

ICANN

**Moderator: Glen DeSaintgery- GNSO
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2:45 am CT**

Thomas Rickert: Thank you very much Leon and welcome everybody. I'm Thomas Rickert. I'm the co-chair appointed to the group by the GNSO. And the second point on the agenda is the interaction with the CWG. And the working group members will notice, but I think it's important for the community to realize and recognize that the CWG and CCWG are working very closely together.

Part of that is, you know, Jonathan Robinson and I, we've spent the last couple of years on the GNSO council. We're good friends, and we were seeking opportunities to spend more time together. And we successfully did so, so now we have weekly calls where we discuss how we could best possibly interact.

And as you will know, the works of the two cross-community working groups are based on charters by the chartering organizations. So we have complementary mandates but we're working on towards the same goal.

So I think it's utmost important to reiterate that the two works - or the work that we're doing - are interdependent and interrelated. And we're trying to bring that to fruition.

And as you will remember, this group has published high level statements a couple of weeks back which sort of opened the door for the CWG to consider whether they want to embed what they're doing into accountability structures that we are likely to build.

So this progresses and we've had a correspondence back and forth since. And I think we're on a very good way towards coming up with a cohesive approach in hopefully the very near future. So we are one in terms of approach, in terms of goals.

Nonetheless, the working areas are - as said - complementary and we wanted to use this opportunity now that we have most of us present in this room to give Jonathan and Lise the opportunity to speak to our group to explain where they are, to discuss areas of collaboration and interaction. And we will return the favor by visiting their group.

And so with that, I would like to hand it over to Lise Fuhr and Jonathan Robinson.

Jonathan Robinson: Okay thanks Thomas. Thank you for welcoming us here, and as you know we committed when we met before recently that we would -- between your three co-chairs, myself, and Lise - we committed that we would, in as far as possible, (unintelligible) meetings work as part of our commitment to work closely together.

Thank you for your kind opening remarks as well. I guess the test of the friendship is whether it survives the work of the two groups. But let's see how we go.

You've asked for an update from the CWG, and I think I would be not surprised if people in this room were tired of hearing my voice and the materials of the CWG today. But let's just remind you there are really two sets of materials that are available at this meeting.

The first is a comprehensive slide deck from the CWG that covers background material, the work of the CWG to date, and key areas of current discussion. And in a sense that's presented in a different way in the discussion document where we bring the community up to speed with what we've done.

And ultimately at the end of the discussion document, rather than - we elected rather than to prepare a further, a new or an updated draft proposal, we felt we were not in a position to do that at this point, and it made more sense to create an update document in the form of a discussion document that stimulates relevant community input and interaction with our group.

So those are the two materials that you've got amongst you to work with, and I don't propose to present from either of those as part of our update. Lise and I discussed this before this meeting.

One of the things that I think is slightly disappointing is that what we've done is we've attempted in doing our work and bringing it to this meeting to present where the challenges are with the work of our group.

In doing so, we've highlighted those challenges by definition and got the community to focus on them. But what we haven't perhaps done as effectively as we might have done or at least in highlighting those challenges, we haven't banked the credit for the areas where we have done the work.

So I'm just going to take advantage of being in this forum with you guys to remind us and anyone who's involved and listening and tracking this that we did some very detailed work on - we've described our work as - (our in) groups as RFP 1, RFP 2 and so on.

And these are - as we have responded to the different requests for proposal subcomponents of the ICG requests for proposals. And so that's a description of the current community use of the IANA functions under RFP 1.

Under RFP 2, existing pre-transition arrangements, and we've gone through that in detail and looked at the policy, the oversight, and a detailed triage of the existing contract. So none of that is reported on in any detail here and hasn't really been absorbed. So it's just important to highlight that.

What we have focused on is where there are significant challenges and issues with our work on RFP3, which is the proposed transition post-transition work.

In particular, we focused on the key models and the work in progress. And we need to (unintelligible) one model out of that ultimately. And we recognize that there's some care that needs to be taken with the CCWG here that we don't send you off on four different courses as we deal with our external internal -- two parts external, two parts of the internal.

So I think it's important that we both liaise with you but continue our work to a point where it's mature enough to be a useful driver to you. So from my point of view and our point of view that's a key takeaway, that it's very helpful that you are cognizant of it, and that it influences your work appropriately but doesn't drive your work to the extent that it's immature and that it drives you where relevant.

And notwithstanding that, we have some major common parts to our work - common within our work - and that is the existence of the customer service committee, the multi-stakeholder review team, and the independent appeals panel. And we will continue to work and specify that.

And one of the things I think we need to make sure we focus our group on is ensuring that we do think about the underlying motivation and purpose and drive for each of those. To the extent that those are well specified, not only will that help us in our work, but it will help us in correlating our work with your work and for where appropriate if elements of your work deliver solutions that meet those requirements it will assist in handing off any elements to you.

So that really highlights the need for us to work in a certain way and for us to work with you in the ongoing coordination of our work. You did come back to us in some detail on the 28th of January in a reply, and the CWG has not sort of formally reviewed that reply in our work.

But if you would like, Lise or myself can make a couple of remarks on that. So I don't want to monopolize your meeting. I'm very conscious it's your meeting, so those are some opening remarks. But we could respond in a little more detail to that e-mail if it would be helpful.

Thomas Rickert: Please do. That's part of the reason why we invited you.

Jonathan Robinson: Let me just pull that up so I have it in front of me and make sure I've got it. Just give me one moment to link to that.

So that's the 28th of January letter from Thomas Rickert and (Matthew) and Leon to myself and Lise. And it says, "Subject: CWG Stewardship

Accountability Dependencies.” It touches on some key points and essentially is part of a dialogue of exchange.

First point is on budget accountability and transparency, and I think this is something where it is clear that in order for our CSC to properly or for our group to properly monitor what is going on, we will need a degree of budget transparency.

At the moment, you don't envisage asking for the detail that we might require, but it's possible that your work might do that. So that's one of those areas where if as your work progresses and you specify your budget accountability and transparency requirements and it happens that they drive sufficient transparency and detail to meet our needs, it's possible that's maybe something we can let go of.

Thomas Rickert: You know I think this is one of the areas where both our groups are very cautious not to step over the line. And maybe we are going a little bit too far in being that polite, right?

So we have discussed this in Frankfurt, and we did not want to step over and define for you what your budget detailed requirements might be. But certainly we would support budget transparency. And I think this is certainly an area where we can easily operationalize that compilation budgets, finding the parameters that you're looking for and maybe making them part of what we're asking for or what we're recommending.

By the way, this shall not be a discussion between the co-chairs. It's unfortunate that we don't have microphones everywhere in the room, but we do have standing mics over here, and there are microphones on the tables. So

if you want to speak please give me a signal and I'm more than happy to put you in the queue. (Esome) please.

Izumi Okutani: Thank you for sharing this. Sorry for that voice. So this is Izumi Okutani. I'm representing ASO. And thank you for sharing the status of the name CWG.

So we mentioned about this area of budget accountability. And I'm interested to know from the perspective of the IANA operation on names, what would be the kind of accountability that you're, like, concerned about? And what is the area that you want the CCWG to clarify?

Jonathan Robinson: I think it's really primarily about transparency of expenditure and understanding the breakdown of expenditure on the components of the functions and details of how that is spent, both so we can understand how resources are deployed and to the extent that we don't get the service we require that we might understand whether or not that was a budgetary issue.

So it's thinking along those lines and so again I think it relates to that previous point I made where if we're specific about the requirement and in particular motivation for those requirements, it may be that in time as you specify your level of expectations on budget and accountability and transparency, or the CCWG specifies its level of accountability and transparency that may be sufficiently overarching that it will simply meet our needs.

But at least we would have specified our requirements and retained those to the extent that they are not covered by your work. And Thomas is right; we need to not do too much of a delicate dance around it.

We need to say what we need, and to the extent that you meet it, we may not need it. And to the extent that you don't we'll persist with that requirement.

So I think that's the sort of thinking, both in the detail of that particular example and more broadly where we're headed. Thank you.

Thomas Rickert: Steve DelBianco.

Steve DelBianco: Thank you. Steve DelBianco with the CSG. And as all the members of the CCWG know, when we do a working session, we definitely want to get progress on the work. So what would be helpful - you're exactly on the right place. We'd like to hear your reaction to our five answers to your five bullet questions.

I couldn't find it on the Wiki. I wanted the rest of our CCWG to know where they can have it in front of them and Thomas sent us all an e-mail on the 3rd of February referencing his reply to Lise and Jonathan. So that's what all of you want to have in front of you.

All we really want to do is to understand did you understand our answers. And some of our answers included further questions for you. And please understand that we drafted those at the end of two very long days. So we wanted to be responsive and yet not to be acquisitive - trying to acquire new obligations. And we want to be sure we understand what you (unintelligible).

But my guess is that in 15 or 20 minutes we could resolve areas of potential help, and most importantly if there's an independent appeals panel or a mechanism you're designing that we could in the CCWG take on board, it would simplify what some are afraid is an overly complex CWG process.

So keeping that goal in mind, we ought to be able to go straight down this list of five questions, discuss each one in turn, and in the end of a half an hour

have some simpler plan than we had when we walked into this room. Thank you.

Jonathan Robinson: Thanks Steve, and thanks for getting to the point. And I did listen in to at least a significant part of those long (unintelligible) as you know contributed in part to one session on that. Yes, that's a helpful approach with one proviso. We haven't systematically gone through your reply in our group.

So these are mine and Lise's responses if you like a chair's response. I'm reasonably confident that I'm in tune with the group. But as anyone knows who's worked in this kind of environment, that confidence can be undone relatively quickly as well.

So yes, but the principle of the way in which you suggested it work is welcome and I think hopefully we've knocked off budget accountability to the extent that we can in this particular session unless someone else wants to pick up further on that. And if not, I'll go on to the next one.

Thomas Rickert: No let me just add if I may that I take away as a to-do for you to come back to us with a specific set of data that should go into the budget in terms of transparency. And since we are going to have a recommendation asking for budget approval, we will make sure that your requirements go into our recommendations.

And I think that's the way to operationalize that. So we'll take that off the list. I suggest we wait for your feedback, and let's move to the next point, Jonathan please.

Steve DelBianco: One quick follow-up on the budget. I think it's fantastic to understand from the CWG the level of transparency, level of detail that's necessary to support the

transparency goal. That's perfect. But before the word transparency they had asked us about the word accountability.

As you know, we're working hard under community empowerment to make sure that we can veto - not change but veto - a budget once a year when it comes out.

If the CWG sees that as a favorable community power, we'll actually need to hear that from you in writing at some point very soon because that's one of the things that ICANN's legal counsel thinks we cannot do. So if we start to gain more I guess support from the CWG that this is something specific in the way of community empowerment, that could come in very handy. Thank you.

Thomas Rickert: Okay thank you Steve. Unless there are any further interventions we can move to the next point, and that would be accountability for delegations and re-delegations. So Jonathan would you be happy to speak to that? Excuse me for the oversight. Bruce.

Bruce Tonkin: Thanks Thomas. I just wanted to respond just as the board liaison for the cross-community working group. And I'm aware we don't actually have a board liaison on the CWG.

But with respect to any requests on finance I'm happy to be the sort of key contact on the board for funneling any requests as it relates to the IANA budget. And I've had some discussions with (Xavier) on Saturday regarding getting some information together, at least provide what he's able to by the end of this week. And we can drill down into that a bit further.

But for those that are financially inclined, please feel free to talk to me and I can at least explain what the limitations are of the finance system and what information is easily available.

Thomas Rickert: Excellent. So we have the second tangible outcome of this meeting, which is a good sign. Jonathan, can we now move to the next point please?

Jonathan Robinson: Accountability for re-delegations. And here you had a carefully worded response where you said to the extent that the board may take decisions on this area the CCWG intends to recommend accountability mechanisms that would be relevant and supportive.

We expect to recommend a strengthened reconsideration process to the board as well as management and staff decisions.

Thomas Rickert: Excuse me Jonathan. Can I just step in? I think on the wiki, that's not the version that was ultimately sent to you because we have been - in our co-chairs call we have discussed this language, which was perceived to be not clear enough in the sense of us trying to make the demarcation for ccTLD operators' requests.

So we should be looking at the e-mail of the 3rd of February please. So this is the 28th draft that went to the co-chairs. And we thought we should be a little bit more wordy on that point.

Just to fill you in, in terms of language, our group has discussed extensively in Frankfurt and came to the conclusion that delegations and re-delegations of ccTLDs should be a matter of the sovereign states where the ccTLD operate and that the board does not have any substantive decisions to make on those matters.

There might be, however, procedural aspects where the board does have a say. And these should be subject to review and regress. And that would be in the (remit) of our group. So we said to the extent the board has something to say here, right, and Steve might wish to add to that, but we wanted to clarify that we fully respect and appreciate the delicacy of ccTLD operators' needs.

