

GNSO Council AC Chat Transcript 14 January 2016

Glen de Saint Gery: (1/14/2016 12:15) Welcome to the Special GNSO Council meeting on 14 January at 12:00UTC

Valerie Tan: (12:53) Hi everyone, Happy New Year!

Susan Kawaguchi: (12:54) Happy New Year!

David Olive: (12:54) Welcome Everyone

Glen de Saint Gery: (12:55) Everyone, please join the audio line as well and if you need a dial out, please let us know at gnso-secs@icann.org thank you

Carlos Raul: (12:55) is this the right palce? Very early ehre in Costa Rica....

Heather Forrest: (12:55) Hola Carlos, you have the right place

James Bladel: (12:55) Good morning all!

Carlos Raul: (12:56) Buenos dias

Julf Helsingius: (12:57) Good morning

Rubens Kuhl - RySG: (13:00) Carlos, it's even earlier here in Vegas...

Rubens Kuhl - RySG: (13:00) ... 4am, to be precise.

Julf Helsingius: (13:00) Rubens: that is not early, that is late :)

Rubens Kuhl - RySG: (13:01) Juff, for this city you are totally right!

Carlos Raul: (13:01) Vegas??????

Carlos Raul: (13:01) your fault

James Bladel: (13:01) :)

Edward Morris: (13:01) Hi all

Carlos Raul: (13:01) you should get married in a serious place

Marilia Maciel: (13:02) Hello everyone!

Mary Wong: (13:02) For once the call is at a (somewhat) reasonable hour for us in APAC!!!

Rubens Kuhl - RySG: (13:02) Carlos, since my wife is in Brazil, getting remarried here in Vegas would be a challenge...

Keith Drazek (RySG): (13:03) I see Donna in Adobe.

Philip Corwin: (13:03) I left Vegas yesterday so I could do call at 7am from home ;-)

Donna Austin, RySG: (13:03) Just arrived, sorry.

David Cake: (13:03) I agree Mary! A very reasonable time for a change.

Mary Wong: (13:04) @David enjoy it while we can :)

Mary Wong: (13:08) PPlease mute mics if/when not speaking as there is a slight echo

Edward Morris: (13:09) I agree wth Paul. We should include comments.

PAUL MCGRADY - IPC: (13:10) Thanks James

Heather Forrest: (13:10) Agreed. Yes/no does not capture the force of our collective and separate comments

Keith Drazek (RySG): (13:11) We need special focus on any Recommendation where the GNSO would not vote to support.. Or put another way, where are the deal-killers if any? Where would the GNSO be forced to blow up the CCWG work and the transition if the current language were to remain?

Mary Wong: (13:11) The intent is to send the finalized document, with the summarized comments as approved by the Council, along with the motion (if that is how the Council proceeds). Presumably there will also be a cover note from James, Donna and Heather. Note that in the document there is a reference that readers should refer to the specific SG/C comments for details.

Heather Forrest: (13:12) Surely the community already has some understanding of our comments given that the individual Cs and SGs have already commented

Volker A. Greimann - RrSG GNSO: (13:13) Apologies for the delay logging on, I was confused by the UTC

Carlos Raul: (13:13) Phil said it in much better way than myself: +1

James Bladel: (13:13) Glen - Please note that Volker & Jen have joined the call.

stephanie perrin: (13:14) agree re rec 11

Carlos Raul: (13:15) sorry with the old hand

James Bladel: (13:15) no worries!

Edward Morris: (13:17) Correct James

Mary Wong: (13:18) @James, all, each SO/AC that is a Chartering Organization is expected to indicate approval (or not) each in accordance with its own rules and processes. For the GNSO, we have been assumiing that this would be through a motion passed by the Council.

