

ICANN

**Moderator: Grace Abuhamad
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1:00 pm CT**

Coordinator: Excuse me, yes, this is the Operator. And the recordings have begun.

Leon Sanchez: Okay, well then. So welcome, everyone, to this CWG Accountability Meeting Number 4 on December 30 in 2014. So everybody, I believe, has already - have the agenda to review. And well we'd like to welcome you of course we'd like to go ahead with the roll call.

Grace, could you please help me with this?

Grace Abuhamad: Thank you, Leon. As usual we'll do the roll call based on the Adobe Connect participants but if there's anyone on the phone line who's not in the Adobe Connect room could you please share your name with us now? Okay, it sounds like everyone is in the Adobe Connect room and we will do the attendance based on that. Thank you very much. Back to you, Leon.

Leon Sanchez: Thank you, Grace. On the first agenda item (unintelligible) updates. We don't have anything relevant to inform. But also we need to remind everyone that hasn't completed their SOIs or updated their SOIs to kindly go to the wiki and update SOIs.

I am aware that many people have contacted Grace to create wiki accounts and since ICANN is closed right now we'll have to wait for ICANN staff to get back to us. But as soon as you get your wiki account please go ahead and update your SOIs.

And so I believe these are the updates we have so far with regards to membership updates and of course the SOIs updates. So I will turn now to Mathieu, I believe, for the - any updates or is it Thomas?

Mathieu Weill: Maybe - Leon, this is Mathieu speaking. Hello, everyone. Could you maybe update - share with us the latest exchanges we've had with - in order to engage with the advisors?

Leon Sanchez: Oh yes, I'm sorry. Well, yeah, the co-chairs had a meeting and we wrote to Theresa Swinehart for her to help us engage with the advisors early enough as to have them involved with our work and be able to provide advice on the track we're going right now.

So this email was just sent and we're waiting to hear back from Theresa. So as soon as we have an update from Theresa and know what's happened with the advisors and (unintelligible) meet with them so as to engage with the working group we'll update you as well.

Oh I believe, Theresa, yes she's on the call. So, Theresa, would you have any updates on this?

Theresa Swinehart: Yes, Leon. Thank you very much. I received your email this morning for the US time zone and I'll be responding. And we're reaching out to the advisors that have now been confirmed and selected in order to first brief

them and then also to identify a time for a call and to begin their engagement with us. So we'll be following up very rapidly taking in light also the holiday time frames for their response.

Leon Sanchez: Thank you very much for that. We'll be waiting to hear from you. And well then now I believe I turn to Mathieu.

Mathieu Weill: Thank you very much, Leon. Good evening or morning or anything that would be appropriate for your time zone to everyone. I would like to start our items regarding the work area updates. So we'll obviously hear updates from each of the work areas starting, without further ado, probably with Work Area 1.

I have noticed David is on the call and I don't think we have Samantha on the call. David, could you share with us an update of how the work is proceeding and maybe what's to come?

David Maher: Yes, this is David Maher. We're working on expanding the current chart of the accountability inventory. A suggestion has been made regarding the contracts between ICANN and the registries and registries which I believe should be added to the list. There has been no further discussion on that issue. But that's, I believe, the major issue at the moment. Thank you.

Mathieu Weill: Thank you, David. Indeed there were a few exchanges on the matter on the list. Does anyone have questions or comments for Work Area 1, which I remind everyone is in charge of inventory of the existing accountability mechanisms within ICANN. Please raise your hand within the Adobe room if you have any comments. Yes, Mr. Arasteh, Kavouss, please.

Kavouss Arasteh: Yeah, Kavouss. Yeah, once again with good time. Do you - we have any deadline to end of the inventory because they need to put some time to that and get to the remaining part of the issues after the inventory. Just a question whether they should have some time limit on that. Thank you.

Mathieu Weill: Thank you very much, Kavouss. David, would you like to reply before we take on Tijani's question?

David Maher: I'm afraid I don't have an answer to that.

Mathieu Weill: Maybe what I can say is we - I think the latest deadline I would see would be that we should definitely close this line of work by the time at latest when we meet in Frankfurt would be my suggestion for a deadline. We need to be as comprehensive as possible because it's absolutely key that we can refer to existing mechanisms in the most comprehensive way but I think by Frankfurt we would need to be clear that we are confident we have listed almost anything that exists. So my answer to the deadline would be this one.

Tijani.

Tijani Ben Jemaa: Yes, thank you, Mathieu. Tijani speaking. I have made this morning some comments on the Work Area 1 table. I don't know if you received it and if you received it I don't know if you have some - I would not say answers because there wasn't questions but there was comments.

David Maher: I'm sorry, I have not had the opportunity to review them.

Tijani Ben Jemaa: Okay no problem. Thank you.

Mathieu Weill: Yeah, I'm confident they will be taken on board, Tijani. Thank you very much, by the way, for your comments despite missing the call you obviously caught up with everything that happened since last week.

Okay so we - I think we're making good progress with Work Area 1. We already have an impressive set of mechanisms and it's certainly going to be extremely useful for us to assess the current situation in our future steps.

I do suggest we move to Work Area 2. I don't know whether Steve is on the line, Steve DelBianco, our coordinator.

((Crosstalk))

Mathieu Weill: Big echo here. I was mentioning that we had a couple of action items including one for Avri Doria as ATRT past participant to cross check the document and add recommendations if need be. And I think the discussion also carried on during the week. Steve is mentioning the latest document in the chat room. Please, Steve, you have the floor to provide us with an update.

Steve DelBianco: Thank you. I think this will be a quick update to leave room for the other work areas. On Sunday I circulated to all of you the list of seven updates to the Work Area 2 inventory. We didn't get from Avri this accounting for the ATRT items but I'm certain that Avri will pass that along soon and when she does I'll circulate it.

But what I included for Work Area 2 was three things the chairs asked me to flag as items that the IANA stewardship co-chairs had wanted us to flag as CWG items. And I put those in red and in bold and they're on Page 1 of the inventory.

The one that's the notion of an independent review panel which could be appropriate for IANA functions and the bottom two on Page 1 which were independent certification for the delegation and redelegation requests, of course that's in the IANA naming function, and the other was an independent appeals panel for contested change to the root zone or to Whois.

So I know that Mathieu, you had asked me for a whole new column to indicate those three items but I do hope that you can accommodate your requests with me just flagging them this way because there isn't really room for another column for only three rows to be flagged.

The second update is that David Johnson was a topic of our conversation a week ago because David had done a blog about potentially a new contract capability. He had also said that he thought that this group had made progress in areas that were probably overstated.

I reached out to David right after the call and reiterated that we were very early in our exploratory process so we hadn't reached any conclusions. And then I challenged David to join this process, not from an outsider putting up blogs but as an insider and he agreed of course. David wants the right things for this outcome. So David contributed another item to our inventory. And you'll see it at the bottom of Page 1 under Work Stream 1.

And it's to create a new contract, not an existing contract, it would be a new contract between ICANN registries and registrars where registrants would be third party beneficiaries. And this would be a contract that would limit ICANN's ability to impose binding rules to only those matters that were supported by consensus. And it also talks about potentially sending disputes to an independent arbitration panel whose decisions would be binding.

David clarified to me that this is not instead of the permanent cross community member group; now instead it would be something in addition to that. So it wasn't meant to be something instead of it.

The third item was that Izumi and Athina noted that a couple of items should go to Work Stream 2. I had incorrectly noted that they also supported those items but they didn't, they only suggested we move them to Work Stream 2. And I added some of their wording changes.

Malcolm Hutto had me move an item to Work Stream 1. This was an item on ensuring that ICANN's Board can be held to its bylaws. Daniel Castro of IETF and Wisdom Donkor, they asked for some new transparency rules called the Open Data Transparency Rules. And they requested we add them to Category 3, Work Stream 2.

Just two more items. Guru Acharya added an item for Category 1, Work Stream 1 which was another accountability contract between ICANN and Contract Co. Now remember, folks, Contract Co was an entity being proposed by the CWG for the IANA naming functions. It wasn't something that our group came up with but it's certainly a crossover item. And Guru had asked that the Affirmation of Commitments that we have today be replaced by a new contract, an accountability contract between ICANN and Contract Co.

So because I'm trying to be the rapporteur for this inventory I put that in there. I would have wanted to see if we could potentially merge that with what David Johnson had proposed but Guru didn't see it the same way because it involves Contract Co. instead of registries and registrars, right. So the entities are different. Now finally Carlos Gutierrez added four new items for Category 3 of Work Stream 2, so those are on the bottom of the last page.

Mathieu and Thomas, I'll stop there and take questions on the progress for Work Stream 2.

