ICANN

Moderator: Gisella Gruber-White
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12:00 am CT

Coordinator: Recording has now started. Please proceed.

(Mathieu Weill): Thank you very much. This is the CCWG Accountability Six call on January the 13th at least in UTC time.

Thank you everyone for joining this call despite the pain being shared by I know most of our colleagues in the - on the American continent.

I'd like to point your attention to our agenda which is really focused today to preparing for the Frankfurt meeting which will take place next week.

And our agenda items are very much focused on getting all the discussions ready for our converging next week on some of these items hopefully (unintelligible) expected outcome.

This part will just be - may I record it. We will be relying on the list of participants in the Adobe Connect room for the roll call.

And if there are any participants who are audio only may I ask them kindly right now to say their name so we can add them to the roll call?

(Alice Munyua): (Alice Munyua) from Kenya.

(Mathieu Weill): Thanks (Alice). Welcome. Okay if there are no others then may I also kindly remind each colleague to (unintelligible) their SOIs if need be or provide updates to the statements of interest.

Are there any updates to be made at this meeting regarding statements of interest? Apparently no.

And finally regarding our meeting I just remind everyone to please raise hands in the meeting in the Adobe Connect room if they have a comment to make or want to contribute to the discussion.

And (Alice) since you're on audio only you will have to privilege please make yourself heard if you want to switch the discussion any point.

A couple of updates before we get to the core of our agenda, first of all as you know advisers have been appointed by the public experts group in December. And we are still in the process of engaging with these advisers.

The call is being set for this Thursday between the co-chairs and the advisors to get them on board really. We are very pleased that one of them, (Jan Shaunter) will join us in Frankfurt.

And we will engage with the advisors along the lines that were discussed together I think it was a couple of meetings ago and we'll report back to the group by Frankfurt around this call.

I am also - I have also been informed that the search for the - an internal show, an international or legal experts as advisor is still going on within the public search group.

And I have no exact news about the outcome of this search but it's still going on.

This is this was my first update. The second one it's been mentioned several times in our work so far that there would be a need for some independent legal advice based on California law for instance.

This is an action that we have been taking as co-chairs and discussing with staff at ICANN about how it can be visible.

So the action is in progress and that's the reason why it's not on the agenda right now but please be sure this is not forgotten on us.

And as soon as the discussions have (unintelligible) a point where we can report it we also will do in this call.

Thomas I don't think I've forgotten anything except I would like to and to share with you the apologies of (Leon), (Leon Philip Sanchez) who unfortunately is caught up in a flight right now that was many times delayed.

And I think he's probably listening in but won't be in the capacity to actually co-chair this meeting. And I wish (Leon) most of all a safe flight and I'm sure he will catch up. So I see in the chat room that he is listening.

Considering the welcome and roll call I think we are through. And I - with that I'd like to hand over to Thomas for an update regarding the CWG, the various exchanges of principles and statements that happened between last week and this weekend. Thomas?

Thomas Rickert: Thank you very much (Mathieu Weill). And hello everybody. This is Thomas Rickert speaking.

As far as the second agenda item is concerned you will remember that we had a good and fruitful discussion on high level principles during the last two calls.

And there was a vivid exchange of emails subsequently which resulted in us as co chairs publishing high level principles agreed with you in advance of the intense work week and that the CWG has conducted during the last weekend.

I have only been able to listen into part of the weekend sessions but as you know we do have a couple of colleagues on this call who are following and participating in both groups and who are much better placed to report about the latest proceedings inside the sub CWG to this group.

And with that I'd very much like to ask Avri who has approached prior to this call to give us an update on the latest proceedings with the CWG. Avri the floor is yours.

Avri Doria: Thank you. This is Avri speaking. I can be heard?

Thomas Rickert: You can.

Avri Doria: I can see my microphone making noises. Thanks and apologies for any extra gravelness in my voice. I just woke up from my late evening map.

So we had the - I want to be clear. I'm not talking about the high level principles at this time. I'm talking about what's been going on in the CWG over the days is that correct?

Thomas Rickert: That is correct. But certainly if there's any - anything worthwhile noting coming out of the CW G deliberations relating to the high level principles by all means please feel free to report those then as well.

Avri Doria: I mean the work that's been going on lately the principles that have been sitting there for quite a while, fairly stable documents.

It was not one of the things, at least I only made three out of the four calls over the weekend. I was traveling on the 4th but I have been catching up with people.

And I see that there are other people here on the line who actually made it to those calls so they'll be able - to the last call so they'll be able to fill in.

Basically what we did over the weekend was went through the surveys that had been taken from among the members and participants and a few others on the sort of impressions in regard to the comments.

The survey basically was one of those five point surveys that basically went from strong agreed to disagree with options for, you know, no opinion no comment, et cetera.

And we went through those on all of the segments of the CWG proposal specifically on the customers standing committee, the multi-stakeholder review team, the IAP, the Independent Appeals Panel and contract co and on the alternate, you know, various alternate proposals that had come through in the comments.

And some which had already been sort of on the table, for example from ALAC I believe who had already discussed it.

So it went through those things in detail, discussed the various points of agreement, the various points and agreement...

Thomas Rickert: Avri are you still there?

Avri Doria: ...where the difference between the agrees or sum total of agrees and the sum total of disagrees was greater was 75% or greater.

And went through those just to make sure it was understanding and then went through those where there was at least a (unintelligible) discussed in some detail and came up with sets of, you know, not principal conditions sets of requirements, et cetera, for each of these.

On the CSC and the MRT see it's not that consensus has been reached yet by any means but there's starting to be a picture of the functionality, the degree to which it stands, how they are made up as is probably fairly well-known on. And that sort of went to the IAP too.

In terms of contract co and new proposals there was the - there is still strong lack of consensus. And, you know, the conversations are split with there being a mainstream proposal that has advantage in the discussions.

Some think it has a much greater advantage than others think discussions in terms of alternate principles and to just then needing to flush themselves out and to sort of come up with perhaps one notion of alternate votes of proposals as opposed to many.

Now one of the things that started to be collected -- and (Alan Greenberg) who's on this call is holding the token on that -- is that to start building a list of the various accountability issues that have come up in that discussion.

I don't know where that list is yet. I volunteered to help with that given the role that I've, you know, I have taken on here in terms of the repertoire of that effort to track the CWG work.

And, you know, unexpected that there will be such a list in time for the meeting this weekend I don't have one in front of me nor have I had a chance yet to start building my own version of that list.

But there's definitely, you know, definitive items that need one of the things that was also came up. I'm not sure to what extent it's been developed yet. Things have been moving fairly quickly. It's also looking at how the accountability requirements may be different or, you know, may sort of vary between the proposal types between at what are the accountability requirements if it goes with a contract co, what are the accountability requirements if it were to go with one of the, you know, they're getting called the internal solutions.

So the work is certainly proceeding. There's certainly an acknowledgment though that, you know, by the 15th this is - there's not going to be a consensus

reached and that there is going to need to be a certain amount more time. I'm not clear yet to be honest on the time.

One of the issues that came through quite strongly in the review is sort of a feeling that it would have been better if the accountability had been farther along than it is. However, you know, everyone understands the situation and what they NGs have asked.

But there is sort of a feeling of there needing to be some catch-up between the two in order to bring them, you know, closer to alignment in terms of work done because there really is a strong interdependency.

And we see it even more as we talk about solutions.

That's a quick mind dump at 1:00 AM my time. You know, there's probably questions.

And as I say there's various people on this group, you know, that we're hearing some of whom are the leaders of some of the discussions in the CWG stewardship. Thanks.

Thomas Rickert: Thank you very much Avri. As you correctly stated there are more people on the call who have attended the CWG's work over the weekend. So would anybody of you I'm thinking particularly of (Michelle) or Greg or Keith like to contribute at this stage?

Avri Doria: Or perhaps (Alan Greenberg) who has the (unintelligible)...

Thomas Rickert: Yes.

((Crosstalk))

Avri Doria: ...you know, of the gathering on this (unintelligible).

Cheryl Langdon-Orr: Greg's hand is up. I'm let him go first.

Thomas Rickert: Okay Greg please. And (Kavouss Arasteh) I have noted that your hand is raised. I - I will get - I will go you afterwards.

