

RFP 4 Stress Test Scenarios including CCW-Accountability Work Area 4 scenarios (Work in Progress)

Some scenarios as visualized by the Business Constituency, SSAC and Mathieu Weill are captioned and listed in the table as also the scenarios later outlined by Olivier and Robert, now including additional scenarios visualized by WA 4 of CCW-Accountability.

Please feel free to add more scenarios as also mark for removal the scenarios that are irrelevant. The “strategy” column is for comments on how the scenario could be prevented or faced and dealt with if and when occurs and also to comment if it is a scenario that requires the strategy to be kept undisclosed, for any valid reasons.

The NTIA has indicated that the stress test is a requirement. However, if RFP4 or the wider group feels that one or two of the following scenarios require the strategy to be undisclosed, those scenarios could be discussed without much publicity and shared privately with the NTIA. This would be a safeguard that may be required to prevent the strategy from being rendered ineffective, so it would not amount to a compromise on ICANN’s Transparency standards.

link to editable document :

https://docs.google.com/document/d/1QVC12Q-NuB35pyaBirUDF85DBR_oFHkEYC5vbWu04go/edit?usp=sharing

Please share your thoughts on how best some of these scenarios could be mitigated, or better still, prevented.

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cwg - iana RFP 4 S No.	ccw- A WA4 S No:	Author	Stress Scenario	Probability	Relevant to IANA Requires discussion	of Indirect relevance to IANA May be discussed	Not Relevant	Preventive / Mitigative Strategy
1	14	BC	Cancellation of the AoC. / ICANN or NTIA choose to terminate the Affirmation of Commitments, with the consequence that ICANN would no longer be held to its Affirmation commitments, including the conduct of community reviews and required implementation of review team recommendations.					<p>restating the hypothetical as "what constrains the conduct of the successor contractor in the absence of the existing contractual conditions" seems to avoid the question of accountability altogether. I suggest this item be deferred until clarified. (EBW on the list)</p> <p>Mitigation Strategy: Cancellation by NTIA or ICANN could only occur before transition, To mitigate this risk, the transition process is to be managed in a manner that ICANN and NTIA would resolve possible conflicts during the transition process as and when they occur.</p> <p>Post Transition, ICANN could be</p>

								asked to reaffirm its Commitments, to the Internet or to an oversight body, perhaps expanded commitments as inviolable
2	15	BC	Flight to avoid jurisdiction / ICANN terminates its legal presence in a nation where Internet users or domain registrants are seeking legal remedies for ICANN's failure to enforce contracts, or other actions. Consequence: affected parties could be prevented from seeking legal redress for commissions or omissions by ICANN.					restating the hypothetical as "in what jurisdictions would Verisign, GoDaddy, ... be unable to determine likely contested issue outcomes" yields a very unlikely set of possible answers. I suggest this item should be discarded as a distraction (EBW on the list)
3	6	BC	Insolvency / General financial crisis at ICANN leading to loss, affecting reserves sufficient to threaten business continuity.					The is a business continuity question, for which a number of equivalent, and more likely, scenarios exist. I think this item can be improved by asking what Continuity issues are reflected in the Corporation's plan of record, and whether distinct accountability issues exist. (EBW on

								<p>the list)</p> <p>Preventive / Mitigation Strategy: Please see a partial solution under 13 / 20</p>
4		BC	Applicant Support Revisited.					<p>The ICANN BoC indicated at the Nairobi meeting that "diversity" necessitated activity -- realized in that period by the (Cross Community) Applicant Support Working Group (ASG), which inter alia, included the possibility that the support provided to some applicants could come directly from ICANN, in the form of reduced regulatory burdens, reduced application fees, reduced recurring costs, etc. Recommendations by the ASWG to this effect were opposed during the public comments periods by the BC, hence my summary that this revisits the BC's position of record on the ASWG sets of recommendations. I suggest that this item can be improved by asking what happens if ICANN attempts to regulate some activity which is outside of the usual three buckets of names, protocol parameters, and</p>