Mathieu Weill: Thanks a lot, Steve. There's a lot of work being done under Work Area 2 and we are starting to have quite an impressive list. And I'm very pleased to see that there is the progress that we were mentioning, the ongoing work we were mentioning on contract within Work Area 1 is reflected as well in Work Area 2 and I think it's a good sign for the consistency of our work.

Tijani, was that an old hand or a new hand that you were raising? That was an old hand. Avri, you are next on the line.

((Crosstalk))

Avri Doria: Okay thanks. Can I be heard?

Mathieu Weill: Yes you can.

Avri Doria: I'm assuming I can be heard.

Mathieu Weill: You can.

Avri Doria: Oh okay. So anyhow in terms of attaching the ATRT values when I went to - yesterday is when I went to do it and I went to the WA2 page. I did not see this latest document referenced there and I guess I didn't get put on the mailing list until today so what I did was I attached a bunch of the ATRT 2 references to the only thing I found there which was the issues identified by staff document.

Now that I know about this document I'll add those references to this document. This document isn't referenced, however, on the wiki page at all so I'd recommend that it get marked there so that people can find it when they're looking for it.

So I did do some original, which I guess now are just - are just a rough draft but I did attach something to a previous document but I'll attach those to this next. Thank you.

Mathieu Weill: Steve, is that - you wanted to follow up on that comment?

Steve DelBianco: Yes please. Avri, the document draft 5.1 it is referenced on the Work Area 2 on the wiki. If you're able to navigate to that wiki page for Work Area 2 you'll see it right at the top.

Avri Doria: I'm on that wiki page.

Steve DelBianco: And it's the very top item for Work Area 2 documents. You see it dated December the 28th and it says Work Area 2 Accountability...

((Crosstalk))

Steve DelBianco: ...Suggestions draft 5.1. Avri, to make your life easy, though, I'd like to email you the...

((Crosstalk))

Avri Doria: I do not see it so we obviously are looking at different pages. We can deal with it later.

Steve DelBianco: And, Avri, to make it even easier I'm going to email you the Word.doc version so you can annotate the Word.doc instead of the PDF.

((Crosstalk))

Avri Doria: Oh well yes, that would be good. Okay, I see it's not a wiki document at all. Okay I guess so send me the Word document if it's not there. Thank you.

Steve DelBianco: It's there as well but I'll email to you. Thank you.

Avri Doria: I don't see it. Sorry, I just don't see it.

Mathieu Weill: Okay, I think we'll manage this. Alan, you're next.

Alan Greenberg: Thank you. Two points. The first is one I made in email. And I understand these are just essentially, you know, suggestions, not necessarily work products for us but I really think we need for everything that goes along with Work Stream 1 a rationale for why it's linked to the IANA transition. I see a lot of good accountability issues there but I personally have a hard time understanding why the transition would need to be delayed because it's not there.

So I think we need to be careful that we're not loading up Work Stream 1 with things that people want but are hard to connect to Work Stream 1. We're almost at the stage where we're not going to be able to accomplish our goals because they're so large.

And the second one, which is sort of related to it but it applies to Work Stream 1 and 2, is I think we need to, as we're looking at this list of suggestions, to

realize that we're not - I hope we're not going to try to do everything. There's a lot of overlap there and one of them may replace the need for another.

So hopefully we're going to do - have a lot of discussion to try to come up with a reasonable set of accountability measures that will address the concerns of the community but not, you know, overburden us with things that don't really get us farther along. So thank you.

Mathieu Weill: Indeed, Alan, I think your suggestion for a rationale to attach a particular item to Work Stream 1 was mentioned during the last meeting. And, Steve, I don't know whether you've been able to make any progress on that side?

Steve DelBianco: This is Steve. And my attempt to answer the rationale is done in the description for what has to be in Work Stream 1 versus what could be in Work Stream 2. And I guess I had attempted this several times and it may be that the group is not satisfied with what I'm giving you in terms of a rationale.

But to make it ever so simple, the rationale we're proposing is that we need to put into Work Stream 1 any accountability enhancement that we believe the Board would not accept if it didn't have the leverage of the IANA transition. In other words Work Stream 1 are for those items that give the community the ability to oversee the Board and management.

All other items can be moved to Work Stream 2 since once the community has those powers it could probably accomplish a number of the other accountability mechanisms after the transition. So that is an overall rationale. And with that overall rationale I honestly haven't seen the need to repeat that next to each and every item where WS1 or Work Stream 1 is designated.

With the current layout of this inventory suggests that most of the items in Category 1 are Work Stream 1 because we need those accountability powers before the transition is concluded. So the only linkage to the transition, Alan, the only linkage to the transition is that the transition of IANA is our last best hope to force ICANN's Board and management to accept the community oversight that they would not otherwise accept.

And that is why we put them in Work Stream 1. It doesn't have to map to something that was in the IANA contract. It doesn't have to map to any element of oversight that NTIA had previously been doing. This is simply our opportunity to let the community have what it always has wanted which is oversight over ICANN's Board and management.

Mathieu Weill: Thank you, Steve. I think you have a very clear view, Steve, and you've repeatedly stated it and written it down in the contributions. I think what would be useful for the group, and now I'm turning to Alan or others in the group, is there are alternate views on what should be Work Stream 1 and Work Stream 2 please provide alternates. Please provide other views so that we maybe - if there are other options that they are clearly stated and that we can examine the merits of each of them.

We have quite a long queue so I'm turning to Kavouss now.

Kavouss Arasteh: Yes, first of all thank you, Steve, for the good work and all that you have done. You referred to civil entities such as independent panel, a review panel or appeal panel. These are the things that have been proposed by CWG, are you taking those items on CWG and explore them, elaborate them and putting in the - in your group or you have different. Because other of what you have said I have already seen in the CWG.

And there is an issue or not issue, there is a publication from ICANN that's opposing for example that contract committee and saying that this is superfluous and this is overlapping for which they have asked that should be put in the agenda we discuss.

So are we not having some overlap with the CWG or we're taking the results of the CWG in consultation with Avri and then put in your group and try to address whatever is possible for Work Stream 1 which has high degree of priority to be sent to the ICG at the appropriate time that I will discuss and I sent a message to Mathieu two hours ago to specify the deadline for that because ICG is waiting for that and we need to have a formal communication to ICG informing them what information they expecting from us for the transitions not only on naming but on the numbers and the parameters and few other things will be made available at that time, at that time should be specified.

But now I come back. Are you taking some of the proposal from CWG and elaborating them or you starting from scratch or what - the similar idea. This is not clear for me. Thank you.

Steve DelBianco: Mathieu, should I answer?

Mathieu Weill: Yes, yes please.

Steve DelBianco: Yeah, Kavouss, our charter was quite clear that we were not supposed to look at anything to do with the IANA functions, the naming protocols or the numbers. We were to look at overall ICANN accountability. And as such we looked at overall items of ICANN's accountability to the community, things like bylaws changes, independent reviews, public interest, and none of those have anything to do with the naming protocol and numbering functions per se.

The overlap occurred because some of the proposals coming out of CWG called for review boards to evaluate whether ICANN was doing an adequate job of exercising the IANA naming function, for instance. And if they did a contract they may have wanted to have an entity that could sign that contract with ICANN.

So the conversation starts to mention review board in multiple places. But the review boards are completely different. In the CWG they may well have a very small function review to see whether ICANN is doing the IANA naming functions correctly. They wouldn't look at everything that ICANN was doing in the name of accountability; they would only look at whether ICANN was doing the naming functions correctly.

And if were not they might send it to a review and they might change where the contract goes. But I think the chairs will reiterate that that is not for our working group. Our working group is not supposed to get in the way of what the particular naming functions accountability is.

Now the chairs of the CWG did ask us to add three items to our inventory because they felt that there might be broader implications. And I covered those at the beginning of the phone call that we did add those to ours.

But we're not going to elaborate on things that the CWG did since they are very narrowly looking at whether ICANN can be properly held to account at the running of the naming function. And we are looking at something far, far broader than that.

And I would ask the chairs to weigh in too as the keepers of our charter since Kavouss is asking a very important question and we will definitely put our

work at risk if we don't clarify the delineation between the CWG and our group.

Mathieu Weill: Thanks, Steve. I think you're right to remind us of our charter and it delineates the work of the CWG versus the - our own group. And I pick up on one of the items mentioned by Kavouss that - who indeed sent Thomas and I a few hours ago a request to consider whether we should contribute to the ICG.

I will park that question because we have a point later on regarding the interrelation with ICG and CWG which I think would be more appropriate to address this. And I do concur with Steve that we need to be interrelating with those processes but mindful of our own charter on that topic.

Next in the line is Paul.

Paul Rosenzweig: Hi, can you hear me?

Mathieu Weill: Yes I can.

Paul Rosenzweig: Can you hear me?

