Jurisdiction Meeting #13 (13 December @ 13:00 UTC)

Attendees:

Sub-group Members: Adebunmi Akinbo, Andrew Harris, Avri Doria, Cheryl Langdon-Orr, David McAuley, Finn Petersen, Greg Shatan, Herb Waye, Jeff Neuman, Kavouss Arasteh, Mathieu Weill, Par Brumark, Paul McGrady, Philip Corwin, Steve DelBianco, Vidushi Marda, Vinay Kesari, Wale Bakare (18)

Observers/Guests:

Staff: Anne-Rachel Inne, Bernie Turcotte, Berry Cobb, Brenda Brewer, Karen Mulberry

Apologies: Jorge Cancio, Christopher Wilkinson

*** If your name is missing from attendance or apology, please send note to acct-staff@icann.org ***

Transcript

- Word Doc
- PDF

Recording

- Adobe Connect replay
- mp3 Audio Replay

Agenda

1. Welcome
2. Poll on Proposed Questions
3. Discussion of Preamble (Introduction to Questions)
4. Review by CCWG Plenary
5. Mechanics & details of the questionnaire process
    a. How to publish/send out questionnaire
    b. How to collect responses
6. Discussion of "Influence of ICANN's existing jurisdiction" document
7. AOB
8. Adjourn

Notes: (including relevant portions of the chat):

1. Welcome

Greg Shatan: Akimbo and SDB on audio only. No changes to SOIs.

2. Poll on Proposed Questions

Greg Shatan: Development of questionnaire is ongoing. Interim report on poll about the questionnaire. Current results are for 26 answers we have first 3 questions 92% support to have these going forward (24 of 26). For the 4th question we have 15 in support and 11 against. Question supporting "sending 3 questions only" generated 22 replies 17 supported sending only 3 questions and 5 did not support.

Adebunmi Akimbo: .AFIRCA court case is being tried in the US and not in an African court. Would of been better to have an African court decide this. This begs the question what should the rules be to ensure this type of situation should not happen.

Greg Shatan: Not our current topic but we can get back to it later.

Kavouss Arasteh: support all questions and sending all questions.

Greg Shatan: This is a change in your response to the poll now making the results 15 to 11 for question 4 - is this consensus?

David McAuley: could take this to the co-chairs?

Paul McGrady: Greg, how are decisions made? Is it majority or consensus? There doesn't seem to be consensus on Q4, but there is a slight majority (at least of poll taker

Mathieu Weill: Decision process is complex in this situation - when assessing consensus, it is best to refer to the full CCWG-Accountability. (very sensitive issue).

Kavouss Arasteh: This group should not make the decision on consensus - we should report the facts (numbers) to the plenary and let them decide.

Kavouss Arasteh: As the Co-Chair (MW) , pls asdvise Grec that this Group can not decide on the issue but just to report to CCWG pLENARY.

Avri Doria: (audio issues), I will write it out. makes sense to report the failure to have consensus on the poll, but should not ask for them to decide as it was a procedural process. it can decide on its process.

Kavouss Arasteh: We can not decide on the process

avri doria: the failure was on sending the poll out at all.

David McAuley (RySG): I agree w/Greg about doing poll, especially with WS2 low participation rates

Greg Shatan: Will discuss with co-chairs if this is ready for the plenary.

Paul McGrady: The poll has been done - we need to report the data as it is.

Kavouss Arasteh: Consistency or otherwise on Q 4 should be decided by CCWG Plenary

Kavouss Arasteh: Sub Group is part of CCWG AND must report to it

Kavouss Arasteh: SO/ac ACCOUNTABILITY QUESTIONS WERE APPROVED BY ccwg AFTER TWO READINGS

KAVOUSS Arasteh: Sorry again for cap ,forgive me

Paul McGrady: @Staff, don't forget to include the rest of my comment in the notes, which is that Q4 relates to the unwinding of WS1 Accountability measures by suggesting a change of ICANN formation jurisdictions and it should serve as a chance to ask the Plenary if we should still be considering this (bad) idea

3. Discussion of Preamble (Introduction to Questions)

David McAuley: Presentation of draft.

Greg Shatan: Comments?

Steve DelBianco [BC]: I like the preamble

David McAuley: This does not include the KA and MW text I developed at their request which is: In this regard, the subgroup is asking for concrete, factual submissions (positive, negative, or neutral) that will help ensure that the subgroup's deliberations are informed, fact-based, and address real issues. The subgroup is interested in all types of jurisdiction-related factual experiences, not just those involving actual disputes/court cases.

Greg Shatan: Any other comments? (none). This seems to be non-controversial and should be accepted - any objections?

Avri Doria: (unclear about the 4th question).

Greg Shatan: there is divergence on question 4 but we have agreed to bring this to the plenary as suggested by MW.

David McAuley: this group may wish to include the additional language I pasted in the chat.

