost audio for a bit

Robin Gross [GNSO - NCSG]: (13:44) lost audio

Greg Shatan: (13:44) Not 5.

Jonathan Zuck (IPC): (13:44) green = Keith, red = Greg

Jordan Carter (.nz, rapporteur): (13:44) 2. do you prefer what is written there suggested by Keith, or do you prefer Greg's alternative

Jordan Carter (.nz, rapporteur): (13:44) Green for Keith, on the screen; Red for Greg, as discussed.

Greg Shatan: (13:44) rabbits and tortoises?

Robin Gross [GNSO - NCSG]: (13:45) Keith's proposal is written in red, maybe it should be red.

Jordan Carter (.nz, rapporteur): (13:45) Keith as per the red text on the screen

Jordan Carter (.nz, rapporteur): (13:45) it is a preference

Jordan Carter (.nz, rapporteur): (13:45) NO

Jonathan Zuck (IPC): (13:45) you already voted on that Kavous

Jordan Carter (.nz, rapporteur): (13:45) for goodness sakes

Robin Gross [GNSO - NCSG]: (13:45) of course we need to vote on this

Jordan Carter (.nz, rapporteur): (13:46) we can do what we want in terms of trying to hear what it is we want

Jordan Carter (.nz, rapporteur): (13:46) please continue, co-chairs

Jonathan Zuck (IPC): (13:46) its not a vote.

Jordan Carter (.nz, rapporteur): (13:46) we are trying to test our preference

Greg Shatan: (13:46) If you don't want either, you should still vote here, on a lesser of two evils.

Greg Shatan: (13:46) basis.

Robin Gross [GNSO - NCSG]: (13:46) right, testing preference of those on this call.

Greg Shatan: (13:46) I don't find it odd to decide between two alternatives.

Greg Shatan: (13:46) I want chocolate ice cream.

Greg Shatan: (13:46) AND I want vanilla ice cream.

Robin Gross [GNSO - NCSG]: (13:46) it seems pretty logical to

Greg Shatan: (13:47) But I will choose chocolate every time, as between the two.

David McAuley (RySG): (13:47) I agree preference between two alternatives can be tested

CLO: (13:47) you could use yellow to abstain

Mathieu Weill, ccNSO, co-chair: (13:47) This is not a vote

Jordan Carter (.nz, rapporteur): (13:47) it is - if there was something in the box - Green for the text on screen, red for Greg's alternative (which doesn't specify)

Robin Gross [GNSO - NCSG]: (13:48) observers don't generally vote anyway - shouldn't count them as no votes

Malcolm Hutty: (13:48) evenly split

David McAuley (RySG): (13:48) Keith would also favor his language

Jordan Carter (.nz, rapporteur): (13:48) this isn't about whether something is in or out

Steve DelBianco [GNSO - CSG]: (13:48) Rlgt, but you are voting for Keith, right?

Robin Gross [GNSO - NCSG]: (13:49) what was the final of that poll?

Jordan Carter (.nz, rapporteur): (13:49) 8 for what is on screen, 11 for Greg's alternative

Jordan Carter (.nz, rapporteur): (13:49) was my count

Malcolm Hutty: (13:49) 8+Keith for one, 11 for the other, that's pretty evenly split

David McAuley (RySG): (13:49) Malcolm has it

Jonathan Zuck (IPC): (13:49) yup

Izumi Okutani (ASO): (13:50) In responding to the notes I was a little late I showed preference for Greg's

Jordan Carter (.nz, rapporteur): (13:50) i agree that count

Avri Doria: (13:50) i voted late

Robin Gross [GNSO - NCSG]: (13:50) and my colleagues who feel strongly on this issue were not on this call

Greg Shatan: (13:50) 11/19 = 57.9%

David McAuley (RySG): (13:50) No apology needed - tough discussion but a good one.

Robin Gross [GNSO - NCSG]: (13:50) Izumi voted after the call was made, I think.

Farzaneh Badii: (13:50) Yes I agree with Robin. some of our members have not been on this call.

Robin Gross [GNSO - NCSG]: (13:51) We need to move on.

Jonathan Zuck (IPC): (13:51) bearing in mind that Keith's language results in a full minority report from IPC but Greg's language results only in an inline objection and no minority report from Avri, I believe

Greg Shatan: (13:52) I'll vote on anything....

CLO: (13:52) what support did your proposal get Kavous

Robin Gross [GNSO - NCSG]: (13:52) Anchovies or pepperoni?

Greg Shatan: (13:52) BTW I think we have violated Article 24 of the UNDHR: "Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay."

Becky Burr: (13:52) we haven't tested Greg's language with registries but i think that would be very problematic

Avri Doria: (13:53) correct as long as respect for fundamental hr is in the bylaw, i have no minority report to file.

Greg Shatan: (13:53) Anchovies if I'm alone, pepperoni if I'm sharing. Because nobody but me seems to like anchovies.

Jonathan Zuck (IPC): (13:53) how inclusive of you Greg

Jonathan Zuck (IPC): (13:53) which is what we will do if the HR language is voted down altogether

Sabine Meyer: (13:53) Greg, that statement holds up.

Avri Doria: (13:53) i love anchovies, especially with capers.

Becky Burr: (13:53) i like anchovies, but not on pizza

Greg Shatan: (13:54) Would this reference to the details being in WS2 be in the Bylaw itself?