Mathieu Weill: Yes I can.

Paul Rosenzweig: Oh great. Well then I just want to make two quick points and then ask the chairs a question. The first point is just to kind of associate myself completely with the statements that Steve has made about the linkage of what he defines as Work Stream 1. I think Alan's definition of tying it exclusively to the IANA transition is far too narrow.

And it will be unless and until the Board and ICANN agree that the IANA function is all that they're going to do. Whenever I speak to them they say that they would (rights) to do more than that.

The second point I would make also sort of in response to Alan's but it's - it was a bit of an undertone is that the NTIA Assistant Secretary Strickling, the CEO of ICANN, Mr. Chehadé, the Chair of the Board, have all said repeatedly that the September 2015 date is a goal; it's not a deadline. So if we actually reach a point where we think we need more time I think it's perfectly incumbent upon us to say that.

And so we should bear in mind that we don't need to narrow our accountability measures exclusively to the IANA function if all that we're trying to do is meet an artificial deadline that everybody involved has said doesn't actually matter.

And then that actually leads me to the third thing which is more of a question for the chairs and a question for guidance from the people who are actual voting members. At some point somebody is going to have to define whether or not the Board is going to accept some outside monitoring component and what the nature of that is going to be.

And depending upon how the Board expresses that agreement, or disagreement for that matter, that will define what the nature of our accountability agreements are. If the Board were to say today we will restrict our activities of ICANN to the IANA function then a lot of what is in WS1 doesn't need to be there.

So my question for you is at what point is it appropriate for this group to bring to ICANN potentially the binary nature of our consideration so that they can help us narrow down what we're trying to achieve. Thank you.

Mathieu Weill: Thank you, Paul. I'm not sure I'm in a position to answer your question yet regarding what point we will be able to narrow things down and exchange with ICANN on that topic.

I am taking note of your question and will certainly try to address - to provide some kind of response even if it's an "I don't know so far" by the end of this conversation or before we close.

Paul Rosenzweig: Thank you. And it's not actually your - it's not actually your question to answer; it's ICANN's, right, in the long run. So all I'm really suggesting is that you should ask it.

Mathieu Weill: Okay. Jonathan. Jonathan, you're next in line. Maybe you're on mute. Grace, is there an issue with Jonathan's line?

Grace Abuhamad: Mathieu, this is Grace. Not that I know of. Jonathan, we can provide you with a dial-out if that's helpful. I'll contact you in the chat.

Mathieu Weill: Okay while we're sorting this out I suggest we move on to Greg who is next.

Greg Shatan: Thank you, Mathieu. Greg Shatan for the record. Some of what I was going to say has already been said. I'll add, you know, also that I thought that Alan's filter for what should go into Work Stream 1 was both narrow and a little bit off target.

The charter for this group notes that implementation and operational accountability for the administration of the IANA functions are within the scope of the cross community working group - or not within the scope of the cross community working group because they're being dealt with by the other group.

So by definition anything that deals with IANA functionality and accountability is not Work Stream 1 or Work Stream anything, it's - obviously needs to be interconnected, interdependent, coordinated with the CWG but it's not Work Stream 1.

So Work Stream 1 can't be anything related to IANA operational accountability; it needs to be things that are related to broader ICANN accountability but that this group for whether it's reasons of leverage or reasons of linkage are needed to be in place before we get to the transition point.

And also wanted to respond briefly to one other point which is the issue of timeline. This is, you know, obviously a timeline is a big issue and not just in this group but in the CWG as well. Would just encourage the two groups to coordinate very closely before either group makes any dispositive decisions about how to deal with the current timeline. Thanks.

Mathieu Weill: Thank you very much, Greg. Alan - do we have Jonathan sorted out yet?

Grace Abuhamad: This is Grace. We're still working on Jonathan. If we can come back to him that would be great.

Mathieu Weill: All right. Great we'll come back to him. Alan.

Alan Greenberg: Thank you very much. Just for clarity I was not referring to anything related to IANA operational functionality and accountability of that; that is the CWG's job. I was making reference to ICANN accountability to make sure that it is a good steward for the function and not carrying out the function itself.

I must admit, I'm very ambivalent. I may have raised the issue of leverage and that the leverage the IANA transition gives us to effect change of accountability in ICANN in general. I may well have been one of the first ones to mention that.

And I'm very sympathetic to it. At the same time our charter says things that must be in place to effect the transition. And although I do not want to lose out on an opportunity to get really good accountability, I have a bit of trouble using the leverage article - leverage argument alone as the reason for including it in Work Stream 1.

I would far prefer to find getting agreement with the Board in a more general way and limiting the things in Work Stream 1 to the things we really do need to effect the IANA transition and not use purely as leverage. If leverage is the only - if doing it under the IANA transition leverage is the only way to get it then maybe so be it but I really think that's a distortion of what we're supposed to be doing in Work Stream 1. Thank you.

Mathieu Weill: Thank you, Alan. Jonathan, I think you're on now.

Jonathan Zuck: I am. Can you hear me?

Mathieu Weill: Yes, we can hear you perfectly.

Jonathan Zuck: Oh great. Sorry about before. I hope I haven't lost the thread here a little bit but I just wanted to come in back on top of Alan's comments about connecting the accountability mechanisms to the IANA transition. I mean, and I - this may come down to how it's worded in the charter. And we talked a little bit about this in the chat.

But I think in addition to the functions themselves there's come to be a general recognition that there's some leverage associated with the IANA contract and being in a position to revoke it. And it's that leverage that is - needs to somehow also be replaced by something else.

And I think that's how things are being put into Work Stream 1 by Steve and by the conversations we're having online is, you know, what are the things that are sort of minimally necessary to capture that leverage? Because I think in all likelihood Work Stream 2 is going to be an ongoing effort over time that'll get prioritized by the community but without the leverage in place to bring about those reforms I think there's a fear in the community that they won't happen.

So just some of the simplest things like changing the charter to allow for a membership type of a structure is a pretty straightforward thing that would in fact completely change true accountability within ICANN. And I think we can keep the list very small in Work Stream 1 if we can really capture that leverage.

I mean, I think as we go through the inventory of existing accountability mechanisms I think we'll probably reach the conclusion that there aren't any. And the reason there aren't any, despite the list being very long in the inventory, is that the essential leverage necessary to empower their use is missing, they're circular in nature.

And so breaking that chain and creating try accountability is going to be a function of one fundamental, you know, reform that will in fact create - open the door for further reforms down the road.

Mathieu Weill: Thank you, Jonathan. Sebastian, you are next. You appear to be muted.

Sebastian Bachollet: Yes, is it okay now?

Mathieu Weill: Great.

Sebastian Bachollet: Okay, merci. Yeah, I wanted to raise a few points about the discussion. The first one is that we try to set up - some people suggest to set up a lot of processes to be on top of the Board. My point is that the Board is elected, selected by the community either directly or indirectly, but at the end of the day all the Board is composed by the community.

And if we don't trust the Board, we don't trust us; we don't trust the community. If we want to change the way the Board is elected we can open the discussion. I have no problem with that. But I don't want to try to find processes or things to be done on top of the Board because we don't trust the Board.

And I think we need one way or another to open the discussion about why we don't trust the Board and what could be changed. And instead because we will add any other groups on top of that that we will solve this trusting issue.

And I heard that we have time because there is no deadline. But it's not because we have time that we need to put topics and eventually more topics because we say, yeah, it doesn't matter because we have time. No, we don't

have time. We don't have time because we know that if it's not done by September next year - I can say next year still - or some months after instead just it will be done later.

From my point of view it will not be done at all. And maybe it's what some people want in that the IANA transition don't take place; the IANA stewardship transition, sorry, don't take place. But please don't add topics.

And if we don't trust the process (unintelligible) Work Stream 2 maybe we need to find a way to ensure that it will be done and use some tools like ATRT 3 and to decide that all those topics must go through a process like ATRT 3 because you know that it must be discussed.

We know how it will be organized and we know that the Board has six months to deliver and to decide on that. And we have some insurance about the deadline, the timing after that. But, please, don't put too much on the first stream with this to help the transition of the IANA stewardship. Thank you.

Mathieu Weill: Thank you, Sebastian. Just reminding that the current work is an inventory of ideas and that does not preclude that we are going to address everything. So at this stage I think we are trying to see as broadly as possible while the input from the community and we'll certainly have to focus later on.

Kavouss, you're next for your comment.

Kavouss Arasteh: Yes, Mathieu. I'm very sorry, I - this discussion is very helpful to make it clear that we do not have the same understanding of CCWG. Work Stream 1 in the charter says, "Focus on the mechanism enhancing ICANN accountability that must be in place or committed to within the timeframe of the IANA stewardship transition." So Work Stream 1 is there.

