

ICANN

**Moderator: Glen Desaintgery-GNSO
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5:00 pm CT**

Leon Sanchez: Well, good morning everyone. This is Leon Sanchez, for the record. This is our last working session here in Singapore, I welcome you all. Yes, it's so sad we're - I mean we could do - exactly, we could do one 6:00 am tomorrow if anyone's willing to come along. It's going to be fun.

Well, may I remind you to please log into the Adobe Connect room. This is very important because we have no mics on the tables. We will be having three roaming mics and if you would like to ask a question or make a comment it would be very useful for you to raise your hand in the Adobe Connect so we spot you as opposed - not spotting you, of course.

And these roaming mics will be controlled by (Grace), (Irham) and (Nancy) so they will be all over the place. And it would be very, very useful for you to just log into the AC room and raise your hand if you need to talk.

Well, a kindly reminder, as in any other session please update your SOI if you haven't done so. If you have had any challenge with logging into the wiki page you can approach staff as for an account to be created for you or if you

need any assistance with the login to the wiki or the editing capabilities of the wiki you may also ask staff to support and help you out with that.

So - well, we have surprises; right?

Man: Not now.

Leon Sanchez: Yes, not now but we'd like to close the session kind of Steve Job's way like there's one more thing. Okay, well, no further delays. I'd like to hand the mic over to Thomas for our next agenda item, item number two, input received during the week. So Thomas, could you please be so kind?

Thomas Rickert: Good morning everybody. I hope you had a good night's sleep or a good start to the day. What's that? We have a hand raised already. Siva? We have roaming mics.

Sivasubramanian Muthasamy: The mics, please.

Thomas Rickert: (Grace) is coming with the roaming mic.

Sivasubramanian Muthasamy: (Unintelligible) those microphones on the table (unintelligible).

Woman: (Unintelligible).

Leon Sanchez: The chat room is open Siva.

Thomas Rickert: It is there.

Woman: (Unintelligible).

Thomas Rickert: Microphone, please? Okay. So we have three roaming mics so, you know, even without table microphones I think we should be able to manage. It's unfortunate that we have this setup. We've asked for it to be different but it wasn't possible to get that.

But I can't resist saying that there are some in the community who are complaining about the Board being distant from the community and I have the impression that the chairs are distant from the working group. But can you see us?

((Crosstalk))

Thomas Rickert: Okay. So before we talk about what we have to do we want to make sure that we capture and share the feedback that we received over the week from various groups. And I know that Athina, for example, has had an opportunity to discuss this with the SO. So Athina, would you care to maybe be the first one to provide some feedback?

Athina Fragkouli: Yes, okay. Good morning everyone. So yes indeed, we had the opportunity to discuss CCWG issues and developments with the ASOAC and within our OAC. And so as representatives now of the AS - yes, of the ASO would like to say that we do respect the concerns raised within the CCWG on the ICANN accountability and the requirements the group came out with.

As a next step, we look forward to discussions on suggestions and specific solutions. And we would like to share the four points we consider as important in any proposed solution.

Point number one, any proposed solution should not be a delaying factor for the IANA (sheer safe) transition. Point number two, any proposed solution should be simple and address the concerns in the most affective way with minimal changes.

Point number three, any proposed solutions should not interfere with the IANA numbering faction. Point number four, any proposed solution should not interfere with a consensus-based decision of the affected operational communities.

Further on, we would like to go back to our communities and consult with our communities and provide the CCWG with input on proposed solution based - on the community's feedback. Yes, thank you very much, that's from our side.

Thomas Rickert: Thank you very much, Athina. That's very helpful. Who would like to be next? ALAC?

Man: The ALAC did not (unintelligible) on accountability and (unintelligible). Overall I think we're pleased (unintelligible).

Thomas Rickert: Thank you very much, Alan. And in fact, Tijani has asked for an opportunity to have that statement read so please, the floor is yours.

Man: Are we speaking French?

((Foreign Language Spoken)).

Thomas Rickert: Thank you very much.

((Crosstalk))

Thomas Rickert: (Unintelligible), your hand is up. Olga, please. Okay, Olga, can you hold for a second. Leon, you wanted to add something?

Leon Sanchez: Yes, this is Leon Sanchez. I just wanted to add from the ALAC - from the (unintelligible) region we also made - we also received some feedback. It was a long time ago but I just wanted to put it back on the table. The (unintelligible) region considers that any solution that we set up must not represent a financial burden to ICANN.

We have to be mindful of the cost of anything we implement. And we also be mindful of not creating excessive bureaucracy structures within ICANN. So that's something we would like to add from (unintelligible).

Thomas Rickert: Thank you, Leon. Olga, please.

Olga Cavalli: Hello, good morning everyone. Can you hear me well? Thank you co-chairs for the floor. I would like to refer to part of our communiqué that was finished yesterday in the afternoon.

And I will read the part that it's relevant for the work of this working group with regard to the cross community working group on accountability, the GAC members will continue to work with the cross community working group to develop the proposals for enhancing ICANN's accountability with reporting back to the GAC and guidance on major issues from the GAC as a whole.

The GAC will work to identify particular issues for governments as both individual or collective participants in any new or enhanced mechanisms. The

next stage for the GAC input to relevant work streams will include public policy principles that could guide development of any new or enhanced accountability mechanisms.

The GAC will continue to - the work of the cross community working group towards a consensus proposal for submission to the ICANN board, both processes across the community working group on stewardship and the accountability one will have the highest priority for GAC intercessional work, the GAC being mindful of the updated timeline. Thank you so much.

Thomas Rickert: Thank you very much, Olga. Who wants to go next? Okay, (Sam), then we'll move to Mathieu for the ccNSO.

Mathieu Weill: Thank you, Thomas. The ccNSO members in this group were engaged in a panel discussion moderated - kindly moderated by Becky in the ccNSO yesterday. It was more of a question and answer session than any position being taken by the ccNSO.

Obviously it was an engagement session and therefore I only refer to the - some of the concerns that were raised and that does not necessarily reflect a position of the ccNSO but as input we're getting.

So there was an echo to the already voiced topic of simplicity regarding adding additional layers to ICANN and highlighting that even would probably be in the details in terms of complexity and therefore this should be something we should be aware of.

The risk of creating a bureaucracy that would paralyze ICANN was mentioned and it's well present in our contingencies. There was a discussion

regarding a case where ICANN would delegate a ccTLD outside of policy - of established policy, which I think also fits our contingency test.

Some discussion to place obviously regarding the coordination with (unintelligible), and I think we were able to provide some input in that. And I want to stress then that one of the panel members - therefore, one of our ccNSO members expressed (unintelligible) that group was (unintelligible) wrong direction lost into details and should simply stop and reconsider the approach.

So that's one of the (unintelligible) view, it wasn't really a (unintelligible) at this point but it's worth being taken note of. So this was the - I mean the (unintelligible) was pretty good and there was no pushback but that's the kind of concerns that we should be aware of. Thank you very much, Thomas.

Thomas Rickert: Mathieu, would you mind continuing with feedback from advisors?

Mathieu Weill: No, Thomas, I don't mind. So during this week the co-chairs - we had - we engaged with the two advisors from the - appointed by the public expert group who were present. We have (unintelligible) who is here with us today and (unintelligible) and we met with them individually for a short discussions.

The takeaway messages for us that we want to share are first of all, the need for simplicity, the outcome of our work will be read very wide and therefore being simple is absolutely essential. So as easy to understand as possible is certainly something we need to be aware of.

There were interesting discussions as well into how inclusiveness of the ICANN model should probably be on our radar as one of the key goals - I mean keeping the community inclusive and (unintelligible) is something

extremely important to parties outside of ICANN. And that's something that we as a working group must put very high on our agenda.

We had good discussions on contingencies as well so we've already mentioned the input from (unintelligible) and public regarding the legal contingencies, something we need to look at. Financial crisis was also mentioned but also - and that was to me at least new, the contingency that would relate to ICANN's reputation.

Let me give you an example. An example would be a practice that would develop within ICANN that would be what's the opposite in English of cost effective? I mean spreading money without any rules. I don't know - hiring practices - not following best practice and lead to unsecured people being hired just because the money's here, things like this.

And (unintelligible) to us that this was very serious risk in danger of harming ICANN's ability and authority and danger of creating for instance class actions because the money is spent without any good practice.

And therefore should probably be in our contingency list to check whether it's currently being adequately covered or if there's a need for extra mechanisms, either in work stream one or in work stream two, that was obviously not the discussion.

So those exchanges were quite useful. In addition, I have - we have received contributions on the documents and definitions. On the definitions and scoping documents by (unintelligible) and (Willy Kurry) and therefore we have a task and an action item now to update this document because I think we've received very valuable and insight for contributions regarding these documents. So that's an action item we're taking. Thank you.

Thomas Rickert: Thanks very much, Mathieu. As far as the GNSO is concerned, I'm not sure whether we want to have representatives of the various groups to speak and update the group. I mean if there were former positions that individual groups take or have developed by all means, please, do signal that to me.

Otherwise, I would just restrict or - restrict it to updating the group by saying that I have provided the status update to the GNSO council and I have - the council at least has not formed a position on this yet. Nonetheless, I guess one of the topics that was stressed and taken with great interest is the timing and approval mechanism.

And I - let me say that all of us need to bear in mind that we are already to have our recommendations adopted through the chartering organizations because it would be very unfortunate if our group would work very hard to make things happen and within the time given and if then the chartering organizations needed more time than planned to adopt the recommendations.

Also I would like to remind us of the engagement session that we had. We reached out to the community, we gave the floor to those interested to speak up and raise concerns or ask questions. And I guess that the engagement session went reasonably well so there was no opposition.

I think we have succeeded in conveying the message that we are in control of our project, that we're asking the right questions, that we are - that we're taking into consideration all aspects that need to be reflected in accountability work.

But there was one particular question which sort of reflects part of what we heard from speakers earlier today and that is the need for clarity and simplicity in what we're producing.

And I guess this - unless there's somebody in the group who wants to provide further feedback from the community, I guess this allows us to easily segue into the next agenda item. Because we as co-chairs, we took the discussion we had on Monday to heart very much.

We - you will remember that we were sort of struggling with how to best work on the work package one versus work package two, how we best go about with this and move on, how to best share the work avoiding duplication. And at that point we came up with something that we announced as being the surprise that we have prepared for you, an early morning surprise.

So can we bring up the slide deck, please?

Leon Sanchez: So Thomas, should we ask someone to start a (unintelligible)?

Thomas Rickert: What's that?

Leon Sanchez: Someone to start the music for Mathieu?

Thomas Rickert: Yes, please do. And I should - I was asked to roll up my sleeves but I will hesitate - I will resist the temptation to do that. I should preface this by saying that we have discussed this with Jordan and Becky as well. So they are aware of us, you know, introducing an idea on how we can best operationalize and trying to be as simplistic as we can.

We tried to sort of visualize where we are, what we did so far, and what we yet need to do, right, so that we all see where we are in terms of process. And we came up with a couple of suggestions as to how we could put this into a PowerPoint. And we felt that our - you know, we were just not strong enough to show this.

So have you seen - you know, you've seen the cartoons that ICANN sometimes has. So we said, can we have the cartoonist? And they said, yes, when do you need them? And we said, now. And they were in the room within five minutes and we sat and worked with them for a couple of hours.

And this is what - this is the work result that you're going to see now. And I think this is the work? You're driving? Okay. So can we move to the next slide, please?

So isn't this nice? Basically we tried to simplify as much as we could what we did and where we have to go. So in the first - in the upper section what you see is that we tried to establish the status quo and you see checkmarks on that. So that's done, right.

So we have an inventory of existing ICANN accountability mechanisms. We have reviewed the input from the community that was the task that Steve DelBianco took on thankfully. So we can tick that off the list, right. So the first phase of what we have to do is over.

Now the second phase is not over so we're in the midst of that phase and that is to define requirements. We've been talking about requirements quite a bit in Frankfurt and one of the requirements that we had was to take a look at the contingencies and risks. So that's done. We have a list of that although we might add things to it as we move on so it's an open document.

And then we heard about principles. You will remember that Becky already spoke to the idea of turning the community powers into principles for the organizations. So that would be one building block, that's the work in progress. Then we have certain items - you know, the community needs to be empowered to do certain things, that was one of the asks. And with - we said that we need certain review and redress mechanisms.