And we went a little bit further. And the final wording - which I don't have in front of me unfortunately - if somebody dug out the e-mail of the 3rd of February maybe we can read it out.

Steve DelBianco: "Notwithstanding the above and to the extent that the board may take future decisions in the area, the CCWG intends to recommend accountability mechanisms that will be relevant. In any event we expect to recommend a strengthened reconsideration process for board as well as management staff decisions." That's what you added to it.

And it's not just board, Thomas. It was management because I you recall (Eberhardt) educated us in his unique way about the way that ccTLD re-delegations occur. And I benefitted very much from that.

(Eberhardt) instructed us that staff - not the board but staff - has a certain responsibility of checking the box to say that for a ccTLD redel, process was followed. So if management said process was followed but some of the naming community customers said, "Oh no, it wasn't," well the CCWG wants to say that we want to give accountability for a management action, not just a board decision. We thought we would try to be helpful on both counts.

Thomas Rickert: Thanks Steve for refreshing my memory on the actual wording which I couldn't remember from the top of my head. But I guess the topic is clear, and

I think we should be very clear in emphasizing that our group is not trying to mission creep into ccTLD matters.

And I think on that basis if the demarcation is clear, then it might be easier to come up with robust mechanisms for that. And I think we would like to hear from the CWG as to what its plans are with respect to this and maybe there is common ground for considering and developing such mechanisms to be cohesive. But decision-making powers should be clearly demarcated.

Lise Fuhr: Well as we - Jonathan and I - we haven't spoken with the group about it, but we kind of think this is a fine statement and we're understanding as well as you will stay away from the policy parts - or we will not have to deal with the policy parts like FOI in our group because this is not in our (unintelligible).

And we will have a discussion with the CC's regarding this because it's a very sensitive issue within the CC's that we need to deal with before we kind of get back to you on this completely. Thank you.

Thomas Rickert: So we shelve this part for the time being, wait for your consultations to have taken place. But odds on this point I think we're more than happy to discuss areas of collaboration. But the competences for decision making need to be clear. And I think this is well understood on both sides.

Jonathan Robinson: At face value it appears to meet the need and deal with the relevant sensitivity. So that's the impression we have at this date. So it seems okay.

Thomas Rickert: So Jonathan and Lise would one of you like to speak to the next point in (unintelligible) of board actions?

Steve DelBianco: Before we leave this one Thomas?

Thomas Rickert: Yes please.

Steve DelBianco: Thank you. Because I know you asked the CWG to reply. During the discussions in Frankfurt we did not, however, if let's suppose we were able to come up with a mechanism where the community - a permanent cross-community working group or community veto - was available to do a challenge because management checked the box on a ccTLD redel.

We admitted that we wouldn't necessarily have a lot of expertise over there in the GNSO and we might not have much expertise in the ALAC. There are places in the community that won't know very much about that process.

So let's just go into this with all our eyes open, that a cross-community working group, member structure, delegate - whatever you want to call it - that is not necessarily the proper place to get a remedy for a highly specific process affecting one country and the registrants and users in that country.

We may not be the best to understand that. There is solidarity. The community could come together if it's a very compelling case. But it won't be something about which we have very much experience.

Thomas Rickert: Thanks Steve. So can we now move to the next point?

Jonathan Robinson: Thomas I'm not sure I can - and colleagues - I'm not sure I can offer a whole lot more. That appears to be - it appears to meet the requirement to me.

So I don't think I have anything specific to offer that. It's discussing introducing binding mechanisms of redress to the independent review for certain decisions of the board, and we very much - you said you were very

much in tune with our approach. It appears that you are, and so I'm not sure I have much to add there.

Lise Fuhr And I'd like to add this is another one of those areas where we have to be very clear that there's a difference between the ccTLDs and the gTLDs, and this needs to be discussed further. And this is one of the issues that's going to be discussed during the ccNSO meeting I know. So we hope to get back to you on this.

Thomas Rickert: Great. I guess, you know, the idea was not to put you on the spot or squeeze information out of you that would require further consultation with your group. But I think we do have made progress on a couple of points though. So I would suggest that we don't continue the exercise of going through the points individually but you're certainly invited to further comment on any points that you want to speak to.

And I think we should conclude this agenda item or, you know, move to a final section by Mathieu sharing some thoughts with us that might stimulate further discussion.

Mathieu Weill: Thank you Thomas. So good evening everyone. My name is Mathieu Weill, the co-chair for the ccNSO. I think Lise and Jonathan you made the effort with your group to share a discussion document before Singapore and it's an extremely useful document to support the exchange of - the flow of information we have to come through both ways.

And so you've been sort of put on the spot. You look at this letter and try and provide us the requirements you need. But I thought I would also initiate another flow, which I think all the co-chairs are very open to do also in your sessions if you find it appropriate about when reading the different models and

the different discussions where we see the connections with what we are currently seeing in terms of requirements to various work parties that we are currently organizing because I think we need to make things very concrete.

So obviously this connection between what you're doing in terms of independent appeals panel and what we're doing in terms of review and redress, which has to be elaborated on, and so I think this is something we need to investigate further to understand what this IP would be dealing with to of course investigate and it showing Becky because she is (director) of this group.

Becky let me just highlight the items where I see connections and then I'll hand it over to you. So the appeals panel is one. In some of the models there are items that are I think connected to our community powers area. The golden by-law model obviously has a lot of connection with the requirement that we are looking at that the community should approve any or a certain subset of by-law changes.

I think in the internal trust model there are also a lot of things that resonate with the community powers requirements we are discussing. And that's an area where we should certainly investigate.

And I think also for both models, both categories - internal versus external - we're working on a definitions document that I think we would be - it would certainly help us ensure we're speaking about the same things, if we could share those definitions and ensure we're in line on that.

So those are the connections that I see - the IP, the golden by-laws, internal trust, and definitions - and I think now is time for others in the group maybe to

chime in and identify other ways of investigating further at detailed level how we can connect our work. Becky would you like to start?

Becky Burr: Yes. I just wanted to add one issue. While I think that we are going to provide some independent review mechanisms and that could be used in appropriate cases, to the extent that it would be helpful to us to know from the CWG what the standard of expected behavior would be that would be subject to challenge.

So when you go to an independent panel you would say I am challenging this because it wasn't done consistent with the process or it violated my, you know, property rights or whatever it might be, it would be useful for us to hear back from the CWG any discussions about that sort of what it is you would want to bring to an appeals process.

Jonathan Robinson: I won't give all that detail now Becky but I appreciate the question. It's a good point but at a high level we expect to be quite specific and quite contained in our requirements.

So the way I see this working is that in being specific and detailed, that will either be something which we continue to rely on our own requirement for an independent appeals panel or a bit like we talked about the budgetary issue earlier, the work that you do absorbs those requirements or has an umbrella capability to take on those, in which case we can relinquish the need to undertake that work.

So I think that's mechanically how I see it working without giving you the specifics of those requirements.

Thomas Rickert: Any further intervention Steve?

Steve DelBianco: Becky I'm not familiar - I'm not a lawyer so I'm not familiar with those kinds of constructs for standards, but the CWG focusing on just naming, numbers, and protocol, it would be helpful for me to understand a few examples of the kinds of decisions that the naming, numbering, and protocol functions would want to use an independent review on.

Just a few examples, and if now is not the time you can get them to us later. But then we actually use those examples when we do stress testing against our mechanisms to say, "Wait, have we even designed for that?" Thank you.

Thomas Rickert: Thanks Steve. Excellent point. Would you like to respond to that instantaneously or later?

Lise Fuhr: We can give it a try because most of it would be if (SLA) is not being fulfilled of IANA and you of course have consulted IANA with this but they keep on not complying to NSLA. So that would be an example.

We're trying - well the idea is to keep it to procedure and nothing but procedure. And we will have to discuss this further and I'm happy to provide more examples later. But our first goal would be (SLA) not being complied with.

Steve DelBianco: Thank you. One small follow-up on that is that the CCWG has been endeavoring to position these community powers as a last resort, rarely used, only after you've exhausted all other forms of relief. So I don't know the particulars of that example, but if an (SLA) were not being met, presumably there is just good old-fashioned procedural things that would be designed to challenge that.

And if at some point it was clear that the SLAs are being missed over and over again and ICANN isn't taking the right steps - whether it's the board or management - well then I think it does make a lot of sense to be able to either go to an independent review or something completely different - a reconsideration - maybe, maybe not.

It might just be a community veto of ICANN's decision. So it doesn't even have to go to an outside or independent panel. Thank you.

Thomas Rickert: Thank you. Jonathan you wanted to respond to that.

Jonathan Robinson: I think Steve it feels to me like we may be conflating escalation with IAP issues. So if - I mean, ultimately the customers are relying on the service function - the IANA function - to perform a set of duties or services.

To the extent that those services aren't performed adequately - I think I said this in this morning's session - the nature recourse would be to engage it directly, through the customer service committee, say look that didn't work out. Sorry, it was a mistake; let's sort it out at a purely operational level and then there's a series of escalations.

It's incumbent on us to specify in detail what those (SLAs) might be and how we might expect if and when those were broken. And clearly there's a point eventually when if those were repeatedly in breach, and that's one route. That's the escalation part. And in some people's minds that ultimately leads to potential severability or separability of the contract.

Separate to that is an action which has not been instructed or is enacted, is undertaken in contradiction to or without instruction or - those are really the two things I would expect further substantially different to what was

instructed or instruction not followed. That to me is the point, and at the point that that is raised say look, “We instructed X and X wasn’t done.”

And at the point where that’s not remedied, that’s the (IAP) route to me. So I think, I feel like quite different issues, and I hope that helps clarify the difference. Thank you.

Thomas Rickert: Thank you very much Jonathan. I think that helps a great deal and we will have to wrap up this part of the meeting shortly. But let me just throw in another point where I see areas for collaboration.

If you look at the implementation models that our group is currently discussing - membership, delegates, standing, cross-community working group, ad hoc working group - all these have in common that they’re composed of community representatives.

If you look at the (MRT) that the CWG is thinking about, it’s consisted of community representatives. So I would be surprised if there weren’t ways for us to marry those, you know, certainly fully understanding what their respective roles should be. But this is one areas that I think obviously begs the question why we couldn’t bring this closer together.

There’s a hand raised in the Adobe. And that’s Siva please.

Sivasubramanian Muthusamy: Siva (Unintelligible). I don’t understand why SLAs are discussed in the context of accountability. It’s more of a contract than compliance process, and accountability is much broader than performance indicators and whether performance standards are met. I think we should have (SLAs) but the (SLAs) and compliance of (SLAs) do not qualify for discussion in accountability. That’s my view.

Thomas Rickert: Thank you Siva. Any further interventions? Yes please. And I've forgotten to ask Siva as well as others. I've been reminded that those speaking should please state their names and their affiliations for facilitating the transcription.

Man: Sure. Hello, good afternoon. (Unintelligible) here from the GAC Switzerland. I think the question by Becky Burr was quite interesting because it will be an issue to define what manner to be applied by such review mechanisms. If you talk about standards you will have to talk also about who sets the standards and how those standards are set.

And finally on the example of the SLAs I guess service level agreements and if this relates to the IANA functions, there are a number of customers of the IANA function which have no such agreements. So this would go beyond SLAs. So perhaps we just need to flesh out in more detail what we are really talking about. Thank you.

Thomas Rickert: Thank you very much, and with that I would like to wrap up. And as a closing remark I would like to suggest that when we come to see the CWG we might bring up comparable questions and offer information that we gave here. Maybe we can get some information from your group. And I would like to turn it over to you for final remarks Lise.

Lise Fuhr: This was not a final remark about the IAP specific but more to I think Steve DelBianco you mentioned the naming, the numbering and the protocol. This proposal is only relating to the naming, and that's very important for us to underline because there's been a kind of confusion of people thinking that we're making a proposal that covers all but this is only the naming. Thank you.

Thomas Rickert: Would you like to make some closing remarks?

Jonathan Robinson: Thanks Thomas, just to say that, you know, we appreciate the opportunity to talk with you, to be part of your work, and it's clear this is work in progress and ongoing work with you. So thank you and we'll look forward to keeping things going.

Thomas Rickert: Thank you so much to the two of you. And I'll turn it over to Leon.

Leon Sanchez: Okay thank you very much Thomas. This is Leon Sanchez. So the next point in our agenda how to do with the issue of legal advice, so legal advice update. And could you please put the slides on the screen? Do we have them?

So on this part of the meeting I would like to invite Greg Shatan to join us. So the lights are up. So our agenda items for this track are the questions that we framed in our face-to-face meeting in Frankfurt we'll take a look at what we did there and then we discussed in our call of January 27.

We will remind everyone that has not already seen the document that was circulated to the list with (unintelligible) advice and the ICANN legal response to these initial questions. And we have also the CWG legal scoping document which will be presented by Greg Shatan.

