ICANN

Moderator: Gisella Gruber-White
February 3, 2015
8:00 am CT

Coordinator: ...have now been started please go ahead thank you.

Leon Sanchez: Thank you very much. Hello everyone and welcome to the cross community working group on accountability and enhancing ICANN's accountability. This is our call number ten on February 3.

                  January has already gone away so it's February 3. We're just a couple days ahead from our Singapore meeting and to the roll call we'll have everyone who is in the Adobe Connect room as attending.

                  And I don't know if we have anyone on the line on the phone bridge that hasn't joined the AC room. If there is anyone on the phone bridge that is not on the AC room could you please state your name so we can add you to the roll call.

Alice Munyua: Hello it's Alice Munyua information.

Leon Sanchez: Now you notice the music I put for you. So just a small reminder as usual to update your SOI's if you haven't done so. I know this is a reminder we do every call.

Just I think there is somebody - there's been some members that haven't yet updated their SOI so it would be great if you could just go to the Wiki page and update your information.

If you don't have an account to log into the Wiki you can contact (Grace) or anyone in the staff to have your account created and of course gain access to the Wiki.

So we have some very important points ahead of us in the agenda so with no delay I would like to turn it to (Thomas) to begin with the update from interactions with the CWG. So (Thomas) could you please take it.

Thomas Rickert: Sure, thank you very much Leon and welcome everybody. This is just a quick update to let you know that we had another of the weekly coordination calls with the chairs of the CWG last Friday.

And during this coordination call we discussed our feedback, which we've been working on during the Frankfurt session to the CWG requests to our group with them.

And you have seen our response to them on the list afterwards. So basically what happened is that we prepared a draft response based on the outcome of Frankfurt.

We've reviewed the transcript for that matter and we've sent that to our CWG liaison Avri to double check and it was discussed with Lisa and Jonathan

afterwards who basically made one point, which I think is quite interesting because our group has also been discussing this quite a bit.

And that relates to what accountability mechanisms that our group is working on will do with delegations or re-delegations. And you will remember that in Frankfurt we took quite some time to ensure that we have a clear demarcation of what we are chartered with versus what the CWG is chartered with.

And even more so we discussed the sensitivities of CCTOD operators that want to avoid that ICANN or the ICANN community in particular had to say over delegations or re-delegations.

So we've made that a little bit clearer in the response that you have seen on the list. So that's with respect to the coordination between us. So the response is with the CWG and we expect that feedback on our communication now.

Also we've discussed a little bit how we could align our thinking in terms of the timelines and the overall plans and that's something that we'll get to later. And I think that's the update from the co-chairs level.

I would like to see whether we have somebody in the - on the call volunteering to give us an update and we've leaned on Avri and Greg and Cheryl during the last call.

So the only person of these three that I see in the Adobe at the moment is Cheryl. So Cheryl can I ask you to maybe give a quick update on where the CWG is and I hope that I don't put you on the spot too much with this request.

Leon Sanchez: And Kavouss I have seen your hand and I'll get back to you once we've heard the full update. So I have some echo on the call I'm not sure whether Cheryl or Avri who is also on the call would like to give a quick update.

So I suggest that while waiting for them to get their audios connected maybe it's just a technical issue. We'll go to you Kavouss, Kavouss it's your turn.

Kavouss Atasteh: Yes (good time) to everybody, just to inform you that on the basis of the CWG reply to (ICD) the chair of the (ICD) now considering to modify the timeline and she indicated some suggestion yet to be confirmed by (ICD) in Singapore.

But informally at the draft is the postponement of the transition and extension of the (content) but is totally informal. It is not formal just for the (unintelligible) that has become formal you will receive that - the situation.

This is one point, the other point is I draw the attention of everybody to the statement made by Larry from NTIA, he (unintelligible) the accountability must be incorporated in the bylaw and article of incorporation before transition occurs.

And that is something that in his statement this is clearly mentioned. And that I just wanted to inform you, thank you much for that.

Leon Sanchez: Thank you very much Kavouss and next is Avri.

Avri Doria: Hi this is Avri, sorry about the lag in responding I was sitting in the middle of another meeting here in Geneva. There's not that much to add on with the CWG in terms of the going to processes.

I think that the last thing that they discussed is the administrative task, the administrative approval. But I think that's done that was one of the last things that we discussed and basically putting together a report going into Singapore is the last time we had a meeting and getting that explicit.

So I don't think there's a whole lot of progress to add but the legal work is I guess close to getting started. We got (Greg) last night told us that that was moving along well in terms of getting that going but other than that I don't think there's a lot for me to report.

Leon Sanchez: Thank you very much Avri that's very helpful and just as a placeholder we will get back to the legal advice issue later during this call in agenda item number five.

But I can share with you that we're also discussing this with the CWG and with respect to Kavouss' point regarding the statements made by Larry Strickling this is certainly something that we need to take to heart and incorporate in our thinking.

But that's primarily something for consideration for the next or for the upcoming agenda item number 4 where we get the rapporteur and certainly the thoughts that Larry has shared will have a bearing on the work of the two newly formed sub-teams.

So unless there are further remarks from the group I think I can now turn it over to (Adam) who will give us some updates on the preparation for Singapore.