Jonathan Zuck (IPC): (13:54) you're weird Becky

Becky Burr: (13:54) that goes without saying Jonathan

Jordan Carter (.nz, rapporteur): (13:54) you can do a lamb leg roast with garlic and rosemary and adding a bit of anchovies works.

Grace Abuhamad: (13:54) Would you like to have a high level reference to Human Rights in the Bylaws?

CLO: (13:54) and Greg several of us have another 2 hrs call when this finishes

arasteh: (13:55) Do you agree that we mention the recognition of the human rights in the bylaws at ws1 while the details would be worked out in ws2

Jonathan Zuck (IPC): (13:55) we can have that in the report but probably not in the bylaws

Greg Shatan: (13:55) I just have a job I have neglected for most of the day...

CLO: (13:55) oh my day job is still yet to start

Farzaneh Badii: (13:55) me too

David McAuley (RySG): (13:56) abstain

CLO: (13:56) abstain

Jonathan Zuck (IPC): (13:56) that's my preference over either Keith or Greg's language.

Brenda Brewer: (13:56) Tijani's line has disconnected

Izumi Okutani (ASO): (13:57) sorry I have to go for another call - will follow up by e-mail

Robin Gross [GNSO - NCSG]: (13:57) I hope my HR colleagues that are not on this call will have a chance to weigh in when they hear about the poll's existence.

Alan Greenberg: (13:57) I have to leave now to chair another meeting.

Brenda Brewer: (13:57) he is not answering the call back

Becky Burr: (13:57) my problem is that it depends on what the high level reference is

Jonathan Zuck (IPC): (13:57) yes Becky, it's gotten muddied again

Greg Shatan: (13:57) What would a high level reference look like?

Avri Doria: (13:57) i would have neglected mine, but a classroom of students is hard to avoid.

David McAuley (RySG): (13:57) agreed @Becky

Rosemary Fei (Adler & Colvin): (13:58) As noted earlier, in the interests of the quality of the end product, legal counsel would like the opportunity to review the full IRP language..

jorge cancio (GAC): (13:58) @grace: my cross was an old cross. I did not vote on kavous' proposal

Greg Shatan: (13:58) Class, today we will be reading on our own.

Jonathan Zuck (IPC): (13:58) preference order: 1. no reference, 2. high level reference, 3. greg's language, 4. Keither's language

CLO: (13:59) Tijani and Alan have had to leave for our next call I will stay here and skype with them

Greg Shatan: (13:59) I have no idea what a high level reference is. I thought mine was about as high level as one can get and actually have operative language in the Bylaws themselves.

jorge cancio (GAC): (13:59) @grace/staff: please correct the notes accordingly

Holly Gregory (sidley): (14:00) Dear Co-Chairs, Please certify review of the IRP section to us so we can undertake a review.

Grace Abuhamad: (14:00) Notes are correct

Grace Abuhamad: (14:00) @holly you will receive an email

Robin Gross [GNSO - NCSG]: (14:00) if we don't get the high level commitment to fundamental HR in WS1, we will file a minority report, so we'll need to know the outcome of that issue in time to submit a report, if needed.

jorge cancio (GAC): (14:00) @grace: my cross was an old cross. I did not vote on kavous' proposal

Grace Abuhamad: (14:00) ok

Greg Shatan: (14:00) Leon owes you one for not being on this call....

Mathieu Weill, ccNSO, co-chair: (14:01) We missed him !

Grace Abuhamad: (14:01) Thank you Jorge. Apologies for the error

Sébastien (ALAC): (14:01) We need a final call from the whole group?

Greg Shatan: (14:01) "ICANN has a high level commitment to human rights."?

jorge cancio (GAC): (14:02) @grace: thanks and apologies for not clearing my cross...

Martin Boyle, Nominet: (14:03) Mathieu +1

David McAuley (RySG): (14:03) agree special thanks to staff and to chairs, rapporteurs - there have been intensive discussions

Martin Boyle, Nominet: (14:03) a good team

Holly Gregory (sidley): (14:03) Yes, high kudos to the ICANN staff

Hillary Jett: (14:04) Link to the Webinar announcement: <https://www.icann.org/news/announcement-2015-07-30-en>

Hillary Jett: (14:04) 4 August from 19:00 – 21:00 UTC (time zone converter here) 7 August from 07:00 – 09:00 UTC (time zone converter here)

David McAuley (RySG): (14:05) +100 Kavouss

Jordan Carter (.nz, rapporteur): (14:05) it has been tiring

Jordan Carter (.nz, rapporteur): (14:05) but strangely satisfying

Mathieu Weill, ccNSO, co-chair: (14:05) Appreciated Kavouss. Very rough experience but rewarding to work with such a group

David McAuley (RySG): (14:06) Jordan - is that application for WS2

Holly Gregory (sidley): (14:06) Thank you Kavouss, appreciated.

Robin Gross [GNSO - NCSG]: (14:06) well said, Kavous.

Pär Brumark (GAC Niue): (14:06) Thx! Good Night!

jorge cancio (GAC): (14:06) thanks and bye

Bernard Turcotte Staff Support: (14:06) bye all

Robin Gross [GNSO - NCSG]: (14:07) Thanks - bye!

CLO: (14:07) bye

Sabine Meyer: (14:07) byeeeee

Martin Boyle, Nominet: (14:07) bye

Rosemary Fei (Adler & Colvin): (14:07) bye everyone.

Gary Hunt - UK Government: (14:07) Good night!

Farzaneh Badii: (14:07) bye