CCWG ACCT Meeting # 30 (28 April)

Attendees:

Members: Alan Greenberg, Alice Munyua, Becky Burr, Cheryl Langdon-Orr, Eberhard Lisse, Izumi Okutani, James Bladel, Jordan Carter, Jorge Villa, Julia Wolman, Leon Sanchez, Mathieu Weill, Olga Cavalli, Par Brumark, Robin Gross, Samantha Eisner, Sebastien Bachollet, Steve Del Bianco, Thomas Rickert, Tijani Ben Jemaa (20)

Participants: Andrew Harris, Avri Doria, Barrack Otieno, Bob Takacs, Carlos Raul Gutiérrez, David Maher, David McAuley, Farzaneh, Badii, Greg Shatan, Jonathan Zuck, Jorge Cancio, Kavouss Arasteh, Keith Drazek, Malcolm Hutty, Phil Buckingham, Sabine Meyer, Yasuichi Kitamura (17)

Legal Counsel: Holly Gregory, Josh Hofheimer, Michael Clark, Miles Fuller, Rosemary Fei, Sharon Flanagan, Stephanie Petit, Steve Chiodini, Tyler Hilton

Staff: Adam Peake, Alice Jansen, Berry Cobb, Brenda Brewer, Theresa Swinehart, Hillary Jett, Jim Trengrove, Laena Rahim

Apologies: Martin Boyle

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

Transcript

Transcript CCWG ACCT #30 28 April.doc

Transcript CCWG ACCT #30 28 April.pdf

Recording

The Adobe Connect recording is available here: https://icann.adobeconnect.com/p1veiq3vflb/

The audio recording is available here: http://audio.icann.org/gnso/gnso-ccwg-acct-28apr15-en.mp3

Proposed Agenda

1. Welcome, roll-call & SoI
2. Discussion of changes to the draft report following the intense work days
3. Next Steps
4. A.O.B Closing Remarks

Notes

CCWG - Call #30 – 28 April 2015

This call is being recorded.

Chat sessions are being archived and follow the ICANN Expected Standards of Behavior: http://www.icann.org/en/news/in-focus/accountability/expected-standards

Links

WP1 Drafts - http://tinyurl.com/puvneyq
WP2 Drafts - http://tinyurl.com/p9yemfx
ST-WP Drafts - http://tinyurl.com/mye8o3e
Legal Subt Drafts - http://tinyurl.com/kajxlc4


Redline CCWG Draft Redline from 1-1 to 2015-04-28 version.docx

AGENDA:
1. Welcome, roll-call & SoI
2. Discussion of changes to the draft report following the intense work days
3. Next Steps
4. A.O.B Closing Remarks

NOTES & ACTION ITEMS:

Action: staff to add glossary to the report
Action: staff to restructure the report, moving sections 1-5 to appendix and re-format for public comment
Action: Staff to have report numbered in a way to enable identifying text by line/paragraph
1. Welcome, roll-call & SoI

Alice Munyua, Jim Baskin and Becky Burr, on the phone.

We will review the changes made the draft report, to be submitted for public comment soon.

Reviewed the comments gathered during our past sessions. Today we will review feedback and the comments incorporated.

First sections of the document: definition and scoping document, the inventory gathered from community.

Circulated only a few hours ago. See URL for the draft report at the top of this notes page.

2. Discussion of changes to the draft report following the intense work days

Robin's edit "remains accountable" -> is accountable, Izumi's request to have the requests from the CWG highlighted.

To make the document more readable will move sections 1-5 to the appendix and being with an executive summary then current chapter 6.

This change will be reflected in the next version of the document. Introduction of glossary.

Action: staff to add glossary to the report.

Sense of support for the issue of moving the chapters to the appendix.

Action: staff to restructure the report, moving sections 1-5 to appendix and re-format for public comment.

Concern that new text has been added to section 4, and this has not been discussed with the group. Noted that the text we there for the frozen document used during the intense workdays last week.

Suggestion to have the sections numbered - this will be done as well as as explanatory sections and working with XPLANE of graphical representation.

Consider line numbers and ways to easily refer to text being commented on.

Action: Staff to have report numbered in a way to enable identifying text by line/paragraph.

If people find a term is too legalistic or subjective, please flag in the draft.

External legal advisors request to be able to review the document.

Action: legal sub-team, provide draft to the legal advisors.

Review of Section 6.

Page 22. Change to explain the graphic on the overall acc architecture. New, so comment.

Section 6.2 page 24. Reviewed by Becky. Introduced the notion of guarantees. With consistency across all documents.

There was disagreement about the use of "guarantees" in this way, agreed further consideration needed use of guarantees and commitment.

Section 6.3. Memo about fundamental bylaws.

Section 6.4 Significant changes. Outcome of the discussion of the intense workday, including possible outcomes of the IRP. And IRP cancels or changes an opinion of the board and its decisions would be final. Some comment from legal advice that this was viable.

Section 6.5. Reconsideration: more agreement so fewer changes.

Section 6.4. Pointing to questions and open issues. Should these be item by item, more readable if the questions are grouped at the end of the section or presented and numbered as reading thorough the section.

Action: number questions throughout the document.