(Adam):   Good morning, good afternoon, evening everybody this is (Adam) speaking. So the meetings we have arranged so far are on Sunday morning and

apologies for the short notice of this and the lack of discussion with the group but it was really a matter of urgency that it was arranged and that is talking about a meeting for the ECCWG and the ICANN board and that will be at 11:00 am on Sunday.

We're developing a agenda for that and I think (Thomas) or (Leon) if you want to go back to that potential agenda later in the call. But that's a one hour meeting with the board and we hope we've been able to arrange as many board members as possible including the key members who are of course - well the key member of course is (Bruce).

But we're also hoping Chris Disspain, (Marcus) and others who are with us in - Wolfgang who were with us in Frankfurt will also be able to join because their contributions have been particularly important.

Moving along to Monday we have our own meeting at - I'm forgetting the time.

(Grace): Local time.

(Adam): Local time yes, sorry.

(Grace): It's at 1645 local.

(Adam): Okay thank you so 1645 is the working session of the CCWG and that's a three-hour meeting and it's being held as an ordinary agenda for us. So an ordinary working meeting but going on for an extra hour.

Moving along to Wednesday at is it 11 o'clock?

(Grace):   Nine forty-five.

(Adam):   At 9:45 there's an engagement session, which is our meeting with the community and it would be very helpful if members could inform, you know, your sending organizations that this meeting will be happening.

It's the meeting where we or you have the opportunity for discussing with the community members about the work that the CCWG has been doing and primarily to receive comment ideas and just general information from the community about the progress that's being made.

And so that's an important meeting to please try and put on the agenda's for us to continue. And the meeting after that and again (Grace) if you can remind me of the time, which is on Thursday.

(Grace):   At 7:00 am.

(Adam):   At 7:00 am is our following up - is the followup working session, another three hour meeting and I should say that all of these have the usual full Adobe Connect so there will be the opportunity for anybody who is unable to be in Singapore to participate in the usual full way that we do for these calls.

And so this is another three-hour meeting and it's anticipated that some of the discussion items and again I think the co-chairs will want to come to this. The discussion items will be how do we respond to what we've heard in the engagement session from the previous day.

And also responding to anything that the board and others have said as well as trying to wrap up or make a continuation to the progress that's been made during the week.

And of course there will be sessions in the afternoon, the ICANN public forum where accountability will be discussed and perhaps if there is an opportunity then you, you know, the group may wish to make some kind of statement during that public forum but that really is up to you and the schedule that we have.

So those are the meetings at the moment and we will post an updated list of those with both Singapore local time and UTC time either during this call or shortly after this call, thank you.

Thomas Rickert: (Adam) this is (Thomas), I'm not sure whether you've already circulated the email with thoughts that we had for the - in terms of an agenda for the CCWG and board meeting.

But maybe you want to briefly bring up the points that we thought of and let the group add to it.

Leon Sanchez: (Adam) can you still hear me?

(Adam): Yes sorry about that. So yes for the board meeting the first - there were three main items. First is a discussion about timelines particular around them leading up to ICANN 53 in Buenos Aires.

So this would be a discussion with the board about how different issues are going to be accepted and what they're expected or how we can coordinate different needs as we start to approach ICANN 53 Buenos Aires.

Where we're anticipating the board will be - what we as a group will be submitting a proposal to them and hopefully we'll be seeing resolutions

coming out of the board at ICANN 53. So it's the timelines that lead up to that.

A second issue is to think about how the board will be handling the CCWG's proposal, any anticipated reasons in particular why a particular recommendation or part of the proposal might be for want of a better word refused or rejected in some way.

And the anticipated process that would be followed if any such refusal were made. So how would we handle that part of the proposal? And a third issue might be to for the CCWG to provide updates to the board on the two work avenues that are being developed.

The outcomes of the face to face discussions in Frankfurt. So that would be the work streams that (Jordan) and (Becky) are working on looking at mechanisms to enable community empowerment and I think that's going to be a particular interest to the board as we're looking at empowerment of board decisions with those limited and strictly enumerated last resort powers for the community.

And then the mechanisms to enhance and review the - sorry to enhance the review and redress processes. So three issues leading up to Buenos Aires and how to handle that particular part of the process, clarify how the board will handle anything that the - how the board will handle the CCWG's proposal.

And then a presentation of the work that was particularly done in Frankfurt. I hope that's okay, thanks.

Thomas Rickert: (Adam) it's (Thomas) again, that's great and we will copy the mailing list on this email that - on an email that will include these points, which we're going to send to (Bruce) who as you know is our board liaison.

But if there is any instantaneous feedback from the group in terms of items that we should add to this that would be great. And we should also mention that we will also ask the board what their expectations for this session are and to ask us questions should they have any.

So I leave it there and I'll hand it back over to you (Adam).

(Adam): I'm sorry (Thomas) I missed that I was just taking - trying to take the notes that you asked me to do for the action item. Sorry could you repeat that?

Thomas Rickert: That was I wanted to give you the opportunity to continue if you had anything further to add but if that weren't the case then you could call upon Kavouss and let him speak but I would like to give you the opportunity first to finish if there's anything to add to this.

(Adam): I'm sorry the only thing is to say that the meeting with the board on Sunday morning is not yet posted on the agenda. It will be and the schedule of the meeting it will be and it will have details for remote access as will all the other sessions.

So you'll see all the Adobe Connect information coming through on the meeting schedule as well as of course being sent out on the list in the usual fashion. All right thanks and then apologies so over to Kavouss, thank you.

