

# CCWG ACCT Meeting #85 (23 February @ 06:00 UTC)

## Attendees:

**Members:** Alan Greenberg, Athina Fragkouli, Becky Burr, Bruce Tonkin, Cheryl Langdon-Orr, Eberhard Lisse, Izumi Okutani, James Bladel, Jordan Carter, Julia Wolman, Julie Hammer, Leon Sanchez, Olga Cavalli, Pär Brumark, Robin Gross, Roelof Meijer, Samantha Eisner, Sébastien Bachollet, Steve DelBianco, Thomas Rickert, Tijani Ben Jemaa (21)

**Participants:** Aarti Bhavana, Andrew Sullivan, Avri Doria, Barrack Otieno, Brett Schaefer, Cherine Chalaby, Chris Disspain, Christopher Wilkinson, David McAuley, Edward Morris, Farzaneh Badii, Finn Petersen, George Sadowsky, Greg Shatan, James Gannon, Jonathan Zuck, Jorge Cancio, Kavouss Arasteh, Keith Drazek, Ken Salaets, Lito Ibarra, Lousewies van der Laan, Malcolm Hutty, Mark Carvell, Markus Kummer, Martin Boyle, Mary Uduma, Matthew Shears, Maura Gambassi, Mike Chartier, Milton Mueller, Niels ten Oever, Olivier Crepin-Leblond, Oscar Robles, Paul Rosenzweig, Paul Szyndler, Pedro da Silva, Philip Corwin, Rafael Perez Galindo, Rinalia Abdul Rahim, Ron da Silva, Sabine Meyer, Seun Ojedeji, Stephen Deerhake, Steve Crocker, Suzanne Woolf, Tatiana Tropina, Tom Dale, Vidushi Marda (49)

**Legal Counsel:** Edward McNicholas, Holly Gregory, Michael Clark, Nancy McGlamery, Rosemary Fei (5)

**Observers and Guests:** Alan Barrett, Annaliese Williams, Asha Hemrajani, Fadi Chehadé, J Curranarin, John Jeffrey, John Poole, Jonathan Robinson, Konstantinos Komaitis, Manal Ismail, Michael Niebel (11)

**Staff:** Alice Jansen, Akram Atallah, Bernie Turcotte, Berry Cobb, Brenda Brewer, Grace Abuhamad, Karen Mulberry, Laena Rahim, Nigel Hickson, Tarek Kamel, Theresa Swinehart

**Apologies:** Mathieu Weill

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

---

## Transcript

- [Transcript \\_CCWG ACCT Meeting #85.docx](#)
- [Transcript \\_CCWG ACCT Meeting #85.pdf](#)

## Recording

- The Adobe Connect recording is available here: <https://icann.adobeconnect.com/p2ner13u4kd/>
- The audio recording is available here: <http://audio.icann.org/accountability/ccwg-accountability-23feb16-en.mp3>

## Agenda

1. Welcome, Roll call, Sol
2. Substantive discussion on way forward
3. AOB

## 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.*

Seun Ojedeji on phone bridge only.

Objective of call: end this call with firm guidance on way forward. We are not predetermining discussion but should be clear about consequences.

### Issues at hands:

- Intervention from Board - There is risk that Board might hold up passing on report to NTIA if there is a 2/3 majority expressing public interest concerns. This means we would not meet the approval deadline of 10 March.

- Government feedback - Concerns raised with latest changes. There might be broader political implications if government concerns are not discussed and taken into account.

## Carve out – Status of discussions:

Overview of carve-out discussion: Board concerns about lowering thresholds from four to three. Board agreement to lowering if IRP was pursued prior to and if the community has won the IRP i.e. acted inconsistently with Bylaws or articles of incorporation. On GAC advice, it would be violation of non-unanimity principle to require unanimity where no IRP is available i.e. where the challenge is not to be implemented because it violates the Bylaws. Where there is a challenge to the Board's implementation of GAC advice that involves recall, the threshold for recalling the board would move from four to three if an IRP has found that in implementing GAC advice the Board violated the Bylaws or Articles of Incorporation or if there is no IRP available to challenge the Board action in question. If it is not available because of what the community is concerned about does not constitute a bylaw violation, reduction still applies. We have agreed with the Board that wherever possible an IRP should be pursued first and if the grounds are for an IRP are there but the community has not invoked that power then the threshold remains at four. But we have also preserved the ability of the community to invoke without requiring unanimity, to recall the board without requiring unanimity in those limited and, you know, probably largely conceptual but certainly not non-existent situations where an IRP - where the grounds simply do not support an IRP challenge. GAC advice is a potential scenario to illustrate this second scenario.

## Feedback:

- What does "if available" mean in case of IRP? IRP should be solely based on violation of Bylaws and Articles of Incorporation.

--> Always been part of our recommendations to give right to a vote of no-confidence.

- If we had brought an IRP that did not prevail we would have to bring the IRP on other grounds. In that case the threshold would go back up to four.

---> IRP can be based on violation of Bylaws

- What is different between clause 2 and subsequent part?

--

> If IRP is not available, if grounds are other than Board has violated Bylaws, threshold goes down. If Board has violated Bylaws, you must first bring an IRP.

- What is the incentive of using the IRP route, when it is much easier to say I DON'T LIKE WHAT THE BOARD DID and just recall the Board with a threshold of 3?

- If the IRP is not available because there is no violation of ICANN bylaws it is the same situation where an IRP was run but it does not prevail because that means that the conclusion of the IRP is that there was no violation of the ICANN bylaws. In the end in both situations the conclusion is there is no violation of ICANN bylaws.

- Specify that it is a no-confidence.

- We need to be really clear about is you could read that as saying that this lowers the threshold from four to three for all of the powers that are listed as having four where it relates to this GAC advice carve out. So that would be the budget, and strategic plan powers, the IANA functions separation power and the board recall power.

- What is the incentive of using the IRP route when it is much easier to say I don't like what the board did and just recall the board with the threshold of three?

—> Recalling the board over a single incident in - is in any case highly unlikely.

## Potential way forward:

- We are still able to exercise vote of no-confidence. Corner case was added to help capture situation where challenging Board implementation of GAC advice with IRP.

- Easy way: stay out of corner case and remove 2 (in red) from annex 2 because in reality we can still take a vote of no-confidence and work that through the regular procedure of having four ACs and support.
- Hard way: Leave item 2 in proposal and test Board. Process takes us to further negotiations with Board. Could we persevere this? Would it delay process? Could Board use 2/3?

Is the corner case worth the risk of extending the process?

#### Feedback:

- Against removal of #2.

- Board would support proposal of removing red text. We do not want to create incentive of not using IRP. The focus should be on using IRP for that individual case. Power to remove Board still remains. Removing Board should have broad support. The threshold of three should apply when an IRP finds that we have not complied with the bylaws on an individual case and the threshold of four applies to all other cases.

- Support dropping #2.

- Taking out red language does not fix it. It still leaves 2 places where reduced language applies. We still need to fix the language.

- Question of timing and trust.

- This is a consensus-driven process.

- No further objections from Board if dropped.

- This discussion is reopening the question of whether we should prevent the GAC from having two bites of the cherry. Removing the text in red is effectively reversing that decision. I think that would be unwise. Suggestion to drop second half of page

#### Poll:

11 objections to removing red language

27 objections to shipping report as it is - i.e. Feb 19 version

37 expressions of support for removing language in red.

14 expressions of support for shipping report as it is - version Feb 19

**ACTION ITEM – CoChairs to announce results.**

*Refer to for the final poll results <http://mm.icann.org/pipermail/accountability-cross-community/2016-February/011374.html>*

## AOB

- Important to clarify from the Board that whatever decision is made here today it is not considered presidential in terms of what may happen if the GAC never decides to become a decisional participant and the thresholds need to be adjusted to reflect the fact that we only have four SOs and ACs.

- Whether GAC use that exercise power, that is to be left to the GAC.

## Action Items

**ACTION ITEM – CoChairs to announce results.**

*Refer to for the final poll results <http://mm.icann.org/pipermail/accountability-cross-community/2016-February/011374.htm>*

## Documents

- [Paragraph 72.pdf](#)
- [Board process from charter.pdf](#)

## Adobe Chat

Brenda Brewer: (2/22/2016 23:36) Hello and welcome to CCWG Accountability Meeting #85 on Tuesday, 23 February 2016 @ 06:00 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>

Holly J. Gregory (Sidley): (23:41) Greetings CCWG friends.

Olga Cavalli - GAC Argentina: (23:50) Hello! 3 am here!! good morning!

Olga Cavalli - GAC Argentina: (23:51) Brenda can you do a dial out please? +54 xx xxxxxx

Brett Schaefer: (23:51) Hey all!

Olga Cavalli - GAC Argentina: (23:51) thanks

Thomas Rickert: (23:53) Hi all!

Pedro da Silva [GAC Brasil]: (23:54) Hello everyone!

Markus Kummer: (23:54) Hello everyone

Ken Salaets/ITI: (23:54) Good morning. 01:00 here. Was tempted to get coffee following the usual morning routine.

Brenda Brewer: (23:54) Yes, Olga, one moment please

Philip Corwin: (23:55) Hello all. I can't figure out whether it's too early or too late to be doing this ;-)

Leon Sanchez (Co-Chair ALAC): (23:55) Hello everyone

Brett Schaefer: (23:56) @Phil, both

Philip Corwin: (23:56) @Brett, Exactly

Steve Crocker: (23:57) Hello, everyone

Pär Brumark (GAC Niue): (23:57) Hi everyone!

Sabine Meyer (GAC - Germany): (23:57) Hello everyone!

Mary Uduma: (23:57) Hello All

Andrew Sullivan: (23:57) Hello to all

Bernard Turcotte Staff Support: (23:58) hello all

Sabine Meyer (GAC - Germany): (23:58) That "on hold" music is sending me right back to sleep...

Rosemary Fei (Adler & Colvin): (23:58) Good evening, everyone.