What's meant by standard of review? Standard of Review means the principles against which the instant case is measured to determine whether a complaint should be upheld. A term in law.

1) we have always assumed the Community (Members) would have standing to file RR or IRP. It is not entirely clear in our document how we would establish standing for the Community.

stress test 13. redress mechanisms. concern about blocking. As yet not scoring well. The proposed measure may need to distinguish between community power and those of individual.

We as the community may need to have standing to challenge a decisions. And have we done enough to restrain people from using them to block policy making.

Operate for now under the assumption that the community does have standing.
Section 6.6. community mechanisms. Discussion of the membership model, and the other options available such as the designator model. With rational as to why this is necessary.

The member model as the reference model that we feel will work given the legal advice received. Language intend to support this reference model, but not to close off other models.

Q. Is there place for an additional section to lay out the risks and benefits of the different models? Are we currently giving the community to understand the pros and cons of models as they make their preference known?

A choice: what is taken into the body of the report and what to the appendix. The legal advice will be linked from the main body of the report. Do members want to identify more of the legal advice in the document.

There will be a second run-through of stress tests, to ensure that none of our proposal create additional contingencies. ST-WP meets tomorrow.

Additional explanation for the risks and benefits would be helpful, but not to the extent that we were have to do the same through every section of the document

6.1.1.1 (i) suggest this should be fleshed out, to say why we reached the decisions we have reached (e.g. legal advice has come back to say this is stronger, etc)

Action: Two additional points to be included in 6.1.1.1 (i) to explain group's reasoning.
New text to be added to note (1) that the all the groups requirements can be implemented under the reference model, and (2) it has advantages in terms of enforceability

The stress tests and mechanisms do not stop an event happening, but the issue is does the community have the means to respond, or the means to challenge how the Board responds.

Are our new accountability mechanisms creating new risks, for example capture, do the stress tests mitigate against these?

Regarding fleshing out pros and cons, the short table on the powers would be helpful to have in the main document. A comparison chart that was offered as one of the legal memos.

Action: staff to add this comparison chart to the report.

Have we made sure that we have updated the stress tests to evaluate the model especially around capture. Member model to empower the community, but concern over individual member rights and collective rights.

A question many will ask, people will ask what if the community gets captured. Link between this and the question from Jan Scholte and the group should work on the accountability of the community.

6.1.1.1. f. about designators. Not fully explaining the designators model, something more explicit needed.

Section 6.1.1.2

Influence in the community mechanism. Co-chairs have contacted the RSAC and SSAC about the proposals. Given a rationale about the reference option, and the pros and cons. Any adjustments needed?

Para F. add, and in keeping with keeping with keep ICANN rooted in the private sector. (add to the text)

6.2. reconsider/eject budget or strategy operating plans

Only change was on the grounds.

6.3. page 56
Community power to reject/reconsider ICANN’s standard bylaws. Language better reflects what is meant by standard vs. fundamental. Examples changed, added the question.

6.4. page 57
Powers to change fundamental bylaws. No substantive edits, a question add. And the fundamental bylaws now have a section in the report.

6.6.6 Recall the Board
NomCom. Section g. Both options legally viable. Re-format

"On the same basis as the existing NomCom" are we talking about a standing group, or on an ad hoc basis

Suggestion to take offline to come up with suggested language.

Action: Alan, Cheryl, Avri (+Staff?) come up with language about the "same basis as the existing NomCom".

6.7 Affirmation of Commitments into the bylaws

Changes made. Section 8b. Section 6.7.2, incorporation of commitment reviews.

(Current method of consensus in GAC
Due deference refers to the process of finding mutual consensus. It was not meant to be fundamental.

ICANN HQ in Los Angeles
Commit or will to call. Financial/non-financial rather than non-commercial.
Review team must be as diverse as possible.
How were prior review teams recommendations implemented?

(Connection lost.) Normally one year after.

**Action:** Co-chairs/rapporteurs, recent discussion from list to be reflected in the report

6.7.2. A. require the ICANN board to approve and implement. Not requiring the board to review and implement.

6.8.2. GAC advice. The GAC chooses how it chooses consensus.

ICANN bylaws would only allow due deference to consensus advice. Refers to the current arrangement. That kind of deference would only be due to consensus advice. Article 11 Section 2 bylaws change is being suggested. Question: is this section of the bylaw suggested as fundamental?
(Ref 3rd column, page 73)

Stress test review on next call, and have been updating both for the CCWG and the requests the CWG put put last week.

Page 94. Items for consideration in WS2:

Diversity and language for consideration about transparency.
Whistleblower policy missing, should be added. AGREED: Enhancements to ICANN's whistle-blower policy.
And also suggest adding ICANN's conflict of interest policy.

Committed to the "relevant" recommendations. This language can be clarified.
More than investigate enhancements. Should be stronger than that.

**Action:** Robin please send language.

Conflict of Interest. The policy is quite recent and seems quite robust, what is the rationale for the change, suggestion to discuss conflict of interest on the list.
Support for improving the conflict of interest policy.

Implementation plan and timeline. Section 9.1.

Updating the timeline for next steps 9.2, which includes input from the lawyers on their changes and from staff on the possible implication time for bylaws changes.