So we work on that and out of that we're now going to build the solution. And either the solution passes the stress test and then we would be fine - so we have build and feedback loops there. You know, that would be the stress testing and if you will, one of the stress tests is whether it passes the community test. So public comment periods will be held.

So the community might as well say, okay, we're not yet there. You need to take this back. And what we would then do is not approve it, go back to working on the solutions, and then we put it back through the stress test and hopefully get it approved with a green checkmark and pass on our recommendations to the Board. Now that looks nice, doesn't it. But there's more to come.

Next slide, please. So we think all we need is this, right. From what we've heard from the group, from what we've heard from others, from what we've heard during this week as well as before is that we need only this stage, these components to build a compelling accountability mechanism or architecture.

So we've been - you know, people said you don't - you shouldn't be inventing a second board or, you know, do all the bells and whistles that might make things complicated. But actually without knowing what legal form these might

take we have four components, that would be the empower community, the community that can exercise certain powers.

And we have the Board, the Board will remain more or less as it is, that's one fundamental component of what we have. Then we - can we - (Alice), this slide should unfold. Can't we make it unfold?

Man: (Unintelligible).

Thomas Rickert: We've lost that in the process which is unfortunate but - don't look at the section in the middle for a moment, right. Then we have bylaws and principles that could go into the bylaws sort of forming, you know, the compact.

And then we thought we would not only need something coming from the community because the community might have vested interest so it might be conflicted or not the most appropriate body to making decisions on certain things. So there needs to be something independent that can be called upon.

And if you look at that, we have the community already, we just need to equip it with some extra powers. We have the Board already, we have the bylaws already, they might just need a little bit of tweaking. And we also have work in progress on independent appeals mechanisms. So the components are more or less there. We just need to refine and then arrange, you know.

So from these four things we can build accountability mechanisms and as we had visited with the cartoonist you would just see the word accountability mechanism, all right. And talking about the accountability mechanisms, we would be asking how can we structure those, right, and that was, I guess the struggle we had between work package one and work package two.

And the best idea that we could come up with was to build two groups, triggered accountability mechanisms and non-triggered accountability mechanisms.

Now what does that mean? We have ATRT reviews or maybe other reviews. They should take place on a periodic basis. They can be built into the bylaws as a requirement. You know, we have the suggestion stemming from the stress test discussion with Steve, you know, that we could take the AOC requirements, build them into the bylaws that would include ATRT so it would be in the bylaws.

And that would not need to be triggered because it's going to take place on a periodic basis. But yet it would be one of the accountability mechanisms for our accountability inventory. And then we have triggered mechanisms and that could be appealing to the independent appeals board or asking for a review.

Somebody needs to raise his or her hand to say, well, something's wrong. You need to take some action or take a second look at things so triggered versus non-triggered.

And then at the upper - you know, about this box, you see these little cards and the analogy that we had is that at the end of the day we will have sort of a cookbook with all the accountability mechanisms in there so there's one card for each accountability mechanism that we have to work on. So you know, we would have - can we move to the next slide?

Man: (Unintelligible).

Thomas Rickert: So this would be accountability mechanism as a placeholder so you could insert the name of the respective accountability mechanism in that and then we would have to ask a couple of questions that - answer a couple of questions that would discuss more as we move on.

But you will remember some of that from our previous discussion. So we need to talk about who has - you know, what's the power that is to be exercised. Who has the standing to invoke a certain mechanism? What are the standards of review, you know? It must be transparent and all the rest of the - we talk about procedure, that's there.

Then we will likely have a decision making body. Who would that be? How is it composed? Who appoints those that make decisions? That can be different for different accountabilities mechanisms. And the decision making process itself, we were cognizant of the fact that we need accessibility.

You must be able to get decisions in a reasonable time. The appeals mechanisms or the mechanisms need to be - must not be too expensive, you know. So then people can actually use them.

And we need to speak to the means and the time needed to implement the respective accountability mechanisms. So we will flesh this out more but the idea is to have a standard template that small subgroups if not individuals can work on - you know, standard matrix, standard methodology for developing the consistent set of accountability mechanisms.

Next slide, please. So just to give you an idea of how we could go about with this. We were using the idea of the ATRT as one of the accountability mechanisms. So how do we play with these four building blocks? You know, basically we need to connect the dots in a certain order for each of these. And

we think that all accountability mechanisms needed can be composed out of those.

So we said ATRT so the ATRT goes into the bylaws. It's in there. And then if they are conducted regularly all is fine. But let's assume for a moment the Board chooses not to conduct the reviews, neglect their duties from the bylaws, then upper left, the empower community could go to the Board and claim that what they did not do is a violation of the bylaws and ask them to take action. And if they choose not to do so then the empowered community could say, okay guys, if you don't do it we might recall you.

So we have perpetuated the community requirement for conducting reviews in the bylaws and we have a means to enforce it.

Second example, let's just assume for a second the ICANN board chose that it would be ideal for ICANN being at the very top of the business to become an ICANN accredited registrar and sell some domain names. There might be people that don't like it.

So we could think of a mechanism - you know, this is the point ICANN is mission creeping, ICANN is acting out of its remit, ICANN is violating its narrow mandate. So then we could - nothing cast in stone but just an idea, we could establish a mechanism where those who fear that this is not right could go to the independent appeals mechanism and say, well, ICANN is mission creeping.

The independent review panel could take a look at it, go to the Board and say, well, you better reconsider the decision that you have made and redo it, rectify it.

And if they don't then the independent appeals mechanism could go to the empower community and say, okay, your board did not play by the rules and we could have a mechanism whereby the empower community would then give a warning to the Board and have the Board removed.

So that was to give you examples of a non-triggered and a triggered mechanism and with these building blocks we think we can build everything we need. And I think I've - this is a good point in time to hand over to Mathieu.

Mathieu Weill: Thanks, Thomas. So just to remind you, this is designed to answer - to (unintelligible) at certain persons in the room on Monday were having - understanding what we were doing and how all of this was taking - was fitting together.

So that's probably a good point to ensure whether we are capturing that before we get into more operational and concrete discussions about the mechanisms. But that's - and I know that Sebastien was very patient. He has his hand raised for a while now. So if you can have the mic?

Sebastien Bachollet: ((Foreign Language Spoken))

Mathieu Weill: Thank you, Sebastien. Who's got the mic? It's Alan and Cheryl. And in the room I have (unintelligible).

Alan Greenberg: Thank you very much. I guess I'm far more pleased than Sebastien is with what you've done here. I agree with him on two points however. It would have been - although the surprise of cartoons and characters is nice. It would have been nice to see it ahead of time and be able to follow ourselves.

And second of all, I'm interpreting the corner that says principles and bylaws as being a little bit more generic than that. There are some things which will not fit in the bylaws. They may be pointed to by the bylaws or invoked by the bylaws or things like that.

But things are going to be detailed enough they don't fit in bylaws. But I'm interpreting that as being more generic in the documents governing ICANN's operation, thank you.

Mathieu Weill: Thanks, Alan. Cheryl?

Cheryl Langdon-Orr: Thank you very much. Cheryl Langdon-Orr for the transcript records, speaking here as a member of the community and a representative of the Asia Pacific region, appointed by the ALAC.

I took a whole page of scribbles - notes, which were highlighting the key points that each of the community feedbacks were presented this morning. And there are a number of particular features that are almost universal throughout them all. And it's the simplicity, the ability to apply outcomes raised such as this process to make sure it is a minimalist approach, etc., etc.

And I am very comforted and very relieved by what our surprise has put on the table for us to work with. So I stand firmly along the lines of keeping it as simple as absolutely possible and ensuring that there is a clarity in how we can pass our message on.

And particularly appreciate this info graphic approach because the language diversity in the area I represent. There is a risk that highly complicated convoluted text will be misinterpreted. This is a good way forward. It is a very

nice step up for us to now work productively and effectively. And I want to thank you.

Mathieu Weill: Thank you very much, Cheryl. Next in line is Roelof Meijer. Just for the record, it's - just before I have - please use the Adobe room as much as possible to raise your hands so that I can complete a queue. Thank you.

Roelof Meijer: I'm probably mainly repeating Cheryl because I think you've done an excellent job with this. You really brought it down to the basic ingredients. I like surprises, especially positive surprises at such an unholy hour this morning so my compliments.

Mathieu Weill: Thank you, Roelof. Next is Avri.

Avri Doria: Good morning, Avri Doria speaking. I have one question and one of the things I perhaps (unintelligible) confused me but because you talked about rotation and I wasn't sure how things went from one to another. So sometimes simplicity actually does confuse people.

But the other concern I had when I was listening is it always got quickly to - and we can vote out the Board. And while I'm as sanguine as anyone about voting out boards and voting out board members I'm hoping that we have a deeper arsenal of tools we can use or people - or toolbox I should say of tools we can use and perhaps in the examples it would just - because it got there too quickly.

And as I say, I'm fine with voting people out at the end of the day but it seemed to be the first step in a solution. So perhaps that worried me a little. Thanks.

Thomas Rickert: I'll get back to that but let's hear a couple more comments first.

Mathieu Weill: So I have quite a long queue. I have Greg, (James), Brenda will read the remote question from (Eric), Fiona, Jordan. Izumi as well? And after Jordan I have Jonathan Zuck and Izumi. And then we will recap the input we've got on this.

So the next is Greg.

Greg Shatan: Greg Shatan, intellectual property constituency for the record. I'd like to applaud those sitting so far away from us but sitting with us for their creativity and preparation. I think it's a really good out of the box thinking.

I'd like us to reflect on what the original meaning of the word cartoon was, which is that it was a sketch or pre - a first draft which was then used to create a more permanent piece of work such as a fresco or a mural.

I think we should take this as the cartoon for our further work and which we build on. It doesn't include all of the colors. It doesn't include all of the background. It doesn't include everything that fits in between. Some things change as we move, the perspectives and the elements shift a bit.

So I think that we should take it very much as a living document in that sense. I think that it's very easy to come in and criticize people and just say, alas and ALAC so to speak. But I encourage a positive development.

Note Alan Greenberg, you know, seeing the spirit, Cheryl seeing the spirit of this. I think it's very much in the spirit of work just as a cartoon is in the spirit of a work in progress. Thank you.

Mathieu Weill: Thank you, Greg. I have James and then we'll go to Brenda.

James Bladel: Thank you. Is this on? Thank you. James speaking. So I want to associate myself with the comments of Greg and Cheryl and others. I think this is excellent work. I almost hit the snooze button this morning and to think I would have missed this amazing surprise.

It really what this does for me is it - you know, I imagine some of us have had great success in gathering feedback and reactions and input from our constituencies and it's almost, you know, it's a little harder to get folks excited and energized about some of this material.

And this takes - I think, some very broad brush strokes that we've been painting with thus far and puts them into - as Greg was saying, a very accessible rough draft that we can then build on and to fill in the blanks.

I did have two quick points and I think you touched on them a little bit and I think they are important to highlight again is that this - the square that had the four corners or the four quadrants, that slide, I think really simplifies the exercise of measuring proposed accountability mechanisms against our identified stress test contingencies.

Because we can essentially just walk them through each of those and if we find something's missing then that's an indicator that we need to do a little more work in that area.

And secondly, I think by condensing everything that we've discussed into these four abstract elements it not only addresses accountability needs now but I think it sort of arms and equips us for accountability scenarios in the

future that are going to be very difficult to anticipate in advance of the transfer and something that we can build on as we go forward.

So I'm very pleased. I want to associate myself with the comments of folks who are encouraged by this. I think that this points the way forward, thanks.

Mathieu Weill: Thank you very much. Next is Brenda and then we'll go to Fiona. Brenda for the remote question from (Eric).

Brenda Brewer: Thank you, this is Brenda Brewer. I have a remote question from Eric Brunner-Williams. And the question is to Thomas. Your second example, ICANN accredits itself appears to assume that the contracted parties have no contractual recourse. Have you discussed this odd scenario with the RYSG chair? A yes or no answer is sufficient.

Thomas Rickert: No.

Brenda Brewer: Thank you.

Mathieu Weill: Fiona and then Jordan.

Fiona Asonga: Fiona Asonga for the transcript. I'd just like to (unintelligible) everybody in the group (unintelligible) to understand how we are working towards. I think that this is a (unintelligible) to accomplish the (unintelligible).