Greg Shatan: Good morning, good afternoon, good evening. It's Greg Shatan also awakening from my disco nap here in Washington DC.

                  I think Avri gave a very excellent overview of our work.

                  There's not too much to add. I did want to give a little extra detail on one point that she mentioned which is continuing to examine and look at a solution that does not involve a contract co and contract.

                  This has been sort of our work but I think the realization that we came to over the course of the weekend's work that was that this needed to be focused on to a greater extent.

                  So a new subgroup has been formed which we're calling RFP 3D to give greater focus to trying to flesh out and test out a solution that some would call the internal to ICANN solution but one that does not involve a contract or a contract co.

                  Although, you know, what it will evolve isn't entirely clear but it would be a solution that would be arranged around, you know, internal accountability principles, mechanisms to a greater extent.

And Alan Greenberg McGillavry of I believe with Sierra is coordinating that subgroup. And that subgroup will be on an intensive round of extra calls in the coming days.

And I think that's it. We'll see what comes out of that that can try to build towards consensus or at least towards, you know, greater understanding of what the challenges and potential ways to meet the challenges goes along that route will be.

So looking forward to working with that subgroup as well actually not coordinating that subgroup design but coordinating the RFP subgroup.

But in any case I think that that's a good development. And I do also look forward to contributing to the list of potential guidance points that will hopefully inform the work of this group the Accountability Group as you enjoy a face to face in Frankfurt coming up.

I'll turn it over to back to the chairs or to Cheryl as the case may be. Thank you.

Thomas Rickert: Thanks Greg. So let's move to Cheryl then.

Cheryl Langdon-Orr: Thank you Thomas, very briefly Cheryl Langdon-Orr for the record.

I just wondered if time permitted perhaps at the beginning of our work sessions next week if the co-chairs can wedge in a very small amount of time for those of us who are involved in this RFP 3B to give any update regarding to the work done so far that has specific possible work outcomes to go into our Workstream 1.

It may be a non-item and but predicting that there may be something that comes out of RFP 3B that our Accountability Group needs to focus on at least in terms of Workstream 1. I thought that might be worthwhile seeing if we pen in. That's all for me. Thank you.

Thomas Rickert: Thank you very much. Cheryl. That's much appreciated and we will make sure that you get some time during the weekend to speak to this. Next is Avri.

Avri Doria: Yes thank you. Just wanted to add one more point that I was reminded of is in terms of the CWG solution pads, the mainstream path and the alternate path is not only could there be accountability differences but even if the sum total of accountability at the accountability requirements ended up essentially the same it could also have a variance in terms of whether things needed to be in track one or track two. Thanks.

Thomas Rickert: Thanks Avri. I think with that we're going to close this agenda item.

We will continue the discussion on that during the weekend.

And as you know the co-chairs of this group to conduct regular coordination calls with the CWG leadership. So by Frankfurt I do hope that we will also have a clearer view on how the work of the two groups can best be coordinated so everything - so that we contribute to the best possible extent to the ongoing deliberations in the CWJ.

And with that I think we can move to the third agenda item which is going to be chaired by (Mathieu Weill).

(Mathieu Weill)   Thank you very much Thomas. Indeed the third agenda item we have is the Workstream 1, Workstream 2 discussion.

So our goal is to have a clear view in definition at this stage regarding what Workstream 1 is mainly focusing on the definition of Workstream 1 instead of Workstream 2 but I think it's more practical.

A proposal had been circulated before the our meeting Number 6. It's been discussed during the meeting as well as led to a number of comments and discussions in the last few days.

Just to introduce this and leave as much for comments and discussions, the initial proposal was to define Workstream 1 as mechanisms that when employees are committed to would provide the community with confidence with any accountability mechanism that could further enhance ICANN's accountability would be implemented.

If it had consensus support from the community given if it were to encounter ICANN management resistance or if it were against the interest of ICANN as a corporate entity.

So it was mainly about the community prevailing over ICANN.

Some of the interesting items that came up during the discussion and I'm just flagging them for further discussion at this stage is first of all we had questions regarding definitions, what is the consensus?

And I think I'm hopeful we'll get some interesting input from the ACG on this discussion as what is the community which refers very strongly to our discussions regarding the stakeholders.

And three more I think more substantive comments were received, one about who the community would be accountable to (unintelligible) by the board.

Do we have sort of a Russian door system where we go from accountability to another accountability to another one or would - there was an introduction of the concept of a bAlan Greenbergce between different types of powers.

There was a mention of the example of judicial power or legal power and (unintelligible) powers. And I think this is an interesting discussion we could expand on.

We also had a comment more recently yesterday that we will focus our discussion if our definition was focusing on enhancing ICANN's accountability but there might be scenarios where there might some accountability (unintelligible) might disappear. And so there would be sort of a step back.

And probably our definition can be enhanced by taking this into account. This was a comment from (Marakon). I'm not sure he's is on the call but if he was that maybe it would be (unintelligible). No, I don't see him on the call but to expand.

And of course we'll have to make sure that our Workstream 1 definition fits with the overall expectations from the community including the and in particular the CWG as discussed in the item just before that one.

This is really the where we see the discussion at this stage.

So what I'd like to ask is whether anyone feels that there are other issues with this definition.

That's my first question that we would have forgotten or if there are any proposals to address some of the questions that I listed and in order to progress with converging is a definition that fits everyone's needs.

Steve you are obviously very involved in this discussion and you raised your hand so please take the call.

Steve DelBianco: Thank you. It's a very brief question. What you see in the screen in front of you is that I updated the inventory to documents reflect the chair's reformulation of the Workstream 1 definition.

I put a strikethrough to the Workstream 1 definition that we had offered before.

But the question for you is what should we say about Workstream 2?

Should it simply be the sentence in front of you that all other consensus items could be in Workstream 2? We simply end it there or do I keep the prior sentence I have on Workstream 2?

And I just looked at the chairs and since you formulated - that you reformulated this Workstream 1 definition what did you want to have in here for Workstream 2? Thank you.

(Mathieu Weill): That's an excellent question. And I think it speaks to - the where our work would stop.

And I mean to be perfectly honest with you right now I would not provide a definitive answer on that. And I don't think we have given a lot of consideration to that.

So I would happily listen to it - your input or other input. I mean your input is obviously in the document.

You have provided a definition of Workstream 2. And if there are comments on this definition I think it would be also an appropriate time to provide this.

Steve DelBianco: While we're waiting for others to raise their hand I'll just continue to say that for the time being you could leave what I had in there for Workstream 2.

It's a tiny bit redundant to what you've said about Workstream 1.

I'm speaking of the second half of the sentence for Workstream 2.

But at this point when others are coming up to speed and looking at our document it doesn't hurt to be redundant with one extra sentence. So we can strip that out of there perhaps after the face-to-face. That's what I would suggest. Thank you.

(Mathieu Weill): Thanks Steve. Any comments regarding Workstream 1 and Workstream 2? Keith is raising his hand. Please Keith.

Keith Drazek: Yes. Thank you (Mathieu Weill) can you hear me?

(Mathieu Weill): Yes perfectly.

Keith Drazek: Okay very good. So I just had a question about and I'm catching up a little bit.

I'm perfectly fine with the language that is there that begins WS1 mechanisms are those that.

But I'm curious as to why the next sentence that has been struck through has been struck through?

I actually think that the sentence that is struck through actually ought to be the first sentence.

And then what we have this, you know, the second, the paragraph that says Workstream 1 mechanism are those that went in place or committed to et cetera, et cetera, would be the natural follow-on to that initial statement of Workstream 1.

Because I think the expectation is that Workstream 1 that is to handle the accountability enhancements of more mechanisms that must be in place or firmly committed to before the transition takes place.

So I guess I'm just curious why the strikethrough has been basically removed and couldn't that be actually the first sentence in this section then naturally leads into the paragraph that's replaced it. Thanks.

(Mathieu Weill): That makes a lot of sense. I think there was an understanding that we were speaking of alternate definitions but that can be certainly we can provide as you described.

(Kavouss Arasteh) I see your hand. Are you in the capacity to comment? I know we have difficulties reaching out to you.

No. So (Kavouss Arasteh) if you can messenger us though. We are trying our best to call you out and there is an issue with your room number apparently that cannot be reached.

Thomas you're next on the line.