So we have to do something and I don't understand Sebastian saying that don't put any emphasis on Work Stream 1. This is the first priority that we need to do by 15 of September or around. That is important.

The second one is beyond that we have sufficient time and elaboration. So still the situation is not clear. People they speaking against the charter. The charter says Work Stream 1 is IANA transition. For naming you take it from CWG. For other I don't know where you take that. And you have to do something on the (three) plus the others which are outside that (three) for instance, root zone management and so on (unintelligible) you have to keep something on the accountability required for transition to ICG.

If you don't do that ICG will not be interested in the overall accountability; they will be interested in accountability required for the transition around 15 of September. And you have to give it at some time end of January, I don't know, 15 of February, I don't know. But Work Stream 1 is part of your group, part of your work. Why we should not emphasis - put emphasis on that. This is Point 1.

Point 2, Sebastian said something which I am not really comfortable. He says that we don't trust the Board. This not matter of trust; it's a matter of principle. The Board they are selected or elected or designated to some other mechanisms which is not directly from the community.

We are not objecting; we have full trust on these people. But let us talk about the principles. Talking of designation, we are talking of election, who elects them, how they are elected, what are the principle of election and so on so forth. I don't think that we have to invent something, we have to be very clear. Please can you clarify all these situation.

First, concentrate on Work Stream 1. You have to see what will we give to ICG. We take accountability on naming from the CWG. We have to put accountability if any for the number, accountability if any for the protocols and parameters, accountability, if any, for the root zone management, and put them all together and give them to the ICG. And I don't know why we say don't put any emphasis on Work Stream 1. Thank you.

Mathieu Weill: Thank you, Kavouss. Reassure everyone that Work Stream 1 is definitely part of our group. We'll have a discussion later on regarding the relationship with ICG which I have a different reading at this stage but I'd like to contain our work right now on this discussion regarding Work Stream 1 and Work Stream 2. And I promise, Kavouss, we'll come back on that later on.

On the line I have Becky. My suggestion is to close the line after Thomas so we can move on to the next work area. So, Becky.

Becky Burr: Yes, thank you. Perhaps you were suggesting that you want to move on and discuss this topic a little later. But I find that this discussion about the sort of Work Stream 1, Work Stream 2, what accountability mechanisms must be in place for the transition to take place is a sort of critical discussion.

And I think that we may be confusing ourselves a little bit with the words. Because I understood the community very clearly to say that there were certain basic and fundamental accountability mechanisms that needed to be in place for the community to feel comfortable moving forward with the IANA transition. That may or may not be directly about the IANA function.

And so when Steve uses the word "leverage" I think it would be helpful for us to think of this in a slightly different way which is we may not be able to build

all of the accountability mechanisms and make them sure and robust but we must come out of this with the tools in place that will allow us to continue the work of building accountability.

So rather than thinking of this as leverage I think it might be helpful if we say what we need to come out of Work Stream 1 is we must ensure that the community feels comfortable that we have the tools in place that will enable us to continue and complete the work of creating accountability.

I think that that is consistent with what Steve is saying but I wonder if using the word "leverage" is confusing the conversation and whether maybe "tools" - thinking of it in that context would be more helpful to the community. But, I mean, the bottom line is it's not just about accountability for IANA functions; it is, you know, what are the tools there that will allow us to complete the work of creating real and meaningful accountability.

Mathieu Weill: Okay. Thank you very much, Becky, for these constructive comments. Athina.

Athina Fragkouli: Yes. (Unintelligible) I agree with Becky position (unintelligible) and keeping in mind there (unintelligible) keeping in mind the whole (unintelligible) Work Stream 1 is about making (unintelligible) within the timeframe of the IANA transition and so on so the timeframe is important. And I think some accountability items they require some technical changes, for example, amending the bylaws.

And I suppose that there is a certain process established for that and there might be like specific dates or there may be a specific time saying required for the changes to be approved and so on. So it would be useful to have some explanation from ICANN staff regarding time restrictions and processes for the technical issue. Thank you.

Mathieu Weill: Thank you, Athina. I think you're rightly raising the point of what does firmly committed to actually mean. And that's certainly a topic that we'll have to address.

Steve, you have the next comment.

Steve DelBianco: Thank you. This will be quick. And I wanted to reply to Kavouss and Sebastian. Kavouss, you quoted from our charter about the need of Work Stream 1 to be done within the timeframe of IANA transition. But nowhere does that charter indicate that September 15 is the only date that fits into that timeframe.

That charter was written acknowledging that while September 15 is the goal and we all want to achieve it, it's entirely possible to defer and extend the IANA contract so that that transition occurs six months or several months or a year later than that and therefore we still get into Work Stream 1 within the timeframe of transition. So our charter does not have a date start of September 15 but it does say that we must try to get Work Stream 1 in before the transition occurs.

And, Sebastian, I really believe, and I wanted to reply to your notion of trusting the Board. Please understand it's not about the individuals and Kavouss said that it's about how the individuals are selected but it's not that either.

Our bylaws are very clear. And I've pasted them into the chat. The bylaws require that no matter who elected the member of the Board the moment they become on the Board of Directors at ICANN their duty is to the corporation;

their duty is to the interests of the corporation and not to the entities that elected them and not to the communities that they came from.

The ICANN corporate organization had (saw) fit to give the corporation representativeness but not the community. There are no shareholders for ICANN. And given that it's a nonprofit corporation section of the bylaws was written to exclude recognizing the community as members. Because a lot of us run trade associations where the members are just like the community and the members hold sway over the Board.

All we are seeking to do in Work Stream 1 - several of us, and of course it's not the consensus of this group - is to restore unto the members of the community the powers that the Articles always anticipated. And we don't have those powers today.

So it's not a matter of trusting the Board, it's not a matter of changing the way we elect them because no matter who they are or how they were elected they do not represent the community the minute they're sworn in as directors.

They're supposed to take care of the corporation to make sure the corporation is on the sound footing or that the corporation doesn't get sued for taking a very tough unpopular stand against a contract party. That's what we have to change as a result of creating new structures and new accountability mechanisms. Thank you.

Mathieu Weill: Thank you, Steve. Sebastian, if you have very, very short answer but I think we (unintelligible) here and it's not our ambition right now to close it.

Sebastian Bachollet: No, but thank you, Mathieu. Just to say that I have done the same reading of the bylaw. It's not - when somebody is elected, selected, whatever word

you want to use, to the Board, he is not belonging from one community but he is belonging to the whole community. And, yes, I know that in the bylaw it's written the corporation. I don't like this word at all.

But for me the corporation it's ICANN and ICANN is overall community. And I don't think that it's - the Board member are not belonging to the community at all. But I agree with you, Mathieu that it's a very important topic and we can't solve it in two minutes and (unintelligible) but maybe it could be a good part of the discussion in one of our next face to face meetings. Thank you very much.

Mathieu Weill: Thank you, Sebastian. Jonathan.

Jonathan Zuck: Yes, thank you. I think the entire conversation about trust takes us down a rabbit hole that's unproductive. I think the bottom line is that we shouldn't have to rely on our trust of the Board and that is the very nature of accountability. So I think it's a mistake to ask the question whether or not we trust the Board but simply put structures in place so that that trust is not necessary because true accountability mechanisms have put in place in the place of trust.

Mathieu Weill: Thank you, Jonathan. I do sympathize with you. Thomas, you have the last comment and then I will try to wrap up with some action items.

Thomas Rickert: Thank you very much, Mathieu. I'd just like to get back to an earlier stage of our conversation where we discussed the introduction of Work Stream Zero or things that definitely need to be in place versus those items that need to be firmly committed to.

And I think that we need to - or maybe we should pick that up as we further define the document that Steve and his colleagues produce because I think there is some confusion even amongst the Work Stream 1 items as to which of those need to be worked on as a priority matter or priority-priority matter, first priority matter, and those that can subsequently be worked on.

So I think that this needs to be further defined. I think that some of the items currently flagged as Work Stream 1, for example, when they relate to the Registry and Registrar Agreements can't easily be completed before the transition takes place because the current contracting parties have ongoing contracts which can't easily be changed. So it might be unrealistic to get that done prior to the transition.

I guess there are more examples in the document which is why we as chairs have asked for working further on the rationale so that we maybe can differentiate between items that need to be instantly worked on and implemented and those that can be implemented subsequently.

Also with respect to the trust issue, I tend to agree with Jonathan that we will have a hard time if we talk about trust or distrust in the ICANN Board. I'd like to remind everybody that at the very outset of our work or during the drafting phase of the charter, we've been looking at statements that have been made by Lawrence Strickling relating to the differentiation between Work Stream 1 and Work Stream 2.

And one of the asks was that Work Stream 1 items should be those preventing ICANN from being hijacked or going crazy. I'm paraphrasing here. But I think that it has been a request by the NTIA for us to ensure that the Board doesn't do strange things.