Edward Morris: (13:21) Agree with Keith

Philip Corwin: (13:21) Agree with Keith, and that is why we shoulkd strive to give maximum consensus feedback to CCWG to obtain necessary changes in final Supplemental Proposal

Carlos Raul: (13:21) Agree with Keith
Heather Forrest: (13:21) +1 - Keith's articulation is very clear
Carlos Raul: (13:21) lets start with those right away
Valerie Tan: (13:21) Yes, agree with Keith
Wolf-Ulrich Knoblen: (13:22) so it would mean that the council is not ready for a motion at the moment since a "supplemental draft" is in the air?
Wolf-Ulrich Knoblen: (13:22) agree to wht Keith was saying
Keith Drazek (RySG): (13:23) The motion today would be to authorize the submission of our communication, not approving the CCWG report in its version 3 form.
Wolf-Ulrich Knoblen: (13:23) agree
Keith Drazek (RySG): (13:24) @Paul: Yes they're different, but one is dependent upon the other. If the CCWG report is not approved, the transition will not happen.
Mary Wong: (13:24) Note that the motion, as currently phrased, has the Council resolving approval of its RESPONSE to each CCWG recommendation, NOT the actual recommendation itself as currently worded by the CCWG.
Edward Morris: (13:25) Again, agree with Paul.
Heather Forrest: (13:26) @Mary - in my view the point you raise is an important one and we need to be sure that the rest of the community will understand the motion that way.
PAUL MCGRADY - IPC: (13:27) Agree with Ed.
Keith Drazek (RySG): (13:29) I support your suggested approach James.
PAUL MCGRADY - IPC: (13:30) Agree with Heather.
PAUL MCGRADY - IPC: (13:32) James, can you ask it again?
Keith Drazek (RySG): (13:32) I'm comfortable with the less-formal approach, with the caveat that Heather mentioned...that we ensure the substance is clear and well covered.
PAUL MCGRADY - IPC: (13:32) Prefer letter capturing deal breakers rather than formal vote.
Rubens Kuhl - RySG: (13:32) Both work for me, content is more important.
Edward Morris: (13:32) How do we determine dealbreakers?
Heather Forrest: (13:33) Agree with your summarisation of my point, James. We should not be putting form over substance
Keith Drazek (RySG): (13:33) Obviously we'll need a formal vote/motion when the final approval decision is needed.
PAUL MCGRADY - IPC: (13:33) Agreed that a formal vote on the final version will be needed, but we aren't there yet.
Edward Morris: (13:35) If any CSG group or the NCA agree with any of the four recommendations not supported by the NCSG then that recommendation would not pass under simple majority voting. Should all four be considered potential dealbreakers?
Heather Forrest: (13:35) I understand Wolf-Ulrich's point but in this instance we are speaking as a GNSO, not as individual Cs and SGs, and we are required to do so as a Charing Org
Keith Drazek (RySG): (13:35) The CCWG welcomed the ccNSO submission which took the form of a letter. I don't think a lack of vote/motion on each Recommendation would be a problem, provided we gave constructive input based on the synthesis of GNSO concerns.
Stefania Milan: (13:35) Apologies for the delay in connecting. Here I am. Glen, for the role call: this is Stefania Milan (NCSG)
PAUL MCGRADY - IPC: (13:35) Thanks Keith
Mary Wong: (13:36) All, it is also possible for the Council to record the actual level of support e.g. whether there was a unanimous, supermajority, or majority vote.
Glen de Saint Gery: (13:36) Thank you Stefania, noted!
Wolf-Ulrich Knoblen: (13:37) Thanks Keith, that's helpful
Edward Morris: (13:37) Agree with Donna. It s the content of the communication not the formal nature of the communication that matters.
Keith Drazek (RySG): (13:37) The SGs and Cs have all submitted comments directly. Our work should be to confirm that the sub-team has captured and synthesized the various comments accurately.
Keith Drazek (RySG): (13:38) Agree with Donna
Keith Drazek (RySG): (13:39) Yep, let's get into the substantive review of the sub-team work.
Wolf-Ulrich Knoblen: (13:39) +1 Keith
PAUL MCGRADY - IPC: (13:41) Thanks James!
Carlos Raul: (13:45) It ouwld be easier to work with Google docs to avoid this "last version" syndrome
James Bladel: (13:45) AGree, Carlos.