Cherine Chalaby: (23:58) good morning everyone

David McAuley (RySG): (23:59) Good morning all

Leon Sanchez (Co-Chair ALAC): (23:59) @Sabine we have asked for EDM but we have not been succesful in getting it :P

Philip Corwin: (23:59) The hold music is new. Kind of Hawaiian disco muzak

nigel hickson: (23:59) good morning

Leon Sanchez (Co-Chair ALAC): (23:59) I kindly remind you to mute your mics if you're not speaking

Bernard Turcotte Staff Support: (23:59) all please remember to mute your mikes if not speaking

Sabine Meyer (GAC - Germany): (23:59) @Leon then I'd prefer the sleepy tunes, thankyouverymuch

Paul Rosenzweig: (23:59) Good morning everyone

Paul Rosenzweig: (2/23/2016 00:00) Today seems like a purple day ...

Greg Shatan: (00:00) Hello all!

Bruce Tonkin: (00:00) Good Afternoon All

Martin Boyle, Nominet: (00:01) Hello

Olga Cavalli - GAC Argentina: (00:01) Brenda can the operator call me please?

Cheryl Langdon-Orr: (00:01) Hi all

Olga Cavalli - GAC Argentina: (00:02) I need a dial out please!

Tatiana Tropina: (00:02) hello all

Kavouss Arasteh: (00:02) HI eVERYBODY

Olga Cavalli - GAC Argentina: (00:03) thanks Leon

Olga Cavalli - GAC Argentina: (00:03) Brenda + 54 1xx xxxxxx

Jordan Carter (.nz, WP1 rapporteur): (00:03) Asha from Ihello

Brenda Brewer: (00:03) Olga, buzy x 2.

Jordan Carter (.nz, WP1 rapporteur): (00:03) hello, even!

Brenda Brewer: (00:03) thank you Olga

Kavouss Arasteh: (00:03) GOOD MORNING pAUL

Paul Rosenzweig: (00:03) Good morning Kavouss

Brenda Brewer: (00:04) We continue to try calling you Olga. Thank you.

Olga Cavalli - GAC Argentina: (00:04) im in the phone brenda thanks

Aarti Bhavana: (00:04) Hi All

Roelof Meijer (SIDN, ccNSO): (00:05) Morning/good day, all

Jordan Carter (.nz, WP1 rapporteur): (00:05) Roelof! Hello!

Athina Fragkouli (ASO): (00:05) hello all!

Milton: (00:05) :-)

jorge cancio (GAC Switzerland): (00:05) hi all!

Eberhard W Lisse [.NA ccTLD Manager]: (00:07) Please note that I have a hard stop at 07:00 UTC

Jordan Carter (.nz, WP1 rapporteur): (00:07) Athina: you should have come to our InternetNZ office for this call

Jordan Carter (.nz, WP1 rapporteur): (00:07) :)

Keith Drazek: (00:08) I think the Co-Chairs made the right decision to delay publication, particularly with all the weekend email traffic.

Milton: (00:08) plesae note that we all have a hard stop on September 30, 2016

Athina Fragkouli (ASO): (00:08) @Jordan, yes I should!! :)

Paul Rosenzweig: (00:09) Much better Thomas ...

Milton: (00:11) Oh let them hold it up and then face us in Marrakech...

Brett Schaefer: (00:11) What would be the GPI about a 3 SOAC threshold to recall the Board? Likely a Board Internal Interest.

Matthew Shears: (00:11) aren't we already in that "negotiation process"

Milton: (00:12) it is not "the governments'" concerns

Avri Doria: (00:12) Milton our soft stop is before then. And our hard stop is not for several years yet. we might just not be ready to make our own decisions yet.

Paul Rosenzweig: (00:12) Thomas -- 1) The minority of the government's concerns were taken into account in the extensive Rec 11 process.

Milton: (00:13) speak for yourself, Avri

James Bladel: (00:13) Please describe the two scenarios, or put them on the screen. I believe these issues are becoming very fuzzy.

David McAuley (RySG): (00:13) Well put Thomas, co-chairs made good call in this respect on timing release

Avri Doria: (00:13) Milton i alwasy do.

Avri Doria: (00:13) how about you?

Paul Rosenzweig: (00:13) 2) And if the Board really is willing to assert that theyre is a GPI in NOT having the power to spill the Board then we have lost all sense of the meaning of words

Thomas Rickert: (00:13) Kavouss, we will get to the queue after the introduction!

Edward Morris: (00:13) The Board is going to hold up the transition because they feel there is not enough government influence in the proposal? Let me. I'm sure Congress will love that.

Edward Morris: (00:14) Let them

Paul Rosenzweig: (00:14) No Ed ... they are holding it up becasue there is too much accountability in the process

Andrew Sullivan: (00:15) I don't think it is helpful to us to speculate on the Board's thinking or to attribute malice or self-dealing.

Chris Disspain: (00:15) @ Ed and @ PAul I'm sure bewteen the two of you you'll be able to postulate why the Board does everything it odes

Cheryl Langdon-Orr: (00:16) Agree @Andrew

Paul Rosenzweig: (00:16) @ Chris -- Since the Board's intervention was so poorly articulated that it required a clarification you leave me little choice

Paul Rosenzweig: (00:16) But why don't you tell us ....

Cheryl Langdon-Orr: (00:17) ARe we all listeninn to Becky => I do hope so...

Edward Morris: (00:17) @Chris. I ascribe no motive to what youi guys do. I have great respect for the Board. I just ask that you follow appropriate procedure.

Philip Corwin: (00:17) Becky, can you please articulate in what situation(s) the IRP would not be available to challenge Board action?

Kavouss Arasteh: (00:20) What are the scope of application of carve-out

Philip Corwin: (00:21) I realize it's when there is not an alleged Bylaws violation, but can you provide any hypothetical situations?

Kavouss Arasteh: (00:21) They are cases in which Board has violated bylaws or article of incorporation and NOTHING MORE

Greg Shatan: (00:22) @Kavouss, that's not what it says on the screen.

Bruce Tonkin: (00:22) @Edward - the Board's commitment was to bring to the CCWZG any concerns it had as early as possible. The Board in this case has provided feedabck on a change in the proposal that occured in recent weeks. The board spent time to consider the changes, and then posted a proposed colusiton a couple of weeks ago. The solution look like it meets most sceanrios except if the Board's action is within scope of the mission and bylaws.

Alan Greenberg: (00:22) @Phil, My understanding is that if we simply do not agree with what the Board did (but are not claiming that it is a violation of Bylaws), that would meat the condition.

Asha Hemrajani: (00:23) finally got into Adobe

Alan Greenberg: (00:23) meet

Bruce Tonkin: (00:23) The Board subsequently providfed a response to the text we can see on the screen that emerged last week. So I bleieve we are adhering to the processes that we committed to in October 2014./

Asha Hemrajani: (00:23) Good evening

Keith Drazek: (00:24) I agree with Becky that this is an extreme corner case.

Thomas Rickert: (00:24) Can we please focus on the substance and stop fingerpointing as to who said what when, please? becky is giving her all to be of good service to the group!

mike chartier: (00:24) What is the threshold for the last two sentences ? (IRP fail), the language does not seem clear.

Milton: (00:24) if the IRP determines that following GAC advice is against the bylaws, and the decision to implement it is rescinded, most if not all of us would be satisfied and the chance of going to spilling the entire board seems very remote to me

Kavouss Arasteh: (00:24) SCOPE OF APPLICATION OF carve-out

Milton: (00:25) so to me Recommendation 2 seems quite reasonable as is

Milton: (00:25) Only if the board refuses to follow the result of an IRP would there be any grounds for recalling the entire board

Jordan Carter (.nz, WP1 rapporteur): (00:26) and so you'd delete #2 in orange in that slide?

Jordan Carter (.nz, WP1 rapporteur): (00:26) (to @Milton)

mike chartier: (00:26) no I asked "mike chartier: What is the threshold for the last two sentences ? (IRP fail), the language does not seem clear."

Milton: (00:26) @ Jordan - are you asking me that?

Philip Corwin: (00:26) It seems that if we eliminate clause 2 (language in red -- and I am not advocating or opposing that at this point in the discussion), and the community strongly disagrees with Board implementation of GAC advice, it could still use the lower threshold to remove individual Board members, correct?

Greg Shatan: (00:27) @Phil, that is correct.

Milton: (00:27) No.

Jordan Carter (.nz, WP1 rapporteur): (00:27) no, it doesn't

Jordan Carter (.nz, WP1 rapporteur): (00:27) the lower threshold ONLY applies for 1 or 2

Jordan Carter (.nz, WP1 rapporteur): (00:27) if 2 is deleted, it ONLY applies for 1.

Milton: (00:27) If 3 of 4 SOs think that implementing GAC advice is wrong, for whatever reason, they should be able to stop it

mike chartier: (00:28) mike chartier: What is the threshold for the last two sentences ? (IRP fail), the language does not seem clear.

Brett Schaefer: (00:28) @Becky, Malcom had one example on the list last week that perhaps he could raise.

Greg Shatan: (00:28) +1 to Mike's question....

Philip Corwin: (00:28) And if that is correct, it would be free to remove individual Board members sequentially -- or sequentially appointed Board Chairs -- until the Board reversed its decision. As I read the current language.

Milton: (00:28) Mike: the threshold would be 4 in that case

Greg Shatan: (00:29) @Phil, it doesn't even need to be sequential.

Sabine Meyer (GAC - Germany): (00:29) @Greg: But that's where the Agatha Christie element sets in!

Philip Corwin: (00:29) @Jordan -- I believe you are reading it incorrectly.

Greg Shatan: (00:30) I win threshold bingo with that answer.

Milton: (00:30) @GReg :-)

Greg Shatan: (00:30) Becky's interpretation of the text is consistent with my understanding.

Milton: (00:30) I still don't think Mike's question has been answered correctly

mike chartier: (00:31) Thanks. I agree with a threshold of three, but then the words "with the following exception" do not make sense.

Jordan Carter (.nz, WP1 rapporteur): (00:31) Phil, how so? For all of Board removal? It's crystal clear.

Philip Corwin: (00:31) As I read it, it limits the reduced threshold applies only when the power to be exercised is recall of the entire Board simultaneously.

Milton: (00:31) I think she answered what happens under 2). But Mike asked about the last two sentences

Jordan Carter (.nz, WP1 rapporteur): (00:31) Yes, that's what the whole bottom half of the slide deals with.

Cheryl Langdon-Orr: (00:31) It certainly fitted with my understanding of the intentions Greg Yes

Andrew Sullivan: (00:32) I think that Kavouss's argument appears to be missing part of the point of the empowerment of the community.