Leon Sanchez: Kavouss it's your turn.

Kavouss Atasteh: Yes, just (Thomas) in view of the very extensive discussion on the email relating to the authority of the board and so on and so forth. I as a participant of the CCWG wish to request those to at least from my part convey the board that there is a lot of sensitivities of this term rejection of recommendations.

They should reconsider and they hope that you will (prefer) in the group at least some (unintelligible) the discussions when you meet the board with respect to that rejection of recommendations, which is a very, very sensitive issue, thank you.

Thomas Rickert: Thanks Kavouss and I'll suggest that we send a note to (Bruce) specifically to remind him of that point that has been made previously during earlier calls. Thank you for that note and with that I think we can move to the fourth agenda item and that will be taken over by Mathieu.

Mathieu Weill: Thank you (Thomas). With just a couple mentions on item 3 before we move to the updates from the other working parties. Our agenda had two sub-items. So first of all I'd like to request if possible the various rapporteurs of the work areas to join the co-chairs on stage during the engagement session so we don't feel so much alone in the large room.

And you can also contribute to provide details to questions when appropriate and when directed to your specific work. So that would be for (David Seminsar), Steve, Avri and (Eric) for work area four and potentially (Jordan) and (Vicky) for work parties one and two.

So I would - yes as much as possible I think it would be good if it wasn't just the three co-chairs on stage during this engagement session. So if you could confirm your presence off list it would be much appreciated and I think it would provide a better sense of how we as a group are making progress.

Second item, which I think could be handled on the list. I would encourage anyone having a dedicated session within their constituency or support group to share that information on the list.

So on our working session on Thursday we can have a full recap of the feedbacks we got from the various parts of the community and make this a session where we could try and recap the various messages we've had.

So I would strongly encourage and I will ask an action item for staff to ask on the list for and collect the number of sessions where we engage with the various parts of the community during this Singapore meeting.

So those were the two items regarding preparing for Singapore and so I can now move to item 4, which is meant to provide us with an update on the advancements of work on work party one and two.

So work party one is the community empowerment requirement and work party two is the one related to review and redress. I have (Jordan Carter) is excused for this call. I don't know if we have (Becky), no I can't see (Becky) but I have Steve's hand up. Please Steve if you have anything go ahead.

Steve DelBianco: Yes this is Steve DelBianco with the CSG. (Jordan Carter) and I discussed this community empowerment group over the weekend and prepared a document that (Jordan) is nearly ready as rapporteur released but didn't get it out in time for today's call.

We took a look a look at the line map that all of us worked on in Frankfurt and said, which elements of that line map go to community empowerment versus (Becky's) work stream, work party which is on review and redress.

And that was an easy one because everything except the review and redress block was community empowerment. So we extracted all of those elements that are community empowerment.

And then underneath each one we reached back into that inventory we have and found mechanisms that have been suggested by the community and the members of the CCWG and just sort of draped those mechanisms against the requirements without implying which one was better or worse just sort of put them all in there.

We also indicated which of the requirements had been flagged for work stream one, priority one or priority two. The other thing we did was catalog the four suggestions so far for structure that would accommodate a community empowerment.

One would be ad hoc, engagement of the SOAC, that's the lightest weight structure. Another would be a permanent cost community working group where you have things like representation.

The third is this notion of statutory members inscribed in the bylaws. I think (Jordan Carter) has talked about it, I talked about - (Keith Drasek). And the fourth was what the roll off discussed in terms of this idea of a supervisory board.

And so I've sort of walked you through what's in that document. I had really hoped maybe (Jordan) would circulate but it's not quite ready yet. I think (Jordan) said that he'd have it ready between now and when we all arrive in Singapore so there will be an opportunity to discuss when we get into our face to face.

That's all I had as an update on behalf of work party one.

Mathieu Weill: Thank you very much Steve. I can add that (Jordan) sent a few lines of report to share with the group and asked me to share it with you. And that's really a complement to what Steve presented.

So this email is this sent out, (Jordan) was mentioning exactly what you said Steve and I won't go back to that because you were part of it so your reporting is much more accurate than I would do.

So the intention from (Jordan) were to circulate the draft and in a few hours he is still hoping to do that by tomorrow I guess for him because it's probably all ready for tomorrow for (Jordan) in New Zealand.

He would like to set up a core agenda for the working party and discuss the way you will be - they will be working as well as a calendar of work. I think that was his intentions and he was also inclined to learn from our call and he will certainly look at the notes.

Whether the group has any other expectations from work party one in terms of timeline or activity in Singapore and he certainly stresses that providing an end date for the required work on the work party would be extremely useful.

And just to add to this last question so far our - the expected delivery date for our work parties would be at the end of March. Regarding views of Steve's presentation or the short report I gave. I see (Thomas) has a question.

This is the right time to make sure we are synchronized with the work that's taking - that's now moving forward in work party one, (Thomas).

Thomas Rickert: Yes thank you Mathieu. This is just a question where reading the statements posted in the chat. Maybe Steve can answer this, whether you also plan to incorporate the bylaw solution that Robin mentioned as well as the delegates option that has been mentioned, which has been alluded to by Alan and Keith in your document?