Carlos Raul: (13:46) or any cloud based system

Julf Helsingius: (13:46) Agree with Carlos and James

Heather Forrest: (13:46) The challenge, as Keith and Paul noted on the list, is that we have to make a decision as to whether to give support line by line/concept by concept or to the recommendation as a whole

Mary Wong: (13:46) @James, we will try

PAUL MCGRADY - IPC: (13:47) Is the standard "as-written" or do we have the resources to go sentence by sentence?

James Bladel: (13:47) Ok, thanks. Last version had edits displayed, but they're removed here.

Julf Helsingius: (13:47) I think some of us have an issue about the general concept of giving GAC a special status

Marika Konings: (13:47) All, this is the version that was circulated to the Council on 12 January. The other version was one of the drafts that the sub-team worked on. Apologies for the confusion.

Carlos Raul: (13:49) The Chair should have the right to turn hands down also

Mary Wong: (13:49) Sorry, old hand!

Edward Morris: (13:50) I think the original, redline version captured most of the concerns

PAUL MCGRADY - IPC: (13:50) The details need to be in our letter to the CCWG. Also, how about "no support in its current form"

Heather Forrest: (13:51) Agree with Paul's suggested wording, which captures the essence

Rubens Kuhl - RySG: (13:52) I think "no support" is somewhat lighter than we should be saying, which would be "opposition in its current form".

PAUL MCGRADY - IPC: (13:52) The details are the point; referring the CCWG out to public comments isn't helpful, since they already have access to the public comments and are presumably looking at them

Marika Konings: (13:52) I'm putting up a redline version which should show the changes of the last version that was circulated to the sub-team and the one that eventually went out to the Council which included some clean ups and updates based on comments received from the sub-team.

Mary Wong: (13:52) All, what is now on screen is the markup - you can see the previous version discussed by the Sub Team.

Edward Morris: (13:52) The version that was originally proposed is:

Keith Drazek (RySG): (13:52) Agree with Phil. The RySG and BC are closely aligned on this one, I believe.

James Bladel: (13:52) Thanks, Mary. Appreciate Staff being quick with the different docs here.

Edward Morris: (13:53) Can we get the version up that was mistakenly originally on the screen?

Edward Morris: (13:54) I believe it included what Keith references.

Marika Konings: (13:56) It may be easier to focus on the draft that was circulated to the Council as putting up earlier versions means that it includes language that was only seen by the sub-team and has not been reviewed by the whole Council?

Marika Konings: (13:57) I've just noticed as well that this version does not show all the redlines either, so from a staff perspective we recommend you focus on the draft that was circulated, which of course does not prevent anyone from suggesting updates or changes.

PAUL MCGRADY - IPC: (13:58) Tied to (1) that it triggers a mandatory Board vote and (2) that the "no" threshold for a mandatory board vote is too high at 2/3

Edward Morris: (13:58) The current version appears DOA. I believe the original deals with most of the suggestions.

Heather Forrest: (13:58) I agree that it is sensible that we specifically point out in comments the element that caused us problems, rather than point to the various conclusions reached on that issue

Keith Drazek (RySG): (14:00) The risk is the GAC, under the current bylaws, can at some point in the future amend its definition of consensus. Phil is absolutely correct here.

Julf Helsingius: (14:01) Are we, as GNSO, OK with allowing GAC a special position in the first place?

Mary Wong: (14:02) What you're now seeing is the version that was circulated to the full Council yesterday. What we (staff) heard James say, following on Phil, is that perhaps a short sentence/paragraph can be added to capture the specific point that was just discussed.

Rubens Kuhl - RySG: (14:03) Juff, GAC already has such special position. They are trying to be more special, we are trying for them to be less special, but I don't see feasibility in making it not special at all, at this point.