New, next CCWG call Thursday Apr 30. 05:00 UTC, the call will:

Hold a final review of text. A new document version circulated as early as possible, with red-line as mentioned on this call
Output from the Stress Test WP meeting.
Engagement material - easy to read tools and materials.
Glossary of terms
Before or after diagram

**END**

**Action Items**

**Action:** Staff to add glossary to the report

**Action:** Staff to restructure the report, moving sections 1-5 to appendix and re-format for public comment

**Action:** Staff to have report numbered in a way to enable identifying text by line/paragraph

**Action:** Legal sub-team, provide draft to the legal advisors

**Action:** Number questions throughout the document

**Action:** Two additional points to be included in 6.1.1.1 (i) to explain group's reasoning

**Action:** Staff to add this comparison chart to the report

**Action:** Alan, Cheryl, Avri (+Staff?) come up with language about the "same basis as the existing NomCom"

**Documents Presented**

Draft Report: https://community.icann.org/download/attachments/52897394/CCWG-DRAFT-V4.2-042815.docx?version=1&modificationDate=1430237997297&api=v2

**Chat Transcript**

Brenda Brewer: (4/28/2015 13:11) Welcome to the CCWG ACCT Meeting #30 on 28 April! 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
Leon Sanchez (Co-Chair-ALAC): (13:56) Hello everyone!

Olga Cavalli - GAC Argentina: (13:57) hola Leon

Leon Sanchez (Co-Chair-ALAC): (13:57) Hola Olga! Vi tu mail, tengo pendiente contestación

Mathieu Weill, ccNSO, co-chair: (13:57) Hello everyone!

arasteh: (13:57) Hi dear CCWG IRFENDS


Olga Cavalli - GAC Argentina: (13:57) no te preocupes!

arasteh: (13:58) ola olga

arasteh: (13:58) como este

Thomas Rickert, CCWG Co-Chair: (13:58) Hello everyone!

Jordan Carter (.nz, ccTLD member): (13:58) morning all

Sabine Meyer (GAC - Germany): (13:59) good evening, Jordan

Leon Sanchez (Co-Chair-ALAC): (13:59) we have some echo

Jordan Carter (.nz, ccTLD member): (13:59) Some outstanding echoes going on there

Pär Brumark (GAC Niue): (13:59) Hi all!

Leon Sanchez (Co-Chair-ALAC): (13:59) I remind you to please mute your lines if not speaking

Jordan Carter (.nz, ccTLD member): (13:59) I feel like we are in the Cave of Accountability?

Jordan Carter (.nz, ccTLD member): (14:00) Was that in Homer's Illyad?? or the Odyssey?

Mathieu Weill, ccNSO, co-chair: (14:00) Odyssey certainly

arasteh: (14:00) DO WE HAVE OUR LEGAL CONSELS WITH US

Sabine Meyer (GAC - Germany): (14:00) I could only think of Plato's Cave.

David McAuley (RySG): (14:00) Mathieu is the link to the revised/fixed version?

Rosemary Fei: (14:01) Hello, all.

Mathieu Weill, ccNSO, co-chair: (14:01) The latest version we've been struggling with all day :-(

Steven Chiodini (Adler & Colvin): (14:01) Hello everyone

Stephanie Petit: (14:01) Greetings

David McAuley (RySG): (14:01) Many thanks

Mathieu Weill, ccNSO, co-chair: (14:01) It's also the one displayed

Brenda Brewer: (14:03) Alice Munyua on phone bridge

Holly J. Gregory (Sidley): (14:07) Greetings. We received the document about an hour and a half ago and have not had a chance to review in any detail. Will there be an opportunity to review in depth at some point?

Holly J. Gregory (Sidley): (14:07) "chance to review"

Robin Gross [GNSO - NCSG]: (14:07) none of us have, Holly. ;-)

Mathieu Weill, ccNSO, co-chair: (14:08) https://community.icann.org/download/attachments/52897394/CCWG-DRAFT-V4.2-042815.docx?version=1&modificationDate=1430237997297&api=v2

Mathieu Weill, ccNSO, co-chair: (14:08) https://community.icann.org/download/attachments/52897394/CCWG-DRAFT-V4.2-042815.docx?version=1&modificationDate=1430237997297&api=v2*

Eberhard Lisse [.NA ccTLD Manager]: (14:08) Please note my objection against discussing a document of which I have had less than 90 minutes time to read and others have not even seen.

Eberhard Lisse [.NA ccTLD Manager]: (14:08) No wonder the Co-Chairs are against a consensus call on this.

Holly J. Gregory (Sidley): (14:08) Understood Robin. Will there be an opportunity to review?

Sabine Meyer (GAC - Germany): (14:09) Terminator 5: Accountability?
Malcolm Hutty: (14:12) I support moving big chunks of this report to Appendices, leaving the "proposal" part of this "Proposal" as the main body of the report

Cheryl Langdon-Orr: (14:13) Yes it should enhance readability

James Bladel - GNSO: (14:13) +1 Malcolm

Leon Sanchez (Co-Chair-ALAC): (14:14) Will call for agreement for that point in a moment Malcolm

Alan Greenberg (ALAC): (14:15) Sorry to be late.

