

CCWG ACCT Meeting #41 - Session 4 (17 July)

Attendees:

Members: Alan Greenberg, Alice Munyua, Athina Fragkouli, Becky Burr, Bruce Tonkin, Cheryl Langdon-Orr, Eberhard Lisse, Finn Petersen, Fiona Asonga, Izumi Okutani, James Bladel, Jordan Carter, Jorge Villa, Julie Hammer, Leon Sanchez, Lyman Chapin, Maarten Simon, Mathieu Weill, Olga Cavalli, Pär Brumark, Robin Gross, Samantha Eisner, Sébastien Bachollet, Steve DelBianco, Thomas Rickert, Tijani Ben Jemaa, Tracy Hackshaw (27)

Participants: Adebunmi Akinbo, Akihiro Sugiyama, Amr Elsadr, Andrew Harris, Anne Aikman-Scalese, Antonia Chu, Ashley Heineman, Avri Doria, Bill Drake, Bruno Lanvin, Carlos Raúl Gutiérrez, Chris Disspain, Damien Coudeville, David McAuley, Desiree Miloshevic, Edward Morris, Emmanuel Adjovi, Erika Mann, Farzaneh Badii, George Sadowsky, Greg Shatan, James Gannon, Jeff Neuman, Jonathan Zuck, Jorge Cancio, Kavouss Arasteh, Keith Drazek, Konstantinos Komaitis, Laurent Ferrali, Lise Fuhr, Maciej Tomaszewski, Malcolm Huty, Mark Carvell, Markus Kummer, Maura Gambasssi, Mike Chartier, Nathalie Coupet, Paul Rosenzweig, Pedro da Silva, Phil Buckingham, Phil Corwin, Rafael Perez Galindo, Rinalia Abdul Rahim, Sabine Meyer, Seun Ojedeji, Sivasubramanian Muthusamy, Thomas de Haan, Thomas Schneider, Tom Dale, Wisdom Donkor, Wolfgang Kleinwächter (51)

Legal Counsel: Holly Gregory, Ingrid Mittermaier, Josh Hofheimer, Rosemary Fei

Advisors: Jan Scholte, Lee Bygrave, Willie Currie

Staff: Adam Peake, Bart Boswinkel, Bernard Turcotte, Berry Cobb, Brenda Brewer, Eric Evrard, Grace Abuhamad, Hillary Jett, Julia Charvolen, Kim Carlson, Mike Brennan, Theresa Swinehart

Apologies: Giovanni Seppia, Julia Wolman, Martin Boyle, Matthew Shears, Nell Minow, Roelof Meijer, Valerie D'Costa

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

Transcript

- [Transcript CCWG ACCT #41 Session 4_17 July.docx](#)
- [Transcript CCWG ACCT #41 Session 4_17 July.pdf](#)

Recording

- The Adobe Connect recording is available here: <https://icann.adobeconnect.com/p65lk2blqb6/>
- The audio recording is available here: <http://audio.icann.org/gnso/gnso-ccwg-acct-1345-17jul15-en.mp3>

Proposed Agenda

15:45-16:45 – Community mechanisms practicalities (including voting weights) – WP1

Relevant documents :

- Influence in the community mechanism – WP1 input

16:45-17:45 – Refining community powers: budget / strategic plan, Bylaws – WP 1

Relevant documents :

- Budget and strategic plan sections – WP1 input
- Change of standard Bylaws section – WP1 input
- Fundamental Bylaws – WP1 input

17:45-18:30 – Review of emerging items – WP3

Relevant documents :

- Staff accountability WP3 input
- SO/AC accountability WP3 input
- Diversity WP3 input

Notes

Now, session on government input (previous session rate late)

- GAC to remain in advisory status
- Large diversity of views in GAC input

Core value 11 and Stress Test 18 are issues for France and, if they remain, they will be limits to gaining consensus on CCWG proposal in Dublin.

Community mechanisms practicalities (including voting weights)

What were the concerns found during the Public Comment?

- A range of views on voting weights: SSAC and RSSAC not wanting voting weights. Some calls for GNSO to have greater voting weight
- How votes can be shared within an SO/AC's allocation
- Clarity on whether there is a Community Council

How were they resolved?

- Central proposal still 5 votes each for SOs, GAC and ALAC, and 2 votes for SSAC and RSSAC, alternative 5 votes each
- Clear expression of SO/AC right to share votes among constituent parts by formal decision of that SO/AC
- Opting out or abstentions removed from count – minimum thresholds to take action
- Mechanism is a group: ICANN Community Council, with nominees from SOs /ACs. Participation at varying levels. Potential for F2F meeting if ultimately needed.

What are the open issues? Decision in Paris or Included in 2nd Proposal

- Group preference for voting weights, including what to do with RSSAC/SSAC
- ICANN Community Council
- If GAC decides to participate in any way, would they lose their unique right to “negotiate” with Board?