And I believe that we (unintelligible) the process was very (unintelligible) and too much (unintelligible) to understand what needs to be done and how we (unintelligible) for the future if anyone was not involved in (unintelligible) and they wanted to come back and see how (unintelligible).

This - the idea (unintelligible) to achieve what it is we want to achieve. It is a good connection.

We are going to now be able to (unintelligible) look at the contract (unintelligible) and put back to the contract would be put in (unintelligible) put into the (unintelligible) remain as this contract between the various contracted parties because I don't think that everything will definitely get into the bylaws but we need to be - we need to be able to appreciate what we have within ICANN, what we - where - how far we have come.

And be able to give room to make the minimal changes that everybody has talked about during each of the sessions to be able to make the minimal changes that we need to move forward and to be able to facilitate the transition.

And issues of accountability become easier when it's easy to know where they fall. It would be much easier for everyone to understand what the issues are and how we need to move forward.

And I think the whole sketch sort of gives room to accommodate the views of the different stakeholders because when I look at the numbers proposal it can easily be accommodated within what has been presented. I would look at the protocols (unintelligible).

We need to give the (unintelligible) group time to present this but I think this gives a holistic view of how we need to move and it's very well structured. Thank you for the effort.

Mathieu Weill: Thank you, Fiona. This is now trademarked so no worries.

Man: Copyrighted.

Mathieu Weill: I have Jordan and then Jonathan and then to (Jenny). Olga is in the line, you're in...

Olga Cavalli: Thank you, thank you very much.

Mathieu Weill: Okay. So that's not exactly the order I had but I guess we can accommodate that because it's you, Olga.

Julia Charvolen: Before handing over (unintelligible), Julia from Denmark. I want to commend you for the beautiful sketches and it's very helpful at least for me that I'm very visual, thank you.

Mathieu Weill: Thank you, Olga. Jordan? So this is Jordan and then Jonathan...

Julia Charvolen: No, this is Julia from Denmark.

Mathieu Weill: Julia. Are you sharing the mic? Poor Jordan.

Julia Charvolen: (Unintelligible).

Mathieu Weill: All right.

Julia Charvolen: (Unintelligible). I just wanted to say thank you and I hand over to...

Mathieu Weill: Jordan is a gentleman so I guess he can accommodate this.

Julia Charvolen: (Unintelligible).

Mathieu Weill: Sure, sure.

Julia Charvolen: Thank you very much, that's very kind of you. It's Julia (unintelligible), GAC, Denmark. And I would also like to echo my colleagues here that this is a very useful approach, which may ease the understanding of our GAC colleagues I think on our thinking.

But there's also triggers I think a few questions from our side and I assume that many of my government colleagues will ask themselves what is the role of governments or will be in all of this.

And then I would like to underline what you have already said in the beginning that the importance of inclusiveness in all of this. Thank you very much.

Mathieu Weill: Thank you. Jordan , you've been very patient. And then Jonathan and then (unintelligible).

Jordan Carter: Thanks, just on the point of process, can we just be clear about who is managing the speaking list, should be relying on your verbal queue or should we be analyzing the chat list?

((Crosstalk))

Mathieu Weill: Not everyone is on the chat list so I'm trying to fit in some of their hands raised into the queue as it forms.

Jordan Carter: That is what I thought you were doing just so we can all be clear, Mathieu tells us what the speaking list is, don't rely on the chat room. So anyway, thank

you, I would like to join our massive self-praise and back patting congratulations in saying that these diagrams are great.

And I particularly want to agree with what Cheryl said about the fact that for people who's first language isn't English, breaking these things down simply is very helpful and telling a clear story about the work we're doing is fantastic. I don't know if any of the CWG leadership are in the room but maybe you should try some diagrams or cartoons.

The second point I want to make relates this to the feedback we got from the community and I want to just put two questions in the room. The first is that to achieve simplicity might not be the same thing as minimal changes. ICANN to me and my impression has a lot of accountability, a lot of transparency mechanisms that take up a lot of resources and a lot of time.

And if we can come up with mechanisms in these boxes or others - and I'll come to that in a minute that are more effective and might actually be a very significant program of change for the organization that might leave it better off in the long run. So don't interpret the cause for simplicity as being can't change anything.

I interpret them - and I should have taken some time to discuss the feedback we got this morning from across the community. I interpret that as being the system that we must come up with has to be simple, A, and B, in the discussion about the work we're doing we must keep things simple.

So I think this does that second point nicely. And I think that we will all aim for accountability framework for ICANN that is simple, clear, and compelling.

And so that's the first point. And the other point I wanted to make was I don't think we've done the necessarily - the detail work to know exactly whether everything we might end up proposing is going to fit into these boxes. So I think we have to keep stressing in our dialog with the community that this is where we are at today and this is the story we are telling.

But as we go to work and (unintelligible). For instance, the ombudsman is part of the accountability framework but it isn't entirely clearly where they fit in this matrix.

So as long as we agree this is our storytelling and this is how we're explaining ourselves and as long as we're not prejudging the detailed work we might do - might need this to flex a bit and then I think it's an entirely helpful contribution. So thank you.

Mathieu Weill: Thank you very much, Jordan . Excellent points. Jonathan and then (unintelligible) and Izumi and we'll be closing the queue. Jonathan?

Jonathan Zuck: Jonathan Zuck from ACT. I love the cartoons and that - Thomas, if you want to make a video that you narrate I'd be happy to help you out so we could post that.

I'm inspired to roll a whiteboard up to the microphone this afternoon for the Board so give that some thought but one of the - I want to not lose the points actually that Sebastien and Eric Brunner-Williams made which is about contracts that are in fact to date the only truly binding accountability mechanisms in ICANN. And as Jordan said, are not perhaps captured in this four quadrant diagram.

And so it may be that for the beauty of it we need to simplify some of the language, like, just talk about appeal mechanisms or review mechanisms that might include a lawsuit or something like that under a contract because that is one of the primary means of accountability that exist today and may in fact be improved as Sebastien has suggested on numerous occasions throughout the course of the meetings. So let's not lose that point.

And it's the same thing with principles and bylaws to - I think in theory it might just be principles because bylaws starts to be a mechanism in which those things are expressed. Bylaws is one of those ways in which we might affect a change as opposed to it being a category of change if that makes any sense.

And that may help to accommodate some of the things Jordan was talking about. Refine these categories a little bit to make them more inclusive potentially by making them even simpler.

Mathieu Weill: Thank you, Jonathan. (Unintelligible)?

Man: thank you, Mathieu. (Unintelligible) speaking. First of all, I see Sebastien.

((Foreign Language Spoken))

Mathieu Weill: Thank you, (unintelligible). Izumi and then we have a remote question that will close it.

Izumi Okutani: Thank you, chairs. I very much support the summary and this diagram as so many others have done, not just for the work within this cross community working group but it's really helpful to share this with our respective SOs and SACs and ultimately to the wider community.

Because it gives them a picture of - okay, if they want a particular solution where would this fit into or what would be the area that they really want to focus on.

So I find this - a summary very helpful. And it does show the interrelationships between the four mechanisms and I think it really helps to avoid coming up with duplicate solutions and trying to address the same problem about this - trying to avoid coming up with several different solutions for the same issue. I think this diagram is very helpful in doing this.

So this is very much in line with the inputs that we have shared from the ASO, come up with a simple and most effective solution to address a particular concern so I very much support working based on this approach. Thank you.

Mathieu Weill: Thank you very much, Izumi. Brenda for the last question from remote.

Brenda Brewer: Yes, this is a question - a remote question from Eric Brunner-Williams. Question to Thomas, as your answer to my prior question was no then do you have any reason to believe that your scenario is probable and eliminates an accountability issue?

Thomas Rickert: It's not probable but it's - it was meant to illustrate a fear that has been discussed in this group.

Mathieu Weill: Okay. We're going to wrap it up now because as much as we've - I mean enjoyed the experience of doing this and are very mindful of the very appreciative comments we've heard as well as feedbacks for areas for improvement that we have.

I think we need to wrap it and go into operationalizing this because that's not exactly - I mean we still have a lot to do on this and it's time for us to spend time on this. So would you wrap up what you've heard Thomas and how we can proceed with this part?

Thomas Rickert: Yes, thank you, Mathieu and I'd like to respond to a couple of concerns that have been voiced and also thanks for the support that we got.

In terms - you know, we heard two things. One of which was why didn't you send it to the list earlier (unintelligible) before this meeting? And we also heard that we sort of exercised powers to come up with something as co-chairs.

Now these got ready last night and also we wanted to keep it so simple that - and there's a risk with keeping things simple, sending them out without explanations because the people build their own stories around it. So we thought we might as well guide through this and get your feedback. And we got very valuable feedbacks.

And this is not exercising powers as co-chairs but living up to the duties of chairs, driving a discussion forward. And that is sometimes a burden because you take the risk of - you know, making the impression that you get disconnected but there was certainly no intention nor is any of the - this cast in stone.

But I think we need to start with some sort of model and if it works and if it can be (unintelligible), find. If we see additional elements needed so be it.

With respect to the bylaws points, when we prepared this - actually we were not thinking of bylaws only but it would be bylaws, policies, contracts, the whole repertoire.

So I suggest that we refine this chart by just saying principles regardless where they go. I think that's a - even more general but it captures it better and I think that's something that Jonathan alluded.

This is not all about kicking out the Board but we are pretty much talking about, you know, thinking of worse case scenarios and making it absolutely bulletproof. But as we work through the individual accountability mechanisms these will have different sanctions. These will have different escalation paths. And only if all else fails that might be the big stick. And usually directors are very afraid of being dismissed, right.

So that is actually the ultimate resort tool that we have that could replace the big stick that we were using as an analogy for the replacement of the US government.

What role the government will play we haven't sketched it out here. But nonetheless as you look at the individual accountability mechanism, there might be - or there will certainly be in the (unintelligible) decision making bodies a role for government as well as for other groups in the overall community. So that's yet to be decided and it would be prescriptive if we spelled out a specific role for a specific group.

We take these comments to heart. I think what we might wish to do is publish sort of a commented version and I also like the idea of having a movie explaining things a little bit in a 60-second type thing. But I think that's yet to come.

But we much appreciate the feedback. Next step is going to be how do we link this to the work that we've done so far and Mathieu is now going to show you through an approach to that.

Mathieu Weill: Thank you, Thomas. Sebastien, did you want to react shortly? I'm impatient to get into - actually, we're rolling up our sleeves and working now but please, Sebastien, if you want to say a last - one last reaction?

Sebastien Bachollet: It's never too late to send the document, thank you very much.

Mathieu Weill: Just - it's on the wiki and it's been sent. So the next slide because it's all we're in good task, something simple and explain how we are working and how things are working out. Did you - sorry, I did not notice the hand raised and I'm so impatient to get to work.

Alan Greenberg: This is really, really a very - Alan Greenberg speaking. A really short intervention. I don't think you need to apologize for taking what we've done and trying to organize it in a simple way so that we can go forward. No apologies are really needed for that, thank you. That is why we hired you and pay you the big money.

Mathieu Weill: Is there money involved? I'm sorry. So what we need to do is deliver a proposal and as we've said in this story telling exercise, we've been thinking about how we can structure things. So we discussed on Monday a first row of rough draft of principles provided by Becky that we need to elaborate on.

We need to be describing the powers of the various constituencies and we need to be describing accountability mechanisms, that's our charter. So there is me, I'm going to explain - try and explain how we can organize this work

and operationalize it. And then we can even have concrete discussions about certain items.

So the next slide. So the principles we've had Becky's - I call it, just straw man proposal shared with you on the Monday meeting. There was the mission. There was the co-values. There was the mandates.

My suggestion - our suggestion is we leave it as it is. This will be refined as we make progress on the various mechanisms and identify some issues to be taken into account. So this - we have a basis, a starting point, and as we proceed we'll be enriching this or simplifying this to - so that we have a set of principles in the end.

And I have Steve's hand up or for Becky maybe. Becky, you want to react to that?

Thomas Rickert: Can you raise your hand so they can see where...

Mathieu Weill: Yes, front row.

Becky Burr: Thank you. In addition to - obviously refining it as time goes by I do think it would be useful for people to begin actively commenting on it and making suggestions so that's just a tiny little - you know.

Mathieu Weill: So action item is taking your inputs, putting it on a wiki page, and starting a thread to enable anyone to comment on this. Is that okay? Okay. Is that on a note? Steve, do you want to follow up?