Milton: (00:32) it does, Andrew

Philip Corwin: (00:32) But this may be a drafting issue. Perhaps we need to make sure there is a common understanding of the text's effect.

Matthew Shears: (00:32) agree Phil

Becky Burr: (00:32) That's what the community power provides Kavouss, and has provided for months. I am not defending that

Jordan Carter (.nz, WP1 rapporteur): (00:33) absolutely agree

Jordan Carter (.nz, WP1 rapporteur): (00:33) (Phil, that was at you)

Greg Shatan: (00:33) @Milton, Becky's answer is that we go back to (2) (IRP not available) if the power is exercised on other grounds. Drafting can always be improved, as long as we have a common understanding.

Cheryl Langdon-Orr: (00:34) agree Greg

Philip Corwin: (00:34) As I read it, "the power will still be validly exercised if three are in support" in any situation where the community challenging the "Board's implementation of GAC cinsensus advice".

Jordan Carter (.nz, WP1 rapporteur): (00:34) the other two powers

Jordan Carter (.nz, WP1 rapporteur): (00:34) Milton, what you just said is right

Kavouss Arasteh: (00:34) Thomas

Philip Corwin: (00:35) That seems to be the effect of the 1st para, with the 2nd para further limiting it when the power sought to be exercised is spilling the entire Board.

Annaliese Williams (GAC Australia): (00:35) I am genuinely confused. The GAC could provide advice with a rationale, and the community could challenge the Board's implementation of that advice, because it 'doesn't like it' even if it is in accordance with the Bylaws, and then spill the Board? How is this not a significant change to the roles of the GAC, the Board and the community? And how does it enhance accountability?

Brett Schaefer: (00:36) Agree Phil

Jordan Carter (.nz, WP1 rapporteur): (00:36) The community could spill the board for any reason at any time, Annaliese. The issue here is what the threshold should be.

Milton: (00:36) right. IRP is only available for bylaw violation. So if following GAC advice does not violate bylaws, but we just don't like it, does the threshold go down?

Andrew Sullivan: (00:37) I believe that the community's empowerment always was a significant change, yes. I thought that was the point, myself.

Becky Burr: (00:37) yes, under this language

Bruce Tonkin: (00:37) Feels like a clash of principles: (1) that a Board spill should be a result of a broad spectrum of the SOs and ACs to decide to remove the Board, and principle 2 - board removal shouldn't require unanimous assent to remove the Board.

Greg Shatan: (00:37) It is clear to me that spilling the Board is an action of great gravity. That fact that we are speaking about it in shorthand ("I don't like it") should not be taken to indicate otherwise.

Jordan Carter (.nz, WP1 rapporteur): (00:38) it is a clash of principles

Bruce Tonkin: (00:38) The complexity in this case is caused by the GAC carve out. The Board's view was that you need at least 4 SOs and ACs to demonstrate broad consensus to remove the Board, and this clashes with a situation where if there are only 4 orgs able to participate then all four would have to agree.

Brett Schaefer: (00:39) @Bruce,

Andrew Sullivan: (00:39) The way I have been understanding this is congruent with what Becky outlined, but goes in the other direction. In case GAC wants to be the advisor, it's not eligible to be part of the Empowered Community. If an IRP is brought and concludes that the Board is outside the bylaws, then the GAC is allowed back into the EP. Otherwise, it remains out.

Brett Schaefer: (00:40) That would also be a complication if the GAC does not participate in the EC. Would the Board still say that 4 SOAC should be required in that situation?

Paul Rosenzweig: (00:40) Bruce -- What is the reason for the Board's insistence on four SOs and ACs as the minimum. If it is a question of representativeness isn't that answered by the fact that 2 of the ACs have decided to withdraw voluntarily. Why is there representativeness at issue when they chose so ...

Andrew Sullivan: (00:40) s/EP/EC. Sorry

Brett Schaefer: (00:40) edit-required

Kavouss Arasteh 2: (00:40) THOMAS, IN THE CASE THAT irp is invoked and the results are negative but still the community still wants to recall the Board we need 4 SO/AC IN FAVOUR AND NOT 3

Becky Burr: (00:40) But the community must articulate the reason it is recalling

Chris Disspain: (00:41) by-law violation is not a pre-requisite for Board removal as I understand it

Malcolm Huty: (00:41) There do seem to be possible cases where the IRP would not be applicable. e.g. where at GAC request Board altered new gTLD process to give a veto to governments.



Matthew Shears: (00:41) I assume that under 2) the community would go through the full escalation process with opportunities for mediation and resolution

Milton: (00:41) "In case GAC wants to be the advisor, it's not eligible to be part of the Empowered Community." this may be a better way to articulate the principle, Andrew

Greg Shatan: (00:41) Roelof, that is correct, and that is why the answer Becky gave earlier is that the threshold is 3 in either case.

Brett Schaefer: (00:41) Correct. Chris

Ken Salaets/ITI: (00:42) @Mike, perhaps it would be a good time for you to repeat your table approach.

Chris Disspain: (00:42) Roelof is correct about the game playing that is possible...

Brett Schaefer: (00:42) My understanding as well, Matthew

Cheryl Langdon-Orr: (00:42) No Chris but it is the only basis for a successful IRP

Greg Shatan: (00:42) It should be 3 in either case (IRP not available/IRP fail) or 4 in either case. But not a different threshold.

Andrew Sullivan: (00:42) Yes, it is self-evident that that will be the consequence

Becky Burr: (00:42) yes, Roelof is correct that the game playing is possible.

Milton: (00:42) Roelof: the threshold is the same in either case

Andrew Sullivan: (00:42) (that such objections will be on non-IRP-able grounds)

jorge cancio (GAC Switzerland): (00:42) The non-unanimity principle is carved out by the impact of the GAC carve out, which reduces the quorum from 5 to 4. Therefore, the non-unanimity-principle should be suspended. Otherwise the principle of broad support for a board recall is weakened

Brett Schaefer: (00:43) Agree, jordan

Paul Rosenzweig: (00:43) @Bruce -- Second question -- if as seems quite plausible the GAC also declines to join as a voting member, such that there are always only 4 SOs and ACs voting (unless and until one of the ACs changes its mind or ICANN's structure changes). Is it your view that even when the 3 ACs choose voluntarily not to participate as members of the EC that there is still a 4 minimum. That isn't a representativeness issue -- since representativeness is at least in part reflected of what people want when they decide not to cast a vote. It can and must be a "we want to make it harder" position ...

Greg Shatan: (00:43) All of this is after a number of escalation and resolution steps.

Becky Burr: (00:43) this is not about wording Kavouss. It's about reconciling conflicting principles.

Becky Burr: (00:44) which can be done in several ways

Milton: (00:44) Yes, Paul you are right.

Matthew Shears: (00:44) who/what would make the determination that an IRP is not available/appropriate?

Cherine Chalaby: (00:44) Q: What is the incentive of using the IRP route, when it is much easier to say I DON'T LIKE WHAT THE BOARD DID and just recall the Board with a threshold of 3?

Milton: (00:44) Matthew: the EC

Vidushi Marda: (00:44) isn't the threshold same either way?

Milton: (00:44) when making a challenge

Brett Schaefer: (00:45) Matthew, the basis for the initial petition in the EC

Matthew Shears: (00:45) thanks

Philip Corwin: (00:45) @Jorge--failing to lower the voting threshold in situations regarding Board implementation of GAC advice would give the GAC permanent veto power against any challenge to such implementation, even where an IRP found a Bylaws violation

Roelof Meijer (SIDN, ccNSO): (00:45) @Milton: yes, I am aware of that. But if one uses other grounds than bylaw violation, one is assured of the lower threshold. If one uses the argument of bylaw violation, there is the risk of losing the IRP and NOT being able to recall the board

Andrew Sullivan: (00:45) @Cherine: there isn't one.

Milton: (00:45) Vidushi: yes, I think the threshold is the same whether you use IRP or not, -as long as the issue is GAC advice

Greg Shatan: (00:45) Kavouss, you are stating a result, not a reason.

Milton: (00:45) Roelof: the main concern is whether to follow GAC advice or not, NOT recalling the board

Samantha Eisner: (00:46) @Phil, under (1) on the screen, wouldn't that address the scenario where a Bylaws violation was found?

Becky Burr: (00:46) yes, Kavouss is stating an alternative way to reconcile the competing principles

Vidushi Marda: (00:46) @Milton: thanks. :)

Cherine Chalaby: (00:46) Thomas, I would appreciate an answer to my question in the chat

Roelof Meijer (SIDN, ccNSO): (00:46) @Thomas: you might consider asking someone who has the queue on his screen who's next in line...

Philip Corwin: (00:47) @samantha. yes, I agree. But I was reply to a comment of Jorge that appeared to oppose every relaxing the threshold

Becky Burr: (00:47) As I understand it, the Board's concern would be addressed by dropping (2) and the "only either" language in the chapeau

Kavouss Arasteh 2: (00:47) I SUGGEST THE FOLLOWING

Thomas Rickert: (00:47) Roelof, I will!

Jorge Cancio (GAC Switzerland): (00:48) @phil: why? 4 of the 4 remaining would need to decide, as the GAC would be excluded in such cases

Milton: (00:48) Jordan slow down a bit

Roelof Meijer (SIDN, ccNSO): (00:49) @Becky: so let's drop (2). It's inconsistent and does not add anything valuable

Bruce Tonkin: (00:49) Yes @Becky - that is correct.

Philip Corwin: (00:49) I think we may be talking past one another, Jorge. The language on the screen reduces the threshold from 4 to 3.

Olga Cavalli - GAC Argentina: (00:49) +1 to Roelof

Matthew Shears: (00:50) good summary Jordan

Becky Burr: (00:50) remember - this only applies where the challenge is the Board's implementation of GAC Advice. If the desire to recall is based on a general loss of confidence, the carve out is not implicated in the first place

Kavouss Arasteh 2: (00:50) I suggest the following

Keith Drazek: (00:50) I agree with Jordan.

Edward Morris: (00:50) @Jordan. I agree with your perspective.

Matthew Shears: (00:50) + 1 Becky

Brett Schaefer: (00:50) Yes, agree Becky

James Bladel: (00:50) Agree with Jordan, this is an edge of an edge.