And the framing questions by the CWG here I would like to call for an exercise to further ask more questions to both the Jones day document questions, the CWG document questions, and of course build our own questions to begin shaping the documents that we will in turn submit to the external legal advice that is engaged by ICANN, by the working group I mean.

And I would also like to - for the timeline. So next, could we go to the next slide - questions that were framed? So the questions that were framed in our face-to-face meeting in Frankfurt more than questions were concerns with regards to the legal advice we should get immediate response for us to continue working. Please can we have the next slide?

So this immediate advice was identified to be obtained with regards to the mechanisms that would empower the community to take various measures with ICANN board - action or inaction.

So just as a reminder of our discussion in Frankfurt, we spoke about how the community could approve the organization's annual budget or strategic plan which is one question that has been responded by Jones Day in the document that was circulated yesterday.

How can the committee have the ability to recommend and implement changes to the by-laws and our scopes of incorporation in case needed. Then to have the ability to approve changes to the by-laws and how (we'll) return or require reconciliation of decisions of the board that were contrary to the by-laws.

And in case of inaction by the board on an issue developed through community consensus to require the board to take action. And the way to prevent ICANN from acting outside its mission and to dismiss one or all members of the board.

So this is where the concerns that were raised in our face-to-face meeting in Frankfurt. They were converted into questions. They were turned into questions that were submitted to ICANN legal. And here I would like to

emphasize that these questions were sent by us as chairs to ICANN legal and we stress the need for speed on a response.

So what was circulated yesterday is the result of that pressure we made over ICANN legal team to have this reply as fast as possible so these replies could fit into the work of not only the working group as a whole but the legal subteam that has been acting since our face-to-face meeting in Frankfurt.

So as I said this document can we please go to the next two slides? This document that came from Jones Day with responses to the initial framing questions. This is to be seen as we discussed on the (list) yesterday in many times.

This is just another input that constitutes of course ICANN's advice as it stands with regards to the questions that will be later put into external legal advice. But this is just another input for us to consider, okay? This is not the advice we're looking for.

This is not to be seen as the legal advice of the cross-community working Group we'll be relying on. And it was just a quick answer to initial questions that we framed in the Frankfurt meeting that were later discussed in our call of January 27.

So of course some of the exercises we would like to later develop and this session is to fit - as I said - more questions into the scoping document that we will be delivering to external legal advice.

And now I would like to turn onto Greg. So Greg if you could please take us through the CWG document that the (CWG) drafted and that it's been also put into consideration to the legal subteam to feed our discussion. So please Greg.

Greg Shatan: Thank you Leon. Is there a next slide after this? As it says here, for you it's another input for the legal subteam, for the CWG.

It was a scoping document intended to identify the kinds of issues and questions that we needed to put in front of counsel and also to identify the type of legal counsel and the type of legal expertise that would be the most important for us, recognizing that there are several types of legal issues that are being dealt with in the proposals that we have, such as issues related to corporate governance, issues related to trusts, issues related to non-profit law, especially in California, issues related to corporate structures and the like, but ultimately decided that there would be - that the core that we needed was corporate governance.

The document that we have is roughly eight pages, and there's really I don't think any particular purpose in taking you through the whole document. It would take much of the rest of this meeting.

But I think the point of it first was to be able to give background, understanding that any counsel we retain would not have been following the IANA transition issues before we contacted them and to basically set forth the issuant, the questions, the general topic that we needed to cover with them, and then went through in rather, you know, reasonable detail describe the four proposals.

So, you know, since we had four concrete, although somewhat high level, proposals we really needed to get advice from counsel that would help us sort out, you know, particular issues, risks, and questions that related to each of those four proposals.

Fortunately I think you're a little - you're not as far along in your process. And the reason I say that's fortunate is that it's much more common to call in lawyers too late than it is too early. And to a certain extent we're calling them in too late because we've done a lot of the type of work that one might want to have a lawyer involved in as you did it.

But we did it ourselves without the benefit of independent legal counsel. Although lawyers and those who work with lawyers are on the committee it's not the same thing as independent legal counsel fit for the particular purpose of advising on these types of issues.

And then the rest of the document includes a whole bunch of questions which really were questions that were questions that the individual stakeholders, members, participants had been asking. In essence the challenges that were made to the quality of each of the proposals or questions about how one would actually accomplish a particular aspect of a particular proposal. So the questions were fairly granular.

And the intent in the end of putting those questions together was not to receive back an equal number of answers from legal counsel because that would be both way too much work and really unhelpful - also expensive. And the intention really was just to inform counsel in the end. The intention was to inform counsel of the type of questions we were considering, the type of issues that we saw.

Ultimately the idea is to do it on a more fundamental level with legal counsel in the sense that we will give them, you know, the factual information they need. We'll help in the problem we're trying to solve. They will have already seen the ways in which we attempted to solve it or might propose to solve them.

And they may say that really you should consider this or this should not be - you can throw that or the way to do this is that or you're almost - you're kind of on the right track but you should instead of this, you know, particular element, you know, try something. And there are things obviously that we do not know amongst our group because we don't have the skill set that those lawyers will have.

So that's kind of the reasoning around the document. Obviously you can, you know, read the document yourselves, and many of you I'm sure already have. But I wanted to kind of walk you through the thought process and, you know, what the document is and what it isn't and also give you a sense of the extent to which it should look like the document you would be preparing, the extent to which it shouldn't look like the document that you're preparing.

Hopefully that's helpful Leon.

Leon Sanchez: Yes that's helpful. Thank you very much Greg. So another input we're expecting to have of course is the questions that Working Party 1 and Working Party 2 will deliver to us as legal subteam to enable us to incorporate them into the document that the - the (unintelligible) document that we'll deliver to external counsel.

So looking at the timelines we have a pretty tight timeline ahead. If you look at the timeline here, we have of course in January we made the initial questions that were then in turn delivered to ICANN legal.

In February, we will review the different inputs that we're receiving which are of course the CWG document that Greg has just explained. The Jones Day document that we received from ICANN legal, and it is of the essence for us

to have the questions that are being stated by Working Party 1 and Working Party 2 in this document as well.

So we can just have a complete document by the end of February. And at the same time - on a parallel track - the CWG is also engaging or examining candidate firms that can provide this independent external legal advice.

So I believe Greg has already been into this and what we would like to do is - I mean we don't want to reinvent the wheel, so we would most likely go with whichever firm the CWG engages with with things that it would be essential for us to engage with the same firm since they will be of course answering a lot of questions from the CWG and they would only need to answer some more questions from the CCWG as well.

So that way we won't be engaging with two different firms because believe me if we engage with two, three lawyers we will get as many answers as lawyers we engage with. So I think it's easier for us to just engage with the same law firm that the CWG will do.

And this would be happening by the end of February tentatively. We hope to have this law firm engaged by the end of February. Is that right, Greg?

Greg Shatan: That's correct. That's our current best case timeline.

Leon Sanchez: Thanks Greg. So that would lead us into having of course our scoping document ready by that date. So as soon as we engage with the external law firm we can deliver the document for them to begin working on it.

And we would expect to have their replies or their responses to our questions by the end of March, maybe. This is just an estimate time frame.

We would believe that - or we would hope for any firm that gets engaged to provide us with this advice to be faster than the end of March of course because we were discussing with some of the legal subteam members like (Robin) if we go to legal counsel do you just tell them I need this reply by the end of next week, and either you're hired or you're not.

So we would try to pressure of course the counselors, the outside counselors. Then this would feed the proposals that we would be drafting along with our general timeline. We would consider this advice for the different options that we would be drafting in our intercessional meeting.

And then of course we would be subject to another iteration of our legal advice when we frame or when we draft this proposal. It will be of course subject to public comment and we will then in turn incorporate those public comments to our proposal and we would need to do this iteration with the external counselors to validate that what we're proposing is legally viable.

So now I would like to open the floor for comments from the members of the working group please. Yes. David could you please say your name.

David McAuley: Thank you Leon. David McAuley, part of the legal subteam. I would like to thank you and Greg for the work that you've done and just request that as we get to the point of selecting counsel is to keep the subgroup informed so that we have some reaction to counsel as the decision's being made.

Leon Sanchez: Thank you David. We will definitely keep that in mind. Yes Thomas? You want to say something.

Thomas Rickert: I wanted to get in the queue.

Leon Sanchez: Oh okay. So any other comments? If not we will be going with you on the queue.

Thomas Rickert: Yes thank you, and you will remember that one of the working methods that we have agreed on was not to make decisions on one single meeting. We had a discussion - quite extensive discussion - on how we would proceed on obtaining legal advice during one of our previous calls. And during that call we had already tested the waters whether the group would be okay with us using the same premise as CWG does.

So I would just like to do the litmus tests whether there's any objection to proceed on that basis because this is a particularly sensitive issue and I would just like to ensure that we have full consensus from this group to just proceed and get out the scoping document that the legal subteam produces in agreement with our work to the firm that CWG is about to choose.

So unless there is any objection I would like for that to be recorded in the notes specifically so that we don't have any further discussions on that point. Thank you.

Leon Sanchez: Okay so I don't see anyone's hands raised. So just as a final remark to this - I'm sorry?

Man: For the record we checked the chat online and no objection was made. Thank you, (Sebastien).

Leon Sanchez So the final part to this section of our agenda today I would like to remind the members of the working party one and working party two to feed us with their questions. And these questions should be focused as what do we want, not

how do we want it, because the what do we want is to be submitted to the external council, and the external council, in turn, will get back to us with the how can we do what we want to do. Okay? Yes, Steve?

Steve DelBianco: Steve DelBianco. So with respect to the way the questions are phrased, in reading the Jones Day reply, question - the question about terminating board of directors, question six, we phrased, you phrased, very simply I thought. It said, "Is it possible to have a mechanism that will empower the community to dismiss one or all members of the board?" And I think we all this room know what we meant. We meant the community as represented by any of these six different structures or no structure at all. That's what we meant.

And yet their answer starts with the word yes and then suggests that the independently group, let's say the GNSO has a couple of directors, and would it be able to recall that director. So they based their answer entirely off of that, sort of missing the point that we were talking about the community in quotations, a body that would be pulled together.

So the lesson learned for us there is when we phrase the questions for our own law firm, that when we make sure that when we say community, we mean the community at large as represented by a structure, a lightweight versus heavyweight structure, members, delegates, permanent cross-community working group.

León Sanchez: Thanks, Steve. Do you want to react to that, Thomas?

Thomas Rickert: Thank you, Leon. And let me try to put this into perspective again. We've just heard from Greg that in an ideal scenario, the CWG would have contracted a firm by the end of this month, so we went out to get instant feedback from legal sources to present that way. And what I would recommend doing

because there are questions in the chat as to when we're going to discuss the Jones Day responses, and I think it would not serve us well to go through the answers in particular.

What we're interested in is discussing the questions and potentially being able to resolve some of the issues, maybe out rule some of the options that are on the table and maybe short list and identify the preferred options that might be workable, right? So this is to facilitate our discussions.

So we would suggest that we go through the questions to the community empowerment questions, which are basically in the Jones Day document as well, and that will be part of the discussion that we're going to have with (Jordan) and let's discuss substance of the question and we would certainly welcome (Kevin), who's in the room, to chime in on that and help stimulate the discussion and hopefully bring us closer to a resolution that can be then put in front the external lawyers again. Okay? And with that I think I'll hand it back over to Leon for final remarks.

León Sanchez: We have two persons on the queue. We have Greg Shatan and Alan Greenberg. Greg, could you please?

Greg Shatan: Thanks. Greg Shatan for the record. I wanted to respond to Steve's concerns in this discussion with just a little bit more discussion about kind of the method of getting legal advice, which I think those of us who are lawyers or who deal with lawyers probably take for granted, and those who aren't or don't, first you're in probably much better shape.

And second, this isn't obvious from the kind of short-hand way that we're talking about this, getting legal advice in order to solve a problem as opposed to just kind of a statement of the law as it is, is really a much more iterative

and intimate exercise than you might think. It's not where you post a series of questions and wait for a period of time and get back a series of answers. That would not really be helpful. So there's a lot of discussion.

Obviously things should be phrased with clarity the first time around, the more information and clear information you can give council, the better. But the idea that you would get back a deliverable that made fundamental errors or misunderstandings into an ultimate document would really not be best practice at all.

A first draft that was seen maybe just only by the legal team might contain those sorts of things, but those kinds of communication errors would be taken care of in the iterative process between client and lawyer, you know, using those terms, you know, generically. So I think that, you know, it's important to understand that this is counseling and very intimate process and the lawyers will, you know, come to understand a lot of the things that we understand here and not merely, you know, look at a list of questions and try to answer them as best they can with reference to the law. Thanks.

León Sanchez: Thank you very much. We have now Alan Greenberg, (unintelligible) and next is Avri Doria. So Alan, please.