Julf Helsingius: (14:03) Rubens: point taken.

Donna Austin, RySG: (14:03) We're now debating the substance of the CCWG recommendation, rather than the GNSO response.

PAUL MCGRADY - IPC: (14:04) We would be increasing the power of government which was specifically not supposed to be part of this top-down transition.

Julf Helsingius: (14:04) I agree with Paul

Keith Drazek (RySG): (14:06) Raising the threshold by 2 votes while locking in the definition of GAC consensus is not a net increase, in my view. That said, if we can get rid of 2/3, let's try, but let's not send an inaccurate signal on the rest of Rec-11.

Philip Corwin: (14:08) On #11, perhaps one thing we could emphasize to address concerns of all those GNSO members regarding the 2/3 voting threshold is that there should be no implication that GAC advice must be implemented after some set passage of time from when it was given and no Board vote to reject has occurred.

Philip Corwin: (14:09) That would give Board a lot more flexibility in dealing with consensus GAC advice because there would be no time pressure to vote it up or down

PAUL MCGRADY - IPC: (14:11) +1 Heather

Donna Austin, RySG: (14:11) @James, with regard to mixed signals, I think we need to acknowledge that the GNSO is not a homogenous group so we should expect some mixed signals.

Edward Morris: (14:12) +1 Donna

Heather Forrest: (14:13) +1 Paul - this emphasises the value of the individual comments

Heather Forrest: (14:13) and legitimises those as part of the way the GNSO operates, with its diversity

Volker A. Greimann - RrSG GNSO: (14:14) Paul, ICANN is enforcing its contracts

Mary Wong: (14:14) @Paul, @Heather, I believe that is why this version of the Sub Team document has an explicit reference in relation to Rec 11 to the SG/C comments, and for Rec 5, express notation that some of the conditions may be contradictory.

Volker A. Greimann - RrSG GNSO: (14:14) "ICANN should enforce its contracts" is a talking point like Benghazi

Edward Morris: (14:15) Happy to help James.

PAUL MCGRADY - IPC: (14:15) Happy to

PAUL MCGRADY - IPC: (14:17) sorry

Edward Morris: (14:20) Agreed and I think helpful to the CCWG.

PAUL MCGRADY - IPC: (14:22) Agree with Phil.

Rubens Kuhl - RySG: (14:23) In Rec 2, I think many RySG concerns were not captured, even though some of them were (like timing).

stephanie perrin: (14:23) I am presuming we will have an opportunity for further comment on the descriptions in the letter between now and the next meeting?

Mary Wong: (14:24) @Rubens, this document was not intended to capture all (even in summary form) of the different SG/C comments. Rather, the Sub Team's objective was to only highlight, to the extent necessary, specific SG/C comments that would explain the Council's response (e.g. why there was limited support or what the conditions might be).

Rubens Kuhl - RySG: (14:25) I couldn't find RySG comments on the HQ location, so I would find strange a word like unanimous, even though the overall sentiment in RySG goes in that direction.

Carlos Raul: (14:25) just the HQ

stephanie perrin: (14:25) Why not be precise? the reason is the law, say so.

Carlos Raul: (14:26) the jurisdiction issues is pending for WS2

Mary Wong: (14:26) @Rubens, I believe that is why the Sub Team made a judgment call that the support was unanimous, based on the overall comments from each SG/C. However, as James noted, if the RySG (or any other) believe it would be more accurate to say "broad" rather than "unanimous", then that should be changed accordingly.

PAUL MCGRADY - IPC: (14:27) Will a Swiss court know what we are talking about if we all go in as a "designator" trying to enforce our rights?

Edward Morris: (14:27) I'm not sure what the NCSG position is either,

Carlos Raul: (14:27) swiss lawyers are smart

stephanie perrin: (14:27) stephanie perrin: I am presuming we will have an opportunity for further comment on the descriptions in the letter between now and the next meeting?