Thomas Rickert: Yes thanks (Mathieu Weill). I - with regards to the sentence that has been striked-through I think there's one point that we might need to get some consensus or clarity on and that is the term firmly committed to.

We are using the word firmly during our discussions. Nonetheless when looking at the charter at least I haven't found any reference to the word firmly.

So I think for the sake of being as clear as can be we should maybe clarify this issue and stick to one piece of language.

I think that the word firmly might be difficult or cause extra complications when construing what needs to be done. But I'd just like to put this question out there.

And then there's another point that's been discussed on the list. And that is the question of how the presence or absence of the AOC might impact the delineation of Workstream 1 versus Workstream 2? And maybe this is something that we can also briefly touch upon now. Thanks.

(Mathieu Weill): Thanks Thomas. I think you're right. We have an additional definition to very careful about is what we would could consider committed to.

It's actually quite a technical but absolutely critical question for us is to what we would consider ICANN to be committed to and what form this commitment might take.

And I think that's going to be an earlier call investigation further in our work.

And you're right Thomas to refer to the what if the AOC disappears question which I think we need to capture in our definition as to make sure that the accountability mechanisms pre-existing do not suddenly disappear at some point. And we need to be confident that that does not happen.

Thomas Rickert: Now I think if I may say this one additional sentence. I think the question came up when talking about the disappearance of the historical relationship with the USG.

Does that mean only the IANA functions contract or the functions contract plus the AOC? So I think it would be good to make that clear as well.

(Mathieu Weill): Okay. Steve?

Steve DelBianco: Thank you. So I was the one who did the strikethrough because I sensed that the chairs presented their paragraph as an alternative.

But if the chairs are okay I think Keith Drazek is right. We can simply move the old strikethrough sentence at the top, take off the word firmly and that indicates the timing. But the chairs alternate in because it gets to the notion of creating mechanisms and then Keith the one with respect to Workstream 2.

Now let me address Thomas's question on the affirmation of commitment.

If you'll scroll down the very top of Page 2 we in our table we listed that one of the enhancements we need in Workstream 1 was to bring the affirmation of commitments including the review into the ICANN bylaws.

And then I have collected at least three amendments that others have asked for. I have some in there from NCSG, (Robin), others (Dori), Avri.

And each of those I didn't know where the - whether to put those as Workstream 1 or 2.

I listed them as 2 because once we have the capabilities that we needed and Workstream 1 we would be able to make those changes later on.

But I'm open to whatever people prefer with respect to 1 and 2.

So Thomas it's hard to be any clearer than we are about the affirmation of commitment because we're worried about the contingency of having ICANN quit the commitment with 120 days notice.

It's one of our featured mechanisms of accountability to bring the affirmation into the bylaws.

So we're quite clear there that it needs to be Workstream 1 because the affirmation reviews could well lead to recommendations.

And we want those recommendations to be implemented by ICANN.

In many cases those recommendations like a TRT are recommendations that are all about accountability.

So I do hope Thomas that we've already address the clarity on the affirmation. And I would ask the chairs if you're on board with this rearrangement of the Workstream 1 and 2 definitions because if you are I'll do them right away? Thank you.

(Mathieu Weill):   I think we are very much in agreement about the reshuffling of the definition. And we are - and - and the presence of the AOC in your document is definitely noticed.

We should probably review the proposal that was added based on our co-chair additional paragraph to check whether it's actually capturing this correctly.

But there's no question the intent was there to address the AOC input.

I see Thomas has his hands raised as well.

Thomas Rickert: Yes. Just briefly in response to Steve's point I know that this issue or the AOCs on the list. Nonetheless I observed this communication going on on the chat.

And if the group considers the listing to be sufficient mentioning of the AOC I think that then we can deem that discussion closed.

But I thought that it would be worth while picking this up because there was such a debate on the mailing list. But I'm more than happy to close the item if everybody's okay with this, you know, be mentioned in your list of items to be looked at.

(Mathieu Weill):   Greg you're next.

Greg Shatan: Thank you, Greg Shatan for the record. Certainly I believe there needs to be a mention of the affirmation of commitment here in this listing.

I think this list however, the way this is puts both says too much and too little where I think that the specific point that the affirmation that ICANN needs to be remain bAlan Greenbergced as the affirmation of commitment that would not get out of it, not exercise this 120 days notice needs to be - I think that should be more explicitly stated.

On the other hand I think the statement that they should be brought into the bylaws is probably too specific.

In my personal legal opinion the affirmation commitments is not exactly the type of material that one sees at bylaws.

And thus the bylaws may not be exactly the right home for them. I haven't given that a huge amount of thought but, you know, looking over them in looking at bylaws which I'm familiar with generally as well as the ICANN bylaws that I'm familiar with specifically it may not quite be the right place to make sure that this commitment becomes permanent and ironclad which I think is the goal here.

So I think by just making the reference to specifically picking them into the bylaws may be not broad ranging enough to indicate what the quality of the solution is that we're looking for which is to make them binding and ironclad and not at least exitable on a unilateral 120 days notice. Thank you.

(Mathieu Weill):   Thank you Greg. Before turning to you Steve I think we shouldn't be too specific in this Workstream 1 definition and I think that's perfectly appropriate.

But probably the idea we could capture in the definition somehow may be that these Workstream 1 may include items that enable existing mechanisms within the pre-transition arrangements to be secured in the post-transition world.

And I think that would probably capture that item at a definition level without being too specific. Please Steve you want to respond?

Steve DelBianco: Yes. It's a very quick response to Greg. Greg if you familiarize yourself with the affirmation the reviews that are in there are very much like reviews that already exists in the bylaws today.

And board member Bruce Tonkin pointed this out in the chat. Bruce is exactly right. The reviews perhaps they shouldn't be described in exactly the same way in the affirmation because if we bring them over one of the examples that work area 2 said is that we shouldn't have the for instance the CEO and the chairman of the GAC be the ones to define who is on the Affirmation Review Team.

It's one of the recommendations that as we change the reviews by importing them into the bylaws we want to make improvements that empower the community. And one of those would be the designation of who is on the review teams.

There are other parts of the affirmation that are in some cases redundant to what's already in the articles and bylaws.

There are a couple of other statements of commitment such as the notion of global public interest and not just public interest.

And we've discussed this a few times before. I think it would be relatively easy to redline the bylaws for how to bring the affirmation reviews in there and any other commitments that are missing from the bylaws.

But Greg I think we can do it. And it's actually the task that's being put before us. Thanks.

(Mathieu Weill): Thank you Steve. At this point I think we're there is - there's some form of agreement on the general direction.

And I think this is an item that you've been touching on Steve which is this is about the community prevailing above both the board whether or not to (unintelligible) to some comments regarding who the community turn the community would be accountable to.

And my question is whether these definitions at this stage you seen capture that and whether we should also add a provision in our discussions within Workstream 1 about how that of course maybe we can define community but also ensure in turn the community itself does not get captured or remains accountable to a larger set of stakeholders representative of the public.

I think that's still a point that might need to be addressed. I don't know if some of you want to answer to that now while we are at the point in timing where we could easily go to the next item but I'm just putting it here for further consideration.

But I'm very pleased to see we are starting to get some clarity and convergence on to the Workstream 1 definition at this stage.

I see no other hands raised and therefore my suggestion to for action items would be for Steve to within the work area to document, capture the discussions we've had regarding formulation of the definition and that we recap in the notes the main items that we're discussed regarding this definition so the definitions and this discussion about who the community is accountable to and keep the discussion going before Frankfurt where hopefully we might be able to adopt a definition or at least converge on something that we would base our further work on.

If that's clear and I see no further hands raised I would suggest we move to Item 4 of our agenda. Item 4 is (unintelligible) I'm going to chair this one is the definitions and scoping document.

So while this is being brought online I would like to remind you that this document is really here to provide us with a baseline agreement regarding definitions.

There were a number of comments received and a version of the document was circulated yesterday.

I'm not sure this is the one online right now.

Yes I just forgot to update the date on Page 1.

Two main points of discussion regarding this document during the week, there were a number of minor edits and comments received on formulations that we tried to take into account as much as we could.

The two main lines of discussions identified on our side, one is a number of discussions regarding who the stakeholders are, two editions directly affected parties, indirectly affected parties and most of all parties affecting ICANN.