Mathieu Weill: The addition is welcome, I think, David

Greg Shatan: Let us do a temperature check for sending the introduction with the additional language (some supports, no objections). Sending without the additional language (only 1 support, no objections). Objection to sending the introduction at all (no objections). Seems there is support for sending the preamble with the additional language proposed by DM.

avri doria: i will abstain as i do not accept sending out the poll.

4. Review by CCWG Plenary

(discussed and decided in the previous point - poll results regarding the questionnaire will be presented and discussed by the plenary)

5. Mechanics and details of the questionnaire process

a. How to publish/send out questionnaire

Greg Shatan: should be announced by ICANN but not as a formal public comment. Any thoughts?

David McAuley: We need to think about details - how long will this run and how to analyze the results - we should only consider facts and not opinions - and we should all agree on a process for doing this (still has misgivings on sending out the questionnaire).

avri doria: we could ask icann to create a poll heading somewhere?

Paul McGrady: Any comment period of less than 30 days will get us in hot water

avri doria: if polls ae becoming part of ICANN practice, they should have a spot on the main ICANN pages

Philip Corwin: Agree that question 4 seeks opinions rather than facts, which is why I do not support it.

Paul McGrady: @Avri - +1!

Greg Shatan: 2 issues are important.

avri doria: we would also have to decide on what constitutued fact and what constituted opinion. i bet we have divergence on that.

David McAuley (RySG): possibly so Avri

Philip Corwin: If we start putting poll questions out for 30 days public comment then this WG will take years to complete.

Steve DelBianco [BC]: One lesson learned by the SO/AC Accountability questionnaire: please put numbers on each question so that respondents can designate their response precisely

avri doria: i argue for a broader notion of fact, as the definition of fact is often based on social - cultural - political pov,

Wale Bakare: As we are seeking public inputs, i believe these are opinions and facts.

Greg Shatan: When we say facts, we mean actual experiences that have occurred.

David McAuley (RySG): @Avri - these are the things we need to discuss/agree. I think I would disagree with you but it depends.

Paul McGrady: factual claims are the best we will get, not accuracy-vetted "facts", I'm afraid.

Mathieu Weill: The document Influence of ICANN's existing jurisdiction could help classify the input - experiences, concerns, comments etc.

Greg Shatan: very helpful MW. Reminder that we need to work on that document.

Steve DelBianco: We took several weeks to decide on the SOAC acct questions which have been sent out. That sub-group will determine if the answers to our questions are valid. what is most important is not the actual question but the answers.

David McAuley (RySG): Agree w/Steve and the opinions we might get would take us beyond dispute-resolution-based jurisdictional inquiry

avri doria: i hope we are not trying to prevent answers that we cn then judge.

David McAuley (RySG): beyond, that is

Greg Shatan: the SOAC acct. questions received 2 readings and approval by the plenary - which has set a standard. Although our questions our not finalized we would benefit from plenary input. Adjourned.

Documents Presented

- WS2 Jx questions preamble .pdf

Chat Transcript

Yvette Guigneaux:Welcome all to the WS2_CCWG Jurisdiction Subgroup | Meeting #13 | 13 December 2016 @ 13:00 UTC!

KAVOUSS Arasteh:Dear Brenda,

Brenda Brewer:Good day Kavouss!

KAVOUSS Arasteh:May you pls advise to dial me up

Brenda Brewer:Yes, I certainly will. Please stand by.

KAVOUSS Arasteh:tks done

Bernard Turcotte Staff Support:hello all

David McAuley (RySG):Hi Brenda, I am 4154

KAVOUSS Arasteh:Grec, Good time, pls kindly indicate ; how many answred and analysis of answers

Pär Brumark (GAC Niue):Good Afternoon all!

Brenda Brewer:Thank you, David!

David McAuley (RySG):Did we lose Greg?

David McAuley (RySG):no - thanks Greg

KAVOUSS Arasteh:David, he is there ,do not worry

David McAuley (RySG):Thank you Kavouss, I was mistaken

KAVOUSS Arasteh:Grec never be lost

David McAuley (RySG):Agreed

KAVOUSS Arasteh:HE IS OMNI PRESENT EVRY WHERE

Bernard Turcotte Staff Support:Please mute if not speaking

KAVOUSS Arasteh:sorry for cap

KAVOUSS Arasteh:Grec there are many 13

KAVOUSS Arasteh:13 is a fatal figure /no in our culture

Greg Shatan 2:https://urldefense.proofpoint.com/v2/url?u=https-3A__docs.google.com_forms_d_e_1FAIpQLScaMJ8CKRafytThamnj7YcmgdHB0Kpe9-2D8x34LkUIdLjD4H6Q_viewform&d=DgIFaQ&c=FmY1u3PJp6wrcrwll3mSVzgfkbPSS6sJms7xcl4l5cM&r=kbiQDH54980u4nTPfwdloDLY6-6F24x0ArAvhdeDvvc&m=0L8nG4paLTgGP7khlj8e-EIN8ZBSKBRleCtmU61DShA&s=Wnlp27gSQt-bAYgJlf7iWiU6SReLsQtIN7TS7HDzRSc&e=

avri doria:i thought we had to be done before the meeting, and woke up in the middle of the night in a panic and did them, then went back to sleep.

