

AC Chat GNSO Council meeting 29 November 2018

Maxim Alzoba: I'd like to suggest draft language to this item (about GAC communique response)

Carlos Raul G: there is no obligation for the GNSO to comment the GAC Communique, but it is not a rule

Maxim Alzoba: This topic has been a subject of a number of GNSO Council Reviews of prior GAC Communiques: ● Dublin (December 2015): pp.9-11 ● Helsinki (July 2016): pp.5-6 ● Hyderabad (December 2016): p.3 ● Copenhagen (April 2017): pp.7-8 ● Panama (July 2018): pp.6-8 The GNSO is of the view that ICANN has fully implemented the GAC's Advice on this matter.

Carlos Raul G: I think it is more useful to have a good discussion here

Carlos Raul G: than the timing

Rubens Kuhl - RySG: I am in favor of the motion.

Maxim Alzoba: I said I

Marika Konings: Please mute your lines when not speaking

Nathalie Peregrine: Arsene, I have muted your microphone

Rubens Kuhl - RySG: It's Arsene line that is generating the echo.

Paul McGrady: Sounds like NASA

Nathalie Peregrine: Looking into it.

Marie Pattullo: It's the Mars probe, Paul.

Carlos Raul G: sounds like Julf VoIP...

Julf Helsingius: Ground control, this is Major Tom...

Carlos Raul G: :)

Marika Konings: See up on the screen in redline the proposed change by Maxim

Rubens Kuhl - RySG: I support Maxim's amendment.

Julf Helsingius: I feel it is good to appear to listen to concerns

Marika Konings: Note this motion still needs a seconder as well.

Arsene Tungali: My apologies for the sound/echo from me. My audio went off so i tried to listen from the AC hence the mix up, forgetting to mute my line. Sorry for that

Nathalie Peregrine: No problem Arsene!

Marie Pattullo: Could that point be made by a separate mail from Keith to the GAC?

Julf Helsingius: I did type my comment

Carlos Raul G: thanks Michele. I share your appreciations of the time pressure

Carlos Raul G: I's rather have a good discussion even is it becomes old news

Marie Pattullo: As in: comments go in as are, Keith sends a separate message?

Michele Neylon: voting on the document after the meeting has already been held just seems a tad nutty

Julf Helsingius: Marie: that could be a good solution

Tony Harris: i support Michele on this

Rubens Kuhl - RySG: Julf, that solution would require at least a deferral, since the SG guidance doesn't include it.

Terri Agnew: finding the line

Julf Helsingius: Rubens: good point

Rubens Kuhl - RySG: Pam, only the SG could agree to that or not, not its councillors.

Rafik Dammak: @Rubens why amending aftermath? what it will achieve?

Maxim Alzoba: We can not vote on ourselves, only the way it was approved by RySG

Rubens Kuhl - RySG: Rafik, because it doesn't reflect the situation.

Maxim Alzoba: Do we have an obligation to follow the draft, which was not approved in full?

Mary Wong: If it helps, the Board has indicated previously that they do find the GNSO comments useful; that said, they also only formally respond to the GAC Communiqué (by way of a scorecard) after they've had their call with the GAC, so there is opportunity for the GNSO to clarify/edit etc. (even if not optimal and whether by way of a separate letter etc.).

Rubens Kuhl - RySG: 23h59min59s

Paul McGrady: Technical note, if we are going to change anything, the redline says "GNSO is of" but we are just the GNSO Council not the GNSO itself.

Paul McGrady: PS: I'm not for any changes at this late date.

Maxim Alzoba: GNSO Council

Darcy Southwell: Agree with no changes at this late date.

Carlos Raul G: lets leave the document as is, but don't doge the discussion

Marie Pattullo: The issue goes to several communiqués, not just this one. So hive it off into a stand-alone communication from Keith.

Carlos Raul G: (dodge? dodge?) can't find my Merriam Webster

Marie Pattullo: Or Julf. Or whomever process says should sign! (Deferring to Marika/Mary).

Julf Helsingius: I guess the chair signs it

Marie Pattullo: Dodge. Doge was a Venetian power person.

Mary Wong: @Marie, if it's a letter from the Council then it should prob be sent by Keith (possibly along with Pam and Rafik as co-signatories) on the Council's behalf.

Michele Neylon: whether the email / doc was sent or not is moot

Michele Neylon: we assumed it was

Carlos Raul G: moot?

Michele Neylon: irrelevant

Michele Neylon: not important

Carlos Raul G: txs

Michele Neylon: of little consequence

Michele Neylon: no tiene importancia

Carlos Raul G: asgree

Maxim Alzoba: was it sent as a draft or as a formal opinion?

Michele Neylon: ya hemos elaborado el documento a traves de varias semanas

Marie Pattullo: We have 55 mins left, chaps.

Maxim Alzoba: non comprendo

Rubens Kuhl - RySG: It seems a deferral for staff to determine if it was sent or not and to consult with SG regarding the keeping the response as its plus cover letter or separate letter with the SG.

Marika Konings: Next Board meeting is end of January

Marika Konings: and although the Board may work on it before that date, they usually also approve their response through a vote

Michele Neylon: defer it and move on

Tatiana Tropina: yes

Michele Neylon: next topic

Darcy Southwell: Agree.

Paul McGrady: +1 Michele

Carlos Raul G: and let the drafters team come back with a definitive wording

Carlos Raul G: lets concetrate on substance and not on drafting

Marie Pattullo: Defer!

Julf Helsingius: well, we did...