Steve DelBianco: Steve DelBianco with CSG. With respect to these mission core values and mandate, the way I understood it was prepared were - that Becky was

developing the criteria, the standard by which an independent reviewer would make a decision. We shouldn't automatically assume that those standards are the underlying part of the entire pyramid on the previous slide.

You see, because it's not settled yet that those standards have to be there for the community to veto a decision. A community veto might just be a two-thirds majority of members or a permanent cross community working group. There might not be a standard at all other than a two-thirds majority.

Another idea would be rejecting a budget, that may not be based on a standard like a review. Changing - opposing a bylaws change, might just be a two-thirds majority of the community. It might even be a 50% of the community. It might not be based on standards.

So I think that those principles are more narrowly tailored to the independent review and redress mechanisms, which are available not just to the community once we give it standing but to aggrieved individuals.

And we touched on this briefly yesterday because I am a huge fan of using graphics and concepts to simplify. But their primary benefit is to an external audience who wants to get a better idea of what we're doing.

Our internal audience is very aware that the pyramid isn't as neat and clean as that and we have to take advantage of these face-to-face opportunities to dive in and understand where we have differences. I don't presume for a minute that we could resolve the question of should community veto be standards based or not.

But we can understand whether that's the path we're heading on and recognize that we don't want to create mechanisms that individuals could use to gum up the works and shut down ICANN's work.

Mathieu Weill: You're right, it's an important point to make and down our road that's going to be one of the important decisions we have to make collectively, not today but it's clear that we will need principles, certain mechanisms might be relying on the whole set of principles.

Others might be focused on some certain of them and there might be some standard of reviews out of this.

And the point you're raising, Steve, is excellent. But I think we'll - it's within the mechanisms that we will have to discuss the threshold to actually trigger - and I'm using the word trigger on purpose, a certain - and that's where this discussion will take place when we discuss the evolution of the IRP for instance. So I have (Malcolm) and then Becky.

Malcolm Hutty: Thank you. I would like to mostly agree with what Steve just said. It is - the community's own preferences need to come into this, not only principles.

But I would differ slightly in saying the principles only applied to the independent review mechanisms, that was what - the import of what Steve was saying in that I think that the - we're not just talking about these principles as being for a correction mechanism. For one thing, they certainly go to the Board.

We're not just talking about these principles as being something that you use when things have gone wrong but actually they're a positive guidance as to what we, the community, expect.

They are about building a culture that understands what ICANN is for, how it is supposed to work so that we all support it at every stage and every level within the organization and within the community so that we maybe don't get so many complaints that things aren't working well because we have built a set of agreed mission and values type approaches so that we are working in a more coherent form.

So I would certainly say that these principles fall under the Board section as well as under the IRT section of your diagram for example. I think that's sufficient to be honest. I made my point.

Mathieu Weill: Thanks, (Malcolm). Becky?

Becky Burr: Just very briefly I just (unintelligible) and (Malcolm) and I think that one way of solving this was - rather than referring to principles refer to standards at the bottom (unintelligible) pyramids. Principles which may be part of the all standards or maybe the entire standard for (unintelligible) but no, just a standard.

Mathieu Weill: Jordan ?

Jordan Carter: Thanks, this is Jordan . I just wanted us to not lose the (unintelligible) which I thought I saw in the original presentation from Becky which we are trying to (unintelligible) statement of how we want ICANN and the community to relate.

So these principles, wherever they end up, they might (unintelligible). They might not be (unintelligible) bylaws make them do so, are about the compacts the (unintelligible) has with the ICANN corporation.

And so I'm reluctant to not (unintelligible) governing board (unintelligible) while we focus on the details. But then there should be a reconciliation - or we should make (unintelligible) principles, values, standards. We want (unintelligible) ICANN to (unintelligible).

And that for me is (unintelligible) presumptions that (unintelligible) ICANN's in charge and the community helps it. The community is in charge and ICANN helps the community. And I guess the language (unintelligible) powerful (unintelligible) of this process.

Mathieu Weill: Thank you. Thank you, Jordan . Okay. So moving on to - I think we'll have discussion later on - principles, standards, and how we disintegrate. But next stage of the pyramid was the power so if we go to the next slide.

Powers is by lack of a better word but happy to elaborate, that's where we find our requirements so this is really based on the mine map out of the Frankfurt meeting but worded in a way that is strictly focused on what is enabled rather than a mechanism.

So approving the budget and strategic plan, approving or rejecting value changes, reviewing or addressing board decisions, management decisions, initiating actions against board inaction, preventing action outside of ICANN's missions or removing board members. Those were the main work stream one powers we had identified.

And what we believe we should be doing now is filling one of the gaps that was highlighted when - in some of the conversations we've had this week including during the Board meeting is what's the problem you're trying to

solve, why is that important today for - to enhance ICANN's accountability to work on that specific new power.

Is that bringing more - I mean is that helping achieve better some of the principles of standards? Is that solving a particular issue that we have now? Or is that addressing, mitigating some of the contingencies?

And of course, I'm expecting a lot of links between this and the contingencies because that's where we are - when we say is this going to be covered by the - in the new - the outcome of our proposals, that's where we are saying, okay, if that happened then we would remove the Board or we would review the management decision. There will always be the options.

And that's why working on reviewing management decisions is an important tool at this point to have an ICANN that's ready for the transition. That's really the why part of what we're doing is something we should not be leaving aside because we tend - we might tend to focus on the what and the how.

But at some point we're going to have to show our proposals to the community and wider and we need to explain why we're working on this.

So that's a - that's what we're suggesting we do at this level of so-called powers. And then we'll connect that to the mechanisms. I have Alan, Siva, and then Steve.

Alan Greenberg: Thank you, Mathieu. Actually my hand was up on the principles section. It was just skipped over by someone, I don't know who. It dawned on me as I was listening to Steve talk about the thing that some things aren't principles.

If we presume that among principles are the rights of certain organizations and individuals to act and they become - that becomes completely correct.

Essentially the ability to do certain things is based on rights granted to them in the bylaws. And I'm happy to call them principles. So now you can go back to the section you're talking about.

Mathieu Weill: Thank you, Alan. Siva?

Sivasubramanian Muthusamy: Siva (unintelligible), when we talk about explain provisions such as powers to remove board members or the whole board, it also becomes important to talk about (unintelligible), the necessary precautions and define conditions under which such an extreme provision is invoked.

Just to make (unintelligible) extreme provisions invoked in extreme situations and not in (unintelligible) situations. So we'll make it a point to define the circumstances in which extreme powers are invoked. Thank you.

Mathieu Weill: Very good point and we'll be getting to that right away. Steve?

Steve DelBianco: Steve DelBianco with the CSG. On the right hand side of the slide with respect to powers, I'd like to try to encourage us to avoid chasing our tail and running around in circles, which is exactly what will happen if you pursue the why is it important section.

Let me suggest, we started with a charter with - on a goal, the chairs and everyone worked very hard to fleshing that out to what accountability means, an accountability to whom. And based on that we developed requirements for powers, that was the entire breakthrough we had in Frankfurt. So the powers that are listed on the left or the requirements were derived from the goal of a community being able hold the Board management accountable.

So we proceeded in step one, step two to the requirements. Our next step as you say is to put descriptions to how to implement these powers with mechanisms and potentially (unintelligible). And the powers do not exist individually.

They have to be stitched together so that if we - for instance, came up with a member structure for ICANN, those members then would be given within California law - would be given certain of those powers with certain voting thresholds and certain trigger mechanisms. It has to be considered holistically.

For instance, the removal of board members would have to be done by the community but we have to first decide which is the best community structure that will serve all those powers with the minimal amount of complexity, right, and still be legal and hold the Board binding.

So at this point, it is much better for us to work on stitching those powers together into a couple of potential structures, ad hoc versus member versus delegate. Get legal advice and stitch those together. And once they're stitched together into a cohesive model, a prototype, it is only then that we apply the stress tests to it.

There isn't any gain at all to answer the why question on each one of the powers. They were derived from the goal of the charter. So I've - let me answer all the whys.

Why? Because our charter said we want to have the community hold ICANN accountable and we've already worked on the work and achieved consensus that we need these powers to hold the Board accountable to ICANN. Done, check the box.

But it's not necessary to map each one of these to a stress test, that isn't how stress tests work. A stress test is applied to the mechanism, to the prototype that we develop.

And I'm happy to dive into stress test early because they help inform us what we need to have, and that's great, but we don't need to hold up this process to answer why on everything and we don't have to do a stress test on everyone.

Mathieu Weill: Thank you. Before we go to the next ones - yes, I think we'll have to do that at some point, not necessarily now. We'll get back to that when we get to mechanisms more elaborated on, that's what the feedback I'm hearing and that makes it something we can do. Next?

Thomas Rickert: Mathieu, before we move on I think we're having a disconnect here.

Mathieu Weill: Sorry? Go ahead.

Thomas Rickert: I understood that you questioned or encouraged us to remove the why part and we're going to not do it now. We take that. I think at some point when we write this all up we need to explain to the community why we're doing certain things.

Steve DelBianco: (Unintelligible) explaining that we started with a charter, we derived powers necessary to fulfill the charter, and that's the why we did them. That's why those powers are there, because they were necessary to fulfill the charter. There isn't any need to now go back again and justify every single why.

Mathieu Weill: So we don't have to cross that discussion now and certainly we'll elaborate on that but I think the charter is not sufficiently good reason to be working on

what we're working on. There has - because it's not related to public interest or something of ICANN.

That's why we think there's a white layer we need to operate on at some point. And not now, but I mean Julia knows. I say Julia knows. She cannot go to her government and (unintelligible). And this is important because it was in the charter.

Steve DelBianco: "Hold the Board of Management accountable for the community." That's what the charter said. From there, we did the work in the CCWG of coming up with the powers necessary to get there. But each power in itself doesn't have to have a why. We need to put the power together in a structure that will work. And then that will be when we...

Mathieu Weill: That's a good point. That's a point I'm fully accepting. We'll be addressing that later. But that's certainly acceptable to say that, why I might encompass several powers at the same time. Sam and then Jordan , then we move to the cookbook.

Samantha Eisner: This is Samantha Eisner from ICANN. I guess I ride the why is this important part a little different. I just wanted to frame it a little bit differently. I agree that it might not - we might not need to go so deeply into the contingencies at the time of formation, but I would see part of the why the what value does it bring, what problem does it solve as a way of helping to classify. Because we might have, in some ways, repeating mechanisms that we come up with and we need a tool to balance them against each other.

And so having some of these questions answered at the outset so that you can see what benefits or risks might be involved in each of the different proposals, I think would be a benefit. So I don't support the why in full at this point. I

think that it actually has a lot of probative benefit to - you need to be able to express it in some way and if you can't - if (unintelligible) because why, because we think it answers the question.

That's not enough. What question are you answering? How deeply do you think it answers it? And then you can balance the proposals and see where you might want to mash the different mechanisms together. Because we might not come up with just one mechanism to solve a problem.

Mathieu Weill: Okay. But we have the requirements we prioritized. So that's what we can start with, actually, even if we're not able to fully elaborate on the why at that point. Jordan and then a remote question from Brenda. And we'll try and go to the cookbook after that. Jordan .

Jordan Carter: Thanks. I think I agree with Steve in the sense that we definitely can't stress test individual powers because the only answer we'll be getting is, "No, it doesn't solve the stress test. Yes, it does." It's more important to measure the stress test against the whole package that we end up putting together. And if our description of each power is why this is important, because it holds ICANN accountable, well more accountable, then that's entirely useless. So, I think that within the working parties, we need to discuss why this is important for each power, to just have a sense if there's anything more and fight for that.

This just holds ICANN more accountable. And if there's specific angles, we should document them. But trying to particularly justify it against this stress test plays against the best use of time.

Mathieu Weill: Thank you, Jordan . Brenda for one more question.

Brenda Brewer: Thank you. We have a remote question from Eric Brunner-Williams. A comment, actually. "I differ from Steve DelBianco in thinking that the why is useful and necessary to state. Thank you."

Mathieu Weill: Thank you, Brenda. Mark Sloan.

Mark Sloan: Thank you. I'd like to agree with George. The description of why is clearly necessary for the package as a whole. It's not sufficient to say, "Well, it's in the chart so therefore we did it." They actually said, "Governments and other stakeholders want to go back to their communities and say why we're doing it." And there's an answer to the whole. The problem with going through these things individually is that the answer will often be the same to each.