And a second line of changes and sorry for falling through quite quickly at the bottom of the document at the section regarding the purpose of ICANN's accountability.

The section led to a number of discussions during our call last week. And we tried to incorporate them by going from two different purposes which were compliance purpose ICANN should be accountable to complying with its rules and processes and should be accountable to achieving certain levels of performance as well as security.

And we suggested adding two others. It was actually on a proposal put forward by Tijani to add the fact that ICANN should be accountable to comply with applicable legislation may go without saying but maybe it's better saying it explicitly.

And we tried to capture the discussion around public interest by suggesting that ICANN should be accountable to ensure that its decisions are bAlan Greenbergcing the interests of all stakeholders.

Those are the main edits. And I think it's extremely important that we make sure we are sharing a common agreement on those definitions.

And so if there are other topics please raise them now. And if you think the current proposal can be improved and to better reflect the consensus or clarity within our group please this is your time before we proceed in Frankfurt on that document which will be on our agenda.

I see that Tijani has raised his hand. Please Tijani. Tijani?

Tijani Ben Jemaa: Thank you (Mathieu Weill). Do you hear me now?

(Mathieu Weill): Yes. Now I hear you.

Tijani Ben Jemaa: Okay thank you. Tijani speaking so coming back to the purposes of accountability -- and this is one of the point that really concerns me -- is the inclusion of the public interest.

And I saw that you tried to find a formulation that may have the agreement of everyone which is the group considers that one of the ICANN's accountability purposes can be defined as ensuring that its decisions are in the public interest and not just the interest of a particular set of stakeholders.

I think this is something that we have to add it as E. We have A, B, C, D, E so E or D. Perhaps D. Perhaps it can replace ICANN should be accountable to ensure that its decisions are bAlan Greenbergcing the interest of the all stakeholders because bAlan Greenbergcing is something that is not reached is we never reach the bAlan Greenbergce. It is always subjective the bAlan Greenbergce.

But the formulation that you found I think his agreeable and we can included. Thank you.

(Mathieu Weill): Just trying to make sure I understand you correctly Tijani. What your suggestion would be to replace D with which formulation exactly?

Tijani Ben Jemaa: You put it in your text. I will repeat it. You said the group considers that one of the ICANN accountability purposes can be defined as ensuring that its decision are in the public interest and not just the interest of particular set of stakeholders.

It is something that you...

(Mathieu Weill): Okay. That was...

Tijani Ben Jemaa: ...write it in the...

(Mathieu Weill): ...the - a quote from the AOC.

Okay. And I see that now. It's - that's where my the - that's the last line on the documents that being on your screens now.

And the reason why I was reluctant to use it was that in the public interest seemed to stimulate such a debate about the definition that I had the feeling it would be difficult to get consensus on that.

But I think this is I do understand your comments regarding bAlan Greenbergce. But that's - I think we will have some form of subjectivity anyway and I'd like to hear others on that suggestion.

Are there - if there are others.

Okay (Alan Greenberg)? No that's your hand? (Kavouss Arasteh) I suppose you're still not in the capacity to comment? We're missing your contributions. No?

Okay just an update that (Kavouss Arasteh) is still not - we're still trying to reach out to (Kavouss Arasteh) and it's not being joined.

I see a comment in the chat regarding stakeholders.

And there's been a lot of discussions whether we could rely on this kind of were more used within ICANN to use the community kind of definitions.

And I think this (unintelligible) that we should consider.

I'd like to point - remind that I think it was (unintelligible) to rely on the definition which is not focused on ICANN's bylaws so being able to map these organizations within ICANN existing standards.

But certainly if there are other types of characteristics of stakeholders we could - we should consider whether for instance we map stakeholders against the four types of stakeholders used within (unintelligible) or (unintelligible).

And I think it's such an issue to provide input on what our preferred mapping of stakeholders should be. And I think the best (unintelligible) times. Please Sebastien?

Sebastien Bachollet   Yes hello everybody. Yes I know that we are trying to find where we can map. But ICANN is a specific animal.

And when we talk about the organization I, for example I am not the voice of civil society. I am the voice of end users.

And really I think that the IGF, the WSI has its own definition. But within ICANN the organization of the stakeholder is and must be different and the work must be different.

And I know that there are people who want absolutely to map what's happened outside. And I'm not sure that it is a good way to go.

If you - if we talk about users you have end users, you have business users and that's what we are within ICANN. Thank you.

(Mathieu Weill):   Thank you Sebastien. Steve is next. Steve. Steve we can't hear you right now. Maybe you're muted.

Steve DelBianco: Yes. During the week a business constituency member wrote me to say, "I can't believe we're all relegated to indirectly effected."

And I am speaking on Page 3 where they're indirectly affected. Bottom of Page 2 is where they're directly affected.

And I think I understand that the direct and indirect have to do with a change from a policy. The policy is binding upon a registrar. The registrar is directly affected. And then all of a sudden all the registrants using their registrar are then thereby indirectly affected.

But you have to understand how this looks to registrants and users that we are suggesting that the actions of ICANN only indirectly affect you.

And while it might be that technically the right word it doesn't come off the right way.

And in the chat (Shiva) has come up with a couple of other ideas for rephrasing that.

And I would encourage us to avoid trying to create these two classes of effects of ICANN's actions because direct and indirect makes it too easy to dismiss concerns that would arise from those who were indirectly affected when in fact their concerns are just as relevant as those who were directly affected in many cases worse right?

So let's do our best to do that. Bruce Tonkin did it in email today that talked about that.

And I think you have updated your documents to reflect other parties who are directly - or affected indirectly by ICANN's decision mainly through its policy.

And I understand that. But let's come up with a better way of phrasing it rather than direct or indirect.

(Mathieu Weill): Thanks Steve. I think what should be clearly reminded is that the goal of this definition which is being used by the European framework for quality management is actually to hear to stress that indirectly affected parties are no less affected and that an organization should ensure it takes into account the impact of its decisions on indirectly affected parties as much as affected parties.

But I'm very sensitive to your feedback and we should definitely improve that.

The internal versus external it might not be appropriate either I guess because that's wouldn't address the (council) from the business constituency so this is something we need to work on.

And I am sensitive to the feedback that this may not be understood by a number of persons and we would definitely need to avoid any misunderstanding on that.

So we'll try to rephrase something.

The question that I saw a raised in the minutes were about the opportunity to rely on such categories at the NETmundial categories of stakeholders, government, civil society, private sector, academics and technical community.

Does that raise any comments? Should we mention that? Should we just leave that aside? Is there value in it for our definition of what the community is about?

There were of course some discussions on that. Tijani what do you think on that?

Tijani yes now we hear you.

Tijani Ben Jemaa: Thank you. Thank you (Mathieu Weill). So I think that the definition of NETmundial came from the WSIS definition. And it was the first time we used the multi-stakeholder model.

And this multi-stakeholder model in the WSIS was done because the UN doesn't want to have the (unintelligible) activists in the role demonstrating, arguing, having problems with the police, et cetera.

So it was the first time that the (unintelligible) activists participate in the room and participate in discussions and (text) even if - even though they were only observers. They didn't have the ability to decide but they were there.

So that's why in the WSIS the stakeholders were civil society governments, especially government and civil society, also by the sector also international organizations.

In our case it is absolutely different because what does it mean multi-stakeholder model?

It means that any group of interest has to have base and has to be able to speak to give its point of view to impact the decision, et cetera. This is the multi-stakeholder model.

So the stakeholders we value, we did different some situation to another. In our case the groups that have the same interest, the people who have the same interest can be a group of stakeholders. So this is how in ICANN the stakeholders are made.

I don't think we have to come back to the definition of the WSIS and the NETmundial.

I think that we need to stick to model or perhaps to improve it if it is possible to improve the stakeholders if there is other stakeholders that have to have them placed in this in ICANN (unintelligible).

Yes we have to permit that but I don't think we have to come back to the original for stakeholders defined in the WSIS. Thank you.

(Mathieu Weill):   Thank you Tijani. I think I'll let Avri speak. So far I get little support for that for taking this into consideration. Avri?

Avri Doria: Yes Avri speaking. I want to basically endorse what Tijani said with perhaps one modification. And that's that we certainly don't need to use the WSIS to this agenda or NETmundial stakeholder breakdown within ICANN which is one of the stakeholders within the larger ecosystem.