Jordan Carter (.nz, ccTLD member): (14:16) I’ve just circulated a redline of this report compared with the previous frozen one on the email list. Note that anyone can do this who has MS Word

Holly J. Gregory (Sidley) 2: (14:16) Robin, what page does it start on?

Olga Cavalli - GAC Argentina: (14:17) Thanks Jordan this version is useful

Cheryl Langdon-Orr ALAC APRegional Member: (14:17) 16 of the doc on screen

Thomas Rickert, CCWG Co-Chair: (14:18) Robin, the section was already in there last week.

Steve DelBianco [GNSO - CSG]: (14:18) @Robin -- those bits were in the prior version. And you are right -- it reads like a PR piece written by ICANN

Robin Gross [GNSO - NCSG]: (14:19) Beginning with "Policy Consideration Requirements Bylaws-Based Advisory Mechanisms" headline on p. 16 - 20 ending with "ICANN Board selection Process"

Cheryl Langdon-Orr ALAC APRegional Member: (14:19) @Malcolm I would hope that we might use a review questions template as the CWG just has in their PC

Jordan Carter (.nz, ccTLD member): (14:19) I think we should definitely number the questions, and also have the questions set out in a separate document (with page refs), as an easy to find “focus your feedback” aide

Robin Gross [GNSO - NCSG]: (14:20) Steve, this material wasn’t in the frozen doc and this is the first since then, so it is new.

Mathieu Weill, ccNSO, co-chair: (14:20) @Robin : it WAS in the frozen doc

Holly J. Gregory (Sidley) 2: (14:20) It may also be helpful Leon to allow the lawyers time to review.

Malcolm Hutty: (14:20) Graphical tools are all very nice, but no substitute for an authoritative numbering of questions explicitly posed to the community

Jordan Carter (.nz, ccTLD member): (14:21) Robin the content you are talking about WAS in the frozen doc.

Jordan Carter (.nz, ccTLD member): (14:21) I just checked the tracked review

Leon Sanchez (Co-Chair-ALAC): (14:21) @Malcolm those questions will be put in place as well

Robin Gross [GNSO - NCSG]: (14:21) ok, but we never discussed it. this text is problematic

Jordan Carter (.nz, ccTLD member): (14:22) I thought we went over it lightly in the intensive work days?

Jordan Carter (.nz, ccTLD member): (14:22) that's where we had the discussion about the language of what this process is

Thomas Rickert, CCWG Co-Chair: (14:22) Robin, can you send an e-mail with the parts you find problematic?

Cheryl Langdon-Orr ALAC APRegional Member: (14:22) Yes I like hyperlinking within the doc it will help navigation also

Robin Gross [GNSO - NCSG]: (14:22) absolutely, Thomas. Thanks.

Thomas Rickert, CCWG Co-Chair: (14:22) Great, Robin.

Holly J. Gregory (Sidley) 2: (14:24) Thanks Leon.

Cheryl Langdon-Orr ALAC APRegional Member: (14:24) I do NOT find line nimbere useful personally. I can manage just finr with thing like "page x, Para xx Line or bullet point xxx... Disagree with @Alan on this point

Avri Doria (atrt, participant): (14:24) numbers are actually alway there, i think it is just a matter of turning them visible. i think we can all do this in our tools. I turned them. you also need to decide if the restart every page.

Jordan Carter (.nz, ccTLD member): (14:25) line and page numbers are most useful if you have a common version

Robin Gross [GNSO - NCSG]: (14:25) Under 6.2, the second paragraph has the "remains accountable" wording, so can we please just make that "is accountable"? Thank you.

Jordan Carter (.nz, ccTLD member): (14:26) I can circulate a PDF that has line numbers on the tracked changes document if that's helpful

Jordan Carter (.nz, ccTLD member): (14:27) but Avri is right, you can turn those on yourself, and there's limite duse to it if we aren't all using the same doc.
Thomas Rickert, CCWG Co-Chair: (14:27) All, we have removed scroll control for you so that we can always show you the relevant page so you can follow more easily.

Becky Burr: (14:27) I'm in the Adobe room and will be on audio shortly.

Greg Shatan: (14:27) I thought we were going to use “shall”

Steve DelBianco [GNSO - CSG]: (14:28) @Greg -- I changed “shall” in the places where AoC Commitments go into the bylaws.

Avri Doria (atrt, participant): (14:29) ordan, but it we are all using the same do, even on different rendering apps, it should be close.

Avri Doria (atrt, participant): (14:30) that should have been Jordan .... same docs ...

Jordan Carter (.nz, ccTLD member): (14:30) yep

Jordan Carter (.nz, ccTLD member): (14:30) that's the critical if. Because the red-line is the red-line, it loses the page references. Ugh.

Avri Doria (atrt, participant): (14:31) oh well, sorry. forgot i said anything.

Jordan Carter (.nz, ccTLD member): (14:32) No you were excellent in reminding people that they have the ability to add the line numbers!

Rosemary Fei: (14:32) May we see the next page, please?

Sabine Meyer (GAC - Germany): (14:32) ah, we can scroll for the moment.