This is a part of making sure that something doesn't happen without community approval or in defiance of rules or whatever. And if you do that and you make too big a thing at the why, when you get several different things for which the answer is the same, it starts to look repetitive. And the trap is that a repetition of the same answer makes it look like the various different mechanism are superfluous because there's several things answering the same thing. And that would be a grave mistake. And that's just the thing to be avoided. And that, I think, is particularly the reason why that objective to spending time (unintelligible).

Mathieu Weill: Excellent. So, we'll (unintelligible) here and we're going to get to the next slide. And I have new hands raised.

Sebastien Bachollet : Sebastien Bachollet's the name.

Mathieu Weill: Please.

Sebastien Bachollet : If it's - I mean, just the plus ones are not necessary, adding - helping us forward. So please, if it's a plus one, then we can leave with that. But if it's a deferring you, obviously then it's more that you raise it.

((Foreign Language Spoken))

Mathieu Weill: And I'm going to switch back to English to ensure. Everyone from the same page on that? There's an agreement that there will be a need to express some of why, but maybe not in that format. Maybe not power by power but for systems of powers. An so we're keeping this as one of our deliverables for later. In the meantime, if there are inputs into how we could provide this, they're more welcome. So, next slide is the cookbook. Let's spice it up.

So, we have mechanisms and we need to explain how we are - is here amending them or creating new ones? That's our charter. Our proposal - and that's, once again, this list is a suggestion. It is designed to be discussed with you this morning as this is the first time you're seeing it and this is not going to be a decision at the first meeting either on this or on the work method. However, we have short deadlines and we need to get into the substance of this.

So, our suggestion as co chairs would be to use the trigger and un triggered distinction. It's a suggestion and it's - because at least it's something. And we tend to believe there's some sort of balance in terms of numbers. Okay? What we're seeing from the initial exercise, Work Party One, Work Party Two, the feedback from Becky and Jordan was it's difficult to see exactly where things start or end. And there's a lot in common. So the principles that were in common were shared aspects.

And maybe this distinction has to be reviewed one way or another and I'm perfectly open to that. But we have these mechanisms and we need to get in for each of them. And I'm going to go to the next slide, we'll go back to this later. The recipe for each accountability mechanism. So the powers, it would be able to exercise the standing, the standard of review and positions, and the accountability - including the accountability mechanisms for the members of - and for the people involved into these...

Man: Processes.

Mathieu Weill: Processes. The way to come to a decision, the cost delay and all the aspects that enable real accessibility and the potential ways to implement that. Or it could be put into the bios. Or it could be put into a contract. Which one? Et cetera. Keep in mind that we are still very much detailing requirements. And we'll go to legal advice then with the question, "Okay, now tell me how we can put this in place?" So we're not necessary yet doing - I mean drafting contract amendments or things like this. We are detailing exactly how it would work.

So there's three things that we need to discuss now. The template, this is bound to create a template that we all use on a regular basis for a description of the mechanisms. And if we go back to the slide before, Keep the Distinction, Change the Distinction that's Item 2. Item 3, Do We Have the Right List of Mechanisms? And Jordan has his hand raised, or maybe it's an old one. And then I have Steve.

Steve DelBianco: Hi, it's Steve. I think Question 2, which is the screen out in front of you, Is the Distinction Helpful? And I take it that the main objective of having any distinction is to divide the work. Do I have that right? Great. And there is only one of those bullet points, it's difficult to split. And under the non trigger, the

first one up there was the budget and strap plan process. If that comes up once a year, it turns out that the mechanism - the community would express its opinion, its approval over its veto, is all wrapped up in the community structure that we would use for all the triggered items on the right.

In other words, if the community were a permanent cross community working group, or a group of members, that is the same community structure or organization that decide the non triggered element of the budget and strap plan. So, you suggested it's non-triggered because it's scheduled once a year and I get that. But it probably belongs in the second column, since that's where the mechanism to vote about the budget and express opinion about the budget would come in. Maybe you have it in both columns for the sake of argument.

And Becky Burr's initial work on standards were originally developed for the independent review, to give them a standard they would use to go against it. So, where would that be? Is that under IRP, the top right hand column? So all of those standards are in there. And that itself is quite a bit of work, quite a bit of detailed work. It would be necessary. And reconsideration as well, the same standard would be there. And what about ombudsman now? Is ombudsman falling off the map here?

Mathieu Weill: We should probably add the ombudsman. Thomas, you told me you wanted to reply?

Thomas Rickert: Yes. Just a quick response to your point, Steve. The point was made that the approver is, sort of, the thing that could fall under the trigger category. Nonetheless, we wanted to base our distinction on what factored into the whole system as coming up without the community needing to ask for it? Right? And it's the duty of the Board to come up with the budget proposal, to

come up with the strategic plan, and therefore the creation of those is not triggered. The approval process is the need to be handled. But we suggest that, you know, for those things that lack the structural views that would take place without the community needing it and you can still use the same methodology for creating it, the list of questions. So maybe we just leave it here for the moment and...

Steve DelBianco: ...in the center of “what the community is.” Whatever structure we come up with to represent what does the community think, that will end up effecting both the left and the right because the left really just (unintelligible).

Thomas Rickert: But that’s the - that might be one of the beauties of this approach because we have individual groups on - working on the individual mechanisms, coming up with suggestions of how the decision making body needs to be formed. It would have voting pressures in it as well, right?

So, budget approval you were mentioning earlier is at 50% or something like that, or 75%. When we have that input from all those sub teams, then we can find common factors and then build a cohesive structure out of that. But I think we need to get the individuals, or the sub teams, run first, come up with suggestions and then merge it into - marry it into one cohesive proposal.

Steve DelBianco: When we do final follow up, the way that Jordan ’s document was structured - and we met on it over the weekend to work it - is that the mechanisms are described as to what the community. All they have is the word community in quotes because we leave it until the end of Jordan ’s Work Party One paper to say there are several organization structures that could be used to represent the community. So we, sort of, separated those two decisions so that we can design mechanisms on the assumption that the community will have a way of expressing its preference.

And then secondarily figuring out the most lightweight possible structure, so that the community can have a voice that can override the Board. And so, we can maintain that and do quite a bit of working developing the mechanism, but just putting community in quotes until we figure out how to represent it.

Mathieu Weill: So, this is a valuable discussion. Alan and then Edward. And then Becky and Jordan , I'm giving you a heads up that I've turned to you to ask this very simple question. What do you think is the right distinction? Because it's really organizing our work. I don't think it has any - I mean, unintended consequences in terms of structuring something. And you guys have been kind enough to volunteer to shepherd this. And therefore I think it's worth - I mean, we should give you a, sort of, a final word on this purely organizational matter, considering the arguments that are being made, and the proposals. That okay? So I have Alan and Edward. Alan.

Alan Greenberg: Thank you very much Alan Greenberg. It strikes me, looking at this list, that the difference between the left and right columns is the order in which things happen. The right column, the community has to take action to trigger it. The left column, some action, some happening, a calendar event or something else triggers community action. So it's the order in which the community acts that really differentiates the left and the right. And I think that goes to something about what Steve was saying.

Mathieu Weill: Thank you. Edward.

Edward Morris: Hi, thanks Ed Morris, NCSG-GNSO. Is this, on the WP2, considered an exhaustive list? Because I - okay, I want to clarify that because we need to have something up there for transparency document request, DIDP, something

such as that. We will make sure that's not the end of the discussion. Thank you.

Mathieu Weill: Thank you. No, it's not necessarily exhaustive it was - I picked that from the nine mark in the work plan one items. But obviously it's, you know, very much open to discussion. So it is (unintelligible) to work on the IDP cook - recipe, I think it will be most welcome. Jordan , Becky, so what do you think? How do we split the work so that you guys do not get anything on your shoulder?

Becky Burr: We have consulted briefly and we think this is a very helpful starting point. We think that there are some minor adjustments that we'd like to look at. And also, some additional things that we've already, sort of, had suggestions about. So for example, the transparency issues were surfaces in the two documents that Jordan and I circulated for the work plan. So, our suggestion is that we put our heads together and then come back to the group with the adjustments that we think need to be made. But in general, this is a helpful framework.

Mathieu Weill: Thanks. So we - you have an action item, a joint action item. Would you come back to the group with some form of list like this, so we can organize I'd say the delivery, going back to - and we haven't really used the analogy of (Igin) department today.

Man: Not yet.

Mathieu Weill: Not yet? So that's going to be for me to see, so that we can deliver on a regular pace these templates for accountability to make any sense. And organize this. The idea being that we are going to be looking for very small groups of volunteers within the community, mechanism by mechanism.

And, sort of, the pure review thing you do in development is going to be done in the first stage by Becky or Jordan . And then, of course, we'll review these within the whole group at each point. So that's really the way we're intending to process. Thomas, I see you troubled.

Thomas Rickert: No, I'm not troubled. Just to build on that, I think what we might wish to do is assign volunteers for each of those, to work on the - answering the questions for the individual mechanisms. And then the idea is - I see Jonathan Robinson is in the room. You know, for example, the CWG has asked us something independent, right, as well as it has asked for something on budget. So, we can form sub teams where members consisting of both groups to fill out the form and maybe find common results in those.

Mathieu Weill: I have Sharon on the list and then Beck, Seun is here right behind you. Behind you. Yes, thank you.

Seun Ojedeji: Thank you (unintelligible) the previous light. This is Seun for (Direct Bud) from Nigeria. I'm speaking on behalf of myself. I'd like to ask what if the working group can create just a pager to find the connections between the Ws because you have little Ws right now. There's WP1, WS1, how do they connect? Just a one pager would be enough. And I'd like to know, this - what we have right now in this screen, does is all fall under WS1? That is - it is, will be done. That will be addressed before the transition. Actually, in respect to the work of the CWG. Thank you.

Mathieu Weill: Thank you, Seun. Very good point. So, I think more and more Work Screen One means before a transition and we'd keep it. Work Party One, Two probably going to have to disappear because this is adding a new layer of acronyms and we ought to all hate acronyms. And we'll go into these recipes and templates, that's really the main point we need to go to. Jordan ?

Jordan Carter: Just really briefly, (unintelligible). In the original document where we had the parties, it was Work Screen One and Work Screen Two. So we definitely had to get the whole picture of the changes to work out what we had to do before the transition. So at this point it hasn't been divided, but soon it will need to be. We need to make sure that we are working as rigorous as possible to making the difficult changes pre-transition, (unintelligible).

Mathieu Weill: The centering is here on the way.

Olivier Muron: Yes, (Edward Olivier).

Mathieu Weill: (Edward Olivier) and then Steve. Edward.

Olivier Muron: Thank you.

((Foreign Language 00:23:47))

Olivier Muron: But the - another mic. I have a question on the topic of composition of these new bodies we're going to build. These are being constructed into working group or supervisory group memberships. The question will be how is the composition? Thomas mentioned it at the beginning, said maybe there will be different composition depending on the mechanism.

But I think it's a very important question because if you look at the documents, sometimes it's mentioned SONSC with equal works from SNOSC works. What we have here in this working group in some of the parts of the community, like Work Two it mentioned SONSC (unintelligible) in the document.

In some other document was the mention of the other groups. So there are many different documents. And I think if we really address something, just not to complicate it, not too depending on mechanism but simple. We really have to work on the subject and not to let (unintelligible) moment. Because it's - I think it's a difficult question. And if we're ready to have something more comfortable, we need to work on this topic variously and very hard because it's difficult.

Mathieu Weill: Thomas will answer.

Thomas Rickert: Yes. Thank you, that's actually a very good question. And the idea is not to create many more new bodies. But I think you - we need to think about, you know, if we want to have the empowered community, what are your thoughts on how many representatives from each group should be there? How many delegates, so to speak, can every SOSEC or other groups into this body? So we need to put some flesh to the bones. As well as for the independent review mechanisms, we need to think about what skill sets they should have.

At (unintelligible) were a concern that things might be - that individuals might be taking decisions, bodies might be taking decisions in areas where they don't have any expertise. So, let's say, if we have a need for the independent mechanism to be a judiciary body, you know, what qualifications should those have that can go on that committee if at all? Who appoints them? Have they binding votes? Non binding votes?