PAUL MCGRADY - IPC: (14:27) Would prefer HQ + CA law formation

stephanie perrin: (14:27) descriptions, that was...

Edward Morris: (14:29) I should note that there was a second reading in the CCWG meeting today on Inspection Rights and agreement with the Board to include them going forward,

Keith Drazek (RySG): (14:32) Correct Ed.

Marilia Maciel: (14:32) Good Ed. Was there a differentiation between inspection and investigation as per previous conversations?

Edward Morris: (14:33) Marilia, yes.
Edward Morris: (14:33) Higher threshold for Investigation, SOAC for inspection.
Marilia Maciel: (14:33) Thanks
stephanie perrin: (14:35) stephanie perrin: I am presuming we will have an opportunity for further comment on the descriptions in the letter between now and the next meeting?
Jennifer Standiford 2: (14:35) agreed James
stephanie perrin: (14:35) Great, thanks James
Edward Morris: (14:41) Is the last sentence of comments necessary in 6? We'll be doing that with every recommendation, no?
Edward Morris: (14:41) Thanks James
Edward Morris: (14:47) Definitely agree with Phil. This isn't the first time this happened.
Rubens Kuhl - RySG: (14:48) This comes from Board, I think.
Keith Drazek (RySG): (14:48) "Accountability for SOs and ACs" came from the Board back in September. Also previously from ALAC if I recall correctly.
Edward Morris: (14:49) ALAC was very vocal about this. Correct Keith.
Keith Drazek (RySG): (14:49) We're all in favor of more ALAC accountability, amirite? ;-)
Edward Morris: (14:49) More? They have some? :)
Rubens Kuhl - RySG: (14:50) Something is more than zero, in math...
PAUL MCGRADY - IPC: (14:51) Entry for Recommendation 9 doesn't contain IPC concerns. Can we include: The IPC believes (a) AOC section 8(b) [ICANN to remain a US-based non-profit] should be incorporated into the fundamental bylaws, at least if the Articles of Incorporation are not so treated (see above under Rec. #3); (b) there should be stronger guarantees of direct constituency participation on review teams that most directly affect a constituency.
Keith Drazek (RySG): (14:53) Not me.
Carlos Raul: (14:53) I have to leave. Excuse me
Mary Wong: (14:54) All, we've taken some notes in the right hand side pod. Please let me know if we've missed anything.
Edward Morris: (14:54) I'm not sure it can be saved but support effort to try.
anthony harris: (14:55) I have to travel, excuse me
PAUL MCGRADY - IPC: (14:55) Thanks James. Great call! Still waiting for the sun to come up here in Vegas!
Keith Drazek (RySG): (14:55) Thanks James, happy to help review the draft letter.
Edward Morris: (14:56) As am I. Great job with a difficult task, James. Thanks.
Keith Drazek (RySG): (14:57) Well said, James.
Heather Forrest: (14:58) Thanks all good night
Donna Austin, RySG: (14:58) Good job James
Keith Drazek (RySG): (14:58) Thanks all!
Julf Helsingius: (14:58) Thank you!
Edward Morris: (14:58) Thanks James
Jennifer Standiford 2: (14:58) thank you James
Philip Corwin: (14:58) Bye all!
Valerie Tan: (14:58) Thank you James.
James Bladel: (14:58) Thanks all.
Rubens Kuhl - RySG: (14:58) Thanks all, bye!
Marilia Maciel: (14:58) Thanks! Bye all!
Volker A. Greimann - RrSG GNSO: (14:58) thanks
David Cake: (14:58) Thank you very much James, especially considering the time there.
James Bladel: (14:58) We can stop the recording. Sorry if that was a bit abrupt. Need coffee. :)
Mary Wong: (14:59) Thanks, James and everyone!
Mary Wong: (14:59) Staff will follow up with action items shortly
Wolf-Ulrich Knoben: (14:59) Thanks and bye
Nathalie Peregrine: (14:59) Recordings have been stopped, thanks all!