Robin Gross [GNSO - NCSG]: (14:32) empower the community with scroll control

Jordan Carter (.nz, ccTLD member): (14:34) I think we have to avoid overloading with scroll controls?

Jordan Carter (.nz, ccTLD member): (14:34) oh gosh, wrong sentence

Jordan Carter (.nz, ccTLD member): (14:34) we should avoid overloading with dozens and dozens of questions? Or if we do that detail, we should also ask some sort of summary big-picture questions about the whole report?

Cheryl Langdon-Orr ALAC APRegional Member: (14:35) I prefer the use of a Questins Template as CWG utilised...

Robin Gross [GNSO - NCSG]: (14:36) definitely, Jordan - the questions are very specific and we need views of the big picture (and what haven't we thought of?)

Malcolm Hutty: (14:36) Standard of Review means the principles against which the instant case is measured to determine whether a complaint should be upheld

Farzaneh Badii: (14:36) it's a term in law

Becky Burr: (14:38) apologies Mathieu, still extracting myself from a competing meeting.

Mathieu Weill, ccNSO, co-chair: (14:38) I thought though Becky...

Mathieu Weill, ccNSO, co-chair: (14:41) thought so actually !

David McAuley (RySG): (14:44) Good point @Steve, but remember a registrant may be an individual and a registrant may well need access to mechanisms

Jordan Carter (.nz, ccTLD member): (14:44) woah, did everyone else just get a random reorganisation of the screen?

Sébastien (ALAC): (14:44) Will do Mathieu

Becky Burr: (14:44) yes

David McAuley (RySG): (14:44) screen went wild

Leon Sanchez (Co-Chair-ALAC): (14:44) It was a scheduled test to see if we're paying attention

Cheryl Langdon-Orr ALAC APRegional Member: (14:45) LOL @Leon

Leon Sanchez (Co-Chair-ALAC): (14:45) ;)

Jordan Carter (.nz, ccTLD member): (14:45) Alice has helpfully posted the redline on the draft report to the Wiki, for those who are interested: https://community.icann.org/display/acctcrosscomm/Draft+Report

Malcolm Hutty: (14:45) @SteveDelB: It would be easy enough to give a community institution automatic standing - but we would need to identify who should get it. An SO? A gNSO constituency?

Steve DelBianco [GNSO - CSG]: (14:47) @Malcolm - I am referring to the 'community" as the majority of Members.

Mathieu Weill, ccNSO, co-chair: (14:47) @Robin: looking at 6.5, could you do a § introduction to the reconseration process enhancement, I feel it would be useful

Robin Gross [GNSO - NCSG]: (14:49) Ok, Mathieu, I'd be happy to send a summary / intro paragraph or two for the Recon Request process.
Steve DelBianco [GNSO - CSG]: (14:49) Good additions, Jordan. This is where we explain why we came up with the voting scheme

Mathieu Weill, ccNSO, co-chair: (14:49) thanks, would be useful Robin!

Jordan Carter (.nz, ccTLD member): (14:50) They are weaker, because of what comes after the comma in the second line

Becky Burr: (14:50) the community has standing to initiate an IRP. Just need to define what we mean by community in any particular circumstance.

Steve DelBianco [GNSO - CSG]: (14:50) @Kavous – weaker is referring to the status quo we have in today’s ICANN

Holly J. Gregory (Sidley) 2: (14:50) Agree with Jordan

Steve DelBianco [GNSO - CSG]: (14:50) This gets to Robin’s earlier point about inventory of current accountability mechanisms back in section 4

Jordan Carter (.nz, ccTLD member): (14:51) the status quo is weaker than the proposed approach

Mathieu Weill, ccNSO, co-chair: (14:51) "not as enforceable" as the status quo?

Jordan Carter (.nz, ccTLD member): (14:52) that's what the second part of the sentence says

Avri Doria (atrt, participant): (14:52) what page are we on?

Mathieu Weill, ccNSO, co-chair: (14:52) 51 Avri

Jordan Carter (.nz, ccTLD member): (14:52) Sam, that's a very good point

Avri Doria (atrt, participant): (14:53) thanks

Cheryl Langdon-Orr ALAC APRegional Member: (14:54) Dubious honor Masters of ST's :-)!

Cheryl Langdon-Orr ALAC APRegional Member: (14:55) honour => typing in the dark still here

Julia Wolman, Denmark, GAC: (14:55) That would be useful Jordan

Mathieu Weill, ccNSO, co-chair: (14:55) Master of the STs in the Dark!

Cheryl Langdon-Orr ALAC APRegional Member: (14:56) well That may actually be a good reference term for me @Steve :-)!

Jordan Carter (.nz, ccTLD member): (14:56) it kind of belong on the end of h) - I wrote it as a counter point to "the others aren't off the table, but this is the preferred"

Jordan Carter (.nz, ccTLD member): (14:57) but we could take your suggestion Robin to just add a couple of points there

Jordan Carter (.nz, ccTLD member): (14:57) as what Thomas is suggesting

Jordan Carter (.nz, ccTLD member): (14:57) Staff, are you noting this as an action point?