Philip Corwin:I am the 5316 number

Brenda Brewer:Thank you, Philip

Paul McGrady:I am answering the poll

avri doria:it might have been jetlag, now that i think of it.

Wale Bakare:Hi everyone

Paul McGrady:Done

KAVOUSS Arasteh:Dear All,

KAVOUSS Arasteh:I have extracted from e-mail so far exchanged some text and sent it to everybody

Wale Bakare:I have just answered the poll

Mathieu Weill:Hello everyone, sorry for being late

Paul McGrady:I abstained on the last question, because it presupposes that I said yes to all of 1-3.

KAVOUSS Arasteh:I also support Q 4

KAVOUSS Arasteh:I NOW SUPPORT ALL QUESTIONS

KAVOUSS Arasteh:I disagree with your abnalysis

avri doria:it seesm we have consensus for the 3 questions, but do not have consensus on sending out the poll

Paul McGrady:Greg, how are decisions made? Is it majority or consensus? There doesn't seem to be consensus on Q4, but there is a slight majority (at least of poll takers). Are there CCWG working group rules that apply?

KAVOUSS Arasteh:I was in the queue after David

KAVOUSS Arasteh:Someone inappropriately dismissed my request and put me after Avri

KAVOUSS Arasteh:Pls put me back again after Mathieu

Greg Shatan 2:Avri, will you cede your place to Kavouss?

KAVOUSS Arasteh:Grec.

KAVOUSS Arasteh:It is the only alternative to report the results to plenary

David McAuley (RySG):hard to hear Avri

Mathieu Weill:Very hard to hear

Paul McGrady:Avri, I can't hear you.

David McAuley (RySG):barely

Finn Petersen, GAC -DK:although I don't support Q4 I will accept the majority view

KAVOUSS Arasteh:Mathieu,

David McAuley (RySG):a little better

KAVOUSS Arasteh:As the Co-Chair, pls asdvise Grec that this Group can not decide on the issue but just to report to CCWG pLENARY

avri doria:i will write it out. makes sesne to report the failure to have consensus on the poll, but should not ask fpr them to decide as it was a procedural process. it can decide on on its process.

KAVOUSS Arasteh:We can not decide on the process

avri doria:the failure was on sending the poll out at all.

KAVOUSS Arasteh:Ther only valid and eligible entity is CCWG Plenary

David McAuley (RySG):I agree w/Greg about doing poll, especially with WS2 low participation rates

KAVOUSS Arasteh:Contistancy or otherwise on Q 4 should be decided by CCWG Plenary

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Paul McGrady:@Staff, don't forget to include the rest of my comment in the notes, which is that Q4 relates to the unwinding of WS1 Accountability measures by suggesting a change of ICANN formation jurisdictions and it should serve as a chance to ask the Plenary if we should still be considering this (bad) idea.

avri doria:rebootied. hopefully if i try to talk again it will work.

avri doria:oh so we decided we could send questions?

Steve DelBianco [BC]:I like the preamble

Philip Corwin:In regard to the earlier comments on the continuing .africa dispute, Wikipedia says that the continent of Africa contains 54 sovereign states, nine territories and two de facto independent states. So we could likely have a lively debate as to which of those 54 national courts would be the proper venue for the dispute.

Wale Bakare:@Philip, actually there's Africa Union headquartered in Addis Ababa, Ethiopia. Should any venue be in consideration i think that (Ethiopia) fits.

David McAuley (RySG):to everyone

David McAuley (RySG):what I added by reading is this: In this regard, the subgroup is asking for concrete, factual submissions (positive, negative, or neutral) that will help ensure that the subgroup's deliberations are informed, fact-based, and address real issues. The subgroup is interested in all types of jurisdiction-related factual experiences, not just those involving actual disputes/court cases.

avri doria:ok so there is divergence, but yes the vote changed, missed that.

avri doria:i am still in divergence and will metnion it. hope i will be forgiven

Mathieu Weill:The addition is welcome, I think, David

David McAuley (RySG):Thanks Mathieu

avri doria:i will abstain as i do not accept sending out the poll.

David McAuley (RySG):no hare

Bernard Turcotte Staff Support:Time check 15 minutes left in the call

avri doria:we could ask icann to create a poll heading somewhere?

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David McAuley (RySG):beyond, that is

Bernard Turcotte Staff Support:Time check - we are at the top of the hour

Mathieu Weill:I have to leave for another call, looking forward to the plenary update. I'm sure it will be helpful

Paul McGrady:Some times plenary calls happen when you are only halfway through baking something

David McAuley (RySG):cooking - turtles and hares

Herb Waye Ombuds:Must go too... Happy Holidays to everyone

Paul McGrady:great call today Greg

David McAuley (RySG):Thanks all, good bye

Wale Bakare:Thanks, bye everyone.

Cheryl Langdon-Orr (CLO):bye for now