

WP1 Meeting #31 (22 November @ 18:00 UTC)

Attendees:

Sub-group Members: Alan Greenberg, Avri Doria, Brett Schaefer, Jonathan Zuck, Jordan Carter, Philip Corwin, Robin Gross, Roelof Meijer, Steve DelBianco, Thomas Rickert

Staff: Alice Jansen, Bernie Turcotte, Brenda Brewer

Apologies: Leon Sanchez, Tijani Ben Jemaa, Greg Shatan

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

Transcript

- [Transcript WP1 Meeting #31_22 November.docx](#)
- [Transcript WP1 Meeting #31_22 November.pdf](#)

Recording

- The Adobe Connect recording is available here: <https://icann.adobeconnect.com/p2hds31l3cd/>
- The audio recording is available here: <http://audio.icann.org/accountability/ccwg-accountability-22nov15-en.mp3>

Notes

These high-level notes are designed to help you navigate through content of the call and do not substitute in any way the transcript.

Link to docs: <https://community.icann.org/x/eLRYAw>

- No discussion of decision threshold in engagement/escalation - it needs to be added to the powers
- IANA Functions review language should be further elaborated.
- IRP, separation processes need to be described in detail

ACTION ITEM: Determine where full IRP process should be added

- Rights of inspection: there is a generic reference - its needs to be made explicit that rights of inspection equivalent to member's

DIDP should be subject to IRP - this is unclear in WS2

DIDP appeals mechanisms

- Human Rights - add 'if any' in human rights appendix
- Ombudsman improvements missing from WS2
- Add table of required threshold to core proposal
- Consider reordering sections (staff to refer to Jordan's request)
- Articles should be subject to co-decision but lower threshold than Fundamental Bylaws

Protection should be offered to Articles of Incorporation at level of membership model

Other views that should be on same protection as Fundamental Bylaw

- Reinsert AOC tables into annex 9

ACTION ITEM: CoChairs to request that SO/AC confirmation of participation be sent along with input on third draft proposal

Action Item

- **ACTION ITEM: CoChairs to request that SO/AC confirmation of participation be sent along with input on third draft proposal**
- **ACTION ITEM: Determine where full IRP process should be added**

Chat Transcript

Brenda Brewer: (11/22/2015 11:34) Welcome to WP1 Meeting #31 on 22 November 2015 @ 18:00 UTC! Please note that chat sessions are being archived and follow the ICANN Expected Standards of Behavior: <http://www.icann.org/en/news/in-focus/accountability/expected-standards>

Jordan Carter (.nz, WP1 rapporteur): (11:59) hi all

Brenda Brewer: (12:01) Brett Schaefer is on audio only

Bernard Turcotte Staff Support: (12:02) hi all

Bernard Turcotte Staff Support: (12:02) No line edits

Robin Gross [GNSO - NCSG]: (12:05) Holy cow - how did we miss that?

Jordan Carter (.nz, WP1 rapporteur): (12:05) I thought it was a WP2 item in describing the new IRP

Jordan Carter (.nz, WP1 rapporteur): (12:06) (in other words, I didn't feel we had "missed" it per se)

Robin Gross [GNSO - NCSG]: (12:06) My recollection was that has been a power in WS1 all along.

Robin Gross [GNSO - NCSG]: (12:08) I agree with Steve.

Avri Doria: (12:09) maybe we should speak of community powers without a number in front.

Thomas Rickert (only in listening mode during this call): (12:10) Why not leave the 5 community powers as they are and add a para in the chapter on IRP.

Thomas Rickert (only in listening mode during this call): (12:10) We are in agreement on substance and in terms of presentation, I would leave the 5 powers as previously presented

Steve DelBianco [GNSO - CSG]: (12:10) Item 6 in the Dublin decision chart is binding IRP

Steve DelBianco [GNSO - CSG]: (12:11) #7 on the Dublin decision chart was the IANA Functions Review and PTI separation, BTW

Avri Doria: (12:12) it could fit in with the escalation section.

Thomas Rickert (only in listening mode during this call): (12:12) Correct re decision chart, but I would put the info where it matches in terms of context. For community IRP, that would be the IRP section. Just feels more natural to me there

Avri Doria: (12:13) it is an escalation available to the community. various ways to get there, including directly as a decision of the CM

Avri Doria: (12:13) and then add what decision of the CM means in this case.

Thomas Rickert (only in listening mode during this call): (12:13) agreed, Jordan

Avri Doria: (12:13) part of power 2.

Jordan Carter (.nz, WP1 rapporteur): (12:15) it's not about reluctance - it's just about making sure it's in the right place

Jonathan Zuck: (12:15) +1 steve

Avri Doria: (12:15) or get rid of the number 5, easiest fix possible.

