

**ICANN Transcription**  
**Update on CCWG Accountability – GNSO Working Session**  
**Sunday 6 March 2016**

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On page: <http://gns0.icann.org/en/group-activities/calendar>

(James): We can continue our ccWG discussion. I know we've had two more speakers in the queue, which was (Stephanie) and Volker on that point. And then we can break for lunch. And then, hopefully, have all of our plates cleared from the table when the Board arrives. Does this sound like we can do this fast enough? The longer we speak, the less time to eat. Okay, good?

(Stephanie), you're up.

(Stephanie Perrin): No, I'm going to decline, thanks.

(James): Be still, my beating heart. Volker, you're up.

Volker Greimann: Thank you, (James). Volker Greimann. I'm glad I took notes so I didn't forget what I was supposed to say. I'm not sure that the proposal you made is the best way forward for us, as we risk sending a mixed message not only to the ccWG but also to those who want the entire process to fail.

We needlessly risk a situation where one or more recommendations may fail, even though the whole package has the high likelihood of passing the vote and having community support as a whole.

I also don't see the need for a vote to make a statement when the statement can also be made just as effectively by just making a statement, but with none of the ambiguity of having a vote in a negative for one recommendation but the entire package passing.

I would therefore like to propose that before we move on voting on the individual recommendations, we first vote on whether the Council wants the voting at all. This would not preclude discussion on single recommendations and would still allow every Consulate to make a clarifying statement representing what this community thinks about that recommendation as it stands alone.

We are looking at a compromise solution with the entire package, and unwrapping a compromise always risks the entire package. And I want every counselor to bear that in mind. Thank you.

(James): Thanks, Volker. Okay. I have (Stephanie) and - I'd like to actually ask - put (Thomas) on the spot a little bit. Get his thoughts on the proposal, because I think you made a statement there early on that this would be confusing for the ccWG Co-Chairs and send a mixed message.

And other groups out of - but I think I - rather than trying to address that, or you and I have a debate about what we think (Thomas) will think, let's ask (Thomas) what he thinks. And then we can go to (Stephanie) next, okay?

(Thomas): Is everyone in this room clear on all the options that have been put forward by now? You know, so there were so many variations of what could be done. Do you want me to comment on forecasting only, or -

(James): I believe Volker started his comment by indicating that the proposal that we were discussing prior to (your) arriving was going to result in a confusing or mixed message to the ccWG. And I guess I'm asking do you share that concern?

(Thomas): I guess it pretty much depends on how things are going to be phrased. I think we are looking for an unambiguous thumbs up/thumbs down decision by Council. And I'm - I think it's perfectly legitimate for the Counselors to put on record minority statements. That's part of the process all along.

I'm still in favor of having a block vote whereby Council says yes to the whole package, because we might end up in trouble when we have conflicting - or when we have rejections on individual recommendations. So if it's maybe one recommendation or two recommendations, then we might be okay, but if it's - if it gets too fractioned, then we might have a difficult time analyzing what Council actually wanted.

(James), I thought that your suggestion of putting uncontroversial recommendations into a consent package basically does make sense. So that's maybe the middle ground that Council was looking for.

(James): Thank you. (Stephanie) and (Keith), and then (Chuck).

(Stephanie Perrin): (Stephanie Perrin), for the record. And that was my point of raising my hand earlier was that it would be very good to have this procedure clear in writing so that we were making sure that we understood exactly what we're talking about here, because it's a bit confusing. And that might help clarify.

(James): I understand that I owe that to you, and (Marika) and I were just discussing that a few moments ago.

(Stephanie Perrin): And from the perspective of an outside world looking at this, I am troubled by the ambiguity. I want us to document our concerns going forward, and all of our reservations about the implementation. But I want it to be crystal clear that we have reached a consensus decision that this thing is a go, because I don't want it to be used against us in the later machinations, which we all know are coming.

(James): Keith?

Keith Drasek: Thanks, (James). Keith Drasek. I agree with (Stephanie). I think that at the end of this process, however we conduct our internal business, whether it's line by line itemized votes or whether it's a consideration with minority statements or clarifying statements, however we conduct our internal business and get to the end result, I think the end result has to be a signal that we approve the entire package - as a package.

Or if the support is not there, the alternative, right? But I think the goal here is to drive towards a very clear and concise statement to the ccWG Co-Chairs that says, "The GNSO Council and the GNSO community as a whole support the recommendation as a package as the compromise solution." and that needs to be made very, very clear.