								addresses, and without implicitly privileging early adopters. Then a meaningful accountability question can be posed and a credible scenario constructed. (EBW on the list)
								How is that stressful?
5	17	BC	<p>Ignoring SSAC / ICANN attempts to add a new top-level domain in spite of security and stability concerns expressed by technical community or other stakeholder groups.</p> <p>Consequence: DNS security and stability could be undermined, and ICANN actions could impose costs and risks upon external parties.</p>					<p>The accountability issue here isn't obvious to me. The bylaws create several Advisory Councils, and when they function they can provide the Board with advice opposed to some decision the AC anticipates the Board may make. No accountability necessarily arises when the Board (frequently) does not follow the advice offered by an AC. The BC comments refer to "new accountability mechanisms" in the context of gTLD delegation. I suggest that this item can be improved by asking what accountability issues exist with respect to new gTLD (re)delegation. See also BC #7 and BC #8, infra. (EBW on the list)</p>
6	18	BC	GAC Votes / Governments in ICANN's Governmental					The accountability issue here isn't obvious to me. The bylaws create

			<p>Advisory Committee (GAC) amend their operating procedures to change from consensus decisions to majority voting for approving advice to ICANN's board.</p> <p>Consequence: Under current bylaws, ICANN must consider and respond to GAC advice, even if that advice were not supported by consensus. A majority of governments could thereby approve GAC advice that restricted free online expression, for example.</p>				<p>several Advisory Councils, each of which may have distinct internal processes resulting in the issuance of advice. A change in any AC's internal process does not necessarily create an accountability issue. I suggest this item should be discarded. (EBW on the list)</p>
7		BC	.xxx redux				<p>This appears to revisit the .xxx issue, within the hypothetical framework of BC #6 -- a GAC vote rather than a lack of GAC consensus and overt (and covert) expressions of displeasure by Governments. As this is an instance of #6, I suggest this item should be discarded as with BC #6. (EBW)</p>

8	19	BC	<p>Contested gTLD Redefinition / ICANN attempts to re-delegate a gTLD because the registry operator is determined to be in breach of its contract, but the registry operator challenges the action and obtains an injunction from a national court.</p> <p>Consequence: The entity charged with root zone maintenance could face the question of whether to follow ICANN re-delegation request or to follow the court order.</p>					<p>This revisits BC #2, supra, the hypothetical case assumes some novel jurisdiction in which Verisign and others which maintain and publish the IANA root zone. As this is an instance of #2, I suggest this item should be discarded as with BC #2. (EBW)</p> <p>Would this be stress that would break ICANN ?</p>
9	20	BC	<p>Enjoined Delegation / A court order is issued to block ICANN's delegation of a new TLD, because of complaint by existing TLD operators or other aggrieved parties.</p> <p>Consequence: ICANN's decision about whether to honor such a court order</p>					<p>This revisits BC #2, supra, the hypothetical case assumes some novel jurisdiction in which "ICANN and the IANA" are "empowered" to litigate a registry contract. As this is an instance of #2, I suggest this item should be discarded as with BC #2. (EBW)</p>

			could bring liability to ICANN and its contract parties					
10	21	BC	<p>Contested ccTLD Redelegations / A government telecom minister instructs ICANN to re-delegate a country-code top-level domain (ccTLD), despite objections from many current registrants and user communities in the country concerned.</p> <p>Consequence: Faced with this re-delegation request, ICANN lacks measures to resist re-delegation while awaiting the bottom-up consensus decision of affected stakeholders</p>					<p>The policy for ccTLD redelegation has been, with the exception of .iq, where the incumbent delegee was in the custody of the United States, agreement by all parties. Until this policy is formally changed this does not appear to exercise an accountability issue beyond the existing practice of accounting for ccTLD change requests. I suggest this item should be discarded.(EBW)</p> <p><i>After several readings of the BC's document I'm unable to discern significant likely scenarios for which accountability issues exist. It is quite possible that I'm reading this with insufficient information, or unfairly due to long familiarity with the BC's positions of record on diversity and access, or unfairly due to a personal impression that several of the "scenarios" are quite unlikely, or ambiguous to the point of non-meaning, or both. To its credit, the BC has attempted to find</i></p>

								<i>scenarios of general utility, and offers these suggestions, so that "we [c]ould consider ... scenarios that could arise." (EBW)</i>
11		SSAC	possibility of governmental sanctions and restrictions (e.g., for obtaining OFAC2 licenses where U.S. sanctions might interfere with the execute proper instructions to IANA) following the stewardship transition.					
12	5	Weill	domain industry financial crisis, leading to sudden drop in revenues for Iann Consequence: significant reduction in domain sales generated revenues and significant increase in registrar and registry continuity costs, threatening Iann's ability to continue operating..					Please see a partial solution under 13 /20
13	7	Weill	conflict with a significant					