Bernard Turcotte Staff Support: (12:17) We will use the reference text produced by Becky on this

Steve DelBianco [GNSO - CSG]: (12:17) Brett -- I identified that in my comment on the Transparency section under WS2

Robin Gross [GNSO - NCSG]: (12:17) Good clarification, Brett. We need that call code section rights in the text

Steve DelBianco [GNSO - CSG]: (12:18) Reference text from Becky -- wonder if that matches the powerpoints Becky used in a CCWG call where we agreed to give document inspection rights to the Designator in WS1

Jordan Carter (.nz, WP1 rapporteur): (12:18) Human Rights is out of scope for this call

Steve DelBianco [GNSO - CSG]: (12:19) page 55 on Transparency does not mention document inspection at all.

Robin Gross [GNSO - NCSG]: (12:20) Did we lose improvements to the Ombudsman's Office? That had been a WS1 issue, then it slipped to WS2. But now I don't see it listed as WS2.

Steve DelBianco [GNSO - CSG]: (12:21) Bernie may be relying upon Becky's latest word doc, which may not have reflected what she had in her Powerpoint slides

Bernard Turcotte Staff Support: (12:21) In the notes

Robin Gross [GNSO - NCSG]: (12:22) thanks!

Bernard Turcotte Staff Support: (12:22) +1

Robin Gross [GNSO - NCSG]: (12:24) Yep, I agree with Steve and Jordan. We said one alone couldn't block the exercise of powers.

Avri Doria: (12:29) I think the articles are fundamental, sort of by definition.

Avri Doria: (12:30) and should be treated as the fundamental bylaws are treated.

Steve DelBianco [GNSO - CSG]: (12:30) I distinctly remember our lawyers saying they would amend the Articles to say "Designator"

Steve DelBianco [GNSO - CSG]: (12:31) Right, Jordan! Exactly

Thomas Rickert (only in listening mode during this call): (12:31) Shall we ask lawyers how that would be treated without us mentioning it and then just state that?

Bernard Turcotte Staff Support: (12:31) exact

Avri Doria: (12:31) it was dropped in draft 2 because of membership. there were comments of its absence.

Avri Doria: (12:32) i do not understand the reason for lower threshold.

Thomas Rickert (only in listening mode during this call): (12:32) I should add that I share Avri's view that it should be fundamental

Steve DelBianco [GNSO - CSG]: (12:32) right, Jordan. And 2/3 of a Sole Designator = the Designator approves. 4 AC/SO to approve

Brenda Brewer: (12:33) Roelof Meijer is on audio only.

Steve DelBianco [GNSO - CSG]: (12:33) I have just ONE more item ...

Bernard Turcotte Staff Support: (12:38) I have no issue to putting in it

Steve DelBianco [GNSO - CSG]: (12:41) think it's clear the GAC wants ability to opt-in to the decision model when it sees an issue where it wants to either SUPPORT or OPPOSE.

Thomas Rickert (only in listening mode during this call): (12:41) OK - will do. Bernie, can you please note as AI for me?

Steve DelBianco [GNSO - CSG]: (12:41) If we ask for "Confirmation" is that a now-or-never question?

Thomas Rickert (only in listening mode during this call): (12:41) I can mention that during the upcoming SOAC leadership call.

Jordan Carter (.nz, WP1 rapporteur): (12:42) I don't think that is what Brett was asking

Robin Gross [GNSO - NCSG]: (12:44) The last page of Annex 2 has an error on it. It gives the impression that the role of governments isn't changing, but we are changing the role of govts from an advisory role to a decisional role.

Thomas Rickert (only in listening mode during this call): (12:44) Bret, I think we have discussed this a few times. We will not be able to force the GAC to make that choice. Can I suggest we not spend further time on that discussion?

Robin Gross [GNSO - NCSG]: (12:45) The part at the end where it talks about meeting NTIA requirements, we say we aren't changing the advisory role of govts. But we are. We are adding a decisional role, so this is incorrect in our document.

Steve DelBianco [GNSO - CSG]: (12:45) Robin -- the GAC is still advisory to the board. But it can be decisional to the Community Mechanism. Two different things

Robin Gross [GNSO - NCSG]: (12:47) Making it decisional with community powers is a big addition to only having advisory role before.

Jordan Carter (.nz, WP1 rapporteur): (12:47) it is for everyone Robin

Steve DelBianco [GNSO - CSG]: (12:48) Robin -- but we're not changing GAC's advisory role to the board. We're creating a new community mechanism, and all AC/SOs were invited to participate.

Robin Gross [GNSO - NCSG]: (12:48) It is a power over how ICANN runs - that is a big change for GAC.

Jordan Carter (.nz, WP1 rapporteur): (12:49) thanks all

Jordan Carter (.nz, WP1 rapporteur): (12:49) ciao

Bernard Turcotte Staff Support: (12:49) bye all

Avri Doria: (12:49) bye