Paul Rosenzweig: (00:51) @ Jordan -- I agree with you that this is not that important.... or I did until the Board intervened. Obviously the Board thinks that this is so important that not only have they objected but they have done so at the last minute in a way that causes the delay. Perhaps the question should be to the Board -- why is this so important that you stopped the train just a few hours before it was leaving the station ....

Mark Carvell GAC - UK Govt: (00:51) @ Jordan: I agree, thanks.

Brett Schaefer: (00:51) Yes, James, which makes me wonder why the Board would be opposed and raise the GPI concern about it.

Jordan Carter (.nz, WP1 rapporteur): (00:51) Points to clarify - whether the first part of 72 applies to the three powers with threshold of 4: budget, board recall, separation.

Keith Drazek: (00:52) If removal of bullet 2 gets us across the finish line, we should strongly consider it.

Jordan Carter (.nz, WP1 rapporteur): (00:52) and secondly, to be clear, the only 3/4 debate is where there is no IRP

Matthew Shears: (00:52) is it reasonable to assume that most situations would use the IRP? Seems so

Alan Greenberg: (00:52) Recall that we have always said that Board recall will not likely be used, but it is the THREAT of use that is the power. Given that, Cherine's question is applicable.

Jordan Carter (.nz, WP1 rapporteur): (00:52) and I don't care particularly where we delete 2 or not, but I want us to do whatever is FASTEST to get out the gate.

Olga Cavalli - GAC Argentina: (00:52) +1 to Alan's comment

Kavouss Arasteh 2: (00:52) When the community invoked IRP to recall the Board in regard with the GAC advice on the ground that BYLAWS or Article of INCORPORATION HAS BEEN VIOLATED, THE THRESHOLD WOULD BE 3 SO/AC

Jordan Carter (.nz, WP1 rapporteur): (00:52) Remember, for the board recall power, you still need three SOs/ACs to petition to do it, regardless of what the final decision threshold is.

Finn Petersen, GAC - DK: (00:52) +1 Keith

Avri Doria: (00:52) Milton, not if they don't need to and the threshold is the same. Why bother with that long a process.

Jordan Carter (.nz, WP1 rapporteur): (00:53) it's whether IRP is available

Brett Schaefer: (00:53) @Keith, no I disagree, it should be incumbent on the Board to convince us why to change the existing text is necessary beyond their discomfort

Jordan Carter (.nz, WP1 rapporteur): (00:53) not whether someone chooses to use it

Kavouss Arasteh 2: (00:53) in other cases in which the balaws or article of incorporation has not been violated then threshold should be 4so/ACs

Milton: (00:53) Avri: I was going to answer that concern but i was not allowed to speak

Avri Doria: (00:53) One process take a year ot more more, one process take a month or so. Why go to IRP?

Milton: (00:53) I had a better answer to Chalaby's quetion than Becky

Philip Corwin: (00:53) Recalling the entire Board at once would likely only be contemplated when the entire organization was already in a state of deep division approaching crisis proportions.

Bruce Tonkin: (00:54) Agree with @Becky - spilling the board in general shoudl be a result of a pattern of bad behaviour and the threshold of 4 is appropriate. Inteh case of an individual case - this shoudl really be if in the individual case the Board has gone outside of its scope or breached its bylaws and rules and procedurs. The reconsideration process ande IRP are designed to deal with individual cases.

Cheryl Langdon-Orr: (00:54) @Keith I agree with you re (2) as shown on screen

Greg Shatan: (00:54) Is there a requirement to use the IRP if it's "available"?

Jordan Carter (.nz, WP1 rapporteur): (00:54) Milton: type it

Becky Burr: (00:54) yes

Matthew Shears: (00:54) good question Greg

Matthew Shears: (00:54) is that explicit|?

Becky Burr: (00:54) the implementation would have to address how you use that.

Mark Carvell GAC - UK Govt: (00:55) If red (2) is retained it needs clarification in text on why this might happen.

Milton: (00:55) in a nutshell, the lowered threshold does not apply simply because you don't like something the board did - it only applies when you don't like something the board did because of GAC advice.

Becky Burr: (00:55) yes - that's what available means

Alan Greenberg: (00:55) Greg, there is no way that could be enforced.

Andrew Sullivan: (00:55) @Greg: surely someone clever would come up with a reason that made the IRP irrelevant.

Jordan Carter (.nz, WP1 rapporteur): (00:55) CHERine: that's the answer to your question. You don't get to choose. If the IRP is available you have to use it.

Bruce Tonkin: (00:55) If the recosideration or IRP is not available it shoudl revert to cosnidering the overall pattern of behavioru of the Baord and allowing all the community to participate on making that decsion. It shuldn;t just be about GAC advice. for one sitaution.

Greg Shatan: (00:55) I think it's implicit that you have to use the IRP if it's available -- if we stick with the language as drafted.

Becky Burr: (00:55) that's another way of looking at it Bruce

Jordan Carter (.nz, WP1 rapporteur): (00:55) True. I assumed it. But isn't it implicit in the way 1 is written?

Milton: (00:56) And while it is true that it would be possibly faster and easier to do it directly and not through an IRP, there are MANY cases in which it would be preferable to use the IRP. E.g., you want to establish a precedent, and you DONT want the instability of a spilled board, especially when you don't know anything about who the new board will be

Edward Morris: (00:56) @Greg. Correct.

jorge cancio (GAC Switzerland): (00:56) @Phil: I don't know. I was addressing the issue of the clash of principles (non-unanimity and broad support for Board recall). I feel that in the face of a GAC exclusion through the carve-out, the principle of broad support should prevail. And in any case, the GAC would not have a veto right here as it is carved out. But the remaining 4 SO/AC would need to decide unanimously.

Roelof Meijer (SIDN, ccNSO): (00:56) so we got ourselves cornered by a corner case

Becky Burr: (00:56) It has always been intended that you have to use an IRP if it is available.

Finn Petersen, GAC - DK: (00:56) I you can't explain 2, then you cannot defend is

Cheryl Langdon-Orr: (00:56) Yup Roeloff it seems so...;-)

jorge cancio (GAC Switzerland): (00:56) +1 Finn

Matthew Shears: (00:57) @ Becky - as long as it is understood by all to mean that

Jordan Carter (.nz, WP1 rapporteur): (00:57) the words don't exactly say that but if we understand it as such, that shall be the case

Kavouss Arasteh 2: (00:58) i DISAGREE WITH sTEVE PROPOSAL.

Greg Shatan: (00:58) Bruce, the implementaton by the Board could be so outrageous that the single incident could be sufficient to cause the community to seek to spill the Board. But that's really unlikely -- hence the corner case nature of this situation.

Kavouss Arasteh 2: (00:58) wE MUST BE CLEAR

Keith Drazek: (00:58) Well said, Steve.

Bruce Tonkin: (00:58) That is correct @Steve Delbianco

Eberhard W Lisse [.NA ccTLD Manager]: (00:58) I have my hard stop coming up, and so I appoint Stephen Deerhake as proxy.

Becky Burr: (00:58) Kavouss, why? He is proposing to drop (2)

Matthew Shears: (00:58) but, won't there always be the possibility of a "corner case"?

mike chartier: (00:58) the problem is the language "with the following exception", that has to go.

Kavouss Arasteh 2: (00:58) I disagree to be vague

Cherine Chalaby: (00:58) I confirm what Steve Delbianco is saying

David McAuley (RySG): (00:58) Agree, well said Steve

Kavouss Arasteh 2: (00:58) We must explain both cases

Jordan Carter (.nz, WP1 rapporteur): (00:58) there is no way the Board will reject the proposal over this corner case

Brett Schaefer: (00:59) Yes, Matthew, Steve's proposal would be ducking that possibility

Grace Abuhamad: (00:59) yes, everyone has scroll control

James Bladel: (00:59) And NTIA would wait for this to play out?

Alan Greenberg: (00:59) Removal of 2 makes sense based on Steve's analysis and even more on Roelof's analysis that 2 is equivalent to and IRP failing.

Bruce Tonkin: (00:59) Quite a few Board memebtrs are on this call - including Steve, Cherine and many others - and the Board supports @Steve's proposal to remove the red text.

Jordan Carter (.nz, WP1 rapporteur): (01:00) It would be in the Board's hands, Steve. :-)

Brett Schaefer: (01:00) Let me point out that the Board has yet to offer a compelling reason for its objection other that it does not like it

Cheryl Langdon-Orr: (01:00) As Do I and it seems several other CCWG Members @BRUCE

mike chartier: (01:00) Steve, the problem is sti llthe language "with the following exception", that has to go especially if #2 goes.

jorge cancio (GAC Switzerland): (01:00) any unclear corner cases should at least go to ws2

Edward Morris: (01:00) Exactly Jordan but if they did - that is the appropriate process at this point and time. If we bend to expediency now, why should the world think we won't do so with the accountability procedures wee are establishing in the future.

Avri Doria: (01:00) i can also support Steve's simple solution - remove the red text.

Olga Cavalli - GAC Argentina: (01:00) +1 to jorge cancio's comment

Mark Carvell GAC - UK Govt: (01:00) The GAC should not be excluded from any action to spill the Board. If root cause for the action is GAC advice to the Board, given the gravity of the situation it should still nonetheless be expected to formally participate in an advisory capacity. Can a statement to this effect be included?

Becky Burr: (01:01) yes Mark

Matthew Shears: (01:01) agree Mark

Roelof Meijer (SIDN, ccNSO): (01:01) 11688 emails..

Paul Rosenzweig: (01:01) Steve -- That is not the only set of choices., since you wrongly assume that the Board will, in fact, invoke GPI after getting the proposal. As they have yet to articulate a decent reason why they want the delition I have no reason to think that your "hard" way is really "hard"

Jordan Carter (.nz, WP1 rapporteur): (01:01) It is entirely included advisory

Eberhard W Lisse [.NA ccTLD Manager]: (01:01) I would object against changing the final proposal in any way, ie if removing (2)

Avri Doria: (01:01) i support not excluding the GAC for the reasons Steve explains.

Paul Rosenzweig: (01:01) +1 EL

Greg Shatan: (01:01) @Mark, the GAC is only excluded from the decisional moment(s), not the rest of the process.