Jordan Carter (.nz, ccTLD member): (14:58) a word other than variations in g)

arasteh: (14:59) Steve+1

Cheryl Langdon-Orr ALAC APRegional Member: (15:00) I (obviously) agree with what @Steve has pointed out re ST's here and the use of some of our WP’s clarifying text from the later section earlier on. Yes please Steve

arasteh: (15:00) Steve

arasteh: (15:01) you are absolutely right to add those tests

Robin Gross [GNSO - NCSG]: (15:01) I support Sam's point about a bit more text on the possible pros / cons of the models. Right now, we only discuss legal reasons, but surely there are other considerations we should state.

Jordan Carter (.nz, ccTLD member): (15:01) yep, there are

Julia Wolman, Denmark, GAC: (15:01) +1 Robin

Jordan Carter (.nz, ccTLD member): (15:02) If not in the body of the document, we could definitely refer directly to it

Izumi Okutani (ASO): (15:02) I would find that suggestion helpful

Izumi Okutani (ASO): (15:02) also good with Jordan's suggestion

arasteh: (15:04) Writing proses and cones is very difficult as it depends who writes those. If somebody in favour of MODEL HE OR SHE PUT as many propose as he or she wants or vice versa

arasteh: (15:04) It is difficult to do so.

Steve DelBianco [GNSO - CSG]: (15:04) Stress Tests 12 and 13 (pages 86-87) address capture risks. We have attempted to evaluate our proposed measures there

arasteh: (15:04) I do not support that at all
Samantha Eisner: (15:05) Happy to work with Steve on that

Steve DelBianco [GNSO - CSG]: (15:05) Glad to talk with you about that, Sam

Keith Drazek: (15:05) Isn't the protection against a particular member group capture of ICANN the voting thresholds?

Steve DelBianco [GNSO - CSG]: (15:05) @Keith -- that is what we say in ST 12 and 13

Jordan Carter (.nz, ccTLD member): (15:06) the way we prevent capture is by a careful balance of power

Samantha Eisner: (15:06) @Keith, I agree that could be the case within the community-driven mechanisms

Jordan Carter (.nz, ccTLD member): (15:06) and careful separations of power

Jordan Carter (.nz, ccTLD member): (15:06) but it is an explicit question we should ask the public

Samantha Eisner: (15:06) however there are statutory rights that are given to individual members that may not be bound by the community-coordinated actions

David McAuley (RySG): (15:07) Agree with Jordan, Steve, Keith

Jordan Carter (.nz, ccTLD member): (15:07) Sam - maybe a question for counsel is whether the unincorporated association rules could remove such rights to act individually, or somehow limit them

Keith Drazek: (15:08) I guess I assumed that the statutory members' power would be constrained by requiring a high threshold of cross-community (or cross-member) support

Samantha Eisner: (15:08) @Jordan, I would fully support that question being passed along

Thomas Rickert, CCWG Co-Chair: (15:08) Page 52

arasteh: (15:08) Unless we have some agreed way on how to formulate pros and cons and agree on the text we can not assign it to a limited group as we do not know whether they are infavour or against a particular model

Holly J. Gregory (Sidley) 2: (15:08) the vast majority of member rights require coordinated action

Holly J. Gregory (Sidley) 2: (15:08) but we would be happy to provide details

Robin Gross [GNSO - NCSG]: (15:09) I agree with Izumi about needing a more complete description on p. 52.

Mathieu Weill, ccNSO, co-chair: (15:09) @Kavouss: our plan is to stay within the table provided by lawyers, and present it as such, to avoid opening new discussions

Keith Drazek: (15:09) Exactly Holly. I guess a key consideration would be to identify any that do not rely on coordinated action.

Holly J. Gregory (Sidley) 2: (15:09) Keith +1

Samantha Eisner: (15:09) @Holly, specifically understanding the areas where there are individual rights that are provided to members and that cannot clearly be constrained by agreements/bylaws/community action

Rosemary Fei: (15:10) Recall that the proposed structure contemplates that each member is also in a class by itself, and there are some rights that are protected at the class level.

Jordan Carter (.nz, ccTLD member): (15:10) staff should note in para c the "1" after "Reference Option" is redundant

Izumi Okutani (ASO): (15:11) sorry lowed!

Thomas Rickert, CCWG Co-Chair: (15:11) thanks, izumi. no problem!

Jordan Carter (.nz, ccTLD member): (15:12) existing structure of the ICANN Board?

Jordan Carter (.nz, ccTLD member): (15:12) no issue with such a suggestion if that was the intention

James Bladel: GNSO: (15:13) I believe Robin's intervention is more closely aligned with NTIA's vision.

Phil Buckingham: (15:13) sorry Robin - what page, section was that

Robin Gross [GNSO - NCSG]: (15:13) "It is therefore more closely aligned with the existing structure of ICANN and in keeping ICANN rooted in the private sector."