Alan Greenberg: Thank you very much. Far be it for me to get between the intimate relationship between the lawyers and their clients. What Greg described is indeed what happens when you're trying to get answers and there are misunderstandings. I believe what Steve was saying, however, is we already have evidence of once clear easy misunderstanding. Let's make sure we fix that one at the very least so we don't have an iteration we don't need. Thank you.

Thomas Rickert: Before we move on in the queue, that's exactly what I tried to encourage us to do. Let's go through the questions. Let's not slice and dice the answers word by word, but let's go to the substance discussed, and (Kevin) will have the opportunity to clarify if need by. You know, we're not here to analyze the answer, we're here to find solutions to our questions. You know, and I think that's a slight different in our discussion.

León Sanchez: Thank you very much, Alan. Thank you very much, Thomas. Next in line is Avri. Please, Avri.

Avri Doria: Thank you. Avri speaking. A quick question based on a point of clarification on what Greg was just saying. I understand we have this small team for the intimate relationship with the lawyers, but I understood that only they would be seeing the draft answers and that - and I just wanted to clarify and with the hope that I'd be told that I had misunderstood. Thank you.

Thomas Rickert: I was participating remotely. They could not see that we were shaking our heads, so therefore I can confirm that this would not go to the sub team only.

Avri Doria: Thank you.

León Sanchez: Well I see Robin Gross has her hand raised. Please, Robin.

Robin Gross: Thank you. I have a question about the external independent advice that we we're going to get. Has ICANN agree to paid for that, and if so, what's the budget?

León Sanchez: We don't have the answer for that. I don't know if Sam Eisner is - yes. Sam, could you please react to that?

Samantha Eisner: Sure. This is Sam Eisner from ICANN legal. I'm also a member of the CCWG. ICANN is committed to support the CCWG effort and if that includes, and we are prepared to pay for engagement for counsel. We don't actually have an outside budget limit on this. That's incorrect. We need to make sure that the CCWG gets the support that it needs. We need to make sure that the CWG gets the support that it needs.

We need for - and we talked to the legal sub team about ways that we can make sure that a legal engagement is done in the most cost-efficient and effective manner but also getting the advice that's needed. And so with that understanding, we're not imposing a pre-identified budget limit over it, but that does not mean that it's a blank check. So that's more what I was trying to say earlier. So we're committed to work with the CCWG as necessary but also expect that we have the engagement managed in a very cost-effective manner.

Greg Shatan: If I could just add -- it's Greg Shatan -- I'd say that, you know, we - both groups or each group should manage their relationship with outside legal counsel as if we were spending our own money and work on giving them as much support so that they don't have to go fish for things as possible, make sure that they're as well prepared and make sure that we're responsive, you know, so that that iterative process shouldn't be too iterative.

As Steve and Alan were saying, we need to get things as close to right as we put them to them. So, you know, the most legal work is done by the hour, so helping them be crisp will be to everybody's best interest. So, you know, we need to make sure that we don't waste their time kind of going off chasing rabbits, but at the same time that we do get the answers we need obviously. Thanks.

León Sanchez: Thanks, Greg. One last question from Siva. We need to wrap this part of the agenda, so please, Siva.

Sivasubramanian Muthusamy: Sivasubramanian. Half of the participants of ICANN are lawyers, and why can't we have pro bono advice on routine community questions? Why do we have to engage a lawyer and pay for answers to questions?

León Sanchez: Thank you, Siva. I guess that while there are many lawyers in our community, maybe not all of them or none of them re California nonprofit lawyer experts, plus that might include some kind of liability. And I don't know that anyone that liability, so that's why we have to go for external advice.

Greg Shatan: Leon, if I could just add, there are actually far fewer lawyers in ICANN than you think. And I think on the CWG I'm actually the only practicing U.S. outside lawyer who's an active participant in the CWG. Secondly, it's very important to get independent legal counsel from somebody who has specific expertise in corporate governance. And even with corporate practice, only a limited number of corporate lawyers actually have corporate governance expertise, although if you call and ask them if they can do it, they'll say yes.

But that's not the kind of lawyer we need. We need top flight lawyers. This is under a microscope. If we, you know, get half-baked advice from somebody - and anyway, any advice - there has to be a lawyer-client relationship ultimately to get, you know, real legal advice, and unless there is it's just talk. Thanks.

León Sanchez: Thank you very much. And, yes, (Sebastien), I see your hand's raised.

(Sebastien): Yes, I just want to chime in on that because we can say that for any topics in this working group we have specialists, and we need to take somebody outside because we have specialists inside and we want a new independent review. We have really to be careful on why lawyer is so specific that technical people, engineer, developers and other people in this room. Thank you.

León Sanchez: Thank you very much, (Sebastien). So now it's time for us to wrap this part of the agenda. We need to move on with the work. So next on the agenda is the updates by working party one and working party two. So I'd like to hand it over to the (repators) of each working party so they can provide us with an update of their work. So I believe (Jordan) is next. Please. Thanks Greg Shatan for coming with us.

Jordan Carter: I'm moving up because I want to sit at this table because it's much easier to answer questions if I can see you if you've got questions. So thank you. This will be a very brief update, and then as the conversation goes, we can move. We were kind of concerned about a week ago as a working party, working party one, on community empowerment, and the output that we've done so far, which I think I did circulate to the whole CCWG list, was a paper on if you want to call it scope, powers and mechanisms.

So we wanted to say what the scope of our work compared with working party two was. We documented that. It was based on the tree diagram that we did in Frankfurt. We started - we settled on the word powers to describe the things the community should be able to do. So one of them, an example that's been referred to a lot, is spilling board members, another one is being able to veto or approve the budget. And the paper drew on the inventory work that had been done earlier to just step these out, these various powers that the community could be able to have.

And because it's a working document and because we haven't even had a chance to have our first phone call yet, I think it's best for us to represent these ideas as ideas drawn from previous comments that people have made, not a complete list in terms of other suggestions as to welcome, and not a complete list in the sense that we're necessarily assuming that us as the CCWG will recommend all of these. So I think we just have to be a little bit modest about the status of this list. But that's the powers.

And then the third component of that document was a bit about mechanisms of structures, some initial thinking on ways to exercise those powers. And the point we just need to be careful of and cognizant of is that there may be different mechanism for different powers, and that implementation detail is something I think this working group will be coming to a bit later.

So that's all we've done. Steve DelBianco is very helpful in pulling together a first draft document, which we sent out on the fifth. An enthusiastic group of five or six of us got together on Sunday, Saturday? Someday in the last few days here and improved and clarified and rewrote that document, and that's the one that's been circulated. We will have a first call of the group sometime next week. We'll discuss internally our working methods.

I think one of the things we need to decide is input on questions for the legal time, so we'll look at the document that we've already prepared, look at the existing list of questions. There will be inevitably some gaps and we will add questions as we go. And the other point is that we will need to have a think about the shape of the output that we need to delivery by the end of March.

And in doing that, I'm committed to keeping a very close contact liaising with Becky Burr, the (repator) for working party two. Because it's a slightly artificial distinction between redress and review on the one part, or whatever

the title is, and community empowerment. So we need to make sure that in our discussions as things come up if they need to be shuffled between groups, we can do that, and we need to make sure that we're coming up with in the end a coherent output that let's all of these measures and approaches be put in one place.

And so I'll just finish up this brief update by thanking everyone who's participated so far. It's an interesting challenge to just be the vehicle of accumulating this community wisdom and getting it out there. And I'm enjoying doing that work for the community. So thank you.

León Sanchez: Thank you very much for this update, (Jordan). Thomas - I'm sorry, Mathieu?

Mathieu Weill: We're so interchangeable. Maybe just a suggestion in the course of the process of the deliverables, as many iterations we can do on interim work products, I think the better for our ability to meet the deadline at the required level of quality in the end. So the more agile we can be iterating on a specific outcome just like the one you've been producing very quickly I think is going to be a good practice if we can follow this.

Becky Burr: So the working party two has not had an opportunity to come together. I'm hoping that we'll be able to do that while we're here, and we will have a call next week. In the meanwhile, (Alice), could you put up the slides? As (Jordan) mentioned, we have become keenly aware of the need to work together to make sure that we're not doing the same work in both of the working parties.

It also seemed to me that we needed to have a sort of general, this is in not entirely but partly in response to Mike Silber's question, you know, accountable to whom for what. I tried to put together a document that reflects the conversations that we have had in the CCWG generally about the sort of

what ICANN is accountable for. You will see when the deck comes up that it follows pretty closely the ICANN bylaws mission statement and core values with some changes that I think reflect what I've heard in these conversations.

If I haven't put everybody's ideas in, this is just food for thought and to get the juices flowing, so to speak. So can we go to the next slide? So the mission statement that, you know, is a straw man here is in accordance with the bylaws to coordinate the global Internet unique identifiers, and the root coordinating the root server system is there.

There's a placeholder for what IP addresses, what the numbers and perimeter folks want to put in there, and I have added -- and this is part of our - was part of our face-to-face discussion -- implementing consensus policies that ensure the stable and secure operation of the Internet's unique name systems and involved issues for which uniform or coordinated resolution is reasonably necessary to facilitate openness, interoperability, security or stability of the DNS.

So it's a little bit more specific than the general statement. It does reflect some of the picket fence that I know everybody who is not a registry or a registrar hates to hear about. But it is designed to give us an articulation of ICANN's mission that is actionable. Can we go to the next slide?

So there are a couple of pages of core values, and this is the way in which ICANN carries out - would carry out its mission. We've heard - had lots of discussion about limiting activities that are with -- whoops -- okay limiting activities to matters that are within the mission statement and require global coordination. I've also tried to add some of the affirmation of commitments, although I don't think I have all of them in there.

Operating in the public interest and in accordance with the multi-stakeholder model, preserve the operational stability, reliability, security, interoperability and openness, respect the roles of the SOs and ACs and external expert bodies, support policy development, reflecting the functional geographic and cultural diversity of the Internet. We can go to the next one.

I've circulated this to the working group, sorry. Rely on market mechanisms to the extent that is possible. Apply documented policies consistently, objectively, neutrally and fairly. Remain accountable through mechanisms defined in the bylaws and duly considered government public policy recommendations consistent with the bylaws.

Those are - a lot of those are already in the ICANN core values, but there are some additions that are intended to capture our discussion. If we could just go to the last slide. There are some other mandates that we've talked about and that I think we need to think about it, in part because there's sort of critical and they're parts of the bylaws, but also because we have stress tests relating to things like fiscal responsibility and avoiding capture and the like. So those things that I think that we need to think about and discuss how we want to put them into this.

The notion here, just for purposes of the review and redress part of the work, is to understand what the standard against which ICANN's behavior would be evaluated, as opposed to we just don't like what they're doing, which might be okay in some cases, but certainly in an independent review, you would want to have a clearly articulated standard against which ICANN's behavior would be evaluated.

And that is - this is sort of my first attempt to just get that out there and get the community discussing this, and I think it'll also be helpful because in some

ways it's a roadmap to the bylaws changes that we may end up needing. And those are definitely going to overlapping between the two groups.

Beyond that, I will have a draft of document along the lines of what (Jordan)'s done for working party one out for discussion on Wednesday. Obviously we've got sort of periodic reviews that we need to think about and, you know, between as one example of something that fell into both sides with the ATRT kind of reviews. Also we have sort of incident-specific reviews where, you know, when one of these standards, one of these behaviors, has not been met, that would be an opportunity to use one of the accountability mechanisms. And we have to match those to the various accountability mechanisms that exist.

And finally, I think that maybe finally. So I think that, you know, this is just out there for the beginnings of the discussion. We're going to talk about it some more, and there's clearly work to do, but we've got a document for starters.

Thomas Rickert: Sam, is that an old hand or a new hand? Please.

Samantha Eisner: This is Sam Eisner. Becky, I just had a clarification question so I can understand a little bit more as I'm looking at the document. Are you - I'm not clear if these are being proposed as potential ways that we would look at modifying the mission and core values in the bylaws or if these are things that we would be looking at possibly in addition to the mission and core values as additional standards that we would embody some place to create the standards against which to test times for seeking review or redress.

Becky Burr: So I am thinking about this more in the context of a sort of compact not just, you know, to the community but among the community. I think we have

talked about some golden bylaw provisions that might require, you know, super majorities to change or community input to change or whatever. So I personally am thinking about this as kind of expanded mission and core value statement from the bylaws that then takes on some kind of a greater resiliency and requires more involvement from the community to change. That doesn't exactly answer your question, but it really does - actually it is very close to what is already in the bylaws.

Thomas Rickert: Thank you very much. We have a queue forming. So we have Mike Silber, Mathieu and then (Malcolm), and then we're going to break for five minutes for everybody to stretch their legs.