		<p>financial contributor leading to this stakeholder refusing to pay fees / Large contributors to Icannc budget (top 2 or 3) refuse payment of fees due to contractual or policy dispute.</p> <p>Consequence : loss of revenues and legal costs threatening Icannc's ability to continue operations.</p>					<p>Preventive / Mitigative Strategy</p> <p>Applies to 3, 12, 13, 14, 16, 20, 23 and 30</p> <p>1. Reduce dependence on fees from Registries, Registrars and even on any surplus from new gTLD program, for continuity of ICANN / IANA operations. Collect US \$ 0,25 or more per Domain Name from the Registrant as ICANN fee and about US \$ 0.10 or more per IP address (v6 as well as from v4) direct from the Registrant / Assignee through the Registry-Registrar /RIR-NIR-ISP channel which could be collected and passed on almost real-time or collected as ICANN revenue in trust until passed on, as a sum detached to any claim on ICANN or any dispute that ICANN may have with the Registry /Registrar /NIR / RIR / ISP</p> <p>2. Move towards legally valid structural</p>
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								<p>separation of the commercial aspects of ICANN (Names together with Numbers) from ICANN policy / Community meetings / long term programs and all critical functions (for eg. DNSSEC, RSSAC, SSAC functions) including IANA functions. Fund community and policy aspects from Registrant fees as also by establishing an otherwise inviolable, legally isolated corpus from a large and substantial portion of the previous surplus and new gTLD surplus as provision for the continuity of ICANN policy and global trust functions. This needs to be established as an otherwise irreversible, legally detached provision. Commercial Operations including portions of salaries and benefits for staff assigned to TLD commercial functions are to be funded from Registry / Registrar fees as also from the remaining part of new gTLD surplus and any other income. The Registries could be persuaded to subscribe to such a move of separation of commercial</p>
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								<p>aspects from global trust and policy functions (in which the Registries would continue to be stakeholders in an unaltered measure) with a view to ensure that the foundation of ICANN continues to be stable which makes it possible for the DNS to continue to offer the commercial opportunities free of the threat of an insurmountable financial crisis to ICANN.</p> <p>PI also see comment under 20</p>
14	8	Weill	new technology competing with DNS leading to sudden drop in domain name numbers and significant increase in registrar and registry continuity costs.					<p>Reduce dependence on revenue from Names by creating workable processes to generate relatively harmless revenue from Numbers.</p> <p>If wise, get the Governments of the world to unconditionally contribute to the continuity of IANA functions.</p> <p>Alternatively, examine the possibilities of embracing technologies related to DNS as possible directions for innovation.</p> <p>Generate thoughts to make the DNS</p>

								<p>more interesting than competing technologies; Innovate within.</p> <p>ICANN and its Community could consider the business opportunities around and beyond DNS still fully unexplored.</p> <p>Also, see the note under 13 / 20</p>
15		Weill	Governance crisis within Ican leading to inability to reach decisions for a long period of time (6 months to 18 months)					<p>Institute an Advisory (or Internal Accountability Oversight) Layer of select, long-term participants including those who have held significant responsibilities in ICANN and I-Star Organizations known for their commitment, whose role inherently and by a certain convention, carries the privileges to step in with persuasive advice with interventional support in moments of such impasse. For example, a past Chair or an Advisory body could be visualized as so seasoned as to be in a position to easily disentangle any complex trouble within the Advisory body which could otherwise puzzle</p>

								the serving and qualified members of the body. In many cultures, in evolved organizations, the Past Presidents or Past Chairs are implicitly looked up to step into situations that require seasoned expertise to resolve the issue with all privileges while the serving Board momentarily standing aside in comfortable deference.
16	9	Weill	Major corruption or fraud within Ican Consequence: major impact on corporate reputation, significant litigation and loss of some or all reserves					Nomcom to consider it more important to prioritize appropriate values as fundamental criteria, way above modern job specification. An enhanced Accountability mechanism combined with greater Transparency could greatly minimize the probability of such an undesirable occurrence. Also see the note under 13 /20
17		Weill	AntiTrust action (or class action) against Ican				x	Consult legal experts and select community leaders for preparedness, arrive at a strategy, and then share the strategy with NTIA in-camera, to