What I think is important is to be able to show that all of those stakeholder groups are represented and do map into what we're doing even if as I think Tijani was saying they get grouped differently so that we can show that yes, you know, there is an equivalent or there is a mapping between civil society and users and registrants.

There is a mapping between private sector and registrants and contracted parties. There is a mapping, et cetera in academia and government to GAC, et cetera so we don't have to live within that same stakeholder breakdown.

I think it's important to go back to those and show that yes of course all of those stakeholders are represented within our stakeholder breakdown though there mix and organization may be different. Thank you.

(Mathieu Weill):   Thank you Avri. I think so far I'd say I conclude this item by saying that the NETmundial definition is not felt as appropriate for (unintelligible) interesting reference.

And we will have to review some of the wording to clarify that there is at least there is as much concern about the impact on the so-called indirectly affected parties might need to review this wording.

And there is discussion ongoing on about what the appropriate categorization might be.

So regarding this stakeholder section and I would like to poll everyone to provide concrete rewording suggestions on this section by before Frankfurt as we would like to I mean have something clarified by then. And please provide them on the list.

I have seen one comment from (Rolof) who is in his car. And probably and we'll try - and (Rolof) will try to extend this (off list) if you don't mind around being precise within the list.

I think this can be achieved quite quickly and we'll certainly share this with the list as well to make sure we capture the ccTLDs correctly in an accurate and comprehensive manner.

And regarding the part about (helpers), regarding the part about (helpers) certainly we will try and please provide any suggestions, important one for our work. And hopefully by Frankfurt we can come to some form of conclusion.

I think this is all for this item. I would now like to turn to Thomas regarding our next agenda item about contingencies Thomas?

Thomas Rickert: Thank you very much (Mathieu Weill). And before we dive into that discussion let me ask whether Eric Brunner-Williams is on the call? I don't see him in the chat.

Eric? So should you have audio issues, please let me know and I will give you the floor.

And as you know we have created one subgroup dealing with contingencies. That's the work area Number 4.

And the purpose of the exercise was to accumulate a list of contingencies ICANN might face so that we can then assess whether ICANN is robust enough to stand these contingencies.

There has been quite a vivid debate on the mailing list which related to the items on the current list.

Steve DelBianco has kindly posted a link to the document in the wiki and the chat. So maybe we can bring that up.

So basically I think we can and should take part of the discussion that's been taking place on the mailing list to the whole group.

We had various inputs listing contingencies. And there has been a discussion inside work area Number 4 as to what should go into the list and what not.

And part of the discussion related to the notion of stress tests. And there was a discussion whether or not certain items should be taken off the list because the contingency was felt by at least one participant to be very unlikely to occur.

And the response that I think Steve DelBianco gave was that the charter did not specify that we should actually look at the probability of something being a realistic scenario or the probability of the risk becoming true but that we should be analyzing and stress testing all contingencies there might be.

And I think it would be good for this group here to actually have a quick discussion on that one so that we are on the same page in terms of what our role is according to our charter.

I'm not sure whether this is a detailed enough recap of the discussion on the list but I'd certainly like to hear views from the group as to whether you think we should actually be take into account probabilities of risks when adding or deleting items from the list of contingencies to be looked at. Steve?

Steve DelBianco: Yes I think your description was quite adequate. And there was a significant difference of opinion between Eric and many others who believed he was reading too much into the stress tests and the scenarios as if one had to come up with numerical probabilities for both the scenario and the consequences.

And the whole vocabulary of coming up with specific consequences and describing them really wasn't in our charter.

So I believe we can get right back on track. You have the document in front of you that reflects Eric's initial work. The chair is adding the items in red.

And if you scroll down everyone you'll see the items in green which was my attempt to add items from the business constituency stress test that had not already been accommodated in Eric's first cut.

So there is a total of 21 in here. It's a manageable list because each of the items is no more than a sentence. And I'm perfectly happy to live with Eric's nomenclature of indicating the scenario and its consequence.

But there is no need to try to assign numerical probabilities or to use legal analysis to determine if a contingency or stress test is somehow permitted in the law. That's missing the entire point in what our charter requires us to do.

Bruce Tonkin brings up the notion that yes there are standard likelihood scenarios for evaluating risks in a numerically capable situation.

But in the stress testing world one doesn't need to assign probabilities at the outset. We can take a scenario such as number one up there ICANN quitting the affirmation of commitment.

It's ridiculous to assign a probability to that. It's a binary item. It could happen, it might not. All we want to say is that what would our recourse, what would the consequence be while the reviews wouldn't be done anymore?

And therefore is it something that we need to deal with in the CCWG? Answer yes.

And so we'll be able to pass that stress test if we come up with a plan to move it into the bylaws.

This is one of the examples that I was going to grant that I don't believe we need to assign probability of any numerical nature at all and we don't need to deep dive into legal analysis.

Let's come up with common sense scenarios that not only the members of the ICANN community would ask the particular folks at NCIA and I know a couple of committees of the US Congress who are taking a close look at this.

So if they are going to look at scenarios and stress tests it behooves us to do the same. Thank you.

Thomas Rickert: Thanks Steve. There's a queue forming and before we move to Avri let me just briefly respond that in the charter we have language that asks us to do an analysis of risks.

And I think this adds to what Bruce has said that according to standard definitions when doing risk analysis you would identify risks and you would talk about the probability of a risk becoming true and then you would talk about remedies.

But I think the point Steve that you made is a good one that for example relating to the point of the AOC is actually a binary solution.

So when we ask the subgroup to form and look at contingencies our aim as co-chairs was actually to get an accumulation or an amalgamation of what the community thinks the risks are or the contingencies are that we have to look at.

So at this point in time we felt we just need to make sure that all the issues there might be are on the table so that we can take a look at them.

So we were not necessarily thinking of allocating a probability to that. I think that if at all will come as our work progresses and you will have read the note on the mailing list that I'll get back to a little bit later where we ask the group to consider repurposing work area Number 4 and diving into the exercise of actually looking at the risks in more detail.

And only once that takes place we have a clearer picture of how we go about with the individual contingencies.

So I'm not sure whether or not (Kavouss Arasteh) has now audio. I see his hand is up. (Kavouss Arasteh)? So obviously there's still an audio issue.

(Kavouss Arasteh) I had written a note to you in the chat. So can we ask you to lower your hand until such point in time when you can actually speak when the technical issues are resolved because we are - I'm certain each time you raise your hand as to whether you can speak and when you can't. Avri?

Avri Doria: Okay thank you. I think on this discussion both discussions that happened in the group and where Eric and Steve are - I'm being slow - is I fall somewhere in between.

I think if we're talking about probabilities and the strict definition of probabilities of course Steve is right that we don't need strict definitions of probability.

I think though that what we're talking about is understanding what something is in terms of common sense in terms of a stress test.

I think it's important to understand the likelihood of something happening.

So for example while it's binary in almost every case that something will happen or it won't happen what we're talking about is how likely is it to happen, how likely do people believe it is to happen.

When we talk about common sense how do we understand an aggregate notion of common sense because we all think that what we think is common sense it's sort of a natural human capability.

You know, obviously I'm making common sense is to basically sort of look at how in aggregate we view that.

So some of us think it's very likely that the board would go, you know, would change the bylaws after to change them, you know, whereas other people would say of course that's not very likely.

And so you basically get a subjective indication of likelihood which then when you're looking at a stress test and its results gives you an indicator of how important and how ironclad perhaps you end up needing to make the solutions to that.

So I wouldn't throw away Eric's - and I know I was one of the ones within the discussion that says we need a likelihood measure. We need to also understand how people, how serious people think each of their risks are.

Are each of the risks of equal criticality? In other words, you know, yes there's a risk that they might change something minor versus something major.

And so to understand a stress test and its results it also needs to have some indication of how likely people think that is and how dangerous and critical it is within the scope of all the other risks. Thank you.

Thomas Rickert: Thank you Avri. (James Bladel)?

(James Bladel):   Thanks Thomas, (James Bladel) speaking. So I tend to I think fall a little closer to the spectrum that Steve is on that we probably don't need to spend too much time and effort to assigning numerical probability to these scenarios.