Thomas Rickert, CCWG Co-Chair: (15:14) f on p 54

Robin Gross [GNSO - NCSG]: (15:15) yes, (f) on p. 54 (section 6.6.1.2)

Phil Buckingham: (15:16) thanks Robin

Izumi Okutani (ASO): (15:16) Just to share I have sent text suggestion for 6.6.1 f)

Izumi Okutani (ASO): (15:16) to the CCWG ML
Sébastien (ALAC): (15:16) My proposal keep the text as it is

Jordan Carter (.nz, ccTLD member): (15:17) we need to remove all the bold/italic text from this part of the report

Jordan Carter (.nz, ccTLD member): (15:17) it's old drafting notation

Robin Gross [GNSO - NCSG]: (15:17) But the text is to explain the rationale for the proposal. And that is a rationale for the proposal. This isn't an approval of the proposal, just an explanation of why it was made.

Holly J. Gregory (Sidley) 2: (15:19) Suggest that we refer to "removing individual directors " and R

Holly J. Gregory (Sidley) 2: (15:19) "recalling" when we speak fo full board

Jordan Carter (.nz, ccTLD member): (15:19) I think Holly's suggestion is a good one

Alan Greenberg (ALAC): (15:20) @Robin, the two weighting models differ by the Reference giving more weight to governments and users. It is not at all clear how that makes it more rooted in the PRIVATE sector.

Jordan Carter (.nz, ccTLD member): (15:20) the language has to be clear that there are bylaws and Fundamental Bylaws - as long as we make this distinction clear we are on safe ground, right?

Mathieu Weill, ccNSO, co-chair: (15:20) @Holly: we tried that, can you point us to where that remains incorrect ?

Holly J. Gregory (Sidley) 2: (15:21) title of 6.6.5 still speaks of Recalling individual ICANN directors

Mathieu Weill, ccNSO, co-chair: (15:21) @Thanks Holly. Damned !

David McAuley (RySG): (15:21) pesky titles Mathieu

Avri Doria (atrt, participant): (15:21) so recall if for the full board. what is it for individual mememrs?

Mathieu Weill, ccNSO, co-chair: (15:21) Always forget them...

Mathieu Weill, ccNSO, co-chair: (15:22) @Avri : it is remove

Avri Doria (atrt, participant): (15:22) thanks. will try to keep it str8

Jordan Carter (.nz, ccTLD member): (15:22) it is coincidental ;)

Cheryl Langdon-Orr ALAC APRegional Member: (15:22) Forest and Trees also having an effect at this point I suspect

Mathieu Weill, ccNSO, co-chair: (15:22) No Thomas, this MUST STAY, this is important !

Avri Doria (atrt, participant): (15:22) i think the new section reads well.

Cheryl Langdon-Orr ALAC APRegional Member: (15:23) Yup :-)

Jordan Carter (.nz, ccTLD member): (15:23) Avri, the nomcom stuff in 6.6.5 or 6.6.6?

Jordan Carter (.nz, ccTLD member): (15:25) in 6.6.6 do we plan to keep the grey there?

Mathieu Weill, ccNSO, co-chair: (15:25) @Jordan : no

Cheryl Langdon-Orr ALAC APRegional Member: (15:25) Good Point @Alan... re the Either option........

Jordan Carter (.nz, ccTLD member): (15:26) Alan, I think that's a level of detail we don't need to solve, but I might be wrong

Jordan Carter (.nz, ccTLD member): (15:26) we could say it would only be assembled at need

Jordan Carter (.nz, ccTLD member): (15:29) none of this is hard coded - it's a first public comment report ;0

Thomas Rickert, CCWG Co-Chair: (15:29) the queue is closed on this question...

Holly J. Gregory (Sidley) 2: (15:30) Avri, We have been working on your question re Nom Com and have been thinking re details. should have a memo to you tomorrow --

Avri Doria (atrt, participant): (15:30) Thanks Holly.

Cheryl Langdon-Orr ALAC APRegional Member: (15:32) Just to also note that to Alans point there are other effects ON people serving in a NC as for e.g. the limitation on those who are serving in a Nom Com "not" being able to be appointed to any Council or Committee (as well as the Board) that the NC appoints to until AFTER the NC they serve on is completed and disbands... This does effect things far more broadly than just matters relating to "the Board" we would need to be very specific to make sure all bases are carefully covered in this... very much for later work IMO... could go to WS2 for the details IMO

Jordan Carter (.nz, ccTLD member): (15:34) We should note that this copy of the report does not include the new language on the lists yesterday regarding Board responses to AOC reviews

Jordan Carter (.nz, ccTLD member): (15:40) Kavouss, the deference is stated there already

Jordan Carter (.nz, ccTLD member): (15:40) page 73 of the PDF
Jordan Carter (.nz, ccTLD member): (15:40) it's due "deference" not due "difference"

Samantha Eisner: (15:41) @Steve, we could include a reference to the Bylaws-mandated consultation process instead of trying to describe the process

Jordan Carter (.nz, ccTLD member): (15:43) no.

Thomas Rickert, CCWG Co-Chair: (15:44) I think we can count on the GAC not to allow simple majority to be the basis for their advice

Greg Shatan: (15:44) The more realistic risk is that the GAC adopts the GNSO's definition of consensus....

Thomas Rickert, CCWG Co-Chair: (15:45) @Greg - not sure it is a risk

Steve DelBianco [GNSO - CSG]: (15:45) @Sam -- we do refer to the Bylaws in middle column, and I quoted the "mutually acceptable solution"

Jordan Carter (.nz, ccTLD member): (15:45) can we not relitigate this whole issue again?