								convince them, for the purpose of transition, of ICANN's preparedness. Might be unnecessary to publish strategies for such preparedness. Legal experts might agree that it is unwise to disclose legal strategy in advance.
18	10	Weill	Chairman, CEO or major officer acting in a manner inconsistent with the organisation's mission Consequence: major impact on corporate reputation, significant litigation.					The Higher Advisory Body quietly counsels against such temptation and brings the individual back on track. If this does not work, a group of committed leaders from the Advisory body pay closer attention and find a resolution without negative publicity.
19	11	Weill	Compromise of credentials / Major personal data leak due to failure of Icann's security Consequence: major impact on corporate reputation, significant loss of authentication and/or authorization capacities.					Reevaluate the chain of data retention between ICANN / Registry / Registry Service Provider / Registrar / Reseller and consider the possibility of emulating the "Verisign" model of information isolation of any online credit card transaction (as in the use of credit cards in any online shopping portals, wherein the sensitive part of the card information goes to the

								<p>Bank and not to the Merchant) for collecting Registrant information during Domain Name Registration. Reevaluate privileges for each item of Registrant data between the Reseller / Registrar / Registry Services Provider / Registry / ICANN and institute a DNSSEC-like data security process at all levels.</p> <p>If a leak happens beyond these measures, mitigate harm to the Registrant, work with the Law and Order Agencies to minimize threats to the Registrants, hire a competent PR firm to make the world understand the accident in the right perspective.</p>
20		Weill	Financial crisis affecting Icann's reserves in a manner that threatens its continuity		x			<p>It is important both to arrive at a strategy to confront such a scenario if and when it occurs, as also to closely examine the existing financial structure for such gaps as might lead to such a threat. Solutions could be outlined to PREVENT the occurrence of such a scenario, for example, by recommending contingency reserves</p>

								<p>for essential operation for a period of 3 years or more, isolated and insulated from legal claims (if this is not legally possible, a large Insurance company might be able to offer a creative solution). Alternately there could be a separation of allocation streams for Global Public Interest DNS tasks from Commercial aspects. For example, ICANN could explore ways by which a structural separation could be created for policy and community work from that of commercial operations governed by California Law. Policy and essential DNS tasks could be on a stream of funds otherwise 'untouchable' for commercial expenditure heads, possibly from a miniscule share of revenues from Registrants as also from irreversible allocations from new gTLD surplus or auction surplus.</p> <p>PI also see the note under 13</p>
21		Olivier	IANA Customer Standing Committee (CSC) <i>Not flagging non compliance by</i>					<p>Not flagging non-compliance occurs in peer review situations, so CSC is not a good idea, if it is to be tasked</p>

			<p>shared default: A fault caused by non-observance of internal policy and process; Customer Standing Committee being composed only of directly affected parties becomes complacent and intent in not flagging minor compliance problems. The situation exacerbates over a time to end up being flagged by the IANA Periodic Review Team; Trust is eroded to the point of asking for a replacement of both the IANA functions operator and the CSC with alternative Roots. This becomes a public relations problem.</p>					<p>with inside responsibilities that relate to Compliance. IANA Customers have substantial stakes that makes it important for them to ensure the smooth management of IANA functions. However such an observatory and where needed, supportive role could be performed by IANA Customers together with non-Commercial DNS experts by formation of a Numbers Technical Committee which could be constituted with a more than proportionate weight for IANA Customers. Such a Committee would not find it to be “peer” review situation, so this stress might largely be prevented. Also, periodic review of IANA operations by another tier of Community experts, tasked with internal oversight would further ensure thoroughness.</p>
22		Olivier	<p>IANA Periodic Review Team (PRT) controls considerable power yet it does not have power to defend itself; A company or government threatens litigation of both</p>					