What about geographic diversity? There's other questions that you might wish to answer in that context, need to be fed by this group, right? So again, the idea is for the individual mechanisms, people should think out of the box, come up with a proposal as to what they think an appropriate mechanism and composition would be. And then we need to find the commonalities and

hopefully come up with a compromising consensus position, how these committees, if at all, get seated.

Mathieu Weill: Yes. And I think that having diverse proposals initially would certainly be useful, as long as we can elaborate on why - what are the underlying reasons for having different proposals in terms of skill set or the way the votes are being made or something like this, so that we can come to a joint position. You want to follow up?

Thomas Rickert: ...being the work we've done on definition. We introduced it directly affected, indirectly affected and so on. They're trained to sort, they call their selves. That's one of the inputs we have on the table.

Mathieu Weill: So, I mean, working on that suggestion, it's important that we kick off work early on some of those items where this question will be key in terms of, of course, the different mechanisms by which the community is empowered and everything. There's a lot of work already being done in the Work Party One document by Jordan . And put this into this kind of template so that we can be confronted as a group with the proposals and work this discussion out.

Olivier Muron: And one thing we can minimize is the...

Mathieu Weill: Yes. Thanks, Olivier. Yes, you're right, that's a high priority in general. Steve.

Steve DelBianco: Thank you. Steve DelBianco with the CSG. I'd like to make two substantive, not process points. Olivier just raised a great substantive point and that is that if we design powers, it would ideal - I want to propose that it would be ideal that those powers, whenever they're to be vested with the "community," that we have a consistent community structure that exercises those powers. Rather

than community is going to be a ACSO ad hoc working group, or in things like spilling the Board.

Oh, but the community will be a statutory member when it comes to disapproving the budget. And Olivier asks a fair question. While you're working so hard to divide things up into streams, we risk each sub team coming up with a different structure or organizational structure to achieve the power. So, we do have to have a meeting of them. And Jordan 's document does that, calls it community. And the effort is once we've figured out how these powers should be exercised, you go straight to the back of Jordan 's document and it lists multiple structures that could achieve them all.

And that's where we really need the legal help. Not necessarily the kind of help that we got on Sunday, but more legal help that says not can the community spill the Board, not can the community override the bylaws, but how. How does the community do it? And then that will inform Olivier how we will stitch together a single structure that will do all those mechanisms and powers. That's from our proposal.

And with respect to Work Stream One and Work Stream Two, especially since we have the Secretary Strickling in the room, Jordan brought up the notion that we want in Work Stream One only that which is necessary, so that we as a community have the power to deliver Work Stream Two whenever we're ready to get around to the work.

So I've been a big advocate of one of our tasks - this is a substantive not a process point. One of our tasks is to move the affirmation of commitments reviews into the bylaws. And that field's really important and yet, it will take a lot of time for the community to develop the bylaws language of what those four review teams will look like and how we move them into the bylaws.

Frankly, if we had the power to force the bylaws adoption, or stop the Board from rejecting a bylaws change, my guess is we could put the affirmation of commitments bylaws into Work Stream Two. As long as in Work Stream One, the community is able to override the Board's rejection of a bylaws change. We'd have to make sure that subsequent to the transition of IANA, the community does a bottom up multi stakeholder process to design the bylaws to make the affirmations of commitments into the bylaws.

We surface that to the Board and if they were to say no, let's make sure we have, in Work Stream One, the power to override their decision, thereby making that bylaw binding on ICANN. So, I mean, we do have the opportunity to trim the things that are in Work Stream One by embellishing the community with powers in Work Stream One.

Mathieu Weill: I see. Committed to part of the Work Stream One definition. Alan.

Alan Greenberg: Waiting for a microphone is a real pain because I was going to say - everything I was going to say was said already.

Mathieu Weill: Thank you very much, Alan. Jordan .

Jordan Carter: Steve's agreement with what I had said before about what should be in Work Stream One and Two reminded me that there's a - just a small nuance that we have to keep in mind, that we have to deliver enough in Work Stream One to allow the communities to come to consensus about the transition.

And depending - I don't know yet how the ICANN community collectively to attest those in these fields, they might feel a little more needs to be delivered than just the procedural bare minimum. So we shouldn't forget that. We might

need to do a bit more than, strictly speaking, we need to do. So I just want to, sort of, clarify that a bit.

Mathieu Weill: Okay. So, let me look up exactly where I think we are. We have a discussion on the principles, we've been discussing this. We're going to establish a template based on this, separate it, discuss and comment it before we finalize it. But that's going to be the standard. The list of mechanisms to be worked on will be separated as well and then Becky and Jordan are going to come back to us with a structure. And it's up for discussion.

There can be additions, there can be amendments and everything. Now, we don't want to wait until - in two weeks time to start working. So, what I want to do now is find volunteers to work on initial mechanisms. We have alighted two substantial discussions that we'll have to make - to have based on this. One is the point raised by Olivier about when we're talking community, what is the SOSOC? Does that include stakeholder groups, constituencies? And that needs to be a topic we discuss on - based on the necessary skills and how we're envisioning the various mechanisms.

But it has to be consistent and it's definitely not going to be any possibility for us to - I mean, pick and choose for different mechanisms, otherwise it's not simple and no one is going to understand anything. But it has to be based on skill set, so that's one of the items.

So I have a high - if we go to the present skills slide, I think that the left side, Budget and Strategic Plan in Process - the ones that are in within Jordan's document, I would like to see a couple of proposals on the table to discuss this further in terms of how it would fit and so that we can have this discussion based on this and try and find something that suites us.

This second item is the one presented by Steve, which was, “would we have an individual challenge, any kind of decision?” Right? Sorry?

Man: (unintelligible).

Mathieu Weill: Yes. Under what conditions we’ve reached under the review, et cetera. And so that’s the - basically the IRP mechanisms that we need to elaborate on very quickly because I think it’s going to be important to have this discussion as well, in terms of whether we are in a process that can lead to (unintelligible). That can paralyze ICANN or that can be abused by some to gain the powers and so on. So, my point is we need now to get into drafting mode with volunteers and small groups. And I see (Malcolm) is a volunteer for a couple of items. Please, (Malcolm), can you state exactly which ones?

Malcolm Hutty: Sorry. I just want to comment on one thing that you said. Matthew, you said that it wouldn’t be possible to pick and choose structures between the different mechanisms. And while I support what was said earlier about making sure they’re not each developed for each individual mechanism individually, we mustn’t be limited to just one.

We can’t be limited to just one structure to deliver all of this stuff. I think that we’re very likely going to need to - possibly more, but, very likely to - the kinds of things that are community based for community preference for general view such as the approval of the Board of strategic plan, initiation of bylaw change process, those sorts of things, is likely to be a community type structure.

Things that I’ll think in terms, based in Becky’s norms, like IRP, reconsideration process are - that are going to be available to individuals and

likely to be a different kind of structure, probably an independent adjudication type structure. So, we mustn't be limited to just one.

Mathieu Weill: I was just referring to the building blocks and the community empowerment where, within that, we can't have three or four types of structure. Of course the appealsman can, or something else. Maybe I was getting ahead of myself. And Becky wants to organize working with it a little bit better and welcome this proposal. Thank you, Becky. Can you - would you what - have the floor? Do you have a mic, Becky? No?

Becky Burr: I don't think so.

Mathieu Weill: No you don't, okay. So, go ahead.

Man: But you mentioned earlier we were looking for volunteers. But what we suggest doing in the essence of time, is we have volunteers that have signed up for WP1 and WP2. We take that for the moment. Becky and Jordan, try to allocate tasks to individuals. And those individuals that don't feel comfortable with it can move, right? So I think we just need to make sure that we get into drafting mode between this and the next meeting. And I'm sure that you can take care of that.

Becky Burr: Right. And I think that we're all clear that we need to move quickly and we need to get into drafting mode. But I think it makes more sense to allow the (unintelligible) for the various work parties to organize the work specifically.

Mathieu Weill: Excellent. We have a question from the remote hub in Columbia. And then coming back to you, Steve.

Leon Sanchez: Thank you very much, Matthew. This is Leo Sanchez. The question we have from the remote hub in Columbia by (Tony Menin-Gomez) from ACUI Columbia is, "If there will be new working structures being created, or if the existing structures will remain? And is it possible to have open and inclusive participation for Latin American and Caribbean members, as they have been away from the work at sometimes?"

Mathieu Weill: Thank you. We can't say for now whether there's going to be working structures being created. That's definitely not the (unintelligible) and something we need to be very careful about. As we said, we want to be quick, we want to be efficient, but we want to be simple. But that's one of the questions that we have to - in front of us now. And inclusiveness, as we discussed earlier, is certainly something we need to be working on creatively.

Man: To promote participation is always possible.

Mathieu Weill: Oh, I forget the question was related to ICANN in general. Steve.

Steve DelBianco: (unintelligible) the slide. Thank you. I wanted to bring something up. It's a substantive not a process point that we discussed a couple of hours ago. In Work Party One, over the weekend, another community power was at it that didn't make it into this list and I can see why, there was a lot of scrambling back and forth over the weekend. NCSC brought it to us. It was the notion that the community, however we organized the community, the community could veto a board or management decision.

So we'll call that - I think it's under the non-triggered? No, it's triggered I guess, yes. So it's a triggered item. And it's different than an independent review, which is all that we have. We have review and redress, review and redress. The community veto, as Robin Gross say we put it into our document,

is literally the community rejecting vetoing a board or management decision. Not to correct it in some way and tweak it. But that is an open item that we as a working group have to figure out, do we want to go down that path?

Because if it's truly just a veto, it may not even have a standard by which some court or independent person would determine. It would be just what the community thinks should be reversed as a decision. So, by your not including it, I'm just taking that to be you missed it over the weekend, but I do think it's still on the table. And it's one of the areas in Work Party One where Jordan is working that's going to require some attention.

Mathieu Weill: Thanks. Point is taken and we'll update.

Steve DelBianco: Okay.

Mathieu Weill: Helga?

Helga: Thank you, Matthew. And for the participation and for the work from now on, we're trying to do an effort in coordination about the members of the (DAT) in this first community working group. And we would like to be included in as many activities or groups as possible, because we are volunteers for that, especially Julia, myself. Because it is important that we gather the whole picture so we can go back to the (DAT). So, I don't know if I have to coordinate with you or the other members of the - thank you, just wanted to mention that. Thank you.

Mathieu Weill: Thanks. This is very welcome and appreciated. Here we have the roadmap, we have the templates, we have Jordan and Becky who will organize the work and now we're asked to close this very long item. But we know exactly how we're going to work now. And apologies for not being as substantive as we

could be, but I think we're gathering also the moment where we can organize work and make sure everyone's on the same page with that. Yes, Thomas, you want to interrupt me? Please, go ahead.

Thomas Rickert: You know there have been complaints about us talking process, but I think we are really at an intersection point here. When we go into drafting mode, we need to ensure that we're making best use of the results that's inside group, right? And we think that by going to this "fill out the form" mode with an understanding of where the individual answers would fit in the overall concept, would help us a great deal to come up with a cohesive solution. So, you know, using the analogy of the cookbook, what we're working on here is, you know, having the index, i.e. the dishes that we can cook.

And we have the ingredients or the recipe with the answers to the questions. And once we have that, we have one cohesive approach to the overall accountability concept and that also helps with the implementation versus committed to question, because at least we can say, "This is what needs to be implemented." And I think that will help us a great deal as we move on.

Mathieu Weill: Thank you, Thomas. So moving to the next agenda item. A very, very quick update on the legal team and then we'll go to the stress test. We'd like to get your feedback on the discussion we're having for the second time on these documents that we've prepared. Leon.

Leon Sanchez: Thank you very much, Matthew. This is Leon Sanchez. So, the update is that it is not as bad as we thought, thank you. No. So, we held a meeting, as you were informed. The leg sub team is really small, but it's, of course, open to anyone that can - that wants to take part in this effort.

And Robin Gross has kindly agreed to hold a pen to draft the first document that we would be entering - submitting for external legal advisement (temp comes). And it's very important for the Work Party One and Work Party Two that deliver the questions that we would be also including in this document. So, there's really not so much more to say in the legal advice update. And I will then turn it back to Matthew.

Mathieu Weill: Thank you, Leon. Now we're moving to the stress test where we - I think I should call - have Cheryl - Oh, Cheryl's out the room. No, she's here. Cheryl and Steve comm. So the - what we would like to see now...