Kavouss Arasteh 2: (01:02) Thomas ,there is a simple fix to the case as follows:

Jordan Carter (.nz, WP1 rapporteur): (01:02) it is explicitly included in such a way in other language

Roelof Meijer (SIDN, ccNSO): (01:02) Just to make sure, people: Steve's offering us a, easy way solution and a hard way solution. After more than a year, 85 meetings and 11688 emails...

Becky Burr: (01:02) i don't think that you would get 3 SOs or ACs over a specific action.

Matthew Shears: (01:03) if 2) is removed whow would such a case be addressed in the future?

Steve DelBianco [GNSO - CSG]: (01:03) As I indicated, Milton, Spill the Board would be driven by a pattern of board actions. Not a single action

Paul Rosenzweig: (01:03) @ Roelof -- Of course the other "easy" way is for the Board to withdraw its objection to this edge case. If it really isn't that significant, why have they made such a strum and drang about it.? If, however, they see it as that important then all the more reason for the community to not recedie ...

Becky Burr: (01:03) If you can't bring an IRP and win, you need 4 Matthew

Keith Drazek: (01:04) Agree with Becky and Steve.

Jordan Carter (.nz, WP1 rapporteur): (01:04) I prefer keeping the report as it is, but I don't object to deleting (2). I have said this multiple times.

Greg Shatan: (01:04) @Paul, is "strum und drang" a type of heavy metal music?

Becky Burr: (01:04) @ Paul, because of concerns about recall being too easy

Roelof Meijer (SIDN, ccNSO): (01:04) @Paul: I find it easier to remove an error than ask others to stop objecting to an error

Jordan Carter (.nz, WP1 rapporteur): (01:04) I am happy with the CCWG being the grown ups here.

Roelof Meijer (SIDN, ccNSO): (01:04) remove..

Avri Doria: (01:04) I still do not see why, if the community wanted to remove the board, we would go to IRP if the threshold was the same whether we went or not. Rationality says get rid of them in a month instead of a year.

Milton: (01:04) Steve and others framing it as easy vs. hard is a bit prejudicial. How about right vs wrong, or more accountable vs less accountable?

Paul Rosenzweig: (01:04) @ Roelof -- Then you should acknowledge that most of us don't think it is an error.

Greg Shatan: (01:04) I think there is a requirement to use the IRP if it's available.

Greg Shatan: (01:04) I think there is a requirement to use the IRP if it's available.

Steve Crocker: (01:04) Apologies; I had a problem with my screen. I have regained control. I support what SDB said.

Steve DelBianco [GNSO - CSG]: (01:04) can a board member put in this chat that they would support WITH NO FURTHER CONCERNS if the red text were dropped?

Kavouss Arasteh 2: (01:05) In case that the Board is recalled on the non observance of the bylaws and article of incorporation in deciding on the GAC advice using IRP then reduced threshold of 3 SO/AC .

Becky Burr: (01:05) how would you gain community support for the because we don't like it Avri?

Matthew Shears: (01:05) @ Greg - seems that needs to be made clearer

Steve Crocker: (01:05) Yes, no further concerns.

Becky Burr: (01:05) If there is a broader pattern of behavior at stake, the GAC carve out doesn't apply

Edward Morris: (01:05) Correct Greg

Greg Shatan: (01:05) @Matthew, one way to make it clearer is to drop (2).

Roelof Meijer (SIDN, ccNSO): (01:05) Acknowledged that part of the group doesn't. And part of the group does

Cherine Chalaby: (01:05) Steve, I have already said it in the chat

Jordan Carter (.nz, WP1 rapporteur): (01:06) this carve out doesn't apply to broad concerns

Avri Doria: (01:06) right and wrong is just a matter of perspective, especially in this case.

Steve Crocker: (01:06) Cherine, thanks.

Keith Drazek: (01:06) Bruce is right....the power still exists, just in a different manner.

Cheryl Langdon-Orr: (01:06) thanks @Bruce tat works for me

Andrew Sullivan: (01:06) If the red text is removed, what happens to the support from the chartering organizations?

Milton: (01:06) Bruce: broad pattern of board is always avaiable, yes, but if the objection is to its following GAC advice, then why should GAC get a second bite at that apple?

Bruce Tonkin: (01:07) @Milton - I get that - but the other 4 Soss and ACs can still make that call.

Milton: (01:07) but then you need unanimity

Bruce Tonkin: (01:08) We think it is a corner case as that even in working towards getting 4 Soss and Acs in support -0 there would be a community forum and lots of opportunity for the Board to adjust its stance against such strong opportunistic. I think it is highly unlikely that the Board would not shift its view if even one SO or ACs was strongly against its position.

Brett Schaefer: (01:08) The threat is not very threatening if the possibility of its exercise is too difficult, i.e. unanimity.

Bruce Tonkin: (01:08) The situation where the Board decides to ignore 3 or 4 Soss we think is extremely remote.

Grace Abuhamad: (01:08) Queue order for the Chairs: MikeEdwardCherineRoelofGregStevePaul MalcolmJordan.

Alan Greenberg: (01:08) @Andrew, I think that is what this discussion is about.

Bruce Tonkin: (01:08) Our normal process is to run things by the broader community before we decide.

Brett Schaefer: (01:09) @Bruce, so is this corner case!

Greg Shatan: (01:09) Grace, is that a German word?

Becky Burr: (01:09) the following exception applies to recall Mike

Grace Abuhamad: (01:09) @Kavouss, the queue is closed after Jordan. I will lower your hand.

Sabine Meyer (GAC - Germany): (01:09) @Greg: no umlauts. So no.

Kavouss Arasteh 2: (01:09) tHOMAS,

Paul Rosenzweig: (01:09) @ Sabine -- hard to do umlauts on this keyboard

Kavouss Arasteh 2: (01:09) PLS CONSIDER THE FOLLOWING

Milton: (01:09) right. always easy to give in to no accountability option

Andrew Sullivan: (01:10) @Alan: I get that, but I think the characterization as "easy" and "hard" needs to take it into consideration :)

Mike Chartier: (01:10) Becky, the way it's written the following exception refers to a threshold of three vs four

Steve DelBianco [GNSO - CSG]: (01:10) and we HAVE the power to spill the board. that has not changed at all, Ed

Roelof Meijer (SIDN, ccNSO): (01:10) @Edward: not an easy way out. An easy solution. It seems there can be a difference

Sabine Meyer (GAC - Germany): (01:10) @Paul: you can always transcribe, i.e. ä=ae and so forth

Thomas Rickert: (01:10) Mike, can you please send a suggestion for language?

Paul Rosenzweig: (01:11) @Sabine thanks ... something new every day ....

Kavouss Arasteh 2: (01:11) In para 2, delete the word " either" ,in para. currently labelled 1) ,please delete 1

Kavouss Arasteh 2: (01:11) pls then delete 2

Paul Rosenzweig: (01:11) +1 Ed

Brett Schaefer: (01:11) +1 Ed

Robin Gross: (01:11) Agree, Ed.

Avri Doria: (01:12) I think it is premature to speak of what the GNSO will or will not accept.

Brett Schaefer: (01:12) The Board has not actually explicitly stated its concerns about this issue, just that it does not like it!

Greg Shatan: (01:13) @Avri, +1

James Bladel: (01:13) Correct, Avri.

Edward Morris: (01:13) 7 is the magic number in the GNSO. I can count.

Jordan Carter (.nz, WP1 rapporteur): (01:13) the only question is whether we are making life hard for the GNSO or for the Board. \*shrug\*

Kavouss Arasteh 2: (01:14) PLS DO NOT DELETE MY REQUEST TO INTERVENE

Jordan Carter (.nz, WP1 rapporteur): (01:14) Kavouss, you asked after the queue was closed.

Olga Cavalli - GAC Argentina: (01:14) +1 to Roelof comments

Milton: (01:14) I agree this is not a corner case. But it is not a mistake - it is being resisted Roelof, because it would make the board accountable with a lower threshold

Brett Schaefer: (01:14) The Board has promised NTIA and Congress to send this forward even if it disagrees with some of the recommendations.

mike chartier: (01:14) So, if we take out the red language, is the threshold for the last two sentences three or four?

Kavouss Arasteh 2: (01:14) Thomas, pls kindly listen to my proposal,

Cheryl Langdon-Orr: (01:14) why not type your intervention here Kavous?

Jordan Carter (.nz, WP1 rapporteur): (01:14) four

Jordan Carter (.nz, WP1 rapporteur): (01:15) mike: four

Edward Morris: (01:15) @Greg. Correct - if done according to agreed procedures. I have problems with 10. Can we reopen it today?

Roelof Meijer (SIDN, ccNSO): (01:15) @Milton: I do not agree with that at all. It's not about accountability. This is about giving too much power to a too exclusive group

Milton: (01:16) 3 SOs? Roelof don't make me laugh.

Finn Petersen, GAC - DK: (01:16) it seems we are ready to drop 2!

Jordan Carter (.nz, WP1 rapporteur): (01:16) Or two SOs and one AC, Milton

Brett Schaefer: (01:16) @Finn, it seems we are ready to keep 2!

James Gannon: (01:16) hi everyone

Kavouss Arasteh 2: (01:17) Delete the word 2 either" at the end of second line, delete 1) , delete the red part totally

Cheryl Langdon-Orr: (01:17) agree @Greg

James Gannon: (01:17) apologies for tardiness

Roelof Meijer (SIDN, ccNSO): (01:17) @Milton: love to make you laugh

Brett Schaefer: (01:17) @Greg, we had consensus last week. Then the Board intervened.

Cherine Chalaby: (01:17) Greg+1

James Bladel: (01:17) +1 to insanity, Greg.

Asha Hemrajani: (01:17) Greg +1

Jordan Carter (.nz, WP1 rapporteur): (01:17) James, you missed all the fun bits

Robin Gross: (01:17) Agreed, Brett, we had consensus last week.