			the PRT and its members wholly and individually for its decision to allocate the contract to another entity. This blocks the process					
23		Olivier	The current IANA functions operator [ICANN] threatens litigation if contract is not renewed and allocated to another entity.					
24	12	Olivier	A stakeholder / several groups of stakeholders permeate(s) several levels of the multi-stakeholder committee to capture its processes causing severe erosion of trust in multistakeholder model, prejudice to other stakeholders					A single House will have to determine the final stage of all processes. The House would be balanced across stakeholder groups.
25		Olivier	A stakeholder ensures overwhelming control of					Constantly strive to simplify

			processes as other stakeholders cannot keep up with the work.					processes; Constantly review the balance of powers between stakeholders; Even the process to determine the process could be a cross community process so as to avoid this scenario of overwhelming control of the process by a stakeholder.
26		Olivier	A country captures the process of the PRT, bypassing it through legal means.					
27		Olivier	Members of the PRT have their lives threatened when deciding on re-allocation of IANA contracts.					
28		Olivier	The PRT is overwhelmed with complaints from stakeholders to the point that its Committee is overwhelmed with work. Committee members have a choice: either get paid for this function or pull back					

			thus slowing the functioning of the PRT. A third option would be to engage more staff and contractors to do the legwork. However, budgets are tight. Corners are cut in order to keep within timings. Quality of reviews suffer.					
29		Olivier	Terrible appeals judgments by Independent Appeals Panel for Policy Implementation (IAP) (for example, check determinations which were made for by the independent string confusion determination process)					Mitigation Options: Frequent review process of IAP determinations. Include a system of checks and balances to direct appeals. (Olivier)
30		Olivier	The current IANA functions operator threatens litigation if contract is not renewed and allocated to another entity. Third Parties sue to					Mitigation Options Immunity from Prosecution afforded by jurisdiction where the entity is located. Protect Entity by giving it large resources to defend itself. Protect Entity under

			<p>destroy entity, thus without an IANA Contracting Entity, the whole system of contracts which form the basis of the IANA functions coordination breaks down. Legal and technical chaos follows. Vexatious Litigation causes contracting entity budgets to spiral out of hand, beyond budget allocation and the IANA contracting entity (ICE) fails financially. Legal and technical chaos follows. External Country/Entity sues to press for non-signing of contract.</p>					<p>ICANN umbrella (not independent entity). (Olivier)</p> <p>Also, see the note under 13</p>
31		Olivier	Rogue Board in the IANA Contracting Entity (ICE)					<p>Mitigation Options No Board or Directors. Clauses in Bylaws prevent the Bylaws from being changed and restrict the power of the Board. Procedural Checks and balances to counteract / take action. (Olivier)</p>
32		Olivier	Rogue Employees in the IANA Contracting Entity					<p>Mitigation Options: No employees. Use contractors only whose job description is very narrow. All contracts include acting only on</p>

								instruction of "PRT"? (Olivier)
32A		Siva	Rogue Stakeholder / Community Participant in the IANA Contracting Entity					Causes a lower degree of compromise than near total capture by one or more stakeholders/ groups.
33		Olivier	As an independent entity, the Iana Contracting Entity refuses to follow policy or instructions from PRT and end up being sued by PRT? What power does PRT have over this independent entity?					
34		Olivier	The independant IANA operator opens itself to a variety of threats also faced by the PRT and ICE. It goes rogue.					
35		Siva	ALAC and GNSO do not see eye to eye causing delays in community consensus on matters that require consensus					
36		Siva	ccTLDs and gTLDs strongly					

			disagree					
37		Siva	ccTLDs that are not part of ICANN oppose ccTLD policies and programs					(all the above on matter pertaining to IANA as well as ICANN, leaving ICANN in a weaker position to handle IANA).
38		Siva	Escalated conflicts between ICANN Board and Staff causing delays delays in coordination of specific IANA functions or even leading to undesirable instructions to IANA operator in a manner that harms the Internet.					These are the tests that we could safely go over and debate, so as to strengthen the organization within capable of handling any external threats
39		Siva	Nomcom becomes highly politicized. One stakeholder group, for e.g Users, see Nomcom as so far dominated (hypothetical scenario) by Business users, so when there is a Nomcom term with a majority representation from Users / User-friendly members, the NomCom functions in a certain way to unnecessarily replace business participation in IANA,					Prevented by ensuring that essential collective 'character' of the NomCom remains unaltered. This is possible if Past Chairs of NomCom continue to offer their expert judgement to support the new NomCom Chair and Members on current NomCom tasks. Such continued involvement by Past Chairs could become an established convention. The Immediate Past Chair could continue as Chair Emeritus for a term, stay active at least for a year almost as the lead Co-Chair; Chair Elect would