And if you look at the communication that has been going on for the last couple of months, not only in this group but also in other fora, I think it becomes quite clear, at least that's my observation but you can advise me otherwise, that the community, the wider community, not only the ICANN community does see the need for some sort of oversight mechanism, whatever that might look like, to ensure that the ICANN Board cannot operate more or less in isolation.

I think I leave it there but that's just to stimulate a discussion that we should continue maybe even under Agenda Item Number 4 during this call. Back over to you, Mathieu. Thank you.

Mathieu Weill: Thank you very much, Thomas. I'm conscious of time and we certainly need to run but we're really touching on key issues we will have to deal with early on if we want to be able to fulfill the expectations in terms of timing.

And the proposal I'm making is the following, is, one, what we will try to do based on the transcript, based on of course Work Area 2 proposal, and - is to recap the various options and views that we've heard regarding Work Stream 1 and Work Stream 2 options and start a discussion on the mailing list on that topic that we could update on by our next meeting.

I am also taking on two points that I think we need to act on. One is to be more clear about what firmly committed means in the context of the definition of Work Stream 1 and Work Stream 2. What kind of commitment would we consider as firmly committed to by - so that the transition can happen.

And I would like to ask whether staff could identify a list of options for that that would be shared on the list and so that (unintelligible) initiate some

discussion regarding alternative options; obviously it's not an exhaustive list but at least we could start discussing whether we believe it would be a firm commitment or not.

And I would also like to ask staff to act on Athina's proposal which was to give us some indication about timing of implementation for various kind of options that we see in the Work Area 2 document bylaw change, how would it take, if we want to change the contract and the gTLD, can we do that and so on and so forth.

And that's the various items that I would like to suggest we take on so that we can come back to this discussion with more relevant information at our next meeting and at least my goal will be to come back to that later to have a very clear view to present to the community by Singapore about what is Work Stream 1, which means that we will certainly make this one of the goals from the Frankfurt meeting that we come up with an agreement within our group about how we see this.

So that would be my proposal to move forward. And I hope this is capturing most of the comments. I would like to so stress for the notes that I've noted on the chat a proposal by Bruce Tonkin, our Board liaison, that there might be value in a public meeting in public in Singapore regarding issues such as this one as well as how the Board would accept or reject a proposal coming from our group. And I would take on the action item for the co-chairs to liaise with Bruce and the Board to try and organize this.

I think we've - I mean, that's really where it shows the value of the Work Area 2 proposals that we've been touching so many of our key issues. But I suggest that we now move to Work Area 3 which is the relationship with the CWG

naming. And Avri has provided a new document on that matters so, Avri, if you could provide us an update?

Avri Doria: Sure. This is Avri speaking. First of all the work in Work Area 3 is starting. In fact the bit of the document that's there now was just put up yesterday. So basically what this document is is just a beginning of a list of issues that have come up in the CWG discussions that relate. Now because of the state of where CWG is in terms of just going through comments - and I'm not going to go into the detail of that now but that may be on the schedule later.

But so haven't gotten into specific issues but did record at least three issues that have struck me, perhaps they're more at the meta level of issues that have been discussed in CWG that pertain to CCWG. And in fact we have been talking about them already. So, you know, there were issues like the - a lot of discussion there on the deadly embrace between our two parallel tracks.

In a sense stewardship needing to know about, you know, what will change in accountability Work Stream 1 and the accountability group needing to understand what sort of model is being used for stewardship.

And in the conversations in CWG, and I believe here, we keep sort of pointing to the other and I've used the terminology that comes out of a function that basically keeps waiting on the output of another function and they're each waiting on each other by deadly embrace. And so that's definitely been a concern there. Using different words it's obviously a concern here.

One of the issues that's discussed a lot is the effect of separability or lack thereof on accountability solution requirements. And the question that comes up there and here also is does that move items between Work Stream 1 and Work Stream 2? And I think we just had some of that kind of discussion here.

That discussion is also going on in the sense a mirror reflected in CWG. And then the other thing, which is a meta issue, is the whole structural alignment between the efforts. Now this is a wiki list. It's open for, you know, the people with wiki accounts, both those in Work Area 3 or others to add to it, to tell me to add to it, to tell me to change what I've sort of seeded the list with. And as the CWG moves further in sort of having consolidated the comments and deal with the issues that come out of it, you know, I will - there will obviously be other issues to add to that.

We briefly - last thing is we discussed whether - well sort of started the discussion whether we needed to have meetings or just work on the list and in the table. And for now I think we're going to work on the list and in the table. If there's a need for a teleconference then we'll schedule on but that's an open issue. But at the moment we have not scheduled one.

And that's it for, you know, an update of where we are on Work Area 3.
Thanks.

Mathieu Weill: Thank you very much, Avri. Any comments regarding Work Area 3?

Kavouss Arasteh: Yes, I have a comment or a question.

Mathieu Weill: Yes, please, Kavouss.

Kavouss Arasteh: Yeah, my question is that the output or outcome of the CWG on naming whether that outcome goes directly to ICG or comes to our group. And after that to our groups goes to ICG or it's the output of the CWG goes elsewhere. So I would like to know the path in which the output of the CWG will be

included in the process; direct to ICG from the naming issues or to us to ICG or to elsewhere. This is not clear for me. Thank you.

Mathieu Weill: Okay, I think that relates to...

((Crosstalk))

Mathieu Weill: Avri, you wanted to comment, please. Please go ahead.

Avri Doria: Yeah, I just - I mean, I can't speak authoritatively on it but my assumption from everything I heard is that while there'll be coordination and that the chair groups of the two - of the CWG and CCWG are discussing that the CWG stewardship would go to the chartering groups for their approval but then go to the ICG. That is my impression but of course I don't speak authoritatively.

Mathieu Weill: What I can add on this, I mean, we've been coming back and again to this relationship between CWG, ICG and our group. The ICG issued a request for proposal that is specifically addressed to operational communities including the naming community to provide full responses to the whole RFP.

And therefore the CWG, from my understanding and I think Theresa here on the call can confirm as she's been obviously observing the whole process, the CWG will answer - they will submit a response by mid-January to the ICG and we will keep in close cooperation with CWG and ICG to make sure what we come up with within our group comes in a timely fashion both for CWG and ICG in order for the transition to take place at the earliest moment possible.

So we are mostly running in parallel with ICG and bearing in mind that our work is very much interdependent and interrelated but there is no need for the

CWG to go through us before submitting to the ICG. And we, as a group, our understanding is that we do not - we do not qualify as one of the respondent to the RFP by mid-January.

But I'm fully open and I would be - I mean, I think it would be appropriate to put this in the action items that we make sure the co-chairs could engage with Elisa Cooper, the chair of the ICG, copying our two liaisons, Keith Drasek as well as Kavouss, to make sure our understanding is shared with the one from the ICG (unintelligible) so that there is no confusion or misunderstanding on this matter.

Theresa, would you like to add a comment?

Theresa Swinehart: Just, Mathieu, the way you summarized it is absolutely correct that the CWG on the naming is the operational community input into the ICG process specifically. The work of this accountability cross community working group is looking at the broader issue of accountability in the context of the changing historical relationship with the USG.

And while it's very important that there's close coordination in light of the transition in Work Stream 1 this work here is not going into the ICG, this work here is the accountability work that comes up with the recommendation, comments from the community and obviously a public consultation process, as you noted some very close coordination and then also provided to the Board and at the Los Angeles meeting the Board had also adopted a resolution on how it would look at the recommendations and move that forward.

Larry Strickling has made remarks - recently also published remarks on the NTIA Website, which we're happy to circulate which reiterates and notes the importance of the relationship between both the work of the ICG proposal and

the Work Stream 1 of the accountability work so that they should be in close coordination with each other. I hope that helps clarify. But, Mathieu, you summed it up very well.

Mathieu Weill: Thank you, Theresa. So I really think we're going to take the action point to make sure that this vision is shared with the ICG and of course this is one of the items that we coordinate already on a very regular basis with Jonathan Robinson and Lise Fuhr for the CWG as well.

I see no other comments so I suggest we move to Work Area 4. Unless I'm mistaken I think Eric Brunner-Williams, our coordinator, is not on the call. And so I will just briefly update about what has been happening that I've seen.

First of all Eric is still making progress. We're still lacking in an initial list but this is something that hopefully can be done in the next few days and probably that we could remind as an action item for the group to come up with a list that could be shared at our next meeting. I think there's sufficient material now to provide this.

I would like to also mention that in relation - in coordination with Eric as co-chairs we have engaged with Bruce Tonkin, our Board liaison, in order to request from the Board Risk Committee a list - the list of identified risks that would qualify as contingencies that they are using on their - on a day to day basis as a part of their risk management framework so that we avoid duplication of work and make sure we are not missing out on one of the key risks that this committee has been considering in the course of its work.