Cheryl Langdon-Orr: (unintelligible).

Mathieu Weill: Where are you?

Cheryl Langdon-Orr: (unintelligible)

Mathieu Weill: Come over. So we have five suggestions and what we'd like to know - to see now is stress test by stress test, whether we find the assessments that are made within those documents, those templates, that whether the contingency is appropriately dealt with by existing mechanisms and whether it would be appropriately dealt with by future mechanisms. Whether we are in agreement on that or not. It's not something where we're going to make a decision on right now. But I - we want to get your objections or agreements quickly so that we review them next time.

And this is all at a preliminary stage because obviously, we all have to go back to that one way or another once we have the mechanisms refined. But still this is, I think, a very useful way to have a - to share a - to have a shared perspective about what we need to address and how to design the

mechanisms. So, Number 14, (ADAC) considerations. So we discussed this last time. So if you can just recap for us.

Cheryl Langdon-Orr: Thank you, monsieur. And indeed, we will not go over what we've gone over before. I will draw your attention - by the way, Cheryl Langdon for the record. I will draw your attention to our Wiki page, which is open and is welcoming for your comments and interactions. You have a bit of a background briefing now from Matthew, but I need to make it clear, the validity of this exercise is not that the stress test we'll looking at are highly probably, they simply need to be possible. If there's some interaction on the chat today which is bought somehow. How likely is that to happen? It's not the point. It's a mechanism of testing the robust-ness of our proposals. It is not a measure of how likely it is or not to happen, or indeed any implied criticism to ICANN. And I feel robust just long enough to get safe back to the chair and he can just run us straight into 14.

Steve DelBianco: Thank you, Cheryl. Steve DelBianco from the CSG. We've been over Number 14 twice this week. We did so on Monday night and we did so on yesterday in the CCWG session. It was selected by Cheryl purposely because it's a relatively clean stress test that gives you a robust opportunity to say, "Wow, it looks like this could not be solved by existing accountability remedies." Oh, but it could be solved by the combination of remedies that we have in place. It's particularly interesting because it requires at least a couple of remedies.

For instance, if we put the affirmation of commitments into the bylaws, could ICANN 's future board and management take them back out? Well, of course they could. So that's why you have to have a secondary power which has the ability to override a bylaw's change. So in that right hand column, you're able to do both. So, if we could scroll the screen up to the Number 14, we'll see if anybody has any...

Woman: Keep going.

Steve DelBianco: Little bit more?

Woman: A little more.

Steve DelBianco: More?

Woman: About three more pages.

Steve DelBianco: Thank you. And I believe that Alice has put into the Adobe chat the hyperlink to the document that we're going to run through here quickly. Right, Alice?

Woman: Keep going.

Steve DelBianco: Keep going, please.

Woman: Keep going.

Steve DelBianco: Keep going.

Woman: There.

Steve DelBianco: Stop, please. That's it.

Woman: There you go.

Steve DelBianco: Thank you. Very hard to read, I realize, for your screens to please, take advantage of the Adobe chat where Alice has put the hyperlink to the

document. No need to probably go through the details on this one. We've already been through it twice. I think that Mateo wanted us to survey the working group to understand whether you agree with the conclusion at the bottom of the page, that existing remedies are inadequate to satisfy this stress test and that the proposed remedies, however we define the community in the details, are adequate. Mateo, is that your intent then? To get working group feedback?

Mateo: Just a position.

Steve DelBianco: Yes.

Mateo: No signal of support.

Mathieu Weill: The question is are there any objections to assessing that the existing remedies for this particular case are inadequate? And that the proposed remedies are promising, at this point, to be adequate?

Steve DelBianco: Great. Why don't we move to the next one? If you scroll up to the next one.

Mathieu Weill: Was there a handout, or...No sorry, I missed it, okay. Next one.

Steve DelBianco: Thank you. The next one was stress test Number 16, it's under the category of a failure of accountability. And this one is with - ICANN would engage in programs that weren't really necessary from a limited technical mission. For example, using funds, fee revenue, reserved funds to expand its scope beyond its technical mission. We covered this briefly on Monday night, but it was at the end of three hours and folks were pretty tired.

But I got a lot of help on this one from Samantha Eisner, who was able to help me with - understand that existing accountability include the strap plan, registrars being able to approve ICANNs variable registrar fees. What we ended up concluding in the stress test work party, that the existing remedies in here would be inadequate for the community in its opinion to say that ICANN is engaged in a program outside of its scope. There isn't anything baked into the current accountability mechanisms that would stop that automatically. Or give the community the power to speak up, right? And enough power to speak up about it.

And then we turn to that right hand column, which is the proposed measures and we talked about several of them One of them it veto a proposed budget. That would be the opportunity once a year, the non-triggered, right? The once a year to say, "This budget includes a bold adventure into an area that's way beyond the technical scope." The community would be able to express that preference. And I'm sure the Board would get the message and take it out of the budget. But this would give the community the ability to do so with the voting mechanism.

The other was the notion of challenging the Board decision that came in the middle of the year, so it wasn't part of an annual budget, right? It would have to be a triggered decision, triggered by an action that was taken. And we use the example of the secret board resolution to go off and start (Netmondial) and fund it with several \$100,000. That would have been a midyear decision that the community might have been able to express a preference on. We had no ability to do so, in a way that would have been binding on the Board's action, unless we would have had these new remedies.

There was another one to say that we would to amend the bylaws. And Malc - I want to point out in particular, (Malcolm) Honey to amend the bylaws, so

that the bylaws would prevent the organization from expanding its scope. (Ultra veras) is the term, I think, (Malcolm) likes to use. The issue there is we would have to develop that language and surface that language up through the multi stakeholder process, get the community to approve it and then we would have the power to insist the Board adopt it in the bylaws. However, if there was a shade of gray, the Board was taking an action that was hard to know whether - a bad metaphor, right? It wasn't quite black and white, I'll say.

But it won't be exactly clear that the Boarded action is in frustration of that tight little bylaws restriction. We might still need the community to be able to give its opinion about whether this has exceeded the bylaws. So finally at the bottom of the table, if ICANN's board proposed to take out those bylaw provisions, well, the community could block that change to the bylaws. So there's a combination. Four different mechanism that are under consideration. And the slides we talked about all day, sort of, have to come all in together to make this work.

And Becky's work on principles and standards include limited mission. She didn't do just the concept of public interest and standards that were due, but Becky has already started on the work of limiting the mission, which I think she'll dovetail that. So, what's the group's conclusion? Do we think that the existing are inadequate and that the proposed are adequate?

Mathieu Weill: It's clear they're promising to be adequate. We have Brenda and the James. Brenda.

Brenda Brewer: Thank you. We have a comment from remote participant Eric Brunner-Williams who's comment is, "No sensible statement can be made for something for which no estimate of its likelihood is offered."

Mathieu Weill: Thank you, Brenda.

Brenda Brewer: Thank you.

Mathieu Weill: And going to James.

James: Thank you. James speaking. I have a more substantive comment. I think it's probably coming on next slide or two after that, but I just wanted to point out that the note here that registrar's must approve ICANN's variable registrar fees is, while technically correct, I think it is correct to say that, that's inadequate because there's an equivalent proposal and registry agreement. But if that were to ever be rejected, then an equivalent fee increase kicks in automatically on the other side. So the table game definitely favors the dealer in this mechanism. So I would say either take that out entirely or note that it is ineffective for that reason. Thank you.

Woman: James, we'll line it tight.

Mathieu Weill: Excellent. So (Malcolm)?

Malcolm Hutty: Okay, very briefly, I would just give my agreement that the exiting remedies are inadequate. I would give my agreement that the proposed remedies promising to be adequate in combination, crucially. I think that, that's the crucial point. Individually no but in combination, yes. And finally, briefly, I'll just say off of my opinion in answer to Eric's intervention there, given the propensity of all bureaucracies to expand if unchecked indefinitely. In this area there is a clear expectation. It's almost inevitable to all happen if we don't out in place adequate remedies.

Mathieu Weill: Thank you, (Malcolm). So we have some suggestions, I should actually...

Woman: It was almost a friendly amendment to our bottom bar up there. So let me, if I may (Mr. Shin), put the point now to the group in the absence of other questions in front of it. Is it your wish that we modify the proposed remedies are adequate to be, as (Malcolm) has suggested, proposed remedies are adequate in combination. That's to the table. In Australia it means with discussion, not take it away when you say, "to the table." I should have - yes.

Mathieu Weill: Oh, yes. Okay.

Man: The seat ability - RFP4 is a group that was not very different from this group because members of this group that were also part of RFP4. In RFP4, they've done some work on the contingencies and the document was prepared and then after some discussion, that stress test was also merged with that document. It now contains about 46 scenarios. And what I - this document appears neater and cleaner. But it's restricted to only 46 scenarios and is there any particular reason why the rest of the scenarios were left out? Is it because these are not important or would rather not be discussed? Or would you like the rest of the scenarios to be dealt with by RFP4?

Man: (unintelligible).

Woman: If I may, Matthew?

Mathieu Weill: Yes, you may.

Woman: Thank you. Cheryl Langdon again. Getting caught with a pen, I apologize. Steve, I thank you very much for your observation but we have made - and maybe I should have taken the time at the outset of this exercise to make it clear yet again that in the Frankfurt meeting, which was prior to the exercise is

RFP4 which you have described, right? Being full taped as it is now. There were 25 stress test proposals on the table.

And we have categorized those into the five primary categories or contingencies. The list of stress test is open, remains open and we expect it to be added to. But we also expect that it will probably still fit in our framework of five. So, whilst we do not want to have an endless exercise by any means. And whilst any new stress test's brought to us to make the cut to get into the table, will have to bring a new and unique aspect to our work. The answer is yes, they can be added. And I would suggest you go through, do a compare and contrast, and make some proposals of which one you'd like us to consider.

Mathieu Weill: Thank you, Cheryl. I have Jonathan and then Seun.

Jonathan Zuck: Jonathan Zuck from ACT. I'm hesitant to bring up what might be a minor point, but if we're looking at this as a way we'll be discussing this going forward to go off of (Malcolm)'s point. It may be that instead of proposed remedies, it might be the proposed framework. Accountability framework is adequate because in reality, not all of the aspects of the framework are going to, in fact, be remedial. So it's really just this notion of this package we've put together.

Woman: Consider it done.

Mathieu Weill: Thanks. Seun?

Seun Ojedeji: Thank you very much. It is Seun for the transcript record speaking on behalf of myself. I'm looking at this, Item 16, and I think we want to look at the wording of that statement. Especially the one that refers to grants for

developing nations, order of costs. I think one would say something (unintelligible) developing nation is not necessarily a technical mission.

However, it's part of ICANN's mission. Supporting a registry may be a technical mission. I think we need to, perhaps, remove developing nation from - for example, let it be more for costs on - (Netmondial) is not - is a good example, but relating it to developing nation does not adequately play justice on the problem. So please, it's good to receive - to provide grounds to developing nations because they really, really need it to keep track on the other communities. Thank you.

Mathieu Weill: Cheryl, see - I see we can adjust that?

Cheryl Langdon-Orr: Yes.

Steve DelBianco: This has been in the rhetoric for set expense. I realize that people might just be spotting it for the last time. As you quite correctly understood it, the world developing follows the words, for example. And if you have a better way to express the example, great idea. Or if you just prefer that the word developing not show there, that's fine too.

We don't necessarily have to have a, "for example," on there. It's just to help understand what this is about. Truth is, it's up to the community to know whether it's worthy to support (unintelligible). We do that when we come up with budgets. We do that when we make policy decisions. The truth is that ICANN does things to help developing nations. But, it still needs to stay within the limit of technical scope.

Mateo, I think we need to move quickly or we'll never get through the five.

This is your meeting. How do you want to proceed?

Mateo: I'd like to ask for positions on the assessments considering the friend amendment. So within the package for mechanisms and considering that we'll adjust the wording anyway, okay? So I would move to the next.

Steve DelBianco: Great. Please scroll up to Number 22. It comes from the failure of accountability again. I'll give you the moment to look at that because this is the first time that many of you have seen it. These were distributed on Saturday morning. And I note that we are making decisions - we're getting input from the audience about whether these assessments existing, inadequate, proposed adequate. That will all change as we actually put meat on the bones of what the propose framework really is. So, there's nothing that's getting locked down right now at all.

Woman: Okay.