I think that we should however invest the time and effort in looking at ways that they can be merged or reconciled or combined.

I think (Mathieu Weill) commented this in the documents.

For example there are a couple of scenarios that seem to be stating or restating the same problem set that which is that, you know, ICANN lost revenue or ICANN has lost, you know, the - there is a financial crisis within the industry or something precipitated, a crisis from a legal decision.

I think all of these things can probably be rolled up into a larger stress test that just covers general financial crisis whether that's inside the industry are precipitated by a number of different factors.

And I think that we should also invest some time in determining what constitutes a successful path of one of these stress tests.

I don't know that we established what success conditions would look like and how we would know that something, the accountability mechanisms that were developed would be effective at addressing these or whether they would just be, you know, more symbolic?

So that's the answer to your direct question. I think that there's one other point here is that it are we still in the mode where we can add, merge or remove scenarios to this through work area 4 or is that something that is going to be on the table when we meet in Frankfurt?

Because I think that there is one at least to my mind, one glaring omission from this list which is that ICANN or whichever entity is the recipient of the delegation of the IANA functions would choose to re-delegate or subcontract those responsibilities out to another entity at some point in the future that would not meet the current conditions and standards that we're looking at for the IANA functions transfer.

So I'm thinking that that condition, that scenario should also be included in this list somewhere in the bottom. Thanks.

Thomas Rickert: Thanks (James Bladel). And to answer your question the list is not finite so you are free to add contingencies to the list.

In order to make sure that nothing gets lost I would like to encourage you to send a quick note to subgroup Number 4 so that it can be incorporated into the document.

The plan is in fact to discuss these contingencies further in Frankfurt. So it would be great to have all other contingencies that this group can imagine by Frankfurt. (Alan Greenberg)?

(Alan Greenberg): Thank you. I think most people have said what I was going to say although I'll pick and choose among them.

I certainly don't think we have to attach numeric numbers to this.

You know, that's just well, I won't even comment.

Avri hit something on the end of her intervention that this - we really need to think of it as a two-dimensional thing.

It's not just risk. It's the probability of it happening and the seriousness of it ever happening. There are certain scenarios which may never happen but we better be prepared for them, you know, just in case. And that's a lot of what we're looking at within this workgroup overall.

So I think we have to take a very pragmatic point of view.

I agree with (James Bladel) that to the extent we combine things and not go through an infinite number of exercises the better off we'll be.

But it's clearly something that we have to do and have to do seriously but we need to do a fast pass through it. Thank you.

Thomas Rickert: Thanks (Alan Greenberg). Keith?

Keith Drazek: Thank you Thomas. Just a quick question, I understand that (Eric Werner Williams) was - is or was sort of helping to lead the effort on this topic.

Who else has been participating in that as part of Group 4?

And I guess my follow-up question that I typed in the chat is that is there a need for some additional volunteers for this group?

I'm a participant, not a member but I'd be willing to, you know, help contribute to this group if, you know, if we need a little bit more, you know, I guess another set of eyes or piping or whatever. Thanks.

Thomas Rickert: Thanks Keith. That's a good point. We in preparation for this call we've actually back out the list of participants.

So if I count correctly we have two, three, four, five, six, seven, eight, nine, ten. We have around 20 people on subgroup Number 4.

And I was hoping that Eric might join us during the call which is why I haven't yet started the discussion on how this group will best continue its work. But I will get back to the point of the repertoire role as well as other contributors from the group in a moment.

So with that thanks, Keith.

Keith Drazek: Yes, thank you.

Thomas Rickert: Any further comments to this point? So (Kavouss Arasteh)' hand is up again although I know that he still has technical issues so I'm not trying to suppress him from speaking but I'd like him to indicate if and when he can actually speak from a technical perspective.

Okay so I think all the contributions that you made with respect to this important point were noted. And I think we will have to go through the transcript of this call again after the call and then come up with a proposal for a methodology on how we actually go about with the list.

Let me try to summarize our discussions briefly. So I think that the first statement to make is that we are not yet making any judgments as to whether contingencies should be on the list or not.

So at the moment we confine ourselves to collecting contingencies that the group can imagine.

So if you have ideas for more contingencies pleased to submit them to the mailing list ideally for work stream work area Number 4 so that we can collate a list.

And then we will need to talk about seriousness of the contingencies.

We will certainly try to find a solution to the question of how to deal with probabilities.

We heard that it would be appropriate for us to recommend or work on responses to contingencies dependent on their probability and seriousness.

And we need to prioritize and maybe cluster contingencies because multiple contingencies might actually go into one direction and could be addressed with one response to multiple items.

I think what the group might wish to do when it comes to prioritizing is actually to pick a limited number of top contingencies if you wish that we work on first. And then certainly there or it's quite likely that some of the contingencies that we're looking at relate to Workstream Number 2 well others relate to Workstream Number 1. So I think we need to try and manage our resources in that regard as well.

Now for the remaining part of this agenda item I would like to discuss ways forward both in administrative terms as well as in practical terms.

I understand that Eric Brunner-Williams is still not on the call which we had hoped he would. Eric has sent a note to us as co-chairs to replace him as a repertoire last night. And we certainly accept that decision.

Although for the sake of transparency I - we should note that we've asked Eric to reconsider because we felt that he might have resigned due to the disagreement on certain facts or discussions on the mailing list.

And I think we'll have many more opportunities where group members do have disagreement on substance. And there's no issue with having a disagreement despite our aim to get a consensus position.

I think what's more important is that we have a joint view on how we deal with the questions that we're chartered with. But still there can be disagreement on the substance of the discussion.

Yet since we haven't received any feedback, Eric might wish to make that distinction.

Woman: He is on the call Thomas.

Thomas Rickert: Okay that's great - Eric welcome. So we're now talking about how to best go about with the administrative handling of Subcommittee 4, so Eric can I ask you whether your decision to stand down as repertoire for this group still stands?

Eric you might be on mute, so Eric since we can't hear you I - unless you advise otherwise we're now looking for a replacement repertoire. Let me ask the group whether there are any volunteers to take on that role to serve as

repertoire for Work Area 4? So I'm not sure, (Keith) is that a old hand or a
new hand? Obviously that was an old hand so let's move to Sebastien then.

Sebastien Bachollet: Yes it's again me, I just wanted to question you, is trying to reach the
group maybe you can wait and if it's not now you can delete - delay the
decision.

It's better to have Eric on the call; he had trouble with his (brother) to be able
to connect, but he's trying. And please wait for him to be and to tell us what he
wants to do or not to do and then we will be able to act. Please don't do things
without people involved in this call, thank you very much.

Thomas Rickert: Thanks Sebastien, so let's then wait for another few minutes. I see (Eberhard
Lisse)'s hand is up - (Eberhard Lisse) please.

(Eberhard Lisse): I think it might be very helpful - can you hear me?

Thomas Rickert: Yes we can hear you well.

(Eberhard Lisse): I think it might be very helpful to follow our other rule that we don't make any
decisions on one call, so we only make a decision on call.

Thomas Rickert: (Eberhard Lisse) that's a good point, I would caution though that the decision
not to make decisions in an individual call relates to discussions of the group
and (interim) will find the decisions that the group might take.

If Eric chooses to step down as repertoire that's a personal decision that we
have to accept. And in order to run this group efficiently we need to know this
and find a replacement as soon as we can. And so I think that particularly in

the light of the upcoming Frankfurt meeting we need to get that question resolved.

I understand thought that Eric might be trying to contribute to this discussion which is why I'm going to postpone the discussion for a few moments - (Izumi Okutani) your hand is up, please. (Izumi Okutani) you might be on mute - (Izumi Okutani) we can't hear you so I suggest I go to Sebastien first and then get back to you - Sebastien.

Sebastien Bachollet: Yes it's a strange role for me to be to do that, but as I am in chat with Eric with other tools he just write to me - I can hear, I just can't write and I choose not to stand down as (reporter). Now you take that just as my input to the discussion, thank you very much.

Thomas Rickert: Thank you Sebastien, so now we can see Eric's note in the chat. I think that repurposing or amending the scope of what is done by Work Area 4 needs more volunteers anyway.