Currently we have initial feedback from the risk committee which is rather positive so I'm hopeful that beginning of January we might be provided with inputs from the Board's Risk Committee.

Any questions regarding Work Area 4 that we would convey to Eric and the group? Let me check, I'm not sure (unintelligible). No questions so I think we are completing our review of the work areas. And I will now turn to Thomas for the item regarding the coordination between CWG and ICG or coordination with CWG and ICG. And of course we've touched on that already but, Thomas, please you have the floor.

Thomas Rickert: Thank you very much, Mathieu and welcome everybody, again. In this agenda item I think it's important for us to understand where the CWG stands. As you know there are regular coordination calls between the co-chairs of the CWG and the co-chairs of our group. So we've done this over the last couple of weeks and the next coordination call is due to take place on this Friday.

But today I think was a quite critical day in the work of the CWG because the public comments have been analyzed. And I think it would be helpful for this group to understand better where the CWG currently stands and what the impact of new developments on our work would be.

You will remember that we were provided with a list of potential areas of overlap between the two work areas. And this may or may not have changed. So I would like to ask Avri to get her microphone unmuted or Greg or Cheryl, if she wants to pass on to them.

But before I do so I see Kavouss's hand is raised so, Kavouss, you have a brief question?

Kavouss Arasteh: Yes. I'm not sure what (unintelligible) I understood. She said that there is no link between CCWG Work Stream 1 nor Work Stream 2 with the ICG. Is that correct?

Thomas Rickert: Kavouss, can I ask for us to take this question offline? I think if there is a different understanding of what the ICG's mandate is and how the work of the CCWG as well as the CWG is interrelated with that and if the responses provided by Mathieu and Theresa have not been satisfactory I think we should - we should take that offline and do that in writing if you agree.

I think it's easier for us to get reassurance of the view with the ICG leadership and then follow up on the list. I hope that's acceptable, Kavouss. I think and for the - with only 38 minutes left on this call I think we need to get to the other agenda items.

So if I...

((Crosstalk))

Thomas Rickert: Is that okay?

Kavouss Arasteh: It is acceptable to me but it is not a matter that (unintelligible) as a member of ICG. As a participant I would like to know what is the relation between the CWG, CCWG and ICG. As a participant because I have to reply to the community. I have been asked this question. I was not able to answer.

Thomas Rickert: Thank you, Kavouss. And your point is well understood. But I think since this is such an important issue we can't risk any ambiguity in our responses so we will respond to you in writing. And for everybody's benefit on the mailing list. So thank you for your patience with this.

So let me move to Avri to give us an update on the latest development with the CWG.

Avri Doria: Okay, thank you. This is Avri speaking again. And, yes, for sure there are people participating in this call who have, as better if not better knowledge than I do of where we're at but I'll give my overview from the, you know, the WA3 sort of perspective of watching.

Today was really quite an interesting meeting in that we got the first draft of the analysis of the comments. Now textual analysis is going on. Everybody is still in the process of reading the comments and there are many pages to read.

But what also staff and a small analysis team has been working on is pouring through those comments and doing an analysis of the answers in relation to specific questions. For example, questions on the complexity, questions on Contract Co, questions on customer standing committee and whether it's multistakeholder or not.

And there's a list of I guess 16 different categories that various levels of analysis are being done on both in terms of positive, positive with restrictions, negative, broken down by individuals versus group, broken down by gTLD, ccTLD, etcetera, to try and get a better picture.

There also came up during the meeting that there are other groups that have been doing external data analysis of it that will also be contributed into this next to try and understand it. And then as I've said there's been discussions on sort of lexical analysis of the comments. When I read the comments, you know, this way it says it agrees; when I read it that way it doesn't so that conversation has been going on.

Now in the discussions various realizations perhaps have come through that from the mainstream model, which people have been commenting on in the

CWG submission there were also, other than that mainstream, there are also other models proposed in response to that and started to look at the similarities and commonalities between those things.

And while deciding on which areas are trending, which responses are trending favorably versus not, look at those areas whether it's a customer standing committee or a multistakeholder review team, what would the functions of those be because you look at the various models and it looks like they're analogs of various functional modules, I think was the word that was used for them, and so starting to look at those things in greater depth; starting to look at other places where the models may be somewhat analogous to each other but group things differently and such. So that level of analysis is also started.

So I'd say that the main effort at the moment is in the analysis, the understanding, then the next steps will be to sort of dive deeper, to respond to the comments and to look for the commonalities between the various models and the various comments.

Also within another one of the areas people have started taking the various models, not only the mainstream model but there's work going on to subject them to some of the stress test analyses and see how they respond to the various issues.

So the work is ongoing quite intensely. You know, we've already had various groups - I think three or four meetings over the last two days. We have a bunch more coming up. And perhaps the others would like to add more to it than that but that's pretty much the overview of where I see us being in the CWG at the moment.

And as I said, we did have those issues that - of sort of the same question that keeps coming up is what is the relationship with the two so that does keep coming up as a question. Thanks.

Thomas Rickert: Thanks very much, Avri. Can I invite Cheryl or - and/or, I should say, Greg to add if they wanted to?

Cheryl Langdon-Orr: I've got nothing more to add but Greg may do. Thank you though for the offer.

Thomas Rickert: Thank you.

Greg Shatan: This is Greg. I think that was an excellent summary of where we're at. You know, the group will continue to work with four - actually several subgroups going on simultaneously and heading toward a high intensity work weekend starting Friday night the 9th of January and 10th and 11th. So I think we are, you know, working on continuing to find different ways to try to get as much out of the comments in terms of guidance as possible.

I would also say that, you know, the issue of timing is not one that the CWG is immune to as well as we look at what we have to do and the time we have to do it in but at least at this point it's full steam ahead. Thanks.

Thomas Rickert: Thanks, Greg, Cheryl and Avri for the update and your willingness to inform this group. I now that not only you but also others are under the pressure of following both groups at the same time. I think it's one of the benefits that we have that we can tap on the expertise of those that are actually engaging in both activities or observing them.

We have considered, in our preparatory meeting amongst the co-chairs, whether we should follow up on an idea that was mentioned by Steve DelBianco during the last call. You will remember that we were talking about the timeline and our communication with the CWG leadership and when we could potentially come up with a first preliminary assessment.

And we got the impression that it was felt by the CWG that we might chime in too late for them to incorporate our thinking into their proposal. And Steve DelBianco brought up the idea of putting together some general statements that could be published.

And we were wondering whether this is actually something that this group would be willing to consider. It would be an extra piece of work certainly. I think - or we think we should only do it if there was a need expressed by the CWG. So if the CWG felt that some very general statements could help them in their work then we would suggest that we start a conversation about what such general principles could look like.

I think this sort of seamlessly relates to the discussion that we had a little bit earlier during this call about the distinction between Work Stream 1 and Work Stream 2. And I mentioned during my last intervention there that it was at least my - it was at least my personal observation that a lot of community members thought that there was a need for external oversight of the ICANN Board of Directors.

Now at the moment we do not know where the naming community is going to steer this, i.e. whether there is going to be Contract Co. or whether it's an alternative solution that might be considered or published. But we thought that it might be helpful if, let's say, there were the consensus amongst this group that some sort of oversight mechanism or entity is needed regardless of what

legal form that might have or how it's constituted or what exactly its mandate is.

But I think it might help the CWG to determine whether what they're doing might potentially be out of sync with what we might come up with. So these could only be very high level principles. And we would like to hear from this group as to whether you think this is useful and if you do think so then we as co-chairs would further explore this in our next call with the co-chairs of the CWG.

A queue is forming presently. The first one in the queue is Kavouss. The floor is yours, please.

Kavouss Arasteh: Yes, Thomas, thank you very much. I think a general statement would be helpful if we also refer to the approaches because the concept is to have some sort - you said some sort of mechanism or oversight that could be mentioned. And then going to the approach whether it would be Contract Co or whether it would be some other approach, it would be good if we have the possibility to describe various options for further discussion.

But just talking about overall - oversight without talking of approaches I don't - we have to also talk what are the - in our view - the views of the CCWG, what are the approaches, Contract Co or something else. It would be good if you could have that one and sending to them in time. Thank you.

Thomas Rickert: Thank you, Kavouss. Alan.

Alan Greenberg: Thank you very much. I strongly support the kind of suggestion you're making on some general statements but with some caveats. And I made a similar statement in the CWG meeting earlier today.

I think that cannot come purely from this group, it's got to essentially come along with it the statement that what we're proposing is legally possible because we're still in this never-never land of not understanding exactly what we can ask the Board to do and what they can't do under California law. And we really need to address that really quickly.