Steve Drasek: If I may replay, Robin I followed a lot of that in the last couple of accountability email lists. But I'll tell you what if you were to send to (Jordan) and I a neatly encapsuled synopsis of what that mechanism would look like a bylaws only mechanism I'm sure (Jordan) will add it to the document right away.

So (Robin) if you don't mind sending that over as an email that would be great thank you.

Thomas Rickert: Thanks Steve and I guess the idea is just to make sure that nothing gets lost and if there is a rationale for (Jordan) and just having a short list to that to the full suggestions that, you know, it would be good to know. Mathieu back over to you.

Mathieu Weill: Thanks (Thomas). Next is Kavouss.

Kavouss Atasteh: Yes thank you very much Mathieu. I have a suggestion to make for the two chair of working parties to (continue) and that is to take advantage of what they had before and experience.

I think it might be good when they start discussing an email exchange, they take the lead and everybody else should be the recipient of the copy because they're having an exchange of 100 emails and then looking for what will be the results.

So I think it is up to the chair to kindly consider at what times he needs to make a (resume) of the exchange of email and try to (unintelligible) or conduct a meeting that they got - and we need some sort of way forward.

I'm not saying it's a conclusion. So we should not use the same method of working now because I see in one case we have 90 or 89 email. And maybe we could very nice and very (unintelligible) propose but we should have something from that.

So that is a suggestion to the chair to consider. And then I have some, a little concern that we should not establish any (unintelligible) maybe some provisional objectives because the issue is not (unintelligible).

There are many, many things I have already started to send some contribution for you empowering the community and asking what is the community (unintelligible) community that we have.

And giving an example of (ICG) and but not having any adversary arranging this community or entity. And I talked about (unintelligible) so I don't think he needs to hurry up the situation we should be very careful.

No problem to establish a provisional objective (unintelligible) but that doesn't mean that we should end up (unintelligible) it is a very, very complex issue, thank you very much for that.

Mathieu Weill: Thank you very much Kavouss. We agree with the fact that we're mentioning timeline goals and objectives rather than deadlines at this stage. And so point well taken.

And regarding the summary of discussions this is something that we've started experimenting for advisors as well as a number of communities. And I don't know what is the latest recap of discussions circulated or is it about to be sent?

Man: No it's not but it can be sent now if you want it to be. So I shall do that during the call.

Mathieu Weill: I think that - so we have a principle in place now to provide weekly updates of discussions on the many (missed) within our group to the advisors and it's obviously open to be forwarded to anyone outside.

Are there any other comments regarding the work party one? I think we have some feedback for the group. I remember last week there was discussion whether we would have the opportunity for working parties to meet physically in Singapore before the first (unintelligible) session.

Is that still - has there been any progress or is that still on the agenda? I remember Robin proposing something like this. I think I'm seeing no comment so what I would suggest is if the working parties feel the need for something please provide the requirements very soon.

And of course...

(Becky): Hi this is...

Mathieu Weill: ...yes.

(Becky): ...(Becky). We are trying to identify a time that would work for people to meet during that but we're just doing a doodle poll if we can figure out a time that works for (unintelligible) people.

Mathieu Weill: Okay thanks (Becky) I mean let us know. And while you (unintelligible) (Becky) can you give us a couple of insights about work party two?

(Becky): Yes we have a great group of volunteers and as I said we are trying to organize the first call whether it's a call or an in person meeting and call in Singapore. So we'll be sending around a doodle poll to get that organized.

Mathieu Weill: Great, regarding scope deliverable timelines, everything is clear on your side at this stage?

(Becky): Everything as we are, you know, we just got the list of volunteers. (Grace) sent it around yesterday and so we're picking up from there and we'll be working very hard to meet all those requirements.

Mathieu Weill: Thanks (Becky). Are there any questions for (Becky)? So moving to the next item is the update on the stress test working party. And I know that's been - I think there's been progress with the new document provided. Who would provide an update would that be you Cheryl.

Cheryl Langdon-Orr: Cheryl here if you can hear me yes I'd be happy to do a break up date. You will see on the screen the actual copy from the current stages of our Wiki page at the moment.

Seeing all our marvelous volunteers I'm not going to let (Becky) get away with bragging about hers when we can brag about ours as well. Particular a shout out of course goes to Steve DelBianco who pinned what you will see

below there in the following pages, which is the current state of play taking us from the 25 that we had as contingencies pre-Frankfurt through to what we now are operating with on the five classifications.

There is the stress test I believe you all have your own scroll ability but just in case I'm somehow controlling it. I've now moved you all to page 2 or me to page 2, I'd encourage you to do the same.

Where you will see the five categories of stress test. The first thing financial crisis or insolvency one, which merges the numbers I've listed there 5, 6, 7, 8, and 9 from the list of 25.

Number 2 failure to meet operational obligations, which is the merging of 1, 2, 11, 17 and 21 through legal and legislative action, which is the merging of 3, 4, 9, 10, and 20 for failure of accountability merging of a whole bunch of numbers, 10, 12, 13, 14 (unintelligible) can't read their own writing, 16, 18, 22, 23, and 24.

And finally decide your accountability to external stakeholders the merging of 14, 15, and 25. You've then got an excellent title, which accesses tracking document to show exactly where each of the previous to Frankfurt and during Frankfurt annotated 25 contingencies sitting and how they've been boarding to those five categories.