Maxim Alzoba: no objections

Carlos Raul G: defere

Arsene Tungali: let's move on

Paul McGrady: One way to make up some time is for the Council to read what was sent and we can move this discussion to the next call since a decision on this isn't imminent

Darcy Southwell: Paul makes a good suggestion, especially given the timing the material was sent means at least some of us have not yet read the material.

Arsene Tungali: i agree with Paul, Darcy

Rubens Kuhl - RySG: Sorry but I have to drop now. Will listen to the cal afterwards.

Nathalie Peregrine: thanks Rubens, noted.

Julf Helsingius: No problem with conflicting with GAC advice, as long as we can show we have followed procedure, and listened to concerns.

Paul McGrady: I'm for rechartering and trying again

Marie Pattullo: Agree with the "rubber stamp" concern – don't want to send a message that if a PDP is captured / falls off the rails / doesn't comply with a charter (etc.), the result perhaps shouldn't be that the (bad) deliverable will be adopted by default: don't reward bad behaviour.

Marie Pattullo: Can we recharter and also re-open to new volunteers?

Julf Helsingius: I agree with Carlos - we need to be able to explain the rationale.

Paul McGrady: @Carlos - agree that talking is good, but don't want the GAC to think we aren't listening.

Maxim Alzoba: Could we switch to the diagram?

Julf Helsingius: Not just the GAC, but the board does need to see we listen to concerns.

Mary Wong: @Marie, yes that is something the Council has the authority and discretion to do.

Paul McGrady: +1 to Marie's idea

Carlos Raul G: ***I'm on the phone but will have to step away from the aodbe room for a few minutes and drive daughter to the bus station**

Marie Pattullo: Thanks Mary.

Nathalie Peregrine: thank Carlos, noted.

Julf Helsingius: Good point about the transcript, Mary!

Keith Drazek: Thanks Mary for the clarification.

Paul McGrady: Substance, Lots of fingerpointing, but at the end of the day the outcomes aren't fit for purpose and we don't want to put the Board in a pickle between us and the GAC, especially when we aren't thrilled with this particular PDP process.

Tatiana Tropina: I never heard anyone saying EPDP so happily :)

Rafik Dammak: I think Kurt will start first

Paul McGrady: @Tatiana - ha!!

Tatiana Tropina: :D

Rafik Dammak: reminder we have EPDP webinar just after the council meeting

Rafik Dammak: webinar

Nathalie Peregrine: Please email gns0-secs@icann.org, or, given our email delays, mention here, if you would like to receive the webinar dial in information for 14:00 UTC

Keith Drazek: @Kurt and Rafik: Please discuss the status of the Initial Report compared to the Charter requirements. As you may recall, there's language in the Charter that requires the GNSO Council to agree that the gating questions have been sufficiently answered before discussions of an access model can begin. I expect we'll need to be prepared as Council for this eventuality.

Michele Neylon: <https://mm.icann.org/pipermail/gns0-epdp-team/2018-November/000994.html>

Rafik Dammak: yes Keith

Rafik Dammak: point taken

Maxim Alzoba: I hope DPA does not come to a conclusion that EPDP Team are controllers because of their influence on the policy

Maxim Alzoba: if contacted by EPDP Team

Maxim Alzoba: DPAs tend to fine (and give paid advice after fining)

Rafik Dammak: is it possible to get council position on this as it is related to charter?

Michele Neylon: Rafik - I think we might need to

Keith Drazek: Yes Rafik

Rafik Dammak: @michele such guidance will be helpful

Michele Neylon: Rafik - I get the impression the group feels *obliged* to send the letter

Michele Neylon: I don't think that was our intent

Michele Neylon: we assumed that the report would be more fully baked by now

Marika Konings: the charter says 'should' not 'must'....

Rafik Dammak: that is why guidance is helpful to avoid second guessing

Michele Neylon: if it's "should" then maybe people need a refresher on modal verbs? :)

Paul McGrady: Let's, as Council, meddle as little as possible though so that we don't end up micromanaging this WG...

Rafik Dammak: @Michele making fun of my english :p?

Michele Neylon: Paul - the group feels that we are obliging them to send a letter - I don't think we are

Carlos Raul G: **back in the adobe room**

Michele Neylon: Rafik - no

Michele Neylon: Rafik - there are more than enough native English speakers in that group :)

Rafik Dammak: @michele I know, I just wanted really that council can weigh in here as policy manager regarding charter matter.

Rafik Dammak: also about prioritizing what should be done and finalized by phase 1

Michele Neylon: Rafik - I don't disagree

Julf Helsingius: Phone line dropped for me - guess it reached the 2h limit

Nathalie Peregrine: Can you dial back in or do you want a dial out?

Julf Helsingius: Nathalie: thanks, I will dial in again if needed, still getting audio on AC

Nathalie Peregrine: Noted, Julf!

Keith Drazek: 4 minutes left

Cheryl Langdon-Orr (ALAC Liaison to Council): Thank you Brian... Most helpful

Paul McGrady: @Keith - list and December makes sense for #6.

Marika Konings: apologies, I have to drop here. You are in good hands with the rest of the team.

Rafik Dammak: thanks all

Cheryl Langdon-Orr (ALAC Liaison to Council): Bye for now... Off to the EPDP Webinar :-)

Rafik Dammak: join us for the webinar and continue the fun

Syed Ismail Shah: Thank you

Flip Petillion: Thanks Keith and all

Paul McGrady: Great call Keith. Thanks!

Rafik Dammak: bye

Marie Pattullo: Thanks & bye, all!

Maxim Alzoba: bye all

Darcy Southwell: Bye, all. Thanks!

Julf Helsingius: Thanks all!