So in order to close out the discussion on the repertoire role I will make sure to reach out to Eric since I understand that he has missed at least part of the call so that we're aligned on the charter question. In terms of substance it was my suggestion - or our suggestion as co-chairs that we find individuals or groups of individuals that would look at the contingencies that we have listed and analyze whether these contingencies are already addressed by existing accountability mechanisms.

And in case they are not we would then have a good selection of account- of contingences that actually need other accountability responses. And those might be either amending existing accountability mechanisms or recommending the establishment of new accountability mechanisms. So this

would be some work that needs to be done relatively quickly because if we could remove those items from the list that are already covered by existing accountability mechanisms I think we would have achieved quite something.

Also when looking at the contingencies and measuring them against existing accountability mechanisms we get a better view on what needs to be done that would be a good thing as a starting point for our discussions in Frankfurt. There's a queue forming so let me first try to go back to (Izumi Okutani), hopefully the audio is working now. (Izumi Okutani) it's your turn - (Izumi Okutani) you are just typing that the audio is not working so I move to (Kavouss Arasteh) now and (Izumi Okutani) please let us know once you can speak so we will put you back in the queue - (Kavouss Arasteh) please.

(Kavouss Arasteh): Hello Thomas, good morning. I was unlucky today. A telephone number was given, the last three digits was 4-4-4, I typed it ten times and they called 44.

So for one half hour they are wasting my time. This is accountability and that we are talking about something - we are just at the beginning of the (fourth) and the people they don't pay any attention to telephone numbers which is written and wasting the time of the others and I have spent my time. And now I come back to the question, I have sent you a (dictated) document, have you considered my document or not?

Thomas Rickert: I think I need to pass on that question to the repertoire Eric since as you know I'm chairing this discussion but I have not been (a join)....

(Kavouss Arasteh): I'm not talking of this contingencies, I'm talking of the definition of the document that you sent - nine page document yesterday morning and asking

for comments and I made comments on that - have you received that or not please?

Thomas Rickert: We have received that but can we please stay with the agenda item that we're currently discussing and take that offline?

(Kavouss Arasteh): Okay I take that offline. On the current discussion we have we need to have this list of contingencies.

What if some of them are covered by existing situation, yes. But there are many things that are not happen and we have to do that. And when we raise the point that you asked us to raise, we have been criticized that we have to give the detailed description. First we raised the point, whether interview of colleagues that point is merited to listed in all of the contingencies topics. But when we are criticized by the people, no before doing something you should give full description.

I don't understand that, for instance I say that if the contract companies is canceling its contract unilaterally or ahead of time that is (worth) contingencies. If it is not, why not? And then I would like to put that on the list and I was prohibited to do that and the chairman said this regards my (career request).

Thomas Rickert: (Kavouss Arasteh) your point is well noted, I will leave the answer to Eric who is next in the queue because I know that there was a communication between the two of you requesting more detail of your request. So let's move to Eric now and we will pick up (Izumi Okutani)'s question in the chat afterwards.

Eric Brunner-Williams: Thank you very much, this is Eric Brunner-Williams for the transcript record, can you hear me?

Thomas Rickert: Yes we can hear you all right.

Eric Brunner-Williams: Excellent, responding first to the statement by the previous speaker.

He was referring to a communication sent to the Work Stream for a mailing list which consisted of his approval of someone else's mind - that doesn't matter - but someone else's prior question or comment. This wasn't actually a substantive contribution to the discussion on the list, it was really just a I agree kind of communication. And that really generates just list overhead. And I encourage the individual who just spoke to make substantive contributions rather than non-substantive contribution, that's all there was to that.

It's clear that that hasn't been enough message that's understood but I really don't know what else to do about that. Other than that now that I'm available is there any question that I need to respond to the group or to the chairs at this point in time?

Thomas Rickert: Well Eric I think we should catch up offline. I think the question that I would have is surrounding your role as repertoire for this group.

You have now kindly confirmed that you would continue, would you like to get some assistance by let's say appointing a co-repertoire or, you know, making that a team? Because the - obviously the workload or the task for this group is going to be augmented.

Eric Brunner-Williams: I have no problems with creating more victims for the workload. The chairs and the group need to determine if everything is necessarily and equally good scenario or if some degree of evaluation should be taking place.

Or when evaluation should be take place of the likelihood of the scenarios as well as the applicability of the scenarios offered by the various members. It's quite possible that scenarios will be offered which don't exercise an accountability function but address some other point of corporate governance as the (amount that) raised in the chat. It's also quite possible that some of the scenarios offered may simply be non-feasible or so unlikely as to be something that should not be prioritized in consuming the limited available time.

Thomas Rickert: Eric we have discussed that in more depth so that's something that we are going to recap offline, but that point is well taken.

But responding your - in response to your point of finding more victims for the workload, let me open it up to the group whether there are more individuals that would like to play a more active role in looking at the contingencies and, you know, for the specific tasks that we've now issued to the group. Looking at the question of whether the contingencies already covered by existing accountability mechanisms.

Eric Brunner-Williams: Please, thank you very much - I'll go off mic now.

Thomas Rickert: Eric thanks so much, I'll follow-up with you individually. So next on the line is - sorry we wanted to take a look at Izumi 's question and I think I will ask the question - so Athina will ask the question please fire away.

(Athina Fragkouli):   Yes, hello can you hear me?

Thomas Rickert: We can hear you all right.

(Athina Fragkouli):   Okay thank you very much. It might be clear for the rest of the group, so apologies if, you know, we ask something that it is obvious for the others but it would be maybe useful to clarify this.

The question is what would be the relationship between analyzing the scenarios and the IANA transition deadline? Is it the idea to analyze all scenarios before the transition? Because maybe given the scope of some scenarios that are - well the scope - some scenarios is to (vote). Maybe an idea would be to split let's say the scenarios into groups and the ability to be analyzed before the transition and those that can wait after the transition. Thank you very much for clarifying that.

Thomas Rickert: Thanks (Athina Fragkouli) and your point is well made that we need to be careful with our resources in terms of timing.

I think as a first step I would appreciate if the group could take a look at the contingencies and see whether they are covered already. And the prioritization effort would then fall into the matrix that we've discussed earlier where the question of seriousness, probability would come into place. So I think that would be the second step after we've identified those contingencies that are not already covered to then determine what falls into Work Stream 1 versus Work Stream 2 and what needs to be dealt with as a priority issue - (Eberhard Lisse).

(Eberhard Lisse):   I want to - I just on my - this is the section, this appointment and shock against the (storm) to some of these discussions and some of the contributions are taking. They are directed against individuals, they're not worthy of 40 years of

experience in international negotiations. And I'm sorely disturbed; I think we need to do something about this.

Thomas Rickert: (Eberhard Lisse) I suggest that we communicate further with you off-list to discuss this, we have nine minutes left on this call.

Your point is noted and we need to move to the preparation for the Frankfurt meeting now. So you can rest assure that the co-chairs will further analyze the content of the discussion on the contingency section of this call and provide some hopefully guidance to the list. We will also follow-up with Eric and those who would like to assist accomplishing what Work Area 4 needs to deal with.

Please let us know so that we can give you a role and assist Eric in delivering on this task. And with that I'd like to hand it over to Matthew for the next agenda item.

Mathieu Weill: Thank you Thomas, I apologize for the background - the noisy background, I'll try to speak in short sentences.

So the next agenda item is our draft agenda for the Frankfurt meeting. Can it be approached onscreen so we are still working with this in expectation that were clarified in the last meeting? We'd like to make progress and agreement on the scope of the group and the definitions, agree on what's been Work Stream 1, Work Stream 2. And conclude the evidentiary work from the various work areas including the contingencies.

So the meeting next week we have as (comp times) 9:00 o'clock on Monday and we are ending on Tuesday at 5:00 pm local time. It will be live streams and remote - include remote participation so none - people who cannot be

there can actually participate. We have so far 49 registered people to attend including 24 out of 25 members, 18 participants and 4 observers. One of the advisors Jan Scholte is going to be attending the meeting. I'd like to - we will circulate this draft agenda for comments and instill a preliminary one.

I'd like to draw your attention on a few items from this agenda. First of all we will try to accommodate the request to have a quick update on the (CWG-3B), I've noted just comments earlier on this call. And we will certainly have to expand based on the discussion we've had today the time allowed for discussion regarding contingencies. So those are two items that I think we can already mention as action items, including for out of this call so which I recap.