And then the particularly impressive state of (unintelligible) at the moment despite the fact that we actually haven't had the teleconferences yet, which is the listing of enterprise wide risks (unintelligible) as of 27 January.

In that listing, which I'd encourage you all to take time to go through (unintelligible) the allocation is to which of those categories one to five. These

particular things have been assigned as belonging to and there are some as yet to be covered or dealt with matters, which are currently showing in red.

That's outside of play, outside of play of course also encourage for the Wiki the opportunity for anyone to make comments and contributions by using the comment section on the bottom of this Wiki page.

And of course any of the members that will come to not only edit the page but also to use our list and to remind you all the number four list, the work party four list has been repurposed now to function as the list for ST-WP stress test work party.

That's it briefly for me. I'll present to say we are also hopeful that those of us who are in Singapore may be able to gather at least informally at some point in time during the Singapore meeting.

And we were hoping probably to try and do that as early as possible in the week before things officially start. We haven't doodled we're just waiting to see who responds to me now, thank you.

Mathieu Weill: Thanks Cheryl I mean great progress and good to have this kind of document as a recap of the way we're progressing. I see that Steve has his hand raised, please Steve.

Steve DelBianco: Thank you and hey thank you Cheryl for walking through that. Cheryl brought up this list from the board of their, the boards risk committee. Now if you recall we discussed this on last week's phone call because there are a whole lot of items that the board identified.

And as Cheryl indicated nearly all of them it turns out are reflected in the categories and details and stress tests that we have above us. There are a few that were not and in particular I pointed up a few that we discussed last Tuesday were probably outside of ICANN's scope.

This notion of perceived failure to implement and achieve a global multi-stakeholder distributed Internet governance ecosystem to meet the widely accepted (unintelligible) principles.

Cheryl indicated that was not applicable so this is not within ICANN's scope. So that might be a topic of discussion that we have with (Bruce) and perhaps with more risk committee members when we all convene in Singapore.

And it might be easy to pull that one off and to leave us with the rest of them to consider. And I did want to mention that at the very end of this I know that the chairs in our last set of tasks after the last call said that they'd like to run through a stress testing exercise.

Not all of them of course but a couple of examples where you take a stress test and you run it against the accountability mechanisms that we've developed so far. Now that's hard to do because we don't really have a current (preset) of accountability mechanisms to go on.

So if the chairs want I could run through three simple examples of what you have in front of you and suggest how one runs the stress test against mechanisms. If there's no interest in that we'll do it when we get together in Singapore, thank you.

Mathieu Weill: Thanks for the proposition Steve. Maybe just before we get into that and I will certainly take up your suggestion. Last time when we had the call we

mentioned two or three short questions to be - to provide more substance about various contingencies and how whether there were existing mechanisms already addressing them and so on.

I think there was two or three questions. Is that still something that the group intends to work on? Either Cheryl or Steve?

Steve DelBianco: Cheryl it's Steve I'd take a crack at that if you wish.

Cheryl Langdon-Orr: Sure go ahead.

Steve DelBianco: Yes I think the proper way to think of this is you take your stress test for example category five failure of accountability to external stakeholders. And then you run that stress test against the body of mechanisms that we have in place because ICANN already had them or that we have proposed for either work stream one or two.

And you do that to evaluate whether the accountability mechanisms either prevent the consequence of the stress test or they mitigate and react in a way that the community thinks is satisfactory.

So one example would be category five item 14, category five item 14, which is that ICANN or U.S. Government chose to terminate the affirmation of commitments. And that is one where we would say that the cost community workgroup on accountability has recommended bringing the affirmation of commitments into the bylaws as a work stream one mechanism.

That will have prevented the consequence of that stress test. So you check that box. So that's an example where you took an existing accountability

mechanism but you moved it to the bylaws so that it couldn't be aggregated and walked away from.

There are many other stress tests in this list and some of them have answers that go straight to the review and redress, the ability to overturn the board and others there's no easy answer at all.

A number of these stress tests in solvency or the failure of the community to support the cross community working group model, those are much more difficult to answer.

And I want to suggest that for some of these stress tests it will be easy for us to say hey we've got that, we've got it covered. And for others we aren't going to have an answer in other words we'll have to suggest that we're going to have to live with that risk because it existed before the transition and it will exist after the transition.

Mainly I'm talking about financial crisis during solvency. So it might be more important for us to turn to the CWG and ask hey what if ICANN was to come to stress test number one, a financial crisis during solvency, what does the CWG say about the maintenance of numbers, protocols and route server maintenance.

And if the CWG says hey no problem we've got structures and (separate) ability, we'll be able to take that over. Well then it falls to us saying well who is going to take over the policy making and contract enforcement role that's currently fulfilled by ICANN if ICANN were to go into a financial crisis, lose its employees or go insolvent.

So we've got quite a bit of work to do to answer the stress test and not all of it really lend themselves well to starting with what are the current mechanisms and then what are the (provos).

I think that's looking at it backwards. I think we ought to start with the stress test and then ask how either the existing or the proposed mechanisms would respond, thank you.

Mathieu Weill: Thank you Steve. So you are slightly changing the approach but the goal is still the same?

Steve DelBianco: Agree, agree.

Cheryl Langdon-Orr: Yes that's the case.

Mathieu Weill: And I'd like to check with the group whether everyone is in line with this. (Thomas) you have your hand raised.