Other points to note/consider:

- The ICANN Community Council could be the “Sole Member”
- Fractional votes could imply large number of people per AC/SO

Numbers are not clear in GNSO

CONCLUSIONS:

Voting weights:

- SSAC and RSSAC are not interested in any major change (would require bylaw change). They will not have voting rights in the mechanism as proposed.
- Other groups will remain at 5.

Suggestion to go into 2nd Public Comment with fractional votes.

Refining community powers: budget / strategic plan, Bylaws – WP 1

What were the concerns found during the Public Comment?

- Better to improve community involvement in Budget and Strat Plan Development
- Concern over potential operational paralysis
- Concern over board acceptance of continuing resolution
- How do we prevent “horse trading” by SO/ACs on budget (TODAY)
- How do we prevent undue delays in budget development (TODAY)

How were they resolved?

- Clarification that continuing resolution prevents paralysis
- Assurance that development process improvement is in WS2
- Proposals to cap round trips before escalation or squeezing the budget
- Clarification over voting thresholds, depending on mechanism

For WS2, improving the budget process

Edit the draft to include:

- provide rationale for veto
- rationale will include public comments reference

A veto does not affect the IANA/PTI budget.

--> no agreement. group will factor discussion in re draft and suggest clearer text

Do we agree that the budget process needs to be further defined in WS2?

--> Yes. However, for clarity, IANA budget is not tabled to WS2.

What are "budget sanctions"? In case there is a veto, the budget would be cut by a certain percentage to force consensus.

--> CCWG decided against having these sanctions in the budget

Rest of WP1 will be sent to mailing list (Fundamental bylaws and Standard Bylaws)

17:45-18:30 – Review of emerging items – WP3

Relevant documents :

- Staff accountability WP3 input
- SO/AC accountability WP3 input
- Diversity WP3 input

Staff accountability -- defining role with regard to ICANN and community for WS2

Look at SO/AC accountability as part of structural reviews

Diversity --> keep in WS1 the regard for diversity in any proposal(s).

Any item of WS1 will need to be fully described in the 2nd draft since the Public Comment is the last opportunity for comment.

Documents Presented

[WP-1-questions-comm-mechanism-nature-votes-v03.pptx](#)

Chat Transcript

Kimberly Carlson: (07:18) Welcome to CCWG Accountability Meeting #41 – Session 4 on 17 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>

Greg Shatan: (07:19) Iced coffee for me..

Jeff Neuman (Valideus): (07:20) Whoever is watching the chat, is there a paper on the community mechanism as sole member model?

Jeff Neuman (Valideus): (07:24) Anyone else hearing strange beeps

Sivasubramanian M: (07:24) yes there is a beep

Kimberly Carlson: (07:24) Yes, sorry. A line on the phone bridge dropped.

Sivasubramanian M: (07:25) Jeff when you get the paper, please pass me a copy

David McAuley: (07:26) Jeff, we have been using slides coupled with discussions - here is the reading list for today and tomorrow with a number of useful docs (scroll down for legal docs) <https://community.icann.org/display/acctcrosscomm/Reading+List++Face+to+Face+Paris#>

Kimberly Carlson: (07:33) @Jeff Neuman, there is no paper available, only the slides

Jeff Neuman (Valideus): (07:33) Can everyone who is not talking please mute your mic. Thanks :)

Jeff Neuman (Valideus): (07:34) And where can we access the slides?

Kimberly Carlson: (07:35) In addition to the line David provided above for the reading list, slides, recordings, transcripts for each session will be available on the meeting page

Kimberly Carlson: (07:35) page for session 3: <https://community.icann.org/x/C4FCAw>

Christopher Wilkinson 2: (07:38) There is no sound. CW

James Gannon [GNSO-NCSG]: (07:38) Kimberly is it not this one? <https://community.icann.org/pages/viewpage.action?pageId=54690062>

Kimberly Carlson: (07:38) CW, they are still on break

Kimberly Carlson: (07:39) @James, that is session 4 (which we are starting momentarily)

Kimberly Carlson: (07:40) each day was broken into 4 sessions for transcript and recording purposes

Ingrid Mittermaier (Adler Colvin): (07:49) We lost the sound

Grace Abuhamad: (07:50) Is sound back

Mike Brennan: (07:51) The audio should be fine, I am hearing it through the Adobe room. Please restart Adobe if you are having issues

Seun Ojedeji: (07:51) Yes

Grace Abuhamad: (07:51) Thank you @Mike

Mike Brennan: (07:51) np

James Gannon [GNSO-NCSG]: (07:52) +1 Regardless of whether I agree with some of the positions its so useful to have the inputs

Jordan Carter (.nz, ccTLD member): (07:55) Good session last session

Avri Doria: (08:05) So, we can say we saw the Gac's comments and changed the model soon after.

Becky Burr: (08:05) but the GAC as a whole needs to decide what they want

Isaias: (08:06) Very clear the one that has recently spoke

Isaias: (08:07) The girl that spoke about GAC position

Olga Cavalli - GAC Argentina: (08:08) @isaias thanks for calling me "girl"

Becky Burr: (08:08) e.g., how do we reconcile calls for more equal footing with call to retain "first among equals" role?

Avri Doria: (08:09) BEcky, with difficulty

Isaias: (08:10) Glad to know you are there..

Steve DelBianco [GNSO - CSG]: (08:13) Do GAC reps see a distinction between Public Policy and public interest?

Seth Johnson: (08:17) Question: are we addressing the GAC Input only at this time? And the CCWG Jurisdiction will be later?

Thomas Schneider: (08:17) @Steve: well, i am not an English native, but i can try and start giving you an answer: Public policy is an issue that is of public interest. Public interest is the - aggregated and balanced substantive "position" on an issue.

Becky Burr: (08:17) yes Seth

Thomas Schneider: (08:18) @Steve: sorry, PP is the policy on an issue of public interest

Tracy Hackshaw (Trinidad & Tobago): (08:18) @Steve - Public Policy is normally the remit of Governments, following consultations with their citizens, businesses, stakeholders ... Public Interest is a more fundamental concept of which everyone shares responsibility

Tracy Hackshaw (Trinidad & Tobago): (08:18) However, Governments, by definition, are expected to operate in the Public Interest

Becky Burr: (08:19) Thanks for that Tracy - very helpful. and consistent with the notion that the public interest is identified through the multistakeholder process, including governments

Seth Johnson: (08:19) tx Beccky

Tracy Hackshaw (Trinidad & Tobago): (08:20) Agree with @Thomas(GAC) where Public Policy is made in the Public Interest on topics of Public Interest.

Seth Johnson: (08:20) governmental systems as a whole are systems to assure public interest

Seth Johnson: (08:21) the checks and balances are rooted

Seth Johnson: (08:21) and that's how it works.

Seth Johnson: (08:21) especially in gov of/by/for people, the people are critical "in relation to" the govts

Becky Burr: (08:21) "Equal footing" is not necessarily the same as "equivalent footing." I

Seth Johnson: (08:22) it doesn't strictly make any sense

Seth Johnson: (08:22) what is this "first among equals" bit? from where?

Steve DelBianco [GNSO - CSG]: (08:22) Core Value 11: While remaining rooted in the private sector, recognizing that governments and public authorities are responsible for public policy and duly taking into account the public policy advice of governments and public authorities in accordance with the Bylaws and to the extent consistent with these Fundamental Commitments and Core Values.

Tracy Hackshaw (Trinidad & Tobago): (08:22) Another concept which creates somewhat of a dissonance is the notion of "National Policy"

Seth Johnson: (08:24) can anybody tell me what this "first among equals" line is?

Greg Shatan: (08:24) Why do GAC members believe that their unique advisory status should survive if their advice is no longer the product of full consensus?

Tracy Hackshaw (Trinidad & Tobago): (08:25) So there can be National Policy on Internet Governance, for example. This exists in several developing countries ...

Seth Johnson: (08:25) there's a deep lack of public interest systems that work in the intl arena

Mathieu Weill: (08:25) I am closing the queue

Becky Burr: (08:25) Neither Core Value 11 or Stress Test 18 presume to tell the GAC how to operate. The GAC can operate in whatever way it wants. Those provisions relate to the way in which ICANN is obliged to respond to GAC Advice

Jordan Carter (.nz, ccTLD member): (08:25) I have Green back.

Greg Shatan: (08:25) It was pointed out at the top of the meeting that WS1 is not defined by relevance to the IANA transition, even if that's become a simplistic way of viewing it.

Steve DelBianco [GNSO - CSG]: (08:26) US Government said this: We also interpret stress test 18 as both appropriate and necessary to meet the requirement that the IANA transition should not yield a government-led or an intergovernmental replacement for NTIA's current stewardship role.

Steve DelBianco [GNSO - CSG]: (08:26) So, ST 18's bylaw change is in WS1 because NTIA regards it as essential to meet the transition requirements.

Jordan Carter (.nz, ccTLD member): (08:26) are the Americans and the French talking?

Seth Johnson: (08:27) stress test 18 is relevant to the transition (iana or more generally; no importance to the distinction)

Seth Johnson: (08:27) (except as an expression of addressing accountability properly and fully)

Greg Shatan: (08:27) The desire to keep the unique status of GAC Advice (with a capital A) even if the GAC reduces its criterion for such Advice, seems like a desire to have one's cake and eat it too.

Avri Doria: (08:28) it is certainly problematic

Seth Johnson: (08:29) Well, it's more importantly "what happens when you transition" -- it's now time for govts to assert themselves.

Greg Shatan: (08:29) I think there is an absolute recognition of how the GAC operates. And the relationship of that operation to the unique status of GAC Advice. The issue is what happens when the process changes.

Seth Johnson: (08:30) The thing is to address the fact that that happens

Seth Johnson: (08:30) Yep, how gac operates is clear. but we are ostensibly walking toward inter(net) governance

Jordan Carter (.nz, ccTLD member): (08:31) the test involved is a capture point, right? The question is whether an Advisory Committee can ever "capture" through more liberal "advising" going on?

Seth Johnson: (08:31) and away from national recourse

Jordan Carter (.nz, ccTLD member): (08:31) (for the NTIA anyway)

Seth Johnson: (08:31) those are the two sides of the dynamic

Mark Carvell GAC - UK Govt: (08:32) A significant number of GAC members (including UK) are fully committed to formal GAC advice always being consensus-based and that would apply potentially to GAC participation in community empowerment mechanisms.

Seth Johnson: (08:33) I think there's a contingent that recognizes the dynamic relation between people and gov

Seun Ojedeji: (08:33) Good Question/point @Jordan

James Gannon [GNSO-NCSG]: (08:33) That's helpful Mark thank you

Seth Johnson: (08:33) (my last comment responds to mark)

Becky Burr: (08:34) @Kavouss - how would the GAC be able to participate (through voting) in the community mechanism if it is so difficult to get a single and clear answer from governments?

Jordan Carter (.nz, ccTLD member): (08:34) I believe some other governments that have not participated in the current questionnaire share the UK view

Becky Burr: (08:34) Would it be easier for GAC to provide advice to the community mechanism?

arasteh: (08:34) Becky

arasteh: (08:35) It depends the case.

Seth Johnson: (08:35) I think privatizing in the intl arena can't duplicate the same role in the intl arena

Seth Johnson: (08:35) same role for GAC (sorry)

Seth Johnson: (08:35) it gets reduced to 1) entity trying to operate + 2) intergov activity moving with more force

arasteh: (08:35) Sometimes participatioin in voting on a given subject together with other ac /SO may not be difficult to accomplish .

Seth Johnson: (08:36) once you "go full private" you actually blindly liberate the gov's

Seth Johnson: (08:37) NOW: gov's DO make policy

Seth Johnson: (08:37) What's missing is a full conception of checks

Seth Johnson: (08:38) the whole transition has been blind to what's really happening when you hand off to the intl arena.

Alice Munyua (GAC): (08:38) The GAC needs to discuss this further

Seth Johnson: (08:38) The intl arena is *always* intergov. You just are force to deal with that fact. Gov's have priority

Seth Johnson: (08:38) nationally -- people have limits on gov's

Mark Carvell GAC - UK Govt: (08:39) Regarding current question, UK view is advice to community group is additional to role in advising the Board.

Seth Johnson: (08:39) (sorry, off my ramble)

Mathieu Weill: (08:39) @Mark Thanks

Isaías: (08:40) good point for Olga Cavalli, participant from Dominican Republic.

Olga Cavalli - GAC Argentina: (08:41) gracias Isaías

David McAuley (RySG): (08:45) Agree w/Jorge about reading through comments – very interesting

Leon Sanchez (Co-chair ALAC): (08:46) @Olga it seems you have a fan in Dominican Republic!

Olga Cavalli - GAC Argentina: (08:46) :)

Mark Carvell GAC - UK Govt: (08:47) UK supports to ability to opt-in specific mechanisms on key issues where public interest aspects are inherent to the issue. That would include initiating a community-based proposal.

jorge cancio (GAC): (08:48) +1 Mark on opt-in as an option, if that redundancy is acceptable ;-)

Jordan Carter (.nz, ccTLD member): (08:49) the challenge for the CCWG is understanding how to respond to the diversity of GAC member views

Isaías: (08:51) That is right Jordan. To put the common point in the table and work on common solution to most issues as possible.

Jordan Carter (.nz, ccTLD member): (08:51) doubly ironic when GAC advice on the matter comes from consensus :)

Jordan Carter (.nz, ccTLD member): (08:51) complicated, not ironic!

Greg Shatan: (08:52) Maybe this is the vote where the GAC should change to majority rule to provide its input on the CCWG proposal.

jorge cancio (GAC): (08:52) is that a proposal, Greg? ;-)

Avri Doria: (08:53) i don't see the identity between the NTIA requirements and the absence of changing the rules of advice. since advice is not absolute, but can be rejected,.

Greg Shatan: (08:53) The path to rejecting GAC Advice is long and winding, and rarely traveled to its end.

Greg Shatan: (08:54) Jorge, perhaps it is an interesting test case for all sides.

Becky Burr: (08:54) @ Mark Carvell - opt-in on particular public policy issues in an interesting approach. How would that work? At what point would the GAC signal its intent to opt-in?

Avri Doria: (08:54) but it has been. rejected and could be rejected again.

Seth Johnson: (08:54) I hope the CCWG Jurisdiction issue will be discussed now

Seth Johnson: (08:55) I specifically asked if it would be

wolfgang: (08:55) There is no ONE static multistakeholder model. We have different multistakeholder approaches in different environment, designed around the specific nature of the issue under discussion.

Seth Johnson: (08:55) According to Becky, yes it will

Seth Johnson: (08:55) (yes the ccwg-juris doc will be discussed separately)

Mark Carvell GAC - UK Govt: (08:56) The GAC needs to have a thorough discussion of Stress test 18. That will not happen before Dublin. We are cognisant of our responsibility as a Chartering organisation to assist the transition consistent with NTIA criteria.

Anne Aikman-Scalese: (08:56) It seems to me NTIA requirement is not about how GAC advice is defined, but rather about how the ICANN Board deals with that advice.

Jordan Carter (.nz, ccTLD member): (08:57) Absolutely right, Anne.

Jordan Carter (.nz, ccTLD member): (08:57) Same as what ST18 is about.

Phil Buckingham: (08:58) + 1 mark + 1 Becky. Interesting approach . GAC - Default opt in .

Julie Hammer: (08:58) After dinner will mean almost no sleep for me tonight.

Seth Johnson: (08:58) Please resume with ccwg jurisdiction

Julie Hammer: (08:58) It is currently 0100 here.

Mark Carvell GAC - UK Govt: (08:58) @Becky: not yet worked out but as early as possible in any procedure working inter-sessionally.

Seth Johnson: (08:59) When will I address CCWG Jurisdiction?

Seun Ojedeji: (08:59) what of the CMSM when are we coming back to it?

Seun Ojedeji: (09:00) I hope its not be already determined that its the sole model to now focus on as i think we still need to discuss it further

Leon Sanchez (Co-chair ALAC): (09:01) @Seth it's in our agenda for tomorrow at 9:45 am

Jordan Carter (.nz, ccTLD member): (09:01) Seun: that one is on the agenda for 8.45

Seth Johnson: (09:01) Okay. Think it important before too much motion on the model

Jordan Carter (.nz, ccTLD member): (09:01) (so far)

Seth Johnson: (09:01) but tx leon

Nathalie Coupet: (09:01) @Seun: What is the CMSM?

Leon Sanchez (Co-chair ALAC): (09:02) No problem Seth. Thank you!

Seun Ojedeji: (09:02) hmmm...okay so it seem we are not working to get a specific model focus today. I wish we did

Seun Ojedeji: (09:02) Thanks Leon

Jordan Carter (.nz, ccTLD member): (09:02) we are out of time, Seun - and it's important to let people think about it overnight anyway

Leon Sanchez (Co-chair ALAC): (09:03) @Seth will our hand remain up? or is it just that you forgot to lower it?

Seun Ojedeji: (09:03) @Nathalie "Community Mechanism as Sole Member Model" (CMSM)

Seth Johnson: (09:03) Forgot

Seth Johnson: (09:03) Are you official? It's on the schedule for tomorrow am?

Seth Johnson: (09:03) (@leon)

Nathalie Coupet: (09:03) @Seun: Thank you

Seun Ojedeji: (09:04) @Jordan its fine then. Still ruminating over the CMSM and although i have asked this question before, i like to ask in a different form; "If limitation/community dependency on CMSM is in the bylaw, but isn't being followed, what legal standing will the SO/AC's have _in court_ for enforcement?"

Seun Ojedeji: (09:04) will expect answer tomorrow

Jordan Carter (.nz, ccTLD member): (09:04) which dependency do you mean

Seth Johnson: (09:05) (It was distinctly enumerate today)

Leon Sanchez (Co-chair ALAC): (09:05) @Seth yes it's official in the agenda for tomorrow 9:45 am to 10:15

Seth Johnson: (09:05) tx again

Anne Aikman-Scaless: (09:06) It strikes me that the sole member must be defined in the Articles of Incorporation, not the By-laws - but outside counsel will advise.

Seun Ojedeji: (09:06) @Jordan re:dependency ; CMSM action being dependent on community directive

Jordan Carter (.nz, ccTLD member): (09:06) is this the "the people casting our vote/s in the CMSM might get out of control" thing?

Seun Ojedeji: (09:07) Yes @Jordan

Grace Abuhamad: (09:07) @Seth -- here is the agenda https://community.icann.org/download/attachments/54690279/CCWG-ACCT%20Paris%20Agenda_FINAL.pdf?api=v2

Seun Ojedeji: (09:07) Which is actually the currently concern with ICANN board

Jordan Carter (.nz, ccTLD member): (09:07) ok. I think the answer is the same as where we landed with the old UAs proposal

Jordan Carter (.nz, ccTLD member): (09:08) but good to ask the lawyers direct tomorrow

Becky Burr: (09:08) yes, but is that the relevant SO/AC relieves their rep of duty

Seun Ojedeji: (09:08) @Staff can you take note of that for council tomorrow as i can't tell yet f my participation

Greg Shatan: (09:09) Exactly, Becky. Which will certainly be a more simple process than relieving a board member of duties.

Greg Shatan: (09:09) And which process can be decided by each SO/AC.

James Bladel: (09:10) You could enforce quorum by establishing a minimum number of SO/ACs required to agree to any call for a vote.

Jordan Carter (.nz, ccTLD member): (09:10) that petitioning process is required, yep.

Seun Ojedeji: (09:10) @Becky and if the CMSM member refuses to leave? how will it be enforced?

Robin Gross [GNSO - NCSG]: (09:11) Don't like using the 7 number to describe the GNSO.

Avri Doria: (09:11) like always, IRP or the courts.

Seun Ojedeji: (09:12) I think we should remember that SO/AC for instance can could ask its respective board member to leave but whether its legitimate is another thing. So where is the legitimacy in terms of the CMSM

Grace Abuhamad: (09:12) Slides are unsynced

Edward Morris: (09:12) The GNSO can better handle numbers on the root of 2.

Jordan Carter (.nz, ccTLD member): (09:12) Seun: nobody would take any notice of the people who pretended to still be appointed

Grace Abuhamad: (09:12) sorry synced again

Edward Morris: (09:12) 2,4,6,8.

Grace Abuhamad: (09:13) Will unsync as soon as speaker has finished.

Seun Ojedeji: (09:13) @Jordan so if i get you right, you are saying the ICANN board should choose to ignore CMSM because the SO/AC has said so.... will that be legally practical?

Avri Doria: (09:13) Robin i agree, i totally object to the GNSO 7 number.

Robin Gross [GNSO - NCSG]: (09:14) Tying the number of participants to the number of constituencies doesn't work for several reasons. The number of constituencies is fluid. And the NCSG operates as an SG mainly, not 2 constituencies and those not in any constituency. We do have members who are not in any constituency.

Greg Shatan: (09:14) Leaving AC room so I can go to work. Will stay on audio until the subway intervenes..

Becky Burr: (09:14) Seun, not what i'm saying. Are you talking about the ENTIRE community council going rogue?

Greg Shatan: (09:14) @Robin & Avri, the number 6 could be a possibility then. :-)

Edward Morris: (09:15) The GNSO structure is based on two: two houses, 2 SG's within each house.

Anne Aikman-Scalese: (09:15) Have a good trip into work greg - hope audio maintains on the subway

Sivassubramanian M: (09:15) Strange, I am also logged into the adobe from my phone, but hear Sebastien speaking on the phone, where as from the computer I hear someother voice

Greg Shatan: (09:15) More realistically, we need to discuss fractional voting rather than using seat numbers to deal with internal organizational issues.

Seun Ojedeji: (09:16) @Becky that is one aspect, but would the CSMS still be valid if one of its member is undefined?

Greg Shatan: (09:16) Bye all.

Robin Gross [GNSO - NCSG]: (09:17) yes, Greg, the fractional number is more important.

Sivasubramanian M phone: (09:17) OK there is some minor time difference

Sivassubramanian M: (09:20) Question: If we agree on a weighting now, does that become permanent, or is there scope to rationalize, alter the weights during Work Stream 2?

Robin Gross [GNSO - NCSG]: (09:22) I don't think fractional votes is complicated.

Holly Gregory: (09:23) Are fractional votes consistent with consensus. Cant we expect most SOs and ACs come to agreement about how votes are voted?

Becky Burr: (09:23) @Seun, there are no "members" of the Community Council - just "participants" - and the participants are the SOs and ACs. Each SO and AC decides how it wants to participate, and how it wants to cast votes. Number of votes doesn't necessarily correspond to number of reps sitting around the table. Accordingly, if the participating SO/AC does not like how its delegate(s) are operating, the SO/AC recalls them, sets up an alternative process for voting, etc.

Becky Burr: (09:25) @ Chris - the SO/AC has a set number of votes. The SO/AC decides how it wants to cast those votes. Isn't that consistent with how we operate now?

Avri Doria: (09:27) and we have to add a quorum definition

Paul Rosenzweig (Heritage): (09:28) Thomas and Matthieu are right -- as "advisory" groups they should be excused, and asked to be in the council as liaisons only

Seun Ojedeji: (09:28) @Staff lost audio can i be redialed

Jordan Carter (.nz, ccTLD member): (09:28) we have made an in-principle decision here to leave some choices with the SOs and ACs - if we need to impose something centrally, that's possible?

Jordan Carter (.nz, ccTLD member): (09:29) the bylaws can indeed be changed on this stuff

Mathieu Weill: (09:29) @James: Agree on "best solution" and to me, best solution includes simplicity

Seun Ojedeji: (09:30) @Becky, that's not what page 21 of the document said "CMSM must be a legal person, SO/AC participants in single member do not"

Avri Doria: (09:30) we need to satisfy many requirements. Best is such an undefinable. Simplest that satisfies all the requirements is a good definition of best.

Mathieu Weill: (09:30) Happy to expand off-line

Anne Aikman-Scalese: (09:30) In the CMSM model and after transition, do SSAC and RSSAC advise the Board or do they advise the Sole Member or both?

Mathieu Weill: (09:30) @anne : both

Sivassubramanian M: (09:31) Sivassubramanian M: Question: If we agree on a weighting now, does that become permanent, or is there scope to rationalize, alter the weights during Work Stream 2?

Seth Johnson: (09:31) Not all roles are voters

Seth Johnson: (09:31) :-)

Anne Aikman-Scalese: (09:31) Thanks Mathieu.

Robin Gross [GNSO - NCSG]: (09:32) 7 votes is not acceptable. We have members in NO constituency, so it leaves them unrepresented. Please stop saying 7 is acceptable.

Becky Burr: (09:32) @Seun - the SOs and ACs are participants, and they do not need legal personhood. It is the mechanism itself that has the personhood,

Samantha Eisner: (09:32) Whether a group wishes to vote or not, shouldn't we be asking the question of how do we make sure the voices within the multistakeholder model are heard on these issues, even if some are advisory

Malcolm Hutty: (09:33) if there are people in no constituency that's an entirely orthogonal issue

Becky Burr: (09:33) yes Sam - I think that is consistent with Jordan's point

Mathieu Weill: (09:33) Just a reminder that the magic number is 42 :-)

Anne Aikman-Scalese: (09:34) I question whether the mechanism is truly a legal person. I think perhaps it is the unincorporated association of the SOs and ACs participating in the mechanism that is the legal person - but outside counsel will advise how this will be defined in the Articles.

Jordan Carter (.nz, ccTLD member): (09:34) those two things are the same thing, Anne

Jordan Carter (.nz, ccTLD member): (09:34) aren't they?

Seun Ojedeji: (09:35) @Becky oh...okay the mechanism but not the individuals in the CMSM....okay

Seun Ojedeji: (09:35) good question @Anne

Anne Aikman-Scalese: (09:35) @Jordan - I don't think so Jordan. I think a mechanism of voting through representation on a Council is not in and of itself a legal person.

Jordan Carter (.nz, ccTLD member): (09:36) oh sorry, I see what you mean

Grace Abuhamad: (09:38) Siva -- the queue is closed.

Seth Johnson: (09:38) There are some things that are not about voting. It's perfectly viable to construct schemes that have roles that aren't about voting.

Samantha Eisner: (09:39) @Lyman, would you see that SSAC could be in a position to provide advice on any particular proposal before the community if it touched on security/stability?

Sivassubramanian M: (09:39) ok grace

Malcolm Hutty: (09:39) so glad to hear a clear and cogent statement from SSAC in person

Avri Doria: (09:39) i like 3 even here. but i that is beside the point.

Mathieu Weill: (09:39) @Sam: that was part of SSAC input to us, yes

Seun Ojedeji: (09:39) @Jordan thats what i have been trying to say but good you understood from Anne

James Gannon [GNSO-NCSG]: (09:39) Yes great to have SSAC here and clear

Robin Gross [GNSO - NCSG]: (09:39) what is wrong with even numbers? why are we saying 5 or 7. How about 6?

Anne Aikman-Scalese: (09:40) Great questions Alan!

Grace Abuhamad: (09:41) Paul -- the queue is closed

Jan Scholte: (09:41) @Lyman. Other constituencies lack the competence on stability, security and resilience but that does not stop them to exercise vote? If each constituency was required to have full competence and stake in all aspects of ICANN then no one should vote?

Paul Rosenzweig (Heritage): (09:41) +1 Thomas!!!

Greg Shatan: (09:41) Perhaps SSAC is another instance where an advisory capacity needs to be instituted and defined.

Seth Johnson: (09:41) Not like they represent a political subdivision

Malcolm Hutty: (09:41) and great answer: if you try to force it on them you might lose some of their valuable expertise. +1 to Thomas

Seth Johnson: (09:42) (geographical political subdivision I mean)

Izumi Okutani (ASO): (09:42) Indeed Thomas

James Gannon [GNSO-NCSG]: (09:42) @Greg we cant do that because we have ACs who are not really ACs and ACs that are ACs in the purest sense of the word

Mathieu Weill: (09:42) I think there is a place for expertise within Icann which is simply different than the place of stake-holder

Greg Shatan: (09:43) @James, this would need to be defined for each non-voting group separately. The non-AC AC's would still vote.

Greg Shatan: (09:43) Def not a one size fits all question.

Greg Shatan: (09:43) SSAC represents an expertise base, not a stakeholder base.

Greg Shatan: (09:44) Nothing is forever.

Farzaneh Badii: (09:44) Nothing is forever! oh Greg just said it

James Gannon [GNSO-NCSG]: (09:44) We CANNOT force them to do something they dont want to do, its ludicrous

Greg Shatan: (09:44) @Farzaneh, sounds like a James Bond theme.

Avri Doria: (09:45) oh so sad to hear there is not forever.

Farzaneh Badii: (09:45) @ Greg, haha yep

Avri Doria: (09:45) and having problems with prejudice against the dead.

Greg Shatan: (09:45) @Avri, are you suggesting we vote "Chicago-style"?

James Gannon [GNSO-NCSG]: (09:46) Avri, we need to allocate some post-mortem votes?

Avri Doria: (09:46) voting is always such a problem.

Lyman Chapin: (09:47) Casting votes for the dead is a time-honored tradition in U.S. politics

Becky Burr: (09:47) +1 Lyman

James Gannon [GNSO-NCSG]: (09:47) Vote early and vote often

Mathieu Weill: (09:47) Paris has a long tradition as well with dead voting

Nathalie Coupet: (09:47) +1 Lyman

Becky Burr: (09:48) ok, it's a multicultural tradition

Paul Rosenzweig (Heritage): (09:48) I was registered in Chicago in 1986, moved away in 1987 and apparently continued voting there until 1997 ... without ever actually exercising the ballot. With that experience I volunteer to cast th SSAC votes

Farzaneh Badii: (09:48) have u had your "5 a day" vote?

Avri Doria: (09:50) Bingo

Seun Ojedeji: (09:51) I think the question is to clarify what we mean by community veto on "budget" for instance. Is it because the community already have their own created budget that they want the board to implement or because the community want board to strick out certain item from the budget?

Mathieu Weill: (09:51) Latter

Seun Ojedeji: (09:52) Okay thanks @Mathieu then it means there must have been significant input provided early enough in budget preparation to warrant such veto

Mathieu Weill: (09:53) yes, and that is the case today with many public comments periods

Seun Ojedeji: (09:54) @Mathieu i think it needs to go beyond just public comment, there needs to be a mechanism that brings together consensus view of the community on budget

Anne Aikman-Scalese: (09:55) If discentive for Board is to cut budget to e.g. 75%, I hope they don't cut the entire 25% from the compliance dept budget or the whole 25% from the outreach budget - how would this be balanced?

James Gannon [GNSO-NCSG]: (09:55) Yeah I dont know how budget castration would be managed in reality

Jordan Carter (.nz, ccTLD member): (09:56) I don't see how that could ever be an outcome

James Gannon [GNSO-NCSG]: (09:56) constraining not castration!

Jordan Carter (.nz, ccTLD member): (09:56) Seun: there is one, it's called the Board

Cheryl Langdon-Orr (CLO) ALAC Member AP Region: (09:57) although @james I am a long standing fan of cat ration as appropriate

Seun Ojedeji: (09:57) @Jordan don't get that

James Gannon [GNSO-NCSG]: (09:57) Fan of cat rations, interesting dining choices CLO

Cheryl Langdon-Orr (CLO) ALAC Member AP Region: (09:57) should read castration ... darn auto correct

Chris Disspain: (09:57) WTF 'cat rartion'

Chris Disspain: (09:58) ration??

James Gannon [GNSO-NCSG]: (09:58) Its what we get fed if dont have a proposal by tomorrow

Jordan Carter (.nz, ccTLD member): (09:58) the ration of cats in this room is low. because as we all know, the Internet is made of cats.

Cheryl Langdon-Orr (CLO) ALAC Member AP Region: (09:58) tablet has a language life of its own @chris

Anne Aikman-Scalese: (09:58) Cat rations - hm - sounds fishy to me ;-)

Seun Ojedeji: (09:58) I am highly concerned with this board veto power as i wonder to what extent this could delay board decision making and the organisation progress as a whole

Cheryl Langdon-Orr (CLO) ALAC Member AP Region: (09:59) lol @anne:-)

Seun Ojedeji: (09:59) Edit: I am highly concerned with this budget veto power as i wonder to what extent this could delay board decision making and the organisation progress as a whole