			replaces Community Representatives / Staff within IANA (by its own 'hold' over the Board Members that it has selected), replaces them with incompetent / inefficient people, which harms IANA. (Or Vice Versa by a NomCom "captured" by Business or Government, giving rise to an equally opposite scenario)					participate from the year preceding his term of office, almost in the role of a Vice Chair; The Past President could have the discretion to invite a few select former members to join them, could choose to consult even the serving Chair or CEO on NomCom matters by relaxing the rigidity of the rules pertaining to conflicts of interest, and, by judgement, could also invite any other Community Leader from another I-organization to be a part of this NomCom support structure for a limited term or long term. Past Chairs will have the privileges to directly instruct support staff for any travel arrangements for ICANN meetings and NomCom retreats. In situations where it would be burdensome of a certain Past Chair to be bothered with such a continuous role, exceptions to their inclusion could be so decided by some of the participating Past Chairs themselves.
40		Robert	NTIA holds off transferring control until all conditions are met - ie. The ICANN board does not approve of					

			the accountability related aspects (requirements) of the CWG proposal. What happens then?					
41		Siva	Competitive business interests from the same or different regions offer to offer RZM services at a significantly lower cost to ICANN, simultaneously raising a loud global public debate with charges of favoritism towards the IANA functions operator by NTIA / the ICANN Board / Executive, forcing ICANN to consider relatively unqualified bids for RZM and possibly related services at the earliest available opportunity, resulting in compromises to IANA functions operations					<p>Even without a need to subject the RZM operator to an RFP, an RFP document could be prepared to stipulate stringent technical standards expected of the Operation, with clear and unambiguous clauses related to DNS expertise, references from established registries and community.</p> <p>ICANN could also emphatically state that cost savings are of secondary or no concern.</p> <p>A well screened Redundant Operator could also be co-appointed to standby with preparedness, and in the inevitable eventuality of failure of all measures to preserve continuity, it would be the co-appointee who would ensure continuity in place of the experienced Operator. This also enables ICANN to safely consider between two or more potential operators during the next long term review of IANA operations.</p>

42		Siva	<p>The RZM Operator diverts their corporate wealth towards new investments that take time to fructify, takes funding from a banking institution for its operational and growth needs and eventually gets into a situation where the control of the corporation is conceded in part to the banking institution whose invisible major shareholders act unscrupulously, place their nominees in such a position of control that the RZM and possibly related operations are manipulated in subtle ways, for e.g the banking institution acts in a manner that maximizes its returns by inventing reasons to declare a few competitive TLDs as threats to the Security and Stability of the Internet, and manages to get ICANN agree to suspend / remove the TLDs from root zone.</p>					<p>Part resolved by the measures outlined for scenario 41.</p> <p>Even the slightest failure in IANA functions operation is intolerable for the Internet. A function so important can not possibly be subjected to uncertainties of this nature.</p> <p>As a preventive measure, ICANN could consider a form of arrangement with the RZM Operator unusual of normal commercial contracts, whereby every infrastructure and equipment required for RZM and possibly-related-services Operator are acquired at actual cost by ICANN (where some of these existing assets are of such nature as the Operator would not be inclined to part with, notionally), additional equipment and infrasture as may be needed procured anew, maintained, owned and leased back to the RZM operator for a dollar per year; The contract would have clauses for ICANN to absorb Operator's essential staff salaries and other essential costs; Over and above these arrangements, for what apparently becomes a</p>
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								zero-fixed/variable-cost, zero-liability operation, there could be a substantial fee structure for the IANA functions operator to merit the services provided well covering the unseen costs and value of expertise and commitment of resources.
43		Siva	An influential Wildlife extreme activist finds a picture of a stuffed deer in the living room of one of the Directors of the IANA functions operator makes loud noises about the propriety of the global functions being provided by a corporation insensitive to wild life, the issue gains very bad publicity, ICANN Board is forced to find a quick replacement to the IANA functions operator whose competence is insufficient to guarantee the stability of IANA functions operations (not very probable, but the idea conveyed is that of various peripheral issues that get very bad press					Irrelