IANA CWG Meeting #66 (24 Sept @ 17:00 UTC)

Attendees:

Members: Avri Doria, Donna Austin, Eduardo Diaz, Graeme Bunton, Jaap Akkerhuis, Jonathan Robinson, Lise Fuhr, Paul Kane, Seun Ojedeji   (9)

Participants: Alissa Cooper, Andrew Sullivan, Brenden Kuerbis, Chuck Gomes, Greg DiBiase, Martin Boyle, Matthew Shears, Milton Mueller, Nick Shorey, Tracy Hackshaw   (10)

Legal Counsel: Michael Clark, Rebecca Grapsas, Sharon Flanagan

Staff: Alain Durand, Grace Abuhamad, Brenda Brewer

Apologies: Andrew Sullivan, Olivier Crepin-Leblond, Alan Greenberg, Cheryl Langdon-Orr, Greg Shatan

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

Agenda

1. Opening Remarks

2. ICG meeting update

3. CCWG Update / Issues

4. Legal Work / Client Committee

5. AOB

6. Closing Remarks

Notes

1. Opening Remarks

- Currently have bi-weekly meetings scheduled
- With ICG work, we may need to increase frequency of meetings. Chairs will revert to group tomorrow with updated schedule based on work.
- Purpose of the meeting today is to address the ICG output from F2F (email from Alissa) and the work of the CCWG-Accountability.

2. ICG meeting Update (provided by ICG liaisons)

- Suggestted order: Alissa (chaired ICG meeting); Milton (led on RZM issues); Martin (led on ccTLD issues)
- ICG received 159 comments in ICG Public Comment (available on ICG website)
- ICG went through comments and addressed questions, clarifications, suggestions to each operational community.
- The first batch was sent to CWG-Stewardship on 24 September. There is more to come
- Responses requested by 7 Oct or (at latest) 14 Oct. If more time is needed, please keep ICG informed.
- On the RZM, more detail/clarification is needed on the roles and position of the CWG-Stewardship on these issues.
- On ccTLD related issues, need to update policy by removing reference to ICP-1 and consider georgraphic balance for global ccTLDs (non ccNSO members)
- Draft questions: https://www.dropbox.com/s/jy5o5gfnrp6i9iv/questions-for-OCs-v2.docx?dl=0

Action (staff) Prepare a table with questions so as to search for drafting volunteers (include tentative questions).

3. CCWG Update / Issues

- CCWG Public Comment indicates possibility for changes/delay in proposal development
- CCWG-Accountability has a Counsel-developped memo that compares differences between the CCWG-Accountability 2nd draft and the Board proposal for implementation.
- Relevant to the CWG-Stewardship because we need to make sure that dependencies are met.
- Need to understand context and not pre-empt the CCWG discussions

4. Legal Work / Client Committee

- Bylaws drafting work is underway.
- Complex project
- Will be shared with CWG as soon as ready

5. AOB

Action: Staff will send out an updated meeting schedule based on ICG and CCWG work.

Action: Chuck will look to provide an implementation list based on CWG proposal.

6. Closing Remarks

Thank you -- look to a revised schedule soon

Action Items

Action (staff) Prepare a table with questions so as to search for drafting volunteers (include tentative questions).

Action: Staff will send out an updated meeting schedule based on ICG and CCWG work.

Action: Chuck will look to provide an implementation list based on CWG proposal.

Documents

- Questions from ICG.pdf
- Memo_Comparison of Board to CCWG 2nd Draft.pdf
- Comparison 2nd Draft Proposal Board Proposal_9.22.15.pdf
- Key Characteristics Comparison - CMSM and Board.pdf

Transcript

- Transcript CWG #66 24 September.doc
- Transcript CWG #66 24 September.pdf

Recordings

- Adobe Connect recording is available here: https://icann.adobeconnect.com/p1znpib732g/
- MP3 recording is available here: http://audio.icann.org/gnso/gnso-cwg-iana-24sep15-en.mp3

Chat Transcript

Brenda Brewer: (9/24/2015 09:20) Welcome all to CWG IANA Meeting #66 on 24th September 2015.

Martin Boyle, Nominet: (09:55) hi all

Jonathan Robinson: (09:56) Hello

Seun: (09:59) hello everyone

Milton Mueller: (09:59) greetings

Chuck Gomes (RySG): (10:00) Hello.

Jonathan Robinson: (10:01) We have low attendance. Fatigue or are many en-route to LA?

Jonathan Robinson: (10:02) Let's give one more minute and then get the meeting started

Grace Abuhamad: (10:02) ok

Milton Mueller: (10:06) I will handle questions about RZM, leave the rest to Martin

Milton Mueller: (10:06) Alissa is here also

Jaap Akkerhuis -- SSAC: (10:07) Sound is very spotty, lots of drops

Grace Abuhamad: (10:07) Sound is fine here @Jaap. Try reloading AC?

jaap Akkerhuis -- SSAC: (10:15) 3rd try ...

Sharon Flanagan (Sidley): (10:19) Just a reminder that Annex S was a placeholder/sample term sheet.

Jonathan Robinson: (10:19) Thanks Sharon.

Alissa Cooper: (10:30) you can see the other questions in draft here: https://www.dropbox.com/s/jy5o5gfnrp6i9iv/questions-for-OCs-v2.docx?dl=0

Jonathan Robinson: (10:30) Thanks Alissa

Alissa Cooper: (10:30) there are currently two more categories: PTI and scope. subject to change of course.

Paul Kane: (10:31) We have 3 (active) ccTLD CWG reps who are active, preprsentating both ccNSO and also non-ccNSO - so I support the idea of mini-drafts come back to CWG

Seun: (10:39) lost audio

Seun: (10:39) is it from my end?

Grace Abuhamad: (10:39) yes, please reload AC

Milton Mueller: (10:44) Sharon - is that why the board proposed MEM instead of membership?

Andrew Sullivan: (10:45) I fear there's a slide here between "community has the ability to do something" and "can enforce this in court". The CWG's requirements to me don't seem to require the ability to enforce in a court, just to be able to cause it to happen (as a practical matter)

Milton Mueller: (10:47) one depends on the other, Andrew. Or maybe you missed the lessons of a few centuries of political history

Milton Mueller: (10:48) sometimes the mere presence of the legal threat means that it never has to be used

Milton Mueller: (10:49) but its absence means you will soon find you wished you had it

Andrew Sullivan: (10:49) I do not in fact think that a few centuries of legal history proves in any way that courts are always the best enforcement mechanism, and I do not think that only the threat of a lawsuit is the threat that achieves the result

Milton Mueller: (10:50) political history is not kind to "trustme" models of governance.

Andrew Sullivan: (10:50) What Sharon is saying now ("not a direct say") is the point

Milton Mueller: (10:50) and that seems to be what you are suggesting

Andrew Sullivan: (10:50) _nobody_ that I can see is arguing for a "trust me" model, and I'll thank you not to stand up a straw person

Milton Mueller: (10:51) without the ultimate enforcement of courts you are looking at a trust me model

Andrew Sullivan: (10:51) Where I went to school, we called that a false dichotomy

Milton Mueller: (10:52) where I went to school, when one made assertions one had to back them up.

Milton Mueller: (10:52) :-)

Milton Mueller: (10:52) now let's stop talking like a couple of old codgers

Grace Abuhamad: (10:53) This was awesome entertainement

Grace Abuhamad: (10:53) entertainment*

Andrew Sullivan: (10:53) If one has the ability to remove board members (or all such members), then recourse to courts is not necessary, unless you are arguing that the courts have to be able to backstop the ablity of such remova

Andrew Sullivan: (10:53) I

Seun: (10:54) speaking about budget approval and considering that the ccwg itself is reevaluating the practicality of having the community approve budget. Would the CWG want to consider changing that word to something else? Also we may need to clarify the difference between ICANN and PTI budget and whether CWG should have dependency on ICANN budget as well

Andrew Sullivan: (10:54) that'd be true in any case, because the corporate bylaws live in a legal framework

Andrew Sullivan: (10:54) but that's a trivial sense in which courts could be involved

Donna Austin, RySG: (10:56) Dropping off the call. thanks eveyonoe

Andrew Sullivan: (10:59) Alas I have to drop. Thanks, everyone

Grace Abuhamad: (11:01) Chuck -- what about section IV of report

Chuck Gomes (RySG): (11:01) I am going through the proposal to include IV. Thanks Grace.

Grace Abuhamad: (11:02) Great -- thanks Chuck. I can help you find drafts, etc if you need anything

Chuck Gomes (RySG): (11:02) Thanks all.

Martin Boyle, Nominet: (11:03) thanks all

Jaap Akkerhuis (SSAC): (11:03) Bye all ...

Martin Boyle, Nominet: (11:04) bye

Lise Fuhr: (11:04) Good bye all