If we have background statements and other information - other processes - to get us to that point, I'm fine. And I think, again, as (James) said earlier, I support the process he laid out. I also understand and recognize Volker's concerns about, you know, you break up a compromise and you put everything at risk.

So I think a clear understanding that this thing is a package, and no one recommendation can come out for it to survive.

(James): Thanks, (Keith). And again, to (Stephanie)'s point, I owe folks a write-up on this so that they can take a clear and close look at what we're discussing. I

think, to your point, if both the voice vote package and the itemized or a la carte recommendations pass, then I believe it's clear that the package has passed because all of the component elements have passed.

If any one of those fails, then we need that other vote as a back stop to either approve - so the second vote, I think is - going to Volker's point - it's to close off that - it's to, let's say, let's attempt in good faith to pass all of the components individually but if - to your point - if that looks like it's putting the entire package at risk, then we cap it with that overarching vote.

And that's what I was trying to split the baby a little bit - perhaps a little clumsily here - but that was in effort to get a clear message to (Thomas) and the Co-Chairs.

But then, the follow-on statements - that is something, I think, that we're hearing universally from all the stakeholder groups and constituencies is that they want to get something on the record, even if they're voting to approve.

This isn't necessarily a vote to reject, but even a vote to approve may want to include an accompanying rationale. So I've got a queue here. I believe the next up was (Chuck), and then Steve DelBianco. Is there someone else that thought they were in the queue, and I didn't say their name? All right, (Chuck)?

(Chuck Gomes): I'll be real brief, because I think you just answered my question. If all 12 recommendations pass, there's no need for a block vote. Is that correct?

(James): That's correct. It's implied in the fact that all 12 achieved approval, and then the package is approved. It's only necessary if one of those elements doesn't pass. Steve?

Steve DelBianco: Thanks. Steve DelBianco. In the clarifying statements or the supplemental statements that are issued, I would encourage you to try to have some

semblance of structure to them, where there's a clarifying assumption that one group might make. "I clarify my assumption that X is what it means."

Another could be a concern - a noted concern that we don't agree with something that's in the proposal. And the third, and the richest part, would be if you noted that this recommendation - say Rec 10 - is missing something. And you say what it is that it's missing, because that helps to clarify the path ahead.

Because we as a community in Workstream 1 are getting the power - significantly greater power - to have a recommendation to show up and say the next ATRT, and having us as a community an ability to challenge the Board's rejection of a recommendation.

So that if there are things that we think are missing that over time we want to add, we need to have as clear a signal as possible coming at our GNSO. The GNSO sees an agenda of things that need to be done, because the community will have to support it, of course. But we do have the power to force the Board to consider recommendations coming out of ATRT in the future.

(James): Thanks, Steve. And I think that's helpful. If we put ourselves in the frame of mind of who's going to be reading those statements and what we want them to take away from them, that's key. And not necessarily use it as a platform to muddy the waters.

(Stephanie)? You're next, and you're between us and lunch. So we'll cut the queue off here.

Stephanie Perrin: (Stephanie Baron), for the record. You used an expression about cutting the baby here, and I think it was a really good one. I'd just like to point out that as far as the one I'm worried about, there's two babies here. One is the (IANA) transfer; the other is the multi-stakeholder process.

And in terms of documenting this procedure and our various dissents, et cetera, it's really important from the perspective of the multi-stakeholder process that this look good, and I think Steve has identified what we need in that documentation to make it look good. Thanks.

(James): Yes. So well, we're done slicing up babies. That's - we'll pivot to lunch. Which is probably not a very good segue.

All these points are, I think, valid and we need to get them buttoned up. But I think we're on a path, maybe, that we didn't have yesterday, so here is what I am proposing. And I will write this up - and by "I," I mean mostly Marika.

We will work together to write this up and get it distributed to the Council list so that you can review it, ask questions and take it to your constituencies and stakeholders on Tuesday. So that by our Tuesday wrap-up session, that we can sand off the rough edges of this process and have a clearer understanding of what we need to come to prepared to do on Wednesday afternoon.

It's not perfect. Nothing is. But I think we're kind of forging into the right direction here, and giving (Thomas) what we need - what he needs.

So with that, we'll close the queue. We'll stop the recording, and I would say, if we could, please - seriously, we say this all the time, but let's say it for like, for real. If we could ask the Counselors to go through the line first before the others, because the Board is expected here in a matter of less than a half an hour. So if we could get them a plate of food, get their lunch, get their plates cleared.

Everyone else, please, you're welcome, but let's at least expedite Counselors first so that we aren't sitting here with our faces chewing in front of the Board. Thanks.

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