And second of all, whatever overall concepts we come up with I think we would need accompanying it a statement from the Board that it sounds reasonable. You know, it's not a guarantee that they're going to accept the details but at least an overriding statement that says they're in agreement with the general concept. Those together I believe would be extremely helpful to the CWG. Thank you.

Thomas Rickert: Thanks, Alan. Steve.

Steve DelBianco: Thank you. In terms of a statement I believe it has to be general but it still has to give an example that has meaning. And here is what I would propose: We should tell the CWG we are actively considering legally permissible mechanisms of redress and review where the community can override decisions of ICANN's Board and management.

If we are successful in that regard we accept the fact that that same mechanism could be used to address matters that are unsatisfactory to the protocol, numbers, and the IANA naming function. So for instance, if the CWG is looking in the IANA naming area and they create a review board that concludes that ICANN is not doing an effective job of the root server functions and the naming they might conclude that ICANN needs to change the way it does its policies.

We are - we want to send them a message that the mechanisms we are trying to design would be ready-made to receive that problem, to review that problem and to be able to, if we have the right legal underpinning, to be able to force ICANN to listen to the IANA naming community and make a change in their policies consistent with community interest.

So mostly what I'm getting at is let's be specific about the kind of mechanisms that we are trying to come up with. We don't know if they're legally sound but we think they may be and that if we're successful with creating them they would be a very convenient way for the protocol, numbers and naming communities to hold binding decisions in redress and review over the ICANN contractor.

And I think that would help them a great deal so that they won't have to design many of the very same redress and review mechanisms completely on their own. Thank you.

Thomas Rickert: Thanks, Steve. I guess you hit the nail on the head because we do want to make sure that there's no friction between what the CWG asks and what we might produce. So if the same mechanism, entity or whatever it might be, can have a catalog of things that they are - that they can work on then items necessary for the naming community can be added to that list but we would still have one holistic approach that could serve both needs.

Greg.

Greg Shatan: Thank you, Thomas. Greg Shatan for the record. The concern I have with what Steve says is that it sounds great in theory but that it's at such a high level of theory that I don't know how the CWG could really rely on it. Certainly the CWG has, you know, spent time thinking about mechanisms that

would have the same attributes as those mentioned by Steve, and ran up against a lot of difficulties in trying to figure out how those could practically exist which is in part how we got to the solutions that are currently in the draft proposal.

So suggesting that you're going to design this great bullet proof mechanism is kind of like telling someone to wait for the time machine that you're designing, although frankly I think - not saying it's impossible, a time machine is probably a bad analogy, but it's - there's definitely a lot of detail and a lot of considerations and slips that go between knowing whether anything that, you know, has those attributes is possible and what it will take to make them possible.

And so without some level of concrete understanding of how those would be possible it's still just a dream. Thanks.

Thomas Rickert: Alan.

Alan Greenberg: Thank you. I'm going to say with some frustration, it's time we got beyond a discussion of what we think might be possible under certain laws or things like that. These are facts which we should be able to get out in the open really quickly and determine what are our possible options.

This is getting really, really frustrating having, you know, half the community saying, no, it's not allowed; the other one says how do we know and, you know, then other people saying yes, but even if it's allowed the Board would never agree to it. I think we need to stop the conjectures especially on things that are based on pure fact and get on with the real work. Thank you.

Thomas Rickert: Thanks, Alan. I see no further comments at this stage and I'd like to close the queue here because we have two more agenda items to deal with during this call. Let me just add a few points that have come up during our co chair's preparations.

We can only come up with some general ideas or principles at this stage because the discussions that we have are not advanced enough and not mature enough, have not been - have not been discussed with the various communities whose representatives are on this call. So I think we can just come up with preliminary general ideas that still, we think, can help the CWG as to what direction things will most likely take.

Greg, responding to your point. I guess even a general statement can help the CWG understand that our group will most likely not come up with recommendations that propel solely around ICANN taking care of itself. So the acknowledgement of the need of some external oversight is, I think, a major pillar of whatever concept we might come up with. So even if the details are not fleshed out I think such general statements can be of huge value.

Also I think - or we think it would be good for the - for us to publish a statement that could inform all those that are currently working on proposals so that we can show - so that we can show to the rest of the world that we're making progress and that we're not ignoring the developments taking place in the CWG or in the naming community, I should say.

In terms of timing, you will remember that we have agreed that we would not make decisions in one call. So we need to be pretty fast if we wanted to come up with statements before the working weekend of the CWG starts which would require us to take the pen and write up some general statements very,

very soon so that we can further inform the group after our call with the co-chairs on Friday.

If maybe some expectations are voiced by the CWG leadership we would share this with the group so that we can refine the general statements that we have worked on by then. And then we will need to see whether there are objections to the proposals that have been made on the list during next week's call. And if that succeeds then actually we would have something that can be published before the working weekend of the CWG takes place.

I think with that I would like to end this agenda item. I see Kavouss's hand is up. Kavouss, can I ask you to make it very brief?

Kavouss Arasteh: Yes, Thomas. I have heard three times that the people they are doubtful to make any proposal because they may not be accepted by the Board. Why we have such a line of thinking? Are we not going to propose something for the improvement redressing either to the situation of accountability or are we just talking to please a group of people? Why we saying that this would not be agreed by the Board? Why? On what basis is not agree by the Board? Why from the very beginning we pre-judge the situation? Thank you.

Thomas Rickert: Thank you, Kavouss. And with that I think we need to end this agenda item. And I would like to hand back over to - I think the next item is that by Mathieu again...

Mathieu Weill: Yeah, it's going to be me again.

Thomas Rickert: Over to you, Mathieu.

Mathieu Weill: Thank you very much, Thomas. The next agenda item is about the face to face meeting. We thought it would be valuable to start exchanging about expectations regarding this meeting. By expectations we do not mean anything detailed in terms of agenda or anything but rather what kind of - where we want to be at the end of this face to face meeting.

But before we get into that I'd like to turn to Grace to give us an update on attendance and maybe a couple of logistic items. Grace.

Grace Abuhamad: Thank you very much, Mathieu. This is Grace Abuhamad for the record. I've uploaded a document now into the Adobe Connect room where you can see whose confirmed so far. So, so far we have 24 people who have confirmed attendance to the meeting. Three of those people are members, I mean, are participants or observers; the rest of them are members.

I know - my apologies. Sorry. The - so we're still missing confirmations from two members. And then the - Izumi has confirmed that she will participate but not in person. So that's the update in terms of membership attendance at the face to face.

I'm going to ask that everyone please confirm by the 7th of January whether or not you will be able to attend in person. You know, as usual we will have the remote participation room and the phone lines so everyone will be able to attend remotely. But we just need to know for logistical purposes such as, you know, arranging seats and finding a room, how many people will be attending in person in Frankfurt.

So if you have any questions about that please contact me directly and I can help you, you know, with any information about the meeting, logistics, etcetera. Thank you. Back to you, Mathieu.

Mathieu Weill: Thank you very much, Grace. It's good news that we have good participation and I hope we can have good news from those pending confirmation.

So the point we wanted to raise very briefly now is what expectations we would have for the face to face meeting so that we can start preparing very actively to the organization of Frankfort in terms of content of the meeting. And open the floor for ideas at this point but so far there are I think three or four items that I see that I'd like to share with the group to get feedback.

One is there's a lot of work to be finalized on the scope and definitions of our work, for instance, what is the purpose of accountability, who should ICANN be accountable to, what the different terms of the definition mean and this is something as co-chairs we are working currently on a draft proposal that will be circulated and I think it would be great to have that finalized so that the foundations of our work are clear by the end of this meeting. So that's number one.

Number two there's the discussion about Work Stream 1 and Work Stream 2. And I think we should aim at having a clear proposal of what is the two streams all about and maybe a bit of (unintelligible) of what should be the outcome of Work Stream 1 by the end of Frankfort so that we can get feedback on this during the Singapore meeting that comes a couple of weeks later.

Number three, I think we should be able by Frankfort, to take Work Area 1, assessing the current mechanisms; Work Area 2, the different expectations; and Work Area 3, the CWG expectations, together to start maybe doing some - identifying what are the priority - there's a close relationship with Work

Stream 1 and Work Stream 2 obviously. But somehow providing some form of conclusion to the works of these work areas by the end of Frankfurt.

And in the same category I will say that I would like to have a list of contingency agreed on by the end of Frankfurt so that we can also get feedback from the community on that. And obviously some of these items may be closed before Frankfurt but I think that's the point I would like the group to reach by the end of the Frankfurt meeting. And I think that would at least position us so that we can discuss with the community in Singapore and start working on the details in (unintelligible).