Julia Wolman, Denmark, GAC: (15:45) Agree with Kavouss

Jordan Carter (.nz, ccTLD member): (15:45) we are now comprehensively going around in circles

Sabine Meyer (GAC - Germany): (15:45) +1 Jordan.

Alan Greenberg (ALAC): (15:45) I was NOT suggesting that the GAC would change the definition as noted. I was only questioning the wording of the sentence in col 3

Greg Shatan: (15:45) @Thomas, it would certainly change the dynamic in the GAC.

Avri Doria (atrt, participant): (15:46) So the GAC notion of consensus will only change when the UN's notion of consensus changes?

Jordan Carter (.nz, ccTLD member): (15:46) the "but" is essential in that sentence, Alan. It signifies the change from the status quo...

Cheryl Langdon-Orr ALAC APRegional Member: (15:47) Thanks @Steve

Steve DelBianco [GNSO - CSG]: (15:47) @Alan. Oh, I see what you were getting at. But really I think we need to indicate that GAC could change to majority BUT that would not require ICANN to give the deference we give to Consensus advice

Thomas Rickert, CCWG Co-Chair: (15:48) thanks for pointing that out, Robin! Well spotted.

Thomas Rickert, CCWG Co-Chair: (15:54) timeline is on p 96

Sabine Meyer (GAC - Germany): (15:54) so...p96

Robin Gross [GNSO - NCSG]: (15:55) I don't have a position on if the conflict of interest policy is robust enough. I just think we need to look at it and ask ourselves it is sufficient and does it aid in ICANN's accountability? Maybe it does. Maybe it could use a couple small tweaks. Maybe it needs a lot. We won't know until we look at it and ask ourselves these questions.

Sabine Meyer (GAC - Germany): (15:56) maybe you could put the steps into plain text as well? even at 400% zoom I can barely make out anything.

Sabine Meyer (GAC - Germany): (15:56) thank you!

Leon Sanchez (Co-Chair-ALAC): (15:56) 400%???? :P

Jordan Carter (.nz, ccTLD member): (15:56) I think the timeline for CP2 is too close to ICANN Buenos Aires

Jordan Carter (.nz, ccTLD member): (15:57) I don't know why we would be aiming to get our final proposals to SOs and ACs on 5 August.

Leon Sanchez (Co-Chair-ALAC): (15:57) True @Sabine, even at 400% zoom the timeline is not distinguishable

Jordan Carter (.nz, ccTLD member): (15:57) Can someone step that out for us on the mainlining lists?

Sabine Meyer (GAC - Germany): (15:57) I just pressed "*" until it stopped enlarging.

Robin Gross [GNSO - NCSG]: (15:58) yes, I can't read this at all.

Jordan Carter (.nz, ccTLD member): (15:58) The PDF is https://community.icann.org/download/attachments/50823981/CWG-CCWG_timeline_20150430.pdf?version=1&modificationDate=1430226818000&api=v2

Sabine Meyer (GAC - Germany): (15:58) thank you, Jordan!

Jordan Carter (.nz, ccTLD member): (15:58) (link above is to the PDF of the schedule)

HOLLY J. GREGORY (SIDLEY) 2: (15:59) When does a new version circulate and what version would you like counsel to plan to review??

jorge cancio (GAC): (16:00) you'll provide us with a before/after chart/diagramm as we talked at the last call?

Izumi Okutani (ASO): (16:00) Wonderful Mathieu to know about this material ready for outreach

Robin Gross [GNSO - NCSG]: (16:01) should I sent my proposed text changes as red-lined in the Word doc or just text in an email with page numbers?

jorge cancio (GAC): (16:02) it would be useful for high-level officials :)
Jordan Carter (.nz, ccTLD member): (16:02) thanks everyone
Jordan Carter (.nz, ccTLD member): (16:02) talk soon!
Leon Sanchez (Co-Chair-ALAC): (16:02) Thanks everyone!
Cheryl Langdon-Orr ALAC APRegional Member: (16:02) Just the later will do I think Robin
Olga Cavalli - GAC Argentina: (16:02) tanks to all and goodbye!
Thomas Rickert, CCWG Co-Chair: (16:02) Thanks all!
Cheryl Langdon-Orr ALAC APRegional Member: (16:03) Thanks everyone Bye for now...
Rosemary Fei: (16:03) Goodbye, everyone. Thank you.
HOLLY J. GREGORY (SIDLEY) 2: (16:03) Thanks all!
jorge cancio (GAC): (16:03) thanks, bye
Pår Brumark (GAC Niue): (16:03) Thx all!
Leon Sanchez (Co-Chair-ALAC): (16:03) Have a great day/evening/night
Michael Clark (Sidley): (16:03) Thanks
Izumi Okutani (ASO): (16:03) Bye all thanks!!
Sabine Meyer (GAC - Germany): (16:03) bye!
David McAuley (RySG): (16:03) Thanks
Julia Wolman, Denmark, GAC: (16:03) thanks bye
Robin Gross [GNSO - NCSG]: (16:03) thanks all, bye
Phil Buckingham: (16:03) Thanks