Milton: (01:18) good stop there

mike chartier: (01:18) I think this is what we agree to:

Keith Drazek: (01:18) Agree with Greg here. This is not worth deep-sixing nearly 2 years of cross-community work and all of the other important reforms we've developed.

mike chartier: (01:18) 71 The CCWG-Accountability also recommends that in a situation where the GAC may not participate as a Decisional Participant because the Community Power is proposed to be used to challenge the Board's implementation of GAC consensus advice and the threshold is set at four in support, the power will still be validly exercised if three are in support and no more than one objects, after an IRP has found that, in implementing GAC advice, the Board acted inconsistently with the ICANN Bylaws.<sup>72</sup> If the Empowered Community has brought such an IRP and does not prevail, the Empowered Community may not exercise its power to recall the entire the Board solely on the basis of the matter decided by the IRP. It may, however, exercise that power based on other grounds, but with the normal threshold of four.

Milton: (01:18) Keith: your argument applies to the board as well. Why don't you urge them to accept the agreement we came up with?

Greg Shatan: (01:19) @James, my plea was to Stop the Insanity....

Cheryl Langdon-Orr: (01:19) thanks Mike

Brett Schaefer: (01:19) +1 Milton

Edward Morris: (01:20) +1 Milton

Robin Gross: (01:20) It is the board that is holding up progress here, not CCWG.

Philip Corwin: (01:20) What is this language that Mike C just posted? I thought we were considering whether or not to drop clause 2 in red. It appears that he has proposed a much broader rewrite.

Greg Shatan: (01:20) Cue "Les Misérables" here....

Sébastien (ALAC): (01:21) Please remember that we the community elect/select the Board

Milton: (01:21) And it will be a costly choice, Paul, once it "goes to Washington"

Brett Schaefer: (01:21) +1 Paul

Kavouss Arasteh 2: (01:22) My proposal is; delete the word " either" delete pranthetic (1) ,delete red part

Milton: (01:22) exactly, Malcolm

Jordan Carter (.nz, WP1 rapporteur): (01:22) it's if the don't follow it, I assume, Malcolm

Kavouss Arasteh 2: (01:22) That would resolve the case

Edward Morris: (01:22) I'm sad. This community is showing it lacks the wherewithall to follow procedure when the Board objects. If it won't do so today on such a small issue why should I have confidence it will do so in the future on larger issues?

Paul Rosenzweig: (01:22) Me too Ed ...

Greg Shatan: (01:22) Malcolm, that is there if the Board flouts the IRP.

Steve DelBianco [GNSO - CSG]: (01:23) @ Ed -- I displayed the "procedures" dictaed by our charter. We have that option.

Kavouss Arasteh 2: (01:23) Thomas pls kindly advise not to lower my hand

Greg Shatan: (01:23) I don't this is an absolutely clear procedural violation.

Kavouss Arasteh 2: (01:23) I made a formal proposal

Greg Shatan: (01:23) If it is a violation at all.

Kavouss Arasteh 2: (01:23) If you can not read it on the chat , allow me to read it

Steve DelBianco [GNSO - CSG]: (01:23) And we have the option to delete (2) which we added on 16-Feb. That's within our process too

Kavouss Arasteh 2: (01:24) Pls allow me to describe my proposal

Edward Morris: (01:24) @Greg. We were in a review, not a comment, period. I suspect if the GNSO voiced concern abut thissame matter no special meeting would be held, no change would be made.

Paul Rosenzweig: (01:24) Exactly Malcolm ....

Andrew Sullivan: (01:25) I continue to believe that the GAC's ability to choose its role ought to be kept closer to mind. I find it surprising how rarely that seems to be reflected in what people are saying

Robin Gross: (01:25) I agree with Malcolm.

Kavouss Arasteh 2: (01:25) Delete the word " either" . delete the paranthetic (1), delete the red part

Andrew Sullivan: (01:25) (But as I've said on the list, I have no vote and will not object to any result)

Edward Morris: (01:25) +1 Malcolm

Kavouss Arasteh 2: (01:26) DELETE ALSO " OR " BEFORE THE RED PART

Cheryl Langdon-Orr: (01:26) Kavous f I understand correctly that is exactly what many of us are supporting after Steve Del Bianco's earlier intervention

Brett Schaefer: (01:26) Agree with Malcolm, although a corner case, not entirely beyond the possible that 2 might happen.

Grace Abuhamad: (01:26) Roelof, Milton and Kavouss -- the queue closed with Jordan. I will lower your hands

Roelof Meijer (SIDN, ccNSO): (01:26) +1 to removing it, Jordan

jcurrenarin: (01:27) "Peace on Earth, was all it said"

Robin Gross: (01:27) I also don't think the board will vote by 2/3 that this issue is against the public interest.

Avri Doria: (01:27) i find i have no reason to speak as I agree completely with Jordan.

Paul Rosenzweig: (01:27) We resolved it two weeks ago .... :-) The Board unresolved it :-)

Jordan Carter (.nz, WP1 rapporteur): (01:27) Mark Carvelle: your request re language re GAC is in Recommendation 1, Para 11

Jordan Carter (.nz, WP1 rapporteur): (01:27) or para 8 sorry

Ken Salaets/ITI: (01:27) @jcurrenarin, are you quoting a song lyric?



Jordan Carter (.nz, WP1 rapporteur): (01:27) The following limitation associated with the Governmental Advisory Committee (GAC) acting as a Decisional Participant: If the GAC chooses to participate as a Decisional Participant in the Empowered Community, it may not participate as a decision-maker in the Empowered Community's exercise of a Community Power to challenge the ICANN Board's implementation of GAC consensus advice (referred to as the "GAC carve-out"). In such cases, the GAC will still be entitled to participate in the Empowered Community in an advisory capacity in all other aspects of the escalation process, but its views will not count towards or against the thresholds needed to initiate a conference call, convene a Community Forum or exercise the Community Power.

Milton: (01:27) Avri: Jordan said the board would not sink the transition over this

Jordan Carter (.nz, WP1 rapporteur): (01:28) I did, and I believe it firmly.

Roelof Meijer (SIDN, ccNSO): (01:28) Let's not mispresent this. The power to spill the board is not removed. Steve stressed that too. This is about lowering threshold. I disagree with lowering the threshold in the case where there's no bylaw violation

Kavouss Arasteh 2: (01:28) BUT YOU NEED TO DO FEW EDITS

Matthew Shears: (01:28) did Steve outline the second option?

Stephen Deerhake (.as): (01:28) I have been instructed by Eberhard to vote no on the proposal to remove (2).

Greg Shatan: (01:28) @John, are we "the people of the valley"?

Olga Cavalli - GAC Argentina: (01:29) agree with Roelof

Leon Sanchez (Co-Chair ALAC): (01:29) Yes Kavouss, those would be made

Jordan Carter (.nz, WP1 rapporteur): (01:29) there are nine red checks

Paul Rosenzweig: (01:29) THomas -- please also ask it the other way -- do you WANT to remove the red language?

Jordan Carter (.nz, WP1 rapporteur): (01:29) ten

Paul Rosenzweig: (01:29) Eberhard objected before he left ... you should include him.

Kavouss Arasteh 2: (01:29) THOMAS THEN YOU NEED TO DELETE " EITHER" AND DELETE ( 1)

Roelof Meijer (SIDN, ccNSO): (01:30) 9 out of 86 against removing (2)..

mike chartier: (01:30) more than Kavouss edits would have to be made. I sent edits earlier.

Andrew Sullivan: (01:30) I think Stephen Deerhake takes Dr Lisse's position

Jordan Carter (.nz, WP1 rapporteur): (01:30) the edit job is fine

Sabine Meyer (GAC - Germany): (01:30) Stephen Deerhake is acting as Eberhard's proxy. Don't know how you would count that.

Greg Shatan: (01:30) Stephen Deerhake, are you voting for yourself and again for Eberhard?

Izumi Okutani(ASO): (01:30) I'm good with either options given it is a rare case, and would like us to move forward

Paul Rosenzweig: (01:30) Yes, Stephen does ...

Becky Burr: (01:30) but Stephen is also a participant in his own right

Becky Burr: (01:31) so he counts twice

Cheryl Langdon-Orr: (01:31) obviously Kavous

Greg Shatan: (01:31) @Cheryl, +1

jorge cancio (GAC Switzerland): (01:31) To what constituency do these objections belong?

James Gannon iPad: (01:31) correct Becky

Kavouss Arasteh 2: (01:32) ARE THE OBJECTIONS THE MEMBER OF ccwg

Paul Rosenzweig: (01:32) Most of them are in the gNSO Jorge.

Ken Salaets/ITI: (01:32) what is the total number of CCWG-A members? thanks

Roelof Meijer (SIDN, ccNSO): (01:32) lost audio?

Kavouss Arasteh 2: (01:32) How many members of CCWG object

Matthew Shears: (01:32) lets just hope this rare case doesn't come back to haunt us

Jordan Carter (.nz, WP1 rapporteur): (01:32) no, there is a silence

Ken Salaets/ITI: (01:33) 11 objections

Jordan Carter (.nz, WP1 rapporteur): (01:33) there are 29 SO/AC members o the CCWG

James Gannon iPad: (01:33) entirely irrelevant Jorge with respect

Kavouss Arasteh 2: (01:33) no audio

Kavouss Arasteh 2: (01:33) thomas,

Ken Salaets/ITI: (01:33) he said they are muting. hold on...

Kavouss Arasteh 2: (01:33) Pls kindly reply,

Roelof Meijer (SIDN, ccNSO): (01:33) are we waiting for somehinhg

Robin Gross: (01:33) the suspense!

Matthew Shears: (01:33) perhaps the co-chairs are conferring?

Chris Disspain: (01:33) anything

Stephen Deerhake (.as): (01:33) Becky, I was not voting as a participant (no vote); I was simply acting on El's instructions.

Brenda Brewer: (01:33) Please stand by...Silence momentarily.

Olga Cavalli - GAC Argentina: (01:33) what happened?

Kavouss Arasteh 2: (01:33) These objectors are all members of CCWG?

Kavouss Arasteh 2: (01:34) NO AUDIO

Sabine Meyer (GAC - Germany): (01:34) Thanks for the clarification, Stephen.

Steve DelBianco [GNSO - CSG]: (01:34) @Mike -- there are 25 Members, and many more participants. see this page <https://community.icann.org/pages/viewpage.action?pageId=50823968>

James Bladel: (01:34) Members and Participants

Stephen Deerhake (.as): (01:35) Greg, I voted Eberhard's proxy as instructed by him.

Kavouss Arasteh 2: (01:35) PLS READ THE NAME OF THOSE CCWG MEMBERS WHO OBJECTING

Stephen Deerhake (.as): (01:35) That is not my vote.

Sabine Meyer (GAC - Germany): (01:35) Is this reflected in the notes? Wasn't keeping count myself.

jorge cancio (GAC Switzerland): (01:35) we should consider the representativity of those objecting - as we have always done

Alan Greenberg: (01:35) Kavouss, Robin and Eberhard I think

Edward Morris: (01:35) Thanks Thomas

Chris Disspain: (01:35) why are we breaking?

Robin Gross: (01:35) why are we beaking?

Chris Disspain: (01:35) snap!

David McAuley (RySG): (01:36) Time for a German lesson, Sabine?

Brenda Brewer: (01:36) 10 minute break -- please stand by

Cheryl Langdon-Orr: (01:36) not sure

Sabine Meyer (GAC - Germany): (01:36) Sure, David.

James Bladel: (01:36) Are the co-chairs conferring?

Thomas Rickert: (01:36) yes

Ken Salaets/ITI: (01:36) warum nicht?

Sabine Meyer (GAC - Germany): (01:36) How about "Wir machen eine 10minütige Pause"?

David McAuley (RySG): (01:36) Thankyouverymuchisthatright

Jordan Carter (.nz, WP1 rapporteur): (01:36) yes

Cheryl Langdon-Orr: (01:37) I know Thomas has connectivity issues in his hotel and will soon be presenting at a conference

Robin Gross: (01:37) can someone fill in the silence with a song, perhaps?

Ken Salaets/ITI: (01:37) lol

Holly J. Gregory (Sidley): (01:37) I could play my mandolin

Farzaneh Badii: (01:37) no we should learn German Robin

Sabine Meyer (GAC - Germany): (01:37) Oh no, Jonathan Zuck has stepped away apparently.

Ken Salaets/ITI: (01:37) maybe now Kavouss can speak?

Greg Shatan: (01:37) I could play my bari sax....

Asha Hemrajani: (01:37) I was going to suggest you play your saxophone Greg

Robin Gross: (01:37) :-)

Milton: (01:37) I suggest the theme from The good, the bad and the ugly

Holly J. Gregory (Sidley): (01:38) we could have a CCWG jam session

Greg Shatan: (01:38) I think the 2:30 am pause should be a new ICANN tradition. So restful....

Milton: (01:38) Or Chopin's funeral march

Greg Shatan: (01:38) Milton, in that case, I'll whistle....

Ken Salaets/ITI: (01:38) I just bought a new Martin. I'm in.

Asha Hemrajani: (01:38) Greg, how good at you at the sax

Asha Hemrajani: (01:38) saxophone

Kavouss Arasteh 2: (01:38) Thomas, this is a crucial moment, pls be patient and act with full legal observance

Stephen Deerhake (.as): (01:38) +1 Greg. I think you should expand that to 14.30 as well during ICANN meetings.

Philip Corwin: (01:38) Gives me a chance to read the Tuesday Wall Street Journal on my iPad

Holly J. Gregory (Sidley): (01:38) I'm working on a tune called Whiskey before Breakfast - fitting for 2:30 am

Greg Shatan: (01:39) Good enough to play in front of other people, not good enough to make a living doing it....

Kavouss Arasteh 2: (01:39) Pls indicate the follow;

Greg Shatan: (01:39) Show me the way to the next Whiskey Bar....

Ken Salaets/ITI: (01:39) @Holly lol!

Kavouss Arasteh 2: (01:39) HOW MANY OF THESE OBJECTORS ARE MEMBER OF ccwg

Asha Hemrajani: (01:39) @greg :-)

Farzaneh Badii: (01:39) Kavouss, if I am not wrong that does not make a difference. participants can vote too

Jordan Carter (.nz, WP1 rapporteur): (01:40) cheryl is not on mute

Kavouss Arasteh 2: (01:40) If we do not get a clear majority from members then you should so with two options:

Greg Shatan: (01:40) @Jordan, you have a fine grasp of the obvious.... :-)

Keith Drazek: (01:40) @Kavouss: We do not have an option of submitting 2 options.

Milton: (01:40) Music would be preferable to chit-chat

Ken Salaets/ITI: (01:40) a lullabye might be appropriate for some of us.

jorge cancio (GAC Switzerland): (01:41) Greg please go ahead :-)

Kavouss Arasteh 2: (01:41) ONE WITH DELETION OF RED PAR. AND SMALL EITH ALSO DELETING 2Either2 on the second line of second para and deleting the ( 1) AS WE HAVE ONLY ONE PARA.

Jordan Carter (.nz, WP1 rapporteur): (01:41) I have a fine grasp of what?

Kavouss Arasteh 2: (01:41) aND THE CURRENT TEXT AS OPTION 2

Edward Morris: (01:41) @Keith Option of options. We've been doing this too long.

Holly J. Gregory (Sidley): (01:41) next call -- which I hope is a celebratory one -- I will play my mandolin.

Leon Sanchez (Co-Chair ALAC): (01:41) nice music

Kavouss Arasteh 2: (01:42) I URGE YOU TO ENCOURAGE EVERY BODY TO AGREE WITH DELETION OF ( ,red line2)

Matthew Shears: (01:42) no suck luck avri

Ken Salaets/ITI: (01:42) I can add Irish bouzouki after a few Guinness

Edward Morris: (01:42) @Holly. I've been waiting for that for almost a year!

Andrew Sullivan: (01:42) Gee, I was thinking that maybe Tom Waits's "Walk Away" was more in keeping with the collective exhaustion

David McAuley (RySG): (01:42) chairs are conferring

Kavouss Arasteh 2: (01:42) PLS NOTE THAT IN ABOUT 10 DAYS WE HAVE PHYSICAL MEETINGS OF THOSE WHO FULLY FAVOURED DELETION OF RED LINE

Greg Shatan: (01:43) We have physical meetings of every stakeholder entity in 10 days....

Holly J. Gregory (Sidley): (01:43) @Ken, a duet!

Milton: (01:43) how do we put you on pause, Chris?

Sabine Meyer (GAC - Germany): (01:43) @Andrew As long as it isn't "God's away on business"...

Ken Salaets/ITI: (01:43) :)

Kavouss Arasteh 2: (01:43) I was referring to CCWG MEETING ON 4 TH mARCH DEAR GREAT gEC

James Gannon iPad: (01:44) Kavouss we understand your position but many of us disagree please respect that

Kavouss Arasteh 2: (01:44) ccwg meeting I referred to

Farzaneh Badii: (01:44) what is gEC?

Ken Salaets/ITI: (01:44) indeed, James

Greg Shatan: (01:44) Well, in that case, we have a meeting that includes those with all viewpoints. But it would be nice to go to Marrakech with one viewpoint.

Edward Morris: (01:45) I presume yours Greg? :)

Kavouss Arasteh 2: (01:45) Yes with one that everybody agreed

Milton: (01:45) :- ) well said, Ed

Brett Schaefer: (01:45) Before a decision is made, I think we should get a commitment from the Board that, if the GAC does not become a decisional participant, that they would be OK with a 3 SOAC threshold for recall and other powers in the regular order.

Jorge Cancio (GAC Switzerland): (01:45) at least with a live performance in Marrakech....

Holly J. Gregory (Sidley): (01:45) @Ken, a duet

Greg Shatan: (01:45) Consensus is never one person's opinion, Edward. :-)

Matthew Shears: (01:45) please be clear

Greg Shatan: (01:46) We still have a number of "stepped aways"

Steve DelBianco [GNSO - CSG]: (01:46) we should CLEAR the objections from previous poll, first

Andrew Sullivan: (01:46) I cleared and stepped away again, in case that matters

Robin Gross: (01:46) "as is" means as been for the last week?

Kavouss Arasteh 2: (01:46) I object b

Kavouss Arasteh 2: (01:46) I object

Farzaneh Badii: (01:46) they abstain probably

Milton: (01:46) Robin

Milton: (01:47) Yes, what you see on the screen as is

Asha Hemrajani: (01:47) I object, I would like (2) to be removed

Robin Gross: (01:47) The board gets to vote on their own removal?

Farzaneh Badii: (01:47) Board members can vote?

Robin Gross: (01:47) I don't remember seeing that in our charter.

Tatiana Tropina: (01:47) @Robin, I am also amazed with this

Jordan Carter (.nz, WP1 rapporteur): (01:47) i don't know about anyone else, but I am looking only at the mmbers of the CCWG. Two objected to removing (2).

Fadi: (01:48) I object

Greg Shatan: (01:48) Board members are stakeholders too...

Cheryl Langdon-Orr: (01:48) any ne can "vote"t is just a poll for Members and Participants

Cheryl Langdon-Orr: (01:48) YUP

Stephen Deerhake (.as): (01:48) Can participants weigh in on this?

Milton: (01:48) Greg: no

Robin Gross: (01:48) Our charter says votes are by members, not board members.

Leon Sanchez (Co-Chair ALAC): (01:48) Yes Stephen

Jordan Carter (.nz, WP1 rapporteur): (01:48) anyone can do check marks

Seun Ojedeji: (01:48) I now joined the AC and have noted my objection

Farzaneh Badii: (01:48) Yes Stephan

Kavouss Arasteh 2: (01:48) I OBJECT

Milton: (01:48) Stephen Yes

Philip Corwin: (01:48) I don't understand this procedure. CCWG member and participant objections count equally??

Greg Shatan: (01:49) This is a participants poll.

Greg Shatan: (01:49) "Sense of the room"

Robin Gross: (01:49) Then what is the significance?

Jordan Carter (.nz, WP1 rapporteur): (01:49) there were 10 objections to removing (2), of whom 2 were members of the CCWG

Kavouss Arasteh 2: (01:49) THOMAS

jorge cancio (GAC Switzerland): (01:49) we are doing participants' poll right? Also the constituency where participants come from would be useful

Kavouss Arasteh 2: (01:49) i OBJECT

Jordan Carter (.nz, WP1 rapporteur): (01:49) there are 22 objections to shipping as it is, of whom at least 5 are members of the CCWG

Greg Shatan: (01:49) I suggest we have a positive poll on preferences, not merely a negative poll of objections.

Robin Gross: (01:50) Good point, Greg

Stephen Deerhake (.as): (01:50) Voting in my personal capacity as a participant, and not as Eberhard's proxy.

mike chartier: (01:50) "Should there be a need for any consensus call(s), neither the Board liaison nor the Staff representative would participate in such a consensus call."

Robin Gross: (01:50) voting as "who wants to object" prejudices the vote

Philip Corwin: (01:50) And four of the objectors to "as is" are Board members, by my count

Brett Schaefer: (01:50) Thomas, Before a decision is made, I think we should get a commitment from the Board that, if the GAC does not become a decisional participant, that they woul db e OK with a 3 SOAC threshold for recall and other powers in the regular order. I am concerned that this could be precedential.

Greg Shatan: (01:50) Stephen, did you vote to object in the first vote?

Jordan Carter (.nz, WP1 rapporteur): (01:50) ICANN Staff are now objecting?

Kavouss Arasteh 2: (01:50) Kavouss Arasteh I object

Jordan Carter (.nz, WP1 rapporteur): (01:50) This is reaching a new low

Brett Schaefer: (01:51) +1 Jordan

Edward Morris: (01:51) Let's not forget the question is whether we are changing our previous consensus. Dfferent standard of support needed..

Robin Gross: (01:51) agree, Jordan, and that is saying something

Farzaneh Badii: (01:51) I think your objection has been recorded Kavouss

Milton: (01:51) I See ICANN staff are also voting??

Cheryl Langdon-Orr: (01:51) looks to me like we hve a trend to remove (2)

Kavouss Arasteh 2: (01:51) tHOMAS, HAVE YOU COUNTED MY OBJECTION

Kavouss Arasteh 2: (01:52) i SUPPORT

Jordan Carter (.nz, WP1 rapporteur): (01:52) can staff clear all votes

Becky Burr: (01:52) everyone needs to clear their status

Jordan Carter (.nz, WP1 rapporteur): (01:52) ICANN STAFF STOP PARTICIPATING IF YOU HAVE ANY RESPECT FOR THIS PROCESS AT ALL

Jordan Carter (.nz, WP1 rapporteur): (01:53) aside from assigned Liaisons

Grace Abuhamad: (01:53) We do not have the ability to clear votes @Jordan.

Edward Morris: (01:53) THank you Jordan!

Tatiana Tropina: (01:53) +1 Jordan thank you

Seun Ojedeji: (01:53) @Jordan how do you mean ICANN staff participating. Please mention the name of the staff

James Bladel: (01:53) I do not understand, Terek is counted as both supporting and opposing.

Jordan Carter (.nz, WP1 rapporteur): (01:53) Tarek.

Farzaneh Badii: (01:53) do you mean Fadi, Jordan ? he said he objects I think

Mary Uduma: (01:53) Isupport

Robin Gross: (01:53) board members voting on their own removal makes a mockery of multi-stakeholderism.

Jordan Carter (.nz, WP1 rapporteur): (01:53) I don't mind what Fadi does.

Farzaneh Badii: (01:54) which ICANN staff voted then ?

jorge cancio (GAC Switzerland): (01:54) some people support both proposals?

Jordan Carter (.nz, WP1 rapporteur): (01:54) I am sure Cherine's green tick is a mistake

Asha Hemrajani: (01:55) my computer is a bit slow, just to be clear, I am not in support of shipping as is

Edward Morris: (01:55) So we're telling people how to vote?

Robin Gross: (01:55) right - cause board members get to vote on their own removal.....

Edward Morris: (01:55) @Robin. It's a wonderful world.

Seun Ojedeji: (01:55) Looks like Cherine let his AC room

Jordan Carter (.nz, WP1 rapporteur): (01:55) it's ver yclear. Among participants as a whole, and among members of the CCWG, there are more objections to current lingo than removing (2), and there is more support for removing (2) than for shipping as is.

Stephen Deerhake (.as): (01:55) The "Yes" to shipping the report is Eberhard's. This should be noted for the record.

Ken Salaets/ITI: (01:55) curiouser and curiouser...

Leon Sanchez (Co-Chair ALAC): (01:56) Milton your mic's volume seems to be too high and it makes it difficult to hear you well

Jordan Carter (.nz, WP1 rapporteur): (01:56) All four of those point in one direction: to finalise without (2) and GET this REPORT out.

Rinalia Abdul Rahim: (01:56) Cherine's line dropped

jorge cancio (GAC Switzerland): (01:56) Steve dB supports keeping the red line?

Chris Disspain: (01:56) Cherine has dropped from the call

Seun Ojedeji: (01:56) Okay Cherine has clear his status

Malcolm Huty: (01:56) Well, it seems a clear lack of consensus

Andrew Sullivan: (01:56) I will note that there are open-standard teleconference systems not written in Flash.

Cheryl Langdon-Orr: (01:57) suspected taht might be the case Chris it seemed odd & worth noting therefore

Andrew Sullivan: (01:57) When will the announcement happen, any idea?

Steve DelBianco [GNSO - CSG]: (01:57)

@Jorge -- I vote for the CSG, who has not taken formal position. on just (2). So I supported both options. I objected to Neither one

Edward Morris: (01:57) Remember: This is to overturn a previously established consensus, not to establish a new one. There is sufficient objection.

Philip Corwin: (01:57) How long do co-chairs expect that to take??

Robin Gross: (01:57) Right, Edward.

Jordan Carter (.nz, WP1 rapporteur): (01:57) I do not agree with not announcing the outcome

jorge cancio (GAC Switzerland): (01:57) Dear all, I guess that we have not reached to the point of addressing the concerns expressed by a number of Governments, which was a question mentioned by Thomas and Leon at the beginning

Jordan Carter (.nz, WP1 rapporteur): (01:58) the outcome is that 2 is gone and that consequential amendments be made, and the report is published.

Mary Uduma: (01:58) Just to be clear, I supported the deletion, if I am allowed to vote. My computer is very slow with limited connection.

jorge cancio (GAC Switzerland): (01:58) @steve: thanks!

Cheryl Langdon-Orr: (01:58) I trust staff will note that Mary

Izumi Okutani(ASO): (01:58) + 1 Jordan, I would like to have clarity on the outcome

Philip Corwin: (01:58) Good point Brett

Cheryl Langdon-Orr: (01:59) I hope that is confirmed Jordan it is my reckoning

Edward Morris: (01:59) Disagree Jordan. The outcome is that there is significant opposition to changing the previous consensus and the report ships as is.

Jordan Carter (.nz, WP1 rapporteur): (01:59) no, we all saw the same set of ticks Ed.

Jordan Carter (.nz, WP1 rapporteur): (01:59) There is far more objection to shipping as is.

Edward Morris: (01:59) We did. We may interpret it differently.

Thomas Rickert: (01:59) Mary's vote has been noted!

jorge cancio (GAC Switzerland): (01:59) +1 Jordan

Robin Gross: (01:59) The charter says we are supposed to look at members votes, not straw polls of board members

Asha Hemrajani: (01:59) +1 Jordan

Thomas Rickert: (01:59) Let us not jump to anticipate the outcome, please!

Jordan Carter (.nz, WP1 rapporteur): (02:00) I did look at members

Matthew Shears: (02:00) + 1 Robin!

Thomas Rickert: (02:00) We will get back to the group

Edward Morris: (02:00) @Robin. Correct. As a member are you calling for a vote of members?

jorge cancio (GAC Switzerland): (02:00) agree with Kavouss

Steve DelBianco [GNSO - CSG]: (02:00) @Robin -- if we counted only members, there were just 2 objecting to delete of (2)

Brett Schaefer: (02:00) Who is saying anything about the GAC? I am talking about thresholds.

Robin Gross: (02:00) yes, Ed, we should vote as members if we are to vote at all

Jordan Carter (.nz, WP1 rapporteur): (02:01) We did!

Edward Morris: (02:01) Thanks Steve

Jordan Carter (.nz, WP1 rapporteur): (02:01) That is what we just did!

Becky Burr: (02:01) but all Brett is asking for is confirmation that this is not precedential for a different situation, which seems reasonable

Jordan Carter (.nz, WP1 rapporteur): (02:01) and the result was crystal clear

Keith Drazek: (02:01) Agree with Brett and Becky about precedence.

Jordan Carter (.nz, WP1 rapporteur): (02:01) +1 re precedence

Thomas Rickert: (02:01) Within the next 10 hours

Jordan Carter (.nz, WP1 rapporteur): (02:01) I hope you can hear back in an hour

Seun Ojedeji: (02:01) @Robin even if you check the member vote you will still get similar opposition

Jordan Carter (.nz, WP1 rapporteur): (02:02) but Thomas is the co-chair :-)

jorge cancio (GAC Switzerland): (02:02) decision will come with breakfast in the americas :D

Thomas Rickert: (02:02) Jordan, Ideally ealier :-)

Jordan Carter (.nz, WP1 rapporteur): (02:02) great!

Jordan Carter (.nz, WP1 rapporteur): (02:02) right, we are out of time!

Jordan Carter (.nz, WP1 rapporteur): (02:02) see you all later

Greg Shatan: (02:02) Frankly, I don't see any way that this could be considered "precedential." We will cross that bridge when we come to it.

Asha Hemrajani: (02:03) +1 Seun I did a similar analysis

Brett Schaefer: (02:03) Greg, Board clarification now would be edifying

Cheryl Langdon-Orr: (02:03) bye for now then ... Thanks everyone...

James Gannon: (02:03) thanks all

Matthew Shears: (02:03) thanks

Andrew Sullivan: (02:03) Thanks everyone

James Bladel: (02:03) Good night/morning.

Sabine Meyer (GAC - Germany): (02:03) thanks everyone!

Martin Boyle, Nominet: (02:03) bye

Asha Hemrajani: (02:03) Thank you

Izumi Okutani(ASO): (02:03) thanks all

Stephen Deerhake (.as): (02:03) Bye!

Farzaneh Badii: (02:03) bye

Christopher Wilkinson: (02:03) B'ye CW

Athina Fragkouli (ASO): (02:03) thank you all!

Steve Crocker: (02:04) Thank you, everyone. Bye.

Greg Shatan: (02:04) Bye all!

Seun Ojedeji: (02:04) Bye

Markus Kummer: (02:04) Bye