Any feedback on those ideas for the face to face meeting? Obviously this is not a, I mean, we're far from taking decisions at this point. Kavouss.

Kavouss Arasteh: Yes, no problem with what you have suggested. Is really an ambitious agenda. But when we discuss the possible review of the bylaws and the review of the Affirmation of Commitment including of that into the bylaw or not, similar issue is going to the governing provisions or rules or arrangements to the system rather than - no apart from what you have mentioned. These are the important issues that we have to discuss. Do you have any idea of that? Thank you.

Mathieu Weill: Thank you, Kavouss. I would - since you refer to the milestone and timeline that we've been discussing in the last couple of meetings that this kind of discussions and details would take place after that once we have identified that it's a priority and has to be in Work Stream 1. And so we would clear the way to ensure we can get to work on that kind of discussion provided that this is the conclusion we reach.

Kavouss Arasteh: Okay.

Mathieu Weill: I have next in the queue is Tijani. Are you muted, Tijani?

Tijani Ben Jemaa: Yes, Mathieu, thank you. Tijani speaking. I think that we need to work on the mailing list during next week before the next call. We have to work the table of the Work Area 1 or Work Area 2, excuse me, because (Tim) has kindly put everything inside this table, every suggestion, everything. And I need - I think we need the consensus about what we have to keep and what we have to move or perhaps what we have to add. I don't think there is something to add but what we have to keep and what we have to remove.

Also, we have to start discussing and have a consensus about what is - what has to be put in the Work Stream 1. We already begun this discussion but I think that we have to start trying to have consensus so that when we go to the face to face meeting we will have work prepared. Otherwise we will - we spend very long time on those issues that can be solved in my point of view on the mailing list. Thank you.

Mathieu Weill: Very good comment. And I refer you to one of the conversations we had earlier that this discussion regarding Work Stream 1 and Work Stream 2 we'll try to take some discussion on the mailing list so that we - by Frankfurt we have already had a number of comments and exchanges and (unintelligible) for trying to find common ground between us.

Kavouss, I assume this is an old hand?

Kavouss Arasteh: I have a question with you and you said that you (offer) some clarification. I provided you the clarification, I don't know at what time we raise that issue whether it would be under the any other business or before we reach the end of the time, you remember the email that we have to gather (unintelligible)

and you ask for some clarification on the matter of the latest publications of the ICANN Board for public comments. Thank you.

Mathieu Weill: Okay I suggest we address that if we haven't already by the any other business. If there are no other comments the action item I would propose on this item of the agenda is to circulate with the notes the potential outcomes from the Frankfurt meeting for comments and so that we try and test the water on that by the next meeting and that we - as co-chairs we'll basically get out to -get preparations ongoing for the content of the meeting in the next few days. That closes Item Number 5.

I will now turn to Leon for any other business and the closing remarks. Leon.

Leon Sanchez: Thank you very much, Mathieu. So is anyone that has any other business to bring up on this call? Okay, I see no one raising their hand or calling for any other business. Is that - okay Kavouss.

Kavouss Arasteh: Yes, I have noted the recent ICANN document for public comment relating to - I don't know whether they refer to the outcome of CWG or outcome of CCWG. They referred to the Contract Co and they commented that this is a duplication.

And I sent in two comments on that mentioning that irrespective of the nature of the comment maybe at this stage would be too early to issue a document for public comment because ICANN they have members in the CCWG or liaison and indirectly in CWG they could - if they have any comment they could raise it and allow the people to discuss it rather than excluding that sort of discussion from these two groups and directly going to the public comment and try to put some sort of ideas that may have negative impact on the views of the public in (unintelligible) their views.

And I said that what was the reason that without comment to the group saying that this issue of the Contract Co is overlapping or is redundant in order to put in discussions why exclude that sort of discussion. Would it be possible that they at least share that information with CCWG or CWG before going to the public comments? That was my question.

And you, Mathieu, asked me further elaboration and I mentioned that elaboration to you in the email. And I see you have that and I would like that we possibly, if colleagues agree, send a message to the Board saying that they would be very happy and welcome any comments they wish to share with us before going to the public comments because at this earlier stage may not be quite useful to bypass these groups and going to the public comments directly. Thank you.

Leon Sanchez: Thank you very much, Kavouss. In many (unintelligible) it would be very useful to have those comments on the mailing list. And please elaborate in the mailing list as well as Mathieu, I believe, asked you to do so previously. I don't know, Mathieu do you want to comment further on this?

Mathieu Weill: Yes, to provide all the group with all the relevant information, what we have addressed in I think our first meeting quite lengthy the issues that of Board expectation of our recommendations. I think we're still basically in the same situation and that was addressed earlier that probably we need to be as open as possible to propose what we think is appropriate and it's certainly not in the interest of the Board to be in a position to reject anything.

I would like to add also before maybe turning to Bruce, whose hand is raised, that one of the action items we have from this call is to engage with the Board

so we can have a public meeting with them in Singapore and certainly this item could be raised at that point. Leon, I think that would be it for me.

Leon Sanchez: Yeah, thank you very much, Mathieu. I see Bruce Tonkin with his hand up so, Bruce, you have the floor.

Bruce Tonkin: Yes thank you. I think this is response to Kavouss's comments. One of the challenges for the Board is judging when is the right time to provide comments. With respect to the cross community working group on the IANA transition for naming function the Board doesn't actually have a liaison directly to that group but it does have a liaison to the IANA transition coordination group.

The Board felt that the public comment forum was the right time to make comments once a specific proposal had been put out for public comment. But, you know, we could certainly - if that group wants to receive feedback from the Board at some other stage of its process it's welcome to ask the Board and we'd be happy to provide feedback.

With respect to this group, there is a liaison, which is myself. Clearly at the moment I agree with Kavouss's earlier comment that the group shouldn't be constrained in its thinking at this stage. You know, it should focus on providing what the group believes are the best accountability mechanisms.

In terms of when to provide feedback, there's a difference between myself giving perhaps personal feedback at different points of time versus the Board officially giving feedback because that means I've got to go back to the Board and seek the input of all the other Board members before responding.

Probably the easiest I think would be when the group decides it wants to receive formal feedback from the Board that the chairs ask me to do so and then I will coordinate a response from the Board and can certainly post a response to the mailing list in response to a question from this group.

Leon Sanchez: Thank you very much, Bruce. We're reaching the top of the hour. Is there any other business anyone wants to raise for this call? No? Okay well then I'll go ahead and make the closing remarks for this call and just review some of the action items as well.

We'll remind you to please update your SOIs. We'll be waiting for Theresa to get back at us in order to schedule a meeting with the advisors. The attendants to the face to face meeting must confirm their attendance by January 7. Grace updated us with how many people have already confirmed their attendance. And there are very few people lacking confirmation of attendance.

With regards to Working Area 1 we would like to thank David for the update and we'll look forward to have Tijani's comments included. With Working Area 2 we thank Steve for the update and post the following action items: Avri to send ATRT items to Work Stream 2, a (unintelligible) that Avri's added to Working Area 2 mailing list, a staff to assist with making sure documents are posted in a way that is more easily accessible, a recap of definitions of Work Stream 1, Work Stream 2 for mailing list and discussion next week.

We are in the process of drafting a straw man document with proposed definition purposes, etcetera, which will be made available shortly. And - also we will have the definition of committed to by staff. Staff will also take Athina's suggestion. And the chairs to work with Bruce regarding Singapore meeting.

The CCWG and CWG will coordinate in order to work closer. And with regards to Working Area 3 we would like to thank Avri for the update. And we encourage all participants to have a look at the matrix in the wiki and add their contributions as well.

The co-chairs will confirm with the ICG that there is a shared understanding that the CCWG work does not go through the ICG. And we'll let you know as soon as we get a reply from the ICG on the subject.

With regards to Working Area 4, we're sorry we didn't have Eric with us on the call. And we thank Mathieu for the update. And would like to remind all participants to please add your contributions to the group so we hopefully have a starting list to discuss before our next meeting which will be on January 6, I believe.

And of course the co-chairs will continue to coordinate with the CWG co-chairs in order to address comments for these issues. And I think that's about it. So have I missed anything, Mathieu and Thomas or should we call this call adjourned?

Mathieu Weill: I think you've summed up very well, Leon. I think we - we as co-chairs have a few documents to circulate so that we are - our discussions can move on towards their really first decisions and orientations. And that's going to be what's going to take a lot of time in the next few days.

Leon Sanchez: Excellent, Mathieu. Well if there is no other comments on the call we can call this meeting adjourned. Thank you very much, everyone, and we'll see you on our next meeting.

Kavouss Arasteh: Happy New Year to everyone.

((Crosstalk))

Cheryl Langdon-Orr: Thank you, everybody. Bye.

Mathieu Weill: Bye-bye.

END