One is include an update on (CWG-3B) and secondly take the time to discuss contingencies. One of the ideas we would - we wanted to check with the group was the idea that we had a (thought) where volunteers among yourselves could provide a quick two/three minutes pitched vision of the outcomes of our group so that we can have some sharing about how we see the outcome. There have been some contributions in that regard on the mailing list but we thought it would be valuable to dedicate a bit of our time to really look ahead.

Quite far ahead actually - a few months ahead and describe what we - each of us - okay some of us see. So we would like to call if the group agrees for volunteers for that section that would have to be identified early and so that we have I don't know four or five informal pitched visions that would describe what the post-CCWG ICANN would look like. So we'd like to have feedback whether using that (valuable) or if you think there would be an interest for that kind of session.

And of course any other comments regarding the draft agenda is welcome. I see that (Alan Greenberg)'s hand is raised - please (Alan Greenberg).

(Alan Greenberg): Thank you very much Matthew, you just alluded to what I was going to raise when you said you're going to ask people to look a few months out and project what they want to see coming out of this.

In light of the linkage with this group and the IANA transfer I would like a discussion on projected timetables and how long we envision this process taking. Because I think part of the discussion on what's in Work Stream 1 and 2 comes down to are we going to be able to do it in a timeframe which makes sense to at least facilitate the IANA transfer? That may not be the only reason we're here but I think time - a discussion of timetables and a projected - expected timing is something that we really need to focus on -thank you.

Mathieu Weill: Thank you (Alan Greenberg), we can definitely bring up the updated CCWG planning and timeline and discuss that along with the CWG to make sure it's synchronized - thank you for the input. Is there any other input?

I noticed (Steve)'s volunteering for the pitch, I was definitely thinking about some of your contribution (Steve) so thank you very much - (Kavouss Arasteh) you have your hand raised, please.

(Kavouss Arasteh): Yes, good morning this is the first time talking to you. Is that anything that in Frankfurt we have to finalize to give to ICT or not?

Mathieu Weill: Thank you (Kavouss Arasteh), we have clarified with the Chair of the ICG over an exchange of email and I think you were prepared (unintelligible) as one of the ICG liaison that the ICG is not expecting anything directly from our

group as we do not qualify as a fully formed community to propose a final - a fully operational solution.

And so there is - we have confirmation from the Chair of the ICG that it is not directly expected from us and that the expectation is that we - the liaison on the way to make sure we - our proposals are synchronized and take into account the interdependence between the groups.

(Kavouss Arasteh):   So if I understand correctly there is nothing on accountability to be taken into account in IANA transitions? Every account...

Mathieu Weill: That is not the case.

(Kavouss Arasteh):   ...is after that, yes?

Mathieu Weill: That's not what I said, that's not what I said (Kavouss Arasteh). The IANA CWG group has some accountability features that is currently being taken account - taking care of and that is the one that needs to fill - that needs to submit things to the ICG.

(Kavouss Arasteh):   But that is for naming (on this) - that is only for naming, that is not for the others.

Mathieu Weill: And for the others they have submitted their proposals to the ICG already or are on the way. But I think we're getting a little bit outside and I'm conscious of time so Craig you had a question regarding the agenda?

Greg Shatan: This is Greg Shatan, I just wanted to follow-up briefly on the discussion right now which is that the CWG on stewardship has stated that the IANA transition should not go forward unless certain broad accountability provisions

that are coming out of the accountability working group comment would be put into place.

And Work Group 1, unless I misunderstand it is intended to be just that sort of broader accountability that must be in place before the IANA transition can take place. So while it may be technically correct that the accountability working group is not making a direct submission to the ICG, in practical fact the - unless we changes the stewardship group's submitment to seeing broader accountability being put in place along with the IANA transition.

And the definition of Work Stream 1, the practical (fact) is that this group must come up with those Work Stream 1 accountability provision before the IANA transition can take place. And how those broader accountability provision want to go to the ICG or whether they do, the bottom line is that this - this group must come up with its results at least under those scenarios before the IANA transition can take place, thanks.

Mathieu Weill: Thanks Craig, that's the point we were alluding to when we discussed the outcome of the CWG intensive work weekend and we will (raise) with the CWG co-chairs and certainly (unintelligible) on that in Frankfurt.

I think regarding the agenda (RST) - Mr. (RST) - (Kavouss Arasteh) is that the whole - is that an old hand?

(Kavouss Arasteh):   Yes, I am not convinced of what you said, I am not convinced of the work chair of ICG said.

Work Stream 1 relates to accountability from CCWG relating to the transition. You limited that to CWG, it is - not seems to be correct. Our group should

give accountability element required for transition. And the Chairman of ICG has not discussed that within the ICG, it is her person view, thank you.

Mathieu Weill: Thank you (Kavouss Arasteh), can I suggest in your liaison capacity along with (Keith)'s then you reach out to leadership of ICG and request for a clarification to our group that would be...

(Kavouss Arasteh): Yes I will ask them. Tomorrow we have a conference call at 2000 hours, I will raise this question and say that it is messed up from the very beginning up to now.

And there has been in many comments from outside people that the issue of accountability for Work Stream 1 is totally mixed up with the outcome of the CWG. It is two things which has been messed up and over-lapping and I have seen that in many comments from the outside, now on the Web site available.

Mathieu Weill: Thank you very much (Kavouss Arasteh), so I will ask - will add an action item on that to be clarified by the ICG liaison with the - within the ICG and we'll be expecting feedback from the leadership if needed.

We have reached the end of our call but I just like one of the to pass on to Thomas for a quick reply for one of (Keith)'s - raised a suggestion regarding legal advice a bit earlier as part of our any other business conclusions - Thomas.

Thomas Rickert: Yes thank you Matthew and this is going to be very brief. But there has been a suggestion by (Keith) to pass on - to pass the hat to collect funds to obtain legal advice.

Robin Gross has also indicated that we should make sure that legal advice is truly independent. This is just to let you know that we are - we have been and continue to talk to ICANN about this very question. And before we have responses from ICANN I suggest that we hold off and deal with that subsequently. Also as you know we have a couple of independent advisors that have been appointed and we might find some of the answers that we're looking for in their expertise that we can tap on.

So this has been taken care of, we are dealing with this as a priority issue. We do know that the group is expecting that we get legal advice and this has been taken care of at the moment. So that's it - back to you Matthew.

Mathieu Weill: Thank you Thomas, if there is no other business being discussed I suggest we certainly have to - we hope to be in a position to provide updates on the legal advisors by Frankfurt, I think it's quite important.

And I'd like to close the meeting, we're a bit late but I think we've had a productive meeting. And as closing remarks I would just say please provide feedback on the various documents we'll be discussing in Frankfurt. It is absolutely necessary for product at meeting that we share these comments and discussions ahead of the meeting as much as possible so we can organize discussions and make the best and efficient use of our time. And construction...

(Kavouss Arasteh):   I have a comment.

Mathieu Weill: ...are really welcome in the form of edits or...

(Kavouss Arasteh):   Matthew one question.

Mathieu Weill: Yes?

(Kavouss Arasteh):   Matthew one question.

Mathieu Weill: I will come to you (Kavouss Arasteh).

(Kavouss Arasteh):   Yes please because last time also you promised to come to me but you never came to me - this time is the second time. I made a considerable contribution and it is not for private discussion it is for the common discussion within the group. It should be discussed in detail and I thank you very much.

Mathieu Weill: Thank you (Kavouss Arasteh), I have noted that you have reached out privately to me to ask what - how your comments were considered. I sent an email yesterday regarding this, I don't know if you...

(Kavouss Arasteh):   It is not - it is group for, this is with your document - the document you put on the Web site, I commented on that as a revision mark, it is not for Group 4, it is for your supplement.

Mathieu Weill: And I would like you just to - I will respond to you on the list, no problem.

(Kavouss Arasteh):   Thank you very much, thanks.

Mathieu Weill: However I'd like to remind everyone that constructive comments are comments provided in the form of edits or reprint arguments and I think we need to go beyond just asking questions as this may not be the best way for us to move forward.

So with that I think I am - we'll close this meeting and look forward to meeting all of you in Frankfurt on Sunday evening and working with you on Monday and Tuesday - thanks to everyone.

END