Mike Silber: Thomas, thank you. Mike Silber. Becky, thank you. That's to me absolutely clear. And with regard to the follow up, putting down principles I think is great. Getting agreement on the principles, even better. And after that, you can make a decision as to how exactly you document and capture those and where they're appropriate, ensure that those principles become binding. But thank you, I think that's a great start between yesterday and today, so I really appreciate it.

Just one comment as an interested observer and somebody who's still not following the exact differentiation between the two working parties and the two work streams is that it might be worthwhile just putting a quadrant up and just giving us as a community an idea of what goes where and what in which - what is in which quadrant, given that they're essentially three or four, so maybe it's not a quadrant. But I think that'll be useful, because I'm still confused in terms of what goes where, who's addressing it and what the timelines are.

Becky Burr: So (Jordan) and I have talked about this. The distinction is quite artificial and there are things that could fall into both. One way of - one way that we started thinking about it this morning is that the review and redress group would look at sort of fixing the existing mechanisms, and the empowerment work group would look more at the new ones, at, you know, things like filling the board and the like. That's a pretty rough short-hand but I think that might be workable.

Thomas Rickert: Thank you. (Jordan), you have some feedback to that? And I can I ask you to keep it brief?

Jordan Carter: Thanks. Yes, yes. Thanks, Mike. It's a really good point. I think in Frankfurt, if memory serves, we agreed that we couldn't, you know, work stream one is what has to be done to allow the transition. Work stream two can go on afterwards. We said we had to look at the totality of powers or accountability proposals because we didn't necessarily know which ones had to be in which work stream.

So in terms of work stream one and two, these two working parties are probably looking at all of the mechanisms over the whole timeframe, so we make sure we get the order work so that any dependencies for work stream two post-transition are dealt with pre-transition, if they need to.

The distinction that Becky just mentioned between working party one and working party two and fixing mechanisms versus new mechanisms is one way to think about it. Another way is that Becky will focus on the mechanisms, and the community empowerment group will focus on new powers. But at the moment, we haven't talked through this taxonomy in enough time to get it really crisply clear, so I take your question as an admonishment on us to do exactly that. Because unless we're crystal clear, having useful conversations

about it with other people is going to be a nightmare. So I take that as we need to do that as quickly as we can.

Thomas Rickert: Thank you very much, (Jordan). Mathieu Weill.

Mathieu Weill: Thank you, Thomas, and thank you, Becky, for providing us with this very important events on the question of the standards of review in a practical way for a word on that matter. I think it's maybe a breakthrough approach. I'd like to ask you, Becky, a quick question rather on the other aspects of work party two, and we know there are other items around independence, around affordability, around right of spending against this decision, and just to ask how are you planning to address us with the group, the work party two, so that we have - the whole group has the next steps quite clear on those aspects as well.

Becky Burr: So those are definitely questions that need to be dealt with. In, you know, some cases it will depend on whether we're talking about independent review or review by the community or by a community body. I know that's one mechanism that the community has talked about that's actually a new mechanism. So I guess my old and new doesn't actually work.

But I think, you know, we're going to have to figure out sort of categories that we can put things in that say, you know, in this case here are the people, you know, if you're materially affected by a decision, you can use these various mechanisms in the following order. If the community, you know, question about community spilling the board, is it for any reason, is it for no reason, approval of the budget, does it turn for any reason or no reason. All those are complicated and important questions that we're going to have to address as part of this, and frankly we just haven't gotten there yet.

Thomas Rickert: Thank you, Becky. And it seems like some in the room do not really want a five-minute break because Steve and (Julia) asked to be added to the queue. But (Malcolm) first. After the break? Okay. But (Malcolm) was promised to speak before the break.

(Malcolm): Thank you very much. Becky, thank you very much for this important contribution. One of the key things that I think we alighted upon in Frankfurt was the agreement that when seeking redress or complaints against some action or policy, there needs to be the possibility for those who are seriously affected by such decisions to be able to question it not only on the grounds of some procedural flaw, but also on the grounds that there was something fundamentally wrong with the substance of it.

At the same time, we can't have individuals who are affected by a policy that has reached community consensus and been implemented by the staff in some manner continually challenged just simply on the basis that you don't like it. So there is a fundamental need to achieve an agreement on some set of reasonable standards that can go speak to the substance of the issue that are susceptible to being considered on an independent and objective basis so that a reasonable decision can be taken that there is indeed something fundamentally wrong with what's being done without opening up to a continual and endless cycle of complainant appeal and counter-appeal.

We therefore need to set some sort of standards. This document is the first piece of work that this group has done that offers and shows us a way in which we could do that. And I think for that reason it is a very important starting point in what we do. I hope we take this as that. As for how it ends up being used, I can certainly imagine that the outcome of this will end up being written into bylaws or into something that has the similar sort of effect so that it an act as the standard of review, so some form of independent adjudicator.

But it is premature to decide details about it yet. It also premature to decide whether you like this on the basis of one particular thing that's mentioned in here or omitted from here, but as a starting point, I think this is a real step forward. And I urge the group to use this as a basis for working forward.

Thomas Rickert: Thank you, (Malcolm). And just for the whole group, let's not forget that some of the points that you've touched upon have been reached consensus or more or less in Frankfurt. So that said that we need different escalation paths for different subject matters concerned. So not everything can use everything. Not everybody has standing to complain about everything. So that's well understood, and Becky has confirmed that these points will be raised.

I think what we have to try to do during this week is to advance our agreement on the overall architecture of how we want to approach things and then slash it down from the general architecture down to the detail as we progress. (Julia), you can't resist to speak before we break? Just joking, please.

Julia Wolman: Thank you very much. And thank you for these documents. And going through them, this is just a question of clarification, maybe, with regard to the mind map and the requirement and the issue that was brought up in Frankfurt about the transfer of IANA functions to another entity, which is on the mind map. And so I haven't been able to locate it in the document, but entirely clear what was - what we decided in Frankfurt on that. And if it was so that it is that it was for the CWG to consider this, I would then assume that if the CWG has not addressed this adequately then this will be an issue for us in the CCWG. Thank you.

Thomas Rickert: Thanks, (Julia). And since we don't have the mind map in front of us, I would suggest that we did it out and that we get back to that point after the break. It

will make - so thank you everybody. So we're going to break for five minutes and then reconvene our discussion. Thank you. Five minutes. Five.

So can I ask everybody to get seated again? Can I please ask everybody to be seated? We would like to continue. We are going to resume our session. Please take your seat.

Man: So this is the right moment for a consensus call. No one's here.

Thomas Rickert: For those are still outside and can hear this, please do come back in. We will try to reconvene in a moment. Steve, you have the floor. You're not here. Oh, question dismissed.

(Larry)? (Larry), can you we take advantage of the last couple of moments where we have the power of the U.S. government. Can you get them back in?

Man: You need to change something. You need to change the climate. And the CCWG is also the climate change working group, and it's maybe what we need to take into account now.

Thomas Rickert: You know, usually I would just start but I think that the introduction to the discussion now is quite decisive for everybody to understand what we're discussing. So I'll give it another moment.

Man: And we have Steve's question waiting. And we need Becky to answer.

Okay we are going to start and we are going to insert into the particular agenda item a very dull update on the engagements going on during this meeting, because we hope that we'll take everyone on board and ensure everyone understands we are resuming. So setting the discussion that will

continue on the substantive side, I would like to remind all group colleagues that we have an engagement session Wednesday at 10:30.

We are going to have remote hubs as well as remote participations, and of course a couple of mics in the room. It's the big - it's one of the big rooms. I don't know which one. I don't remember which one. So we'll have a large table like this and we'll be designing this session to engage in lesson as much as possible. We would like to request along with us three co-chairs, we would like to ask the work party (repators) to sit with us at the table in order for them to be able to answer any questions that are related to their subject matter. And us three co-chairs we'll hand over to each other in order to moderate the questions and answers topic by topic.

And just another point on engagement, there has been a lot of sessions already addressing the transition, accountability. We've met with the board. There was a session in the GAC. There was already outreach from many of you in your respective communities. Please ensure you keep track of the feedback you get because we will delegate some time on our work session on Thursday to collect that feedback and ensure we come out of this week with as much of a shared understanding of the community feedback as possible regarding our progress.

So this is really directed to all the members but also the participations. Do sessions in our communities, whether it's formal in the SO-ACs or in any other setup, and please be ready to share that feedback on Thursday. That's really all for community engagement.

Thomas Rickert: I'd like to get to (Julia)'s question. (Unintelligible)

Man: No, no, I don't think we should. I don't know whether in it's the competence on the European commission to relay to that to Denmark. So I'd rather (Julia) on the - in the room, and she's not. That was definitely a bad idea to make a break. You will never get a break on Thursday. I mean, that's for sure. I mean sometimes you have to be accountable on being on time, and if you're not, then there's a penalty. Yes, a question maybe? Please state your name.

Man: I'm also from Denmark so if you have something I can of course transfer it to (Julia) later on. And I hope you have the question so I'll pass it onto her the answer.

Man: Thank you very much. So if I'm not mistaken - (Justin), do you want to...? Okay. So the question was whether our group was addressing the issue here on the mind map with a red flag, transfer IANA functions to other entity. And the recollection that we have the feeling - (Julia)'s here. So (Julia), we are trying to address your question.

So the discussion in Frankfurt led to us flagging this with this red flag because we felt it was within the remit of the CWG and not the CCWG to be addressed. Although obviously there might be some connections at some point. If it comes - if we can provide support to the CWG into the mechanisms to that if they want to proceed with that, then obviously we need to be very supportive and reach out to them. And I think that's going to be one of the items where we will cooperate.

But that was intentionally not put into work stream one because it was felt to be - I mean one of the core issues right now within the CWG and we did not want to duplicate that. Does that answer your question, (Julia)?

Julia Wolman: One more question. Will that mean that we get back to it in the case that the CWG won't?

Man: If the CWG comes with the requirement that in order for them to achieve that, they would need a specific accountability mechanism, then we might have to address this, yes. But it's only in the even that the CWG clarifies the specific requirement for us to implement that. Is that clear? (Jordan)?

Jordan Carter: I think that the question and this exchange raises a broader issue, which I raised this morning in the session, which is that neither our work on ICANN accountability nor the CWG's work on the IANA transition, remembering that the CWG is responsible for a proposal that deals with the accountability of the IANA function, neither of us can finish until both of us have finished. And so that has implications both for their needs to keep both apprised, which the co-chairs are doing. It has implications for the schedule of work for both and the timing issue for getting things to the ICG for final signoff.

Because until our work has been tentatively approved by the board, the CWG cannot know whether it is dealing adequately with IANA accountability, and until the (unintelligible) IANA accountability proposals, we don't know whether we have to be more broad-based work or not. So this is just a horrible inevitability of where we are in the process.

Man: And we'll certainly try and unlock that situation by engaging and always exchanging (unintelligible) we'll certainly be presenting at the CWG session about where we are and how that could interrelate with their work, and hopefully we can, just like we did earlier in this meeting, get into more substantive details rather discuss about process of corporation. Okay?

So we had a question by Steve, and the Thomas will take over for a substantive discussion.

Steve DelBianco: Yes it's partly a question for (Jordan) and Becky. Mike Silber's question was a good one because work party one and work party two are really confusing when they both involve the work stream one and work stream two. And work stream one and work stream two are very important and they're substantive. Work party one and party two are somewhat arbitrary distinctions to divide the work, divide up the work that is highly intertwined.

And I found that Becky's distinction just before the break was looking at existing mechanisms like the ombudsmen, independent review, board reconsideration, I think those are the three. And they certainly could enjoy some enhancements to make them more powerful and more available to this thing called the community, because they're available to individuals today, right? And aggrieved individual can go to the ombudsmen, can go to an independent review panel if they can afford the lawyers, and they can do a reconsideration.

But the community doesn't have standing, a lot of what the community empowerment theme is of our CCWG is that if you really can get a super majority of the AC, SOs and SGs to say that we would like to challenge a decision override a budget, et cetera, that there ought to be a way to have standing. And if in fact the community had standing to ask for an independent review, Becky's right, we need to have a standard for the independent reviewer to follow.

And that's true whether the independent reviewer was invoked by an aggrieved individual or by the community after we given it standing, and also given the community a structure so that we know what the community is. Is it

an ad hoc or permanent cross-community working group or is it a structure of members and delegates, I don't know yet. But that distinction suggests that we could eliminate some of the confusion that our colleagues are feeling. And there's been a lot of requests for simplify, simplify, and it might be unduly complex.

And I would wonder if the (repators) of party one and party two would have some ideas to consolidate that work and eliminate the confusion of party one and party two here at this meeting so we can move ahead on a simpler track.

Man: So thanks, Steve. I think that's - I mean that's the best question we could have hoped for, because that was exactly the question we were planning to introduce now in the session about how we could put in all of this into perspective and onto a single kind of umbrella. Thomas, would you like to introduce your line of thinking of this and then we'll go to the (repators) and chairs in the room?