Thomas Rickert: Yes and I very much sympathize with the methodology that you've just outlined Steve and Cheryl so thank you for that it's much appreciated. I guess my inclination is to ask you to still and even if it's in table format, go through the questions that we discussed in Frankfurt.

For the one reason that I think it's easier to structure our report if we follow those questions. Maybe I haven't correctly understood but it's my impression that you're going to test against existing or proposed mechanisms.

And I think for our report it would be good to have an overview that we can work from i.e. this table answering the questions where we can say okay this

is the contingency that's already being addressed by existing accountability mechanisms.

So this is already there and therefore no decision by the community needs to be made and the community doesn't have to comment on those, right. So that would just leave us with the areas where existing mechanisms do not or do not adequately address a contingency.

And then you would basically go through what you've suggested. But I think that we need to get some clarity on what we have, on what we need to invent, and what we need to modify for the community to have an easy approach in digesting what we - digesting the recommendations that we come up with.

I'm not sure this makes sense but I just wanted to throw it out to you.

Cheryl Langdon-Orr: Cheryl here Mathieu if I can respond to (Thomas). Look I'm a great fan of tables and a tabular way of doing things and it's not a bad way to visualize what I think you're describing as a gap analysis (Thomas).

As they said we're yet to go through that exercise in detail. I certainly have scribbled on the back not quite of an envelope but on the back of the contents of an envelope as to how this might look visually.

But the work party has not had this discussion in full. Are we going to deal with the questions raised from Frankfurt? Yes I think that's very much in line with what Steve just described.

How we're actually going to capture that so it can neatly plug and be read out, we're waiting to - the final report will be as concise and as clear as we possibly can make it but that's the work (unintelligible) to it.

So there's a very - a lot ahead of us, that's a long way of saying yes to you (Thomas) and indeed saying that I think this going through a couple of key examples as Steve has offered to is a good way to help everyone understand how this process is envisaged but I see Steve, go ahead Steve.

Steve DelBianco: Hey thank you Cheryl. (Thomas) I don't want to be quite as accommodating and gentle and Cheryl on that because I don't think - I don't think what you're suggesting will work.

These stress tests are extremely challenging for either the existing or future ICANN to be able to deal with. And if I take any of these stress tests and run them up against today's ICANN you're going to discover that yes there are accountability mechanisms that exist today.

Like the independent review panel, the reconsideration in ombudsman. But look I don't know anyone on this call that believes that those mechanisms have been sufficient to overturn decisions of the board or management, which were in conflict with the community's consensus.

So I don't think that exercise gets us anywhere and it ends up being a contest where we say that we don't trust the ombudsman, we don't think the IRP is binding, there's not a sitting panel, reconsideration requests only look at matters of process not substance.

That's not going to get us anywhere. It's far better to take a stress test and as you evaluate the ability of the organization to either prevent or mitigate do you consider existing mechanisms pre-transition as well as proposed mechanisms?

Now I can see (Thomas) there may be a few items in this list where existing mechanisms pre-transition are enough to say that's covered. But it's going to be few and far between because...

((Crosstalk))

Steve DelBianco: ...the stress tests are - right Cheryl. The stress tests are designed to be really challenging to the future ICANN. It's designed for the next 10 or 20 years. It's not designed strictly speaking to see how the stresses of the last few years will have worn on us.

So, you know, we can discuss this further in Singapore. I don't want to belabor this too much but there isn't really a simple tabular way of checking a bunch of these 25 boxes. Thank you.

Thomas Rickert: Steve before we move to Kavouss let me just briefly respond that I don't in any sort of fashion intend to land you with extra or even redundant work. So if your group and (Tara)'s group has confirmed that none of the contingencies on the table are addressed by current accountability mechanisms so be it.

Then we can cut this short. But I guess we just have to be absolutely clear on where we can use or reuse what we have and where we enter uncharted territory. So I'll leave it there and Kavouss is next.

Kavouss Arasteh: Yes Thomas, I tend to agree with you that the approach that we have discussed of some sort need to be followed. I also agree with the additional comment made by Steve.

We can combine them together and make it as follows: mechanism exist - it is sufficient; mechanism exist - is not sufficient, should be improved or modified; no mechanism exist and we have to have that one.

Taken from that simple approach it is more easy to follow rather than in the middle of the things going a improved way. So I will be very comfortable with that exist and sufficient. If this is not sufficient does not exist at all. Thank you.

Man: Thank you very much Kavouss. I think there's not so much difference in what - in the various ways I'm hearing. The main domain suggestion made by the group is to instead of starting by answering the questions, it's starting by calling out - running the - some of the stress tests and highlighting in passing what is - what are the current - exist - accountability mechanisms in place if any and whether we should be addressing in terms of what Body 1 or 2 is contingency.

My suggestion would be that if we can have two, three, four examples that you start drafting a stress test - and Steve thank you very much for taking us through one of them on the account - the AoC.

I think it's Number 14 or - that you described and that's I think what will enable us to fine-tune the deliverables we're expecting. And so my question to Cheryl and Steve and the group is would you think it would be feasible to have a couple of very rough draft examples discussed at one of our call - one of our meetings in Singapore?

Cheryl Langdon-Orr: I don't see that that's going to be an insurmountable problem - certainly a couple. I doubt that we'd be in a position to have done a decent job of more than a couple - having - but it should be enough to give the general lie of the

land and assist in the understanding of how we can capture the outcomes of our proposed work. Steve do you agree with that?