Steve DelBianco: Okay. So what do we think - talk a little bit about 22. Let's take, for example, that an ATRT recommendation has been sitting on the table there for four years and not been implemented, despite the fact that it was approved. Let's suppose a bottled up policy was not implemented by board and management. Let's suppose an independent reviewer's decision, taken with all the standards, was ignored by the Board and management. These are examples of where the Board failed to comply with the bylaws and refuses to accept the decision of a redress mechanism constituted under the bylaws.

Underneath the existing remedies, there's nothing that's binding today in the existing remedies. And that's why it was fairly a slam dunk to conclude that the existing remedies are inadequate to that stress test. And by inadequate we

mean they do not empower the community to hold the Board accountable. Switching to the last column, which is the proposed measures, we have several of them in combination. To change the standard for reconsideration request so that substantive matters can be taken up, not just process.

Becky, I think that's on your list, substantive matters and a reconsideration. Another is the community can force ICANN's board to implement a recommendation arising out of an ATRT. Alan Greenberg, this is about taking action against board inaction. But it's taking action on something that the community, in a bottom up way, had already approved in a consensus. And by that, an ATRT recommendation that hasn't been implemented. So we do have a community power to stimulate that action, but not to pick up a pen and create something new.

The third paragraph in the right hand column. Another is to empower the community to challenge a board decision and to refer it to an independent review panel. We can't do that today, we do not have standing. We couldn't challenge (Singularpol) because we as a community of registrars and user have no standing in the IRP. And finally, the fourth paragraph, that if the Board would ignore a binding decision, the only other proposed measure is to - for the community to force resignation of board members, the so called nuclear option, which would be extremely difficult to use, extremely disruptive.

And I don't put a lot of value in it, to be frank, other than as a neutrally assured destruction threat. So, I'd hate to rely on fowling the Board as an important incentive for them to follow the community. Let's not overstate that. We have concluded that the proposed remedies in combination, to use that phrase, are adequate to address ICANN making decisions. But we didn't go so far as to say prompting action where there's inaction has been covered.

Because Alan, I only covered one case here, the case of an ATRT recommendation that hasn't been implemented.

You and others in the working group may have other forms of inaction for which you want to stimulate action, but we're going to need to hear about that to understand whether we know the mechanisms that will cover it. Slide 2.

Mathieu Weill: Thank you very much, Steve. Any substantive comment, objection on the assessments? Alan?

Alan Greenberg: Sorry, I can't find Adobe Connect on my machine at the moment. I said, "Sorry, I can't find Adobe Connect on my machine at the moment." An example of the inaction that I was referring to was vaguely related to IANA. (Iana)'s not working, the Board isn't doing anything about it. That, you know, that perhaps is the classic inaction that we need to concern ourselves with today.

Woman: Thanks, Al. Anyone else? I see (Zumi). I'll just manage the queue for you, it's okay.

(Zumi Akatami): Hi, this is (Zumi Akatami). I have a question, rather, to Alan's earlier comment about IANA. I'm just wondering what an action that Alan is referring about the IANA that we - he thinks we should cover in this accountability working group. Because at least from the numbers perspective, in terms of (Iana)'s numbering service function, this is already covered as a part of the proposal that is being proposed by the members community. So I'm just wondering, like, what is something that we want to do in terms of this cross community working group related to the IANA?

Alan Greenberg: Thank you. I can't really answer that because we don't have a proposal in front of us in sufficient detail. Ultimately, the PSC or the customer group, or whatever entities may have, will, you know, either complain and hope to get action or talk to ICANN and say, "We need to get this fixed." But, if the Board chooses not to do anything, the CEO chooses not to do anything and they just sit on their hands, the Board is the only one that controls - ultimately has control. So, that's the kind of thing that I'm talking about.

Steve DelBianco: Alan, I understand exactly what you're saying. But, to be supportive of what the CWG comes up with - if the CWG comes up with certain processes of escalation - the CWG might have a process by which the MRT concludes, that the contract should be moved or go to the backup provider, and if that's written into ICANN's procedures of bylaws and the Board chooses to ignore it, we would want this mechanism, the community overview mechanism, the community ability to stimulate an action that's called for in the bylaws, we'd want that action to be helpful to the CWG.

This is to answer critics around the community this week who've said, "This CWG, it's too complex." That it has an entire fields mechanism that is duplicative of what we're doing in the CCWG. We want to make them simple. So, to the extent we can, if the CWG has appeals mechanisms, the ability to push the Board to action where the Board is supposed to act, we'd like to be able to accommodate that.

Alan Greenberg: Okay, this is for the record. I was talking (unintelligible).

Mathieu Weill: Just run into it and Cheryl because it's me asking the question regarding the numbering community. And they have their own accountability mechanisms into their own proposals and I don't think conflicts with it at all. It can even be a preventive measure for the overriding community to force the Board to

action before the numbering community has to rely on the - its accountability mechanisms.

So we need to check the consistency on this, which is not the place in the stress test to do. But we'll be - we'll need to check how this interacts and the story it will tell on the blogs that we've highlighted earlier. But I'm confident it's going to fit anyway. Thomas, you wanted to make a remark? Yes and Thomas was first on the - Oh no, Sivas first. No chair privilege.

Sivas Muthusamy: Actually, my question relates to the previous slide. So, should I wait or ask that question later? The mechanisms. So...

Mathieu Weill: Please.

Sivas Muthusamy: (unintelligible) responsibility be? For example, (unintelligible) the Board. Everybody spends too much money on (unintelligible) working group because some (unintelligible).

Steve DelBianco: Sivas, that would be a transparency measure. And it may well be that if we achieve member status we get the right to have access to all records. But as you know, the community can ask the Board these questions. They can ask management these questions. And more than likely, you'll get an answer. If you don't get a complete answer, you go back and get a deeper answer. And I think that if the community is completely frustrated that it can't get an answer, and the majority of the community is really concerned, it could initiate an independent review of a non transparent process that's required under the bylaws.

But, here we start with our stress test. And the stress test was in lack of transparency. There might be another one in there. There's 25, I'll have to go

check and you should help me go do that. But, let's not encumber this stress test with any more than is in it. You take a stress test and you check to see whether our mechanisms will work. You bring up a transparency problem, it's valid, but that's not what we're talking about on this page. There's another place for that.

Mathieu Weill: I'm conscious of time, so Thomas, last comment and I think we'll leave it as three stress tests so far and move on next time.

Thomas Rickert: Yes, before we move to testing the waters for the third stress test, I understand your hesitance to invoke the Board recall mechanism and therefore, you call it inadequate. But I would ask for a friend member to actually call them adequate because the combination of the mechanisms you're suggesting makes it an adequate response, even for board inaction.

Steve DelBianco: Yes, Thomas, I personally - I mean, that's your personal opinion. My personal opinion is that spilling board is so dramatic and drastic and destructive - disruptive to the community that it's not a threat that would be taken seriously. I could see perhaps conditioning it. Proposed remedies in combination are adequate, but only if the Board takes it seriously instead of being recalled.

Thomas Rickert: I'd be happy with that.

Steve DelBianco: All right.

Mathieu Weill: Right, you've got your friend amendment. So friend amendment, only if the Board takes the threat of being filled seriously.

Steve DelBianco: Can we recap this?

Mathieu Weill: Yes. I think not everyone in the room as a clear view of this.

Steve DelBianco: Okay. Proposed remedies in combination are adequate to the extent that ICANN's board takes seriously the threat of being recalled. I do want to say, Thomas, that the reason - one of the reasons we said are not - are adequate, but not to address ICANN inaction, was the character of the kind of inaction we'd want to go for.

It may well be that if we build in the capability to have an explicit mechanism that says that an ATRT recommendation that wasn't followed but was approved could be forced through by an action of the community, if that were an explicit mechanism then you don't even have to go to the Board threat on that one. But, we'll make this change to that conclusion. With that, we're finished with the stress test for now.

Mathieu Weill: Unless there are, obviously, objections to this in the room. Who else.

Man: I have an objection. Are we not communicating the message that we will never use the possibility if we tell the Board that this (unintelligible) is to take the thread seriously? Because if they don't take it seriously, then they should be spilled.

Man: And after that point in time - they'll take it seriously after.

Man: No, but I mean the thing - no but seriously, my point is that if you communicate this, you're telling them, "Don't take it seriously because we will never do it." But we want you to take it seriously so that you think that we will do it. Get my point?

Woman: I think, Steve and I do because the friendly amendment didn't come from us.
So, yes.

Man: Yes. But you might be suggesting right off that these in combination are adequate because the Board will realize that the community could spill the Board. That's how you would prefer to word. We'll put all these in here.

Man: You know...

Man: We'll put them all in there. This is preliminary.

Woman: We'll work up law and then get the drought.

Man: (unintelligible) there's countries that are still in drought. My country does it every two years. So I think spilling the Board over a company is not the end of the world. Even if it's ICANN's board.

Mathieu Weill: Yes and some countries don't have governments for a few years. I'm not giving names. Jordan ?

Jordan Carter: Thank you. I just want to say that, maybe it's too general for this point, but I just wanted to remind people that this discussion shows us exactly why we have to have an integrated set of measures in terms of accountability. Because if we have gentle little sets to accountability and a little bit tougher and then suddenly there's this huge gap to spilling the Boards, we are creating a remedy that would maybe never be used or only get used if we're in crisis. So, I just wanted to point that out.

And the work that we're doing in the working parties, we need to, without (unintelligible) and without making people terrified of a large bureaucracy, blah, blah, blah, that we've got the right, sort of, gradations between remedies.

Mathieu Weill: So, we'll take this off the list. I have Avri here and (Malcolm). In two minutes we are done. So please be extremely concise because we're not going to conclude this item right now. Okay? Avri.

Avri Doria: I guess, once again, I'm confused. So these are just, sort of, samples right? Because we have not developed any of these schemes. So the fact that we're arguing or discussing, rather, detail how it would work. Okay thanks, I'm less confused.

Mathieu Weill: And that's going to be useful, to detail the mechanisms after that. (Malcolm)?

Malcolm Hutty: Thank you. I would add to what Jordan just said by saying that this also exemplifies why developing normative standards is crucial. It's the belief in spilling the Board or spilling board members. What we're calling board members is going to be compelling. We have to develop community standards of what we expect, so that then it is considered - well, of course we did that. It's natural that we acted to spill them because they were not upholding the standards that have been properly done. So it's crucial for that.

Mathieu Weill: Once again - I mean, we're taking the discussion offline. Just only...

Malcolm Hutty: (unintelligible) reasonable expectations in combination with the things that were just said.

Woman: Your point is taken, (Malcolm).

Mathieu Weill: No, please no response.

Woman: Okay.

Mathieu Weill: No response, we're taking this offline. We're just closing the line with whether Sivas - no, Sivas is okay, all right. We're going to the room or remote observations for objections. We know we have this discussion to take on. It's going to be extremely useful because you're seeing that we are raising the point of whether we need something to spill the Board or not. That's just an example of how these stress test examples - we're arguing to influence the way we set up the package, the recipe we're going to be working on. So we'll need to be doing this on a regular basis.

And we'll make sure in our future calls, we find - allocate time have these regular discussions as we move and look forward to Steve, Cheryl and the group, providing more of these stress tests to us for review. Leon, I will skip the timeline point because I'm late. We're very late. So, skipping the timeline point, which we'll update on at our next call. Leon, you want to give us an idea of the next steps.

Leon Sanchez: Yes. We should have another face to face meeting. We are having a coordination meeting later data with (DSG), so we need to do a couple of arrangements so we don't clash in meetings. And we'll let you know as soon as that gets sorted. And well, of course, we need to take the discussion off list of all the topics that we've discussed today. We will be sending, of course, the notes and recording, transcripts as we always do. And well, we will be making our statement as coachers at the public forum. So we kindly invite you to listen to it and apply. And that will be a wrap up for this session because we're closing just in time. And thank you very much for everyone.

Mathieu Weill: And with that, I just want to say it's been a great pleasure to have such a contributive session. The setup wasn't perfect for that, but I'm very happy we had a lot of interactions. I'm sorry we've been so distant, but yes, we're going to work on it. And I certainly look forward to the further calls. And we have a lot of work on our plate for the future, tight deadlines.

But with a group like, this, I'm sure we're going to make it. And I want to thank the translation, the scribes, the support staff and all of you, and the Board and everyone. Thank you very much.

END