Thomas Rickert: Yes, I think what we've, you know, we're at an inflection point. We've done the groundwork. We've come up with the community powers. We've come up with, you know, we need review and redress, but actually some of the community powers that we ask for would be achieved through going through review or redress process. Then we have contingencies and these contingencies should be mirrored somehow in accountability answers to safeguard against these contingencies.

Now the big question for us is how do we get all these lose ends together. And I think that Becky made an excellent starting point by spelling out the core values. And if you look at those, and maybe we can bring them up again, or even the mandate would be good, which you see on the screen, you see fiscal

responsibility. What we had identified as a contingency is bankruptcy, financial crisis, no income from the domain industry.

So if you have fiscal responsibility, if you put that as a main topic as a mission as a main theme into the bylaws that ICANN needs to ensure financial viability then you have something where you can hold the board accountable to if you say okay you didn't follow due process or you didn't make sure that enough money is put aside to have funds to run the IANA functions even if bad times are coming. Or when we're talking about capture, that can equally be reflected there.

So I think what some of the main topics that come out are that we need to some changes to the bylaws, that we need embed and perpetuate the AOC requirements in the bylaws. But then the question is who can trigger that if the board doesn't actually follow that through. So we have the requirement for an independent body that actually can be called upon in order to get that going. Let's say the board chose to not continue AOC reviews - ATRT reviews, what do we do then? Somebody needs to have standing, to get back to Steve's point, to call upon somebody to call the board to action and make sure that these reviews are done.

Likewise for budget approval, right, so these are I would say topics in the general interest of ICANN as an organization, but then we have other subjects where individual interests are concerned, companies that didn't get their word. And then we have different likely different escalation paths, different procedures that can be invoked, and ultimately some of those might go to another body. Or maybe it's the same body, so I think what we need to think about is what is this ultimate oversight body like.

And to your point, Steve, having - giving the community standing, and the question of standing will need to be discussed in Becky's group, would the community actually have standing to invoke all of these procedures, which I think wouldn't necessarily be the case. But that's something that we need to ask ourselves. So can we - let me just throw out there that we might need some independent judiciary body that can be called upon if ICANN violates its basic mission, if it doesn't fulfill what the bylaws are requiring, if it doesn't provide, let's say, an ATRT.

I see Steve's hand is - finger is at the trigger to hit the microphone button, so why don't you open it up. And (Sebastien) is next.

Steve DelBianco: Thank you, Thomas. I wouldn't confuse a stress test on a fiscal crisis with fiscal responsibility, because an entity in a household could be fiscally responsible but the kind of a stress test like a domain name industry crisis isn't because ICANN did something irresponsible. But you still run stress tests on fiscal stresses aside from whether fiscal responsibility is in there. While everything you said made sense, I wouldn't link those two.

And the other notion is there is so much overlap between the two work parties that I was hoping that we could simplify quickly in a way that says that the standing questions and the standard of review for independent review on ombudsmen and reconsideration are things that Becky's work party's expertise should

And yet it has to be filtered in to the community empowerment that is already in the document that (Jordan) is circulating. So there is a way to consolidate the work parties but still have the work that Becky is doing on standards and standing for the three existing mechanisms dovetail exactly into the document because they're already in there.

(Jordan's) document already has community review and challenge, and invent a review, reconsideration and it has all the affirmation of commitment items.

Mathieu Weill: I would be open to that suggestion to reframe it that way but let's - yes I think it was - who had (unintelligible)? We had another...

Man: (Sebastien).

Mathieu Weill: ...(Sebastien), sorry.

Man: ((French Spoken 0:00:55-0:04:03)).

Sebastien Bachollet: Mathieu, Sebastien, actually I am going to stay in French for a minute. ((French Spoken 0:04:17)).

Mathieu Weill: Would you like to take the remote question?

Sebastien Bachollet: Yes, switching back I'd like to relay John Curran's remote question, which has been outstanding for a while now but I think it's perfectly relevant to the discussion about how we are structuring the work and the relationship between work party one and two.

So John is suggesting, is asking whether it's possible to structure the work based on the list of stress tests by and specifically (unintelligible) and comprehensively the stress test, we have that.

And then work on that piece to determine what mechanisms or what mechanism or mechanisms would be applicable for each situation and therefore whether it's CWG or CWG item or pre or post transition.

So this is I think is a suggestion to be considered. Does anyone want to respond?

Mathieu Weill: Becky.

Becky Burr: I think with the exception of the bankruptcy and solvency issues I actually looked at the stress test to make sure that they were essentially covered in the core values.

So I wasn't - I have to say fiscal responsibility is not the same as insolvency totally. I am having trouble figuring out how that fits in the compact but I think the point of having stress tests is to identify what you need to have in place and make sure they're there. So I'm quite conscious that we need to do that.

Sebastien Bachollet: So one of our action items could be to try and put the contingencies in front of the values and mandates you're highlighting to make sure we cover everything.

And I think financial continuity and stability of the organization is a very relevant principle because it's (advantageous) of ICANN as well. So I think we can manage that I'm confident.

I think Steve had his hand - we have (Malcolm) first, sorry (Malcolm) and then Steve.

Malcolm Huty: Thank you, I'm a little confused as to how these are now being divided because reading the written description of the differences between the two work parties it looks like they're being divided according to whether it's a

remedy that is available to an individual or a remedy that is available to the community.

And then there's this other description that I've just heard, which is about whether it's about the existing remedies or about new ones. It strikes me that there were several different pieces of the jigsaw here that we need to address.

One of them is who can seek a remedy and that seems to be people that are affected by it or the community. And then you start breaking down the community, does that mean the whole community and how you identify them or parts of it and so which parts and so forth.

Then there is what mechanisms are available and we've already had a lot of discussion about that and we haven't finished it yet but we've gone a long way down that road.

Then there's the question of according to what standard would that be decided and Becky I spoke to that earlier when I said that we've made a really good start there.

And then there's what could be done, what would that mechanism result in if the accountability complaint were upheld. And there I think you may have a difference between those things which are binding and enforceable, which might result in essentially a quash or a do over.

And those which might result in something that's more nuanced such as setting up a review team or something like that. Now if we divide according to who is available or indeed if we divided according to whether we've got a sort of process already but we want to change it or whether we something completely new.

I suspect that we're going to be doing in parallel the same work that may be in conflict. So I would support the earlier comments that actually these two work parties aren't well divided (unintelligible) and should be rolled back together.

If there were a need to separate them out I would suggest that the best one or the one to be considered, I would suggest to be considered is in terms of the intended outcome where it is going to be an enforceable type mechanism such as do over, quash and so forth or whether it's something that results in something like a review team or some more nuanced thing that might result in well you need to do positive action here but we don't know what that is. That's going to have to be the initiation or process to do it (rather) than order for a specific outcome. So in summary yes I support rolling these together and maybe breaking them out in a different way or not breaking them out at all.

Mathieu Weill: Thanks (Malcolm), next is Steve.

Steve DelBianco: I'd just like to agree completely with (Malcolm). We're looking to consolidate and simplify and to John Curran, John just stay tuned and in several minutes we'll turn to the stress tests and you'll see that when you apply stress tests it's a way of evaluating all of the mechanisms you have all at once to see how they respond, it isn't a very useful way to break up work.

Mathieu Weill: Thanks Steve, (Jordan) and then David and then we'll close that item, (Jordan).

(Jordan Carter): Thanks Mathieu, (Jordan Carter). I'm finding this conversation a bit frustrating because, you know, a working party was formed last week. Becky and I had a good chat about the confusions here.

We're having some other suggestions made. I would really make spend some time tomorrow thinking about it, discussing it with the co-chairs, discussing it with Becky.

And trying to come back to Thursday's meeting with a really sensible proposal that between now and then we road check with you and maybe put it on the list so that we can sort out this organization of work issue.

But if you remember where we came from, we came from a tree diagram. We kind of sliced a bit of it off and put it in a working party. The thinking, the focused thinking to really make this as effective as possible hasn't been done yet.

I would just plead for the CCWG's indulgence to give us a chance to do that and present it back to you on Thursday.

Mathieu Weill: Thank you (Jordan), David.

David McAuley: Thank you. I was going to speak originally in favor of what Steve was saying but in light of what (Jordan) just said I would say that sounds like a very good idea.

And I would ask Becky as a member of the legal, as the review and address subgroup if you would speak with us too because there are good ways to get something together by Thursday that could eliminate the confusion that comes up from work party one and work party two.

Becky Burr: I completely agree and we - it's been clear to us that we had to work at least closely together. So let us, yes.

Mathieu Weill: Okay thank you. I think it's fair to say that we need to review this a little bit in terms of organization and we've had extremely substantive proposals about how to do that from the various speakers.

So this is certainly - I will pick up on (Jordan's) idea to gather and come back to this group by Thursday with a sensible way of dividing work if need be but at least organizing it in a more - in an easier way to comprehend and read for everyone in this room but also outside of the room.

The stress tests are pending and we are all impatient of looking at them but there are two remaining items I'd like to cover first. First of all there were expressions of interest to discuss some aspects of the Jones Day document.

And in light of this discussion if there are any urgent outstanding questions on that matter we can certainly find a few minutes to make sure we address them. And the second one is a proposal by - and it's related to this discussion that Bruce proposed to give a very short update on the board governance committee discussions regarding the review panels or the review changes that are ongoing and just to make sure we get that in the appropriate time.

So first are there any pressing needs to ask for clarifications regarding the document that was provided in a very much appreciated short timeframe for this meeting? Just to make sure - I mean if there is not I mean we move on but I don't just don't want to leave aside anything that would be pressing.

No, there's not okay. Bruce can you give us a quick update on the board governance committee and how that would fit with our organization of the work?

Bruce Tonkin: Yes thank you Mathieu. I think as others have noted on the cross community working group that the standing panel that's envisaged in by-laws is not in place. But the by-laws do allow for that eventuality and we use a international standard for dispute resolution that appoints panels.

And there is currently 12 cases in the first step of the IRP panel, which is cooperative engagement and 7 cases are actually into the (unintelligible). So there's about 19 in the pipeline there.

In terms of forming the standing panel staff ran into difficulties. One in that the providers, which is the international standard for dispute resolution didn't have the concept or the mechanisms for standing panels.

So they went back and forth on that for a while. Then they've been working with Jones Day on creating an RFP for seeking members of that panel. And really the board governance committee, you know, first we want to apologize in that, you know, we haven't been tracking the development of that panel properly.

And if we did run into difficulties implementing it we should have come back to the community much earlier and said here's some of the implementation issues, you know, get some input, get input on the RFP et cetera.

But the board governance committee just wanted to know from this group whether it envisages making significant changes to that RFP process and in particular the use of the panel or whether they thought it was still worthwhile continuing down the current path, which is to actually form that panel.

So I'm not really looking for an answer today but just wanted to raise that as a topic in which the board is seeking guidance from this group on whether you

want us just to continue down the path of forming that panel or wait until CCWG has had a chance to review the whole independent review mechanism.

Mathieu Weill: Okay thanks. So you're asking for guidance, which obviously we won't be providing in that meeting but maybe if there are a couple of comments regarding this discussion and starting with Becky I think it is perfectly appropriate, please Becky.

Becky Burr: I'm not speaking for the group I'm speaking for myself. I wouldn't move forward because I think we can move forward together and I think it makes more sense rather than putting something together that's going to be modified, tweaked, changed, whatever. So we've waited this long let's get it right.

Mathieu Weill: Thank you Becky, David.

David McAuley: Thank you, my answer is close to Becky's not quite the same. I think that answering Bruce's questions would be something for the review and redress group to do.

I wouldn't take that as a message to stop right now any work on the standing panel. It's noteworthy that in a specific case (dot) connect Africa case, the lack of a standing panel actually had an impact in that case.

And so I don't, I just don't image it would be worthwhile to advise the board to sort of stop right now doing whatever they're doing to create a standing panel, thank you.

Mathieu Weill: Thanks, I would note that it's definitely in our charter to be in any position to advise the board formally to do anything except accept our proposals. And yet

if a board committee submits a request to get information about how our work is proceeding I think we will certainly do that.

But I wouldn't commit the group to any form of advice or recommendation that is outside of our scope. And I'm conscious of the way it may not be the appropriate - the full answer that is being expected but I think we can give a (unintelligible) this yet probably we will be working on this.

But then it's the board's decision to move on or not move on but you have a sense of the community discussion on that topic. So I really take on this suggestion by David that if there is a - I think it would be great to have an email or something that's an input that we could share with the work party two group.

So that they can prepare something for us to consider in terms of answer. Would that be okay?

Bruce Tonkin: Yes I think you've summarized it very well Mathieu. It's ultimately the board's responsibility and, you know, we're not happy it hasn't been completed.

And, you know, (unintelligible) with Becky's comments that, you know, we're happy to work with whichever members of the community want to work with us on it basically.