Man: Okay. Oh yes. Oh for me, you know, it would be perfect and Steve?

Steve DelBianco: Yes. Yes this is Steve. Cheryl let's go through it and we'll pick some that are relatively easy to present. We'll pick some that are able to mitigate and then we'll pick a few that, "Wow, we don't really have an answer."

Man: All right. So we'll put an agenda item on that matter so - and that's really good for a session face-to-face in Singapore to show the community how we are addressing this.

So that is extremely valuable I think to our work and highlighting what we mean by stress tests and collecting feedback if necessary on that.

Cheryl Langdon-Orr: No problem.

Man: And so really a lot of thanks to Cheryl and Steve and the group for moving this forward since Frankfurt. And I think we're adjusting the way we are proceeding but we're keeping the same goal and that's - if that's what's taking us forward then we should certainly keep the goal and be flexible around the way we are achieving that.

I think that closes that - this item on advancement. Next item I will turn to (Leon) for an update regarding the legal advice.

Leon Sanchez: Thank you very much (Mathieu). So with the rest of legal advice we've been working on the sub - on the legal advice subgroup. We've had a revision of the document that was drafted by the CWG with regards to legal advice.

And we've been exchanging couple of emails in our mailing list and we've also been in contact, (Robin) and I, doing some work with regards to scoping the questions that we should be asking to the legal experts.

David McAuley also provided with some useful thoughts in the list and we'll - we're still working on the questions that we should be asking the legal experts.

But I would also like to remind the working party -- one, a working party; two, participants -- that in their work they would be expected to provide the legal advice where he would - with some questions as well as to the stress tests and the empowerment that the community has to do.

So we eagerly await for those questions as well. And we also had a chance to speak to the CWG Co-Chairs and they told us that they would provide us with a short list of legal efforts that they're looking into in order to get this external advice - this external legal advice when the time comes.

We're still awaiting for that reply but as soon as we get that information we will of course let you know. And so I see Kavouss' hand is raised. Please Kavouss go ahead.

Kavouss Arasteh: Yes. My suggestion would be - that I raised before and I said that we don't have yet any legal advice as to deal with that matter, and that is a California law code that does not permit to do something.

We would like that the legal advisor role relevant to that issue to carefully study that and provide us a limitation or restrictions that even if we have some

solutions to resolve the issue of accountability, the California law code does not allow to amend that if there is any.

I heard in some of the email exchange that difficulty and that someone mentioned that - the code of 20 - 50210 and then 50034 and so on and so forth.

So we have to see what are the restriction/limitations in the California law codes that we need to consider to see whether we could have some solution for that. That is my suggestions if possible. Thank you.

Leon Sanchez: Thank you very much Kavouss. We will surely look into your suggestions. Actually the scoping document that we're going through with the CWG addresses many of the concerns that you just raised, and we will of course keep this in mind for our own work in this legal advice team.

And yes of course one of the main focus of our subgroup is to make questions or build questions around California nonprofit law with regards to what we're doing on the Working Group.

But also we're looking into different fields in which the California law may not be compatible with the outcome mechanisms that are going to be presented to the ICG.

And - well of course these questions will be also addressed by the legal external advice. So I would also like to remind all the group that our specialist and law advisor on international law has been selected, and I would like to welcome Lee Andrew Bygrave who is a Professor at the Department of Private Law at the University of Oslo as our new Legal Advisor for the Working Group/our new expert with regards to international law.

So I believe that he will be joining us of course in the works of our Working Group and we will be closely linked to his advice as we work through the work we're doing in the sub - in the legal subteam.

So - well I don't know if anyone wants to add something to the legal advice track. I don't know if Thomas you have any comments on the legal track. I think I've covered so far all the work that's been done and the scope we would like to have in this subteam.

Man: No you did well. Thanks (Leon).

Leon Sanchez: Okay anyone wants to comment or have any questions regarding this? One of the - I was forgetting to count this. One of the discussions that was really useful in the list was the one that was discussing the recommendation about the IRP, their - the Independent Review Panel that hasn't been yet put into action by the Board.

And - well that is an example of food for thought with regards to legal questions that we should address and of course raise to the legal advisors of how can we of course enforce this kind of non-action by the Board.

I think Bruce has also been kind of enough to provide us with an update on how this issue is actually being addressed by the Board. But still there is a concern that this has been lingering for too long, so this is the kind of situations that we will be dealing with the legal questions. I see Kavouss' hand is raised. Kavouss please.

Kavouss Arasteh: Yes a follow up question (Leon). Is it possible that the legal advisor or legal advisor dealing with this California law code - once they made the study and

analysis or review, whatever you call them, they provide some supporting material and some very brief presentation to let us know what are the areas that we need to be concerned or we need to be careful?

And so also at least they would do some work in between before we come up to any solution - they said what exists and what are the applications and what are the restrictions or something.

Would it be possible that you or whoever of the picture contact this legal advisor or advice to give analysis of the California law and provide the restrictions or limitations in a little form, and then a very brief presentation if possible in one of our future meetings, whatever meeting would be? Thank you.

Leon Sanchez: Thank you very much Kavouss. We will definitely ask whomever advises us on these issues to hand the report addressing these concerns and of course answering these questions. So yes be assured that whenever we have that outcome we will of course share it with the group so we can all be on the same page.

So anyone else has any questions or comments with regards to the legal advice part of the agenda? No? Okay well then I think it's safe to go to our sixth point in the agenda, which is any other business.

And - well the - a couple of business that we would like to remind the participants - well I would like to bring first that you should kindly review the material for engagement session in Singapore.

There has been a list uploaded to the wiki and all the documents regarding our work, and of course what's going to be reviewed in the engagement session has been uploaded to the wiki as I said.

And so I would kindly remind you to go through all that material and please tell us - if you see if anything is missing or you feel that we should include any other information and any other document into this list, please reach out to Grace or any of us in order to - for us to take care of it and have a complete list of documents and information with regards to the work we're doing.

So of course feel free to join the engagement session. It will be very useful. There is also a hands-on session on Adobe Connect that (Everhart) will be hosting on Singapore.

And - well this is something that - I feel it's very useful especially for those who have been having issues connecting to the audio bridge. I think what (Everhart) will show or present in this session will be quite useful for those of you who have had some issues in the past.

And I would like to of course open the floor for anyone else who has any other business to bring to the table. Does anyone else have any other business that would like to comment on this? Okay.

Cheryl Langdon-Orr: It's - (Leon), Cheryl here.

((Crosstalk))

Cheryl Langdon-Orr: You might want to just note Mark Carvell's point in the chat.

Leon Sanchez: I'm sorry Cheryl.

Cheryl Langdon-Orr: Just drawing your attention to Mark Carvell's point about missing the beginning of the call in the chat. A little recap on those things would be useful I think.

Leon Sanchez: Okay. Yes I think that part of the agenda was covered by Thomas, so Thomas would you like to comment on Mark Carvell's question?

Man: Well actually I think that Mathieu is waiting patiently raising his hand...

Leon Sanchez: Okay.

Man: ...to respond to it.

Leon Sanchez: Okay I'm sorry. I didn't see the - see his hand so Mathieu please could you address his question?

Mathieu Weill: Thanks (Leon). And I think it's a good question to make sure we are clear on the expectations from our group in the Singapore meeting. And I think number one priority would be that we can share the advancement of our work whether on contingencies and two streams of the - two working parties on requirements and ensure we get feedback from the community that is obviously supportive of that, or if not that we can adjust our course of work.

So my number one priority would be to Singapore, get the message across about what we're working on, collect feedback, assess and adjust if needed. That would be my - the number one priority and expectation from Singapore.

Number two would be to ensure that in the various tracks of the work regarding the transition that everything is - the timelines are appropriately

synchronized and I think that's going to be one of the topics we'll have to work on in Singapore.

And that includes synchronization with expectations from the ICANN Board, and so that would be the two main topics and priorities and expectations from Singapore.

And on top of that if we could make substantive progress on our work while we're there during our two work sessions or during some of side work sessions for the working parties, I think that would be perfect.

So that would be the way I would respond to your question Mark and obviously open to any comments. And I...

((Crosstalk))

Leon Sanchez: Thank you very much for this Mathieu. Thomas has his hands raised. Please Thomas.

Thomas Rickert: Yes just to invite Mark to let us know if he has any additional expectations for the meeting, so please make yourself heard and in case you have more suggestions for that.

As Mathieu mentioned we're going to present the progress made in the various subteams to the community. I think presenting that and further elaborating that will be an excellent progress.

Also to make - also making sure that we're aligned with the community's thinking and answer their questions would be great. I think that we can't go

much further than that because the concrete implementation of what we might come up with will hugely depend on the legal advice that we're getting.

So I think we should not rush to concrete implementation before having obtained legal advice.

Leon Sanchez: Thank you very much Thomas. I see Kavouss' hands is raised. Please Kavouss go ahead.

Kavouss Arasteh: Yes just one point. I heard that we are talking of ICANN or Board expectation. I think we should refer to the feasibility of doing the work. As I told you formally I think we will come up with a new timeline plan so it's not - has nothing to do with the ICANN expectation.

It is feasible - feasibility of doing the work so that is very important. I don't think that we should be thinking of what the Board expects from us, what is possible to do in what timeframe, so that's an important element and we have to take that into account. Thank you.

Leon Sanchez: Thank you very much Kavouss. Your concern has been noted. And having no other business to raise at this point I would like to turn back to Thomas for the closing remarks. Thomas please.

Thomas Rickert: Thank you very much (Leon) and I can keep this very brief. I think the take home message for today is that we all need to be well prepared for our meetings in Singapore.

Watch out for the invitations and look at the agenda to make sure that you can participate in person or remotely. The other point would be to ensure that you

have read all the documents so that we can have a good, substantive discussion.

The third point would be that we should all try to make sure that we keep our respective groups if any informed about the progress so that there's a full understanding of what we're doing in the whole community.

And lastly, I think we should try to continue a good and substantive debate as we did over the last couple of days on the email list. So that's been most encouraging and I think it's always a good sign to be able to keep calls short.

And today I think we had a good mixture of making progress in terms of approach as well as in terms of substance, and we as Co-Chairs want to make you a little present and that is 45 minutes of your valuable time.

So we can stop early. Thank you very much and see you remotely or in person in Singapore. Bye-bye.

((Crosstalk))

END