Mathieu Weill: Thank you Bruce. I have had a hand raised by Robin and I think it was on the first topic wasn't it? That's why I didn't go to you until we finished with Bruce. So Robin if you have a clarification, clarifying question please go ahead.

Robin Gross: I just have a question for the Jones Day lawyer. So if that's what you're asking.

Mathieu Weill: I think he's in the room. So please ask your clarifying question and the chairs will convey the question (unintelligible).

Robin Gross: Okay my question is about your understanding of the California Corporations Code Section 5210. Section 5210 is the code section that deals with how public benefit organizations are to be managed, which is the way ICANN is currently run under this as a public benefit corporation.

So just bear with me for one moment. What Section 5210 of the California Corporations Code says and I'll read it verbatim, it's actually pretty short is that each corporation shall have a board of directors subject to the provisions of this part and any other limitations in the articles or by-laws relating to action required to be approved by the members or by a majority of all members the activities and affairs of a corporation shall be conducted.

And all corporate powers shall be exercised by or under the direction of the board. The board may delegate the management of the activities of the corporation to any person or persons, management company or committee however composed provided that the activities and affairs of the corporation shall be managed and all corporate powers shall be exercised under the ultimate direction of the board.

So this is sort of the universe in which we currently live. It's the corporation's code section that talks about how these organizations must be managed. So my question is about this part here where it says at the beginning, subject to the provisions of this part and any limitations in the articles or by-laws

relating to action required to be approved by the members or by majority of all members.

So what is your understanding of this part that says subject to the provisions of this and the limitations in the articles or by-laws, what does that mean?

Mathieu Weill: Yes thank you Robin.

Kevin Espinola: My understanding of that and how I read that is - (Kevin Estanol) with Jones Day, thanks. My reading of that is the underlying (unintelligible) of law or rules is that the activities of the corporation are within the purview of the board of directors unless the code provides that the member have a right to vote on something.

And then the board's decision isn't the ultimate determination of that particular matter because the members have their right to vote on that matter as well to approve it.

Mathieu Weill: Okay thank you. I think we are - we shouldn't be going, you know, back and forth legal analysis that might leave a number of us aside from the conversation and I see some nodding in the room but what we are highlighting here is a topic for further legal expertise.

And it's certainly useful for us as a group and not now but maybe in the work parties or in the mailing list to highlight where exactly we think there is a question to be asked for third party review.

And that's typical in a group in a discussion that we may have disagreements on interpretation. That is perfectly acceptable especially as far as the

(unintelligible) is concerned because I mean as an engineer I know that (unintelligible) is very much left to interpretation.

It's much better with hard core scientific matters. I wish I had been at (unintelligible) but that's the way it is. So I think it's useful for us to spot these items for further investigations and Leon do you want to add something?

Leon Sanchez: Yes thank you Mathieu this is Leon Sanchez. So I would like to ask the legal sub-team to find a moment for us to maybe ask these questions to the Jones Day lawyer at some point between today or tomorrow so we can further advance in our work on scoping the document. Would you be available Robin to do this?

Mathieu Weill: May I reserve that today will be quite limited. I don't know maybe you will be speaking in a specific time otherwise it's going to be very short. But yes please find this time and I think it's going to be extremely useful.

Thomas you wanted a concluding remark on this item and then we'll go to the moment you've all been waiting for, the stress tests.

Thomas Rickert: Yes let me just say that at the outset of this discussion after the break I had announced that we wanted to discuss how to operationalize and somehow we got locked up in discussing process again and how we best structure our work.

So we will come up with an answer to that on Thursday but still my hope is that we're going to have a substantive discussion on how we can actually implement and therefore it's extremely valued for the legal sub-team to talk with (Kevin).

And then maybe then we'll have advanced our discussions of what mechanism can we have to advise the board of certain things or revoke the board so that we get clarity on that.

Maybe for the community type request there is another mechanism needed but I think that as a starter it would be good to get some clarity on what community or what committee or whatever legal vehicle can be used to impose certain things on the board.

So that we get that off the table and can further talk about operationalizing things. So with that I'd like to turn it back over to you and the stress test that everybody has been waiting for. So we - I'm sure you're shivering with anticipation now.

Mathieu Weill: And I'd like to thank Becky and (Jordan) for taking on the work and for their flexibility as well in to arranging the work structure, which we'll be doing in the coming days.

So Steve and Cheryl I guess will be joining us at the table. A quick reminder we have 25 contingencies grouped into five categories and during our last meeting, our last call we agreed that the work, the stress test work party would provide us with a few examples of what the stress test would look like.

And they have once again delivered in remarkable time and extremely high quality. So the goal of this discussion is of course we have can have a discussion about with whether we think the assessments of this group are accurate but also is this the kind of output we want to see on the 25 contingencies. Cheryl would you like to - go ahead.

Cheryl Langdon-Orr: Thank you very much, Cheryl Langdon-Orr for the record and we're just bringing up - it's up right, ready to roll? Okay, first of all I know you mentioned the I think quite extraordinary amount of work that's being done in a very short order.

But I did want to put to the public record here how much it's been appreciated that within 48 hours because 48 hours ago this document was a first pass of looking at some samples to go through the stress test exercising.

And to have had the work party in an extraordinarily busy meeting mode anyway managed to get that to this more final form admittedly still only sample exercise with more work to be done.

I think, you know, I'd certainly like to have that thanks from my point of view and certainly from Steve's point of view to all of you who contributed to those edits and who helped build this document to what it is today.

I want to make really clear this is a work in progress and what we want to get with you today is some input and some feedback as to how we are heading, where we're heading and what possible if any course corrections we might need to do by using these examples. So with that I'm going to toss it over to you Steve.

Steve DelBianco: Thanks Cheryl. Steve DelBianco and Cheryl you posted a - on our last week's call you may all remember the Web page and it was the first link in the note that Cheryl and I circulated earlier.

And in that Web page was a repeat of what the charter says about contingencies or stress tests. The five consolidated categories that we came up with in Frankfurt.

And underneath that we prepared a table where we indicated the underlying stress tests that were rolled up into the five. But a lot of you probably didn't notice that Cheryl and I at the end of that picked up the 34 different board risk committee risks.

And Bruce I think you were helpful in getting this done in last week's call, it might have been two weeks ago in the call that you asked this work party, the chairs asked this work party to ensure that the boards risk committee stress test were baked into ours.

And there's 34 of them, the only ones we probably need to pay attention to are the ones we indicated in red because all the rest were already covered. Some of the ones in red are not applicable, others we've proposed with a question mark to simply add them to ones we have.

And one of them we pointed out was so far outside of ICANN's scope that we couldn't believe it was in there. That was the one that said it was a stress test if ICANN failed to implement a global multi-stakeholder distributed Internet governance ecosystem according to the NETmundial principles.

I think we think that was a typo. So we don't have to go through those 34 - sorry. Sorry, we don't have to go through those 34 now I just point out that the work party tried to do what the chairs asked us to do and address that.

And thank you, Alice if you'll bring up the document that Cheryl talked about next. And Cheryl mentioned that the folks who came through in 24 hour turnaround I thought I would call them off by name.

James Bladel, Samantha Eisner, (Malcolm), Greg Shatan, and Tony Holmes all contributed in rapid turnaround in the middle of a busy weekend on this. So again remember that the stress test and this is the PDF that I distributed, Cheryl and I distributed about an hour ago if you're having trouble finding it.

And we said let's take a look at what the charter asked us to do and also the chairs asked us to ask another yes/no question about what is the - is the threat directly related at the transition.

So what Cheryl and I were hoping to do is to walk you through a few samples so you can understand how we would apply stress tests to the mechanisms that have been proposed.

But as you said earlier it's all the mechanisms that are proposed. You consider this whole body of enhanced accountability and the new structure that the CWG has come up with and say how would that new world respond to stress tests.

So one of the first ones we picked is a relatively easy one, it's in area number five the failure of accountability to external stakeholders. And the stress test reads let's suppose ICANN or NTIA chose to terminate the affirmation, you know, the consequence is that ICANN wouldn't be held to it anymore.

There's certain commitments in there that are not in the by-laws and as Sebastien indicated earlier there is affirmation of reviews - sorry affirmation of commitments reviews that are baked into there that would no longer be required.

And so this column, there's a three column table you have. The first was a stress test, the second is well let's take a look at the existing accountability

remedies and see whether they answer how sufficient are they and then we'll look at the proposed ones.

Under the existing we point out that the affirmation could be terminated by either party. There was still folks that didn't know that with 120 days notice. And we stated what I think is relatively obvious that if as long as NTIA controls the IANA contract that ICANN does feel pressure to maintain the AOC.

In other words it's highly unlikely they would unilaterally terminate the affirmation knowing that that might - and jeopardize their ability to get the IANA contract the next time it came up.

So let's turn to the column of proposed. So we took a look at the mechanisms and said what would happen if ICANN were to terminate it. So one of our proposed mechanisms was the community could challenge a board decision.

Robin you were calling this a board veto, it might be an independent review, it could be a reconsideration or the community might pull together this member or delegate structure and veto a board decision to cancel the affirmation.

That is an example of a mechanism that could answer. Another proposed measure was to bring the affirmation of commitments provisions into the by-laws more proactively with community input.

And if we did that then that little bilateral agreement between ICANN and the U.S. Government disappears. It doesn't get replaced with another counterparty, which I think Sebastien was mentioning earlier but instead it just gets buried in the by-laws of ICANN, it becomes part of the DNA.

And it's not just the four period reviews it's also commitments, which are in paragraphs 3, 4, 7 and 8 of the affirmation and you can familiarize yourself with that.

Okay so what if ICANN's board then tried to dump from the by-laws and pull them out? Well there's another mechanism for that because the community could veto that proposed change to the by-laws.

So I'll slow down there and take questions on that. I don't want this to be too complex. We picked an example that was relatively easy. So an example where the current mechanisms are not adequate because ICANN can walk away from the affirmation.

And it's an example where the proposed measures are adequate. And to answer the chairs question the chairs asked us, is this directly related to the transition of IANA stewardship? And the answer is definitely yes.

So happy to take a queue or questions on that.

Mathieu Weill: Questions either on substance or on the outcome and I think we have an excellent example of the kind of outcome that we described and now we need to ask whether we think that's something we can - I mean translate to the 25 and present as an outcome of our work at some point. So (Malcolm).

Malcolm Hutty: Thank you. Let's look at where these came from. These 25 stress tests were drawn from research of points that previously we made within the community as stress test members of the community would be applying themselves to judge our output.

These five generalize those points. That is helpful because it avoids being overly specific and missing things that people haven't come up with but would have done if they had thought of it.

And it may be helpful to our work to organize our work. So in that sense I would support what's being done. I think it's been useful and it will be helpful to us.

However, with this caveat, in generalizing you lose some of the detail of the underlying work that's been drawn from. Those underlying 25 points still apply because they've come from the community and...

Mathieu Weill: But this is not one of the generic 5, this is one of the 25. They're addressing it - all the 25.

Cheryl Langdon-Orr: This is a sample.

Mathieu Weill: Isn't that what you are calling for?

Malcolm Hutty: Okay yes so I understood that you were - pretty soon it's a consolidated stress test what you had on the...

Mathieu Weill: This is one of the - this is not one of the generic 5 categories this is one of the 25 and they're planning to do that for the 25.

Malcolm Hutty: Yes I (picked) one. In that case happiness.

Mathieu Weill: Excellent. Miracles, a miracle happened. Any other question? If there's no - I mean my personal appreciation is this is exactly the kind of thing we need at this stage and it's going to be extremely useful for us.

One suggestion I would do is we need to look at the complex ones, at least one. And I would suggest one that has been highlighted during yesterday evening's session as well as the opening session today, which was legal actions against ICANN.

We've all heard (Ira Magazina) mentioning the fact that the number of legal actions against the organizations managing the Internet IT fires before ICANN was created was one of the key moments where this first transition happened.

And I think this is a good candidate for testing our system, stress testing our stress test system because it's going to be a complex one. And one that I think we could learn a lot about. What do you think Steve or Cheryl?

Steve DelBianco: I would just say that working for these three chairs makes your spouse or your boss look like an angel. We turned around all these stress tests in 24 hours and Mathieu points out one we haven't yet done.

Okay, point taken and I did hear (Ira Magazina) presentation today. So yes sir we will get to that forthwith okay. So I did want to pick up on something - go ahead.

Mathieu Weill: And just a reminder that we might get unfortunately get advice or input that might lead us to a few more at some point. We can (unintelligible) that out so we need to be ready.

What kind of support and help would you need to make that happen in a sustainable way without I mean while keeping at least a couple hours of sleep?

Steve DelBianco: I think we could probably have that one by Thursday, okay. But I did want to point out that the exercise of going through one as a sample is so illustrative of, that's why we do stress tests.

Up front they help to inform you of things you better design for but the true value and interest is applying them after you've designed your prototype. And ask the question how will it react, how much better does it react than the status quo and how do we need to tweak it to make it better.

In order for the stress test to be done though you have to have your prototype, the thing you're evaluating. And I believe you understand based on the last two hours of today's meeting we don't have a prototype yet.

It is in development, it's somewhere half way down the assembly line. We haven't decided all the options that are going to go in. We don't even know the structure that will be there.

So what Cheryl and I did in this draft, I said things like one proposed measure is empowering the community. I'm not suggesting that that is mechanism number 1.4 in (Jordan's) document or structure that Robin Gross suggested versus the member structure.

It's just a general capability or power called a community veto. It may be that the specific way it's implemented could change the way the stress tests are written. So it isn't all that constructive to do all 25 stress tests now because our prototypes not done, our model is not done.

But do enough of them that people understand how we're going to use them and I hope that we won't be sarcastic the next time we say we can't wait for those stress tests.

Mathieu Weill: Can I suggest we start at least having one in each category because my feeling is that there might be...

Steve DelBianco: Sure, sure.

Mathieu Weill: ...some commonality in interest of requirements.

Steve DelBianco: Do you want to do another one?

Cheryl Langdon-Orr: Did you want to do - I mean we have of the five categories we have four but we also know it's a long day.

Mathieu Weill: Thomas did you want to say something first?

((Crosstalk))

Mathieu Weill: And we might have time for a second one but Thomas you wanted to say something.

Thomas Rickert: I guess my - if I might suggest it would be good for you to do maybe number five because the outcome of number five is that we - that propose remedies are not sufficient.

And I think that this imposes an extra challenge on our work because we would have hoped that what we came up with in Frankfurt would be robust enough to get answers to our contingencies.

And now we see that this is not the case. So I think that we need to talk about process a little bit again because I think if we do this sequentially, wait for the

whole stress test document to be ready, you know, then find out about the deficiencies and start working on those.

That might, you know, lead us into some extra timing issues. So for this point number five is an ideal example for us to come up with good ways to deal with this.

I think I should pause here because this is abstract for those who haven't read the documents but I would like to get back to this after the presentation of this very point.

Steve DelBianco: You'd like us to walk through this one?

Thomas Rickert: Yes.

Steve DelBianco: Okay, folks this is if you scroll down it's stress test number 5 of 25 and it happens to live in category one, called financial crisis or insolvency. Again this is the PDF that was distributed an hour ago and Alice thank you for scrolling to it.

This stress test surprised me when it emerged early on because it's a really tough one. You don't often see things like act of God as a stress test as a way to instruct how you proceed.

And yet I think we learned a lot by running through it. This stress test is that there is a financial crisis, significant reduction in domain sales. So the revenues are down, increases in registrar and registry continuity costs to keep them running for the registrants who have acquired domain names and registries that are going out of business.

And this would - they might threaten ICANN's ability to operate. And we reached the conclusion right away in that call in that this threat is not directly or indirectly related to the transition of IANA stewardship. Nonetheless we tried to analyze it.

Under the existing accountability mechanisms the middle column we said that today ICANN could propose revenue increases or spending cuts and they could do so but they're not subject to challenge by the ICANN community.

So board and management might make dramatic cuts, decide not to have the meetings anymore, decide not to publish documents and we couldn't challenge that. There's no way they would take a move like that.

But the point I'm making is the community doesn't have any power to challenge. And the community certainly has input on the budgeting and (strat) plan but those are much more long-term documents.

Once a year with a five-year horizon and I do understand and Samantha corrected us on this, is that each year registrars have to approve ICANN's variable registrar fees.

So if ICANN's reaction to a financial crisis was to dramatically increase the registrars variable fees, I guess if it's that point in the year the registrars could say hell no.

And ICANN's reserve fund, which is pretty hefty right now, (Ira Magazina) got his eyes on it you guys better watch. But that reserve fund could support continued operations for some period of time and I guess it all depends on the severity of the crash and whether the burn rate at ICANN be reduced to make that reserve last longer.

Okay so flipping to the third column and I guess we're finished then. The third column is what would our proposed accountability measures, the prototype so far do for us?

Well one of them was the community could veto ICANN's proposed annual budget. Again that's only once a year but if that budget increased revenues in ways we didn't support or it cut spending in ways we don't support we could block that proposal.

Another is that the community could challenge a board decision. So let's suppose it's not annual budget time but rather it's mid-year, it's mid-year and ICANN is taking a significant decision to react to the financial crisis.

Let's suppose there were going to cut the third meeting of the year to save several million dollars. That decision if it's transparently communicated we would have a mechanism in there where the community has standing to challenge that board's decision immediately.

And challenge the decision in either a community veto way or perhaps Becky send it to an independent review panel. Although it's hard to say how an independent review panel would have a standard to evaluate a question like the community says we shouldn't cancel the annual general meeting.

So that might well be just a community veto decision, a reconsideration to put it back into the boards lap. So we concluded that neither of the existing remedies or the proposed remedies really go all the way.

They're helpful to the extent that you're at the right time of the year for the budget but neither would be adequate if the revenue loss was extreme and sustained. That was a good phrase.

So to the chairs that's another example, happy to take questions.

Mathieu Weill: Great example. I have (Alan) whose hand was raised in the Adobe room, please (Alan).

(Alan): Thank you, the measures we're talking about address what is sometimes being called an out of control board or a board that's making bad decisions. The issue was raised a while ago of how do we control and out of control community?

And it strikes me as you are going through this that the community could stop the board from making a bad decision. The community could also stop the board from making a good decision and cause the crisis or exacerbate the crisis.

I'm not quite sure how we handle that in these scenarios but it's something to think about.

Mathieu Weill: Thanks (Alan).

Steve DelBianco: You get the community you deserve if you're the community.

Mathieu Weill: Thomas.

(Alan): As an answer yes we might deserve it but we're still worrying about how does the Internet keep running after that?

Mathieu Weill: Thomas.

Thomas Rickert: Yes, just to finish this point the I guess what we need to think about between today and Wednesday is how we deal with this type of scenario. We can say there are no solutions for every problem, we can ask for certain standards such as, you know, ICANN needs to make sure that they are always, you know, 8, 12 months worth of money in the bank, which can only be touched in certain cases.

But I think we need to make our answer robust enough so that nobody can say okay you haven't done due diligence on that. So we might call upon the independent experts and ask them for best corporate governance practice to deal with these.

Things to get some additional answers to lean on and maybe to form sub-teams to immediately jump on those items that do not yet have a satisfactory response.

So I think this is food for thought, let's think about how we can deal with these unresolved items so that we can work on the building of the stress test as well as on upcoming issues as we work on those. And with that I'd like to hand back to Mathieu for...

Woman: We have one more question here.

Mathieu Weill: Jonathan please.

Jonathan Zuck: Yes, Jonathan Zuck for the record. I guess I don't want to split hairs here. The chart says that this isn't necessarily related to transition of IANA stewardship

but I guess I would suggest the problem is describe doesn't represent an accountability problem.

I mean I think that it represents a community problem and that the accountability is over how the board reacts to that problem not o the problem itself.

I think we're going to set ourselves up for failure if we - the stress test or every problem that might occur and that somehow our accountability mechanisms are designed to solve those problems.

I mean that's going to be a community wide challenge whenever that occurs to try and come about solving those problems. And hopefully our accountability mechanisms would have cut in long before we got to that point because board decisions were, you know, potentially leading to this financial crisis.

But the actual fact of a financial crisis I think is not in and of itself an accountability problem, simply the reaction to it is one in which we need to apply our solutions.

And so that, I guess that's my - in saying that they are helpful but not adequate I'm not sure that I think they're adequate in addressing what would in fact be the accountability problem. They're not adequate in solving the financial crisis.

Mathieu Weill: I think there's no way to solve a financial crisis. I mean ICANN is not responsible to any - that's an external event. It may be driven by internal decisions but it's maybe external events.

And but a point of contingency and risk management is to address both internal risks as well as external risks and see how you mitigate them. And what we need to be prepared for is for people reviewing our proposals and asking whether that's a sustainable proposal in the light of the changing relationships with the NTIA.

And I guess some people might think that if there was a big financial crumble at ICANN the NTIA would step in right now in the current set up. Some people might think that I don't know if it's accurate or not.

Just like governments are asked to step in when a bank too big to fail starts failing. That's why I think it's important that we make sure we know exactly how we respond when someone inquires about our work.

It could be the NGIA, it could be an external observer and says, okay you've set up a lot of accountability mechanisms for internal risks but what if the world crumbles outside does the Internet identifier system still get the appropriate level of investments and is maintained in a good condition.,

And that's why this kind of contingency I think is something we need to be really ready to say what we have put in place or whether we have decided that this was outside of our scope. So...

((Crosstalk))

Jonathan Zuck: I think what you're saying in effect is that the NTIA may be playing a role other than accountability. I mean if they're also playing the role of savior that's not necessarily a role of keeping ICANN accountable.

So I mean I...

((Crosstalk))

Mathieu Weill: You can frame it in many ways because it also means and I mean look - don't think of ICANN think of the banks. Were they're really accountable for their financial failures?

I mean that was the whole debate with the public debate around the banking system whether because there were - they knew that they were too big to fail, they knew they could take some risks and they were not fully accountable for their risk taking because they knew someone was coming in to save them.

And that's where it links to accountability. But if you want we can pursue this discussion off line because I see some people are getting tired. I don't know why, really I mean it's only starting. Bruce has his hand raised.

Bruce Tonkin: Yes I just want to give I guess a perspective as a board member in this area as well. One mechanism that you haven't perhaps captured there is the law. So that, you know, if we let the company tried insolvent then the directors will go to jail.

So that's one thing so that's in terms of spending what we can't afford. The other element here is what the board has also set up is a reserve fund and a contingency fund.

And that's deliberately - yes I know you got that there but I just want to be clear on the time scale here because what it appears we should look at a real scenario.

If the let's say revenues dropped to zero this year we've got a budget process starting with the community now. So the budget starting first of July so the

community would actually be part of the budget development process taking into account that loss of revenue well within the time scale for our normal budgeting process.

So eventually already built that in. So I think the risk of this is pretty low.

Mathieu Weill: Okay first let's look for our further discussions and obviously I mean we need all the input we can get into those stress test documents but we have I think a very relevant structure.

And excellent prototype and something we can certainly get a lot of value of like we're doing when discussing this particular one. So I'd like to well first of all I'm going to the any other business item.

So this is good news we are approaching the end. Adam did you want to do any other business, you said something like this? So please.

Adam Peake: Good evening everyone, Adam Peake, ICANN staff. The first thing I have on my list at the top of the list is to thank the interpreters for staying late and all the work they do, thank you very much for that.

Mathieu Weill: And the scribes.

Adam Peake: And the scribes of course thank you. We also - so we're staying late tonight and unfortunately the working session on Thursday morning begins at 7:00 am. It's in the (Padang) - I know that's great fun isn't it, I love that.

Anyway 7:00 am on Thursday morning and it's in the (Padang) room, which is the large room that will be set up for the public forum. As you all know I think the public forum is set up in the auditorium format but we will have

desks with microphones first thing in the morning so that members and participants can get there early and sit at a desk and also sit at a microphone, I'm sorry to say get there early.

But we can't really save them for you because it's sort of first come first serve but there will be desks and microphones in the (Padang) room. I also want to just note again that we have our final expert advisor have joined the group, Professor (Lee Bygrave) from the University of (Oslo), our expert in international law.

I want to also thank (Giam) for coming to the meetings and also (Ira Magazina) has been meeting with the CCWG chairs, co-chairs. So we have our advisors on board and we should be thinking about how to engage with them.

That's the end of the any other business, thank you very much everyone.

Mathieu Weill: Thank you Adam. Before I let you go for a well-deserved dinner or anything else you have planned just to recap what we have in the pipeline until Thursday.

So there is engagement and please engage and collect feedback and that's something we'll discuss on Thursday at 7:00 am. It's promising. We'll have to discuss timing and timelines as well.

That's certainly a hot topic this week so this is high on our agenda as well. And three items, three strong items, how we structure work on the requirements to get more into substance.

As Thomas was saying we are at the inflection point where we need to go from requirements that are rather abstract into actually creating those solutions and I think it's - our discussion today shows that it's - we're at the inflection point but not yet there.

And that's what we are looking to achieve before we leave Singapore. And so the global architecture, the structure of the work and the global architecture and how all of this fits into a big picture is going to be one of the things we'll be working with the repertoires on until our meeting on Thursday.

And obviously on the stress test we've made good progress and we'll basically get legal action and how we can deal with the uncovered items such as the one we've just discussed.

So a lot on the plate in a very, very busy week already but thank you everyone for staying so late and for being so constructive around this three hour session. And I look forward to further exchanges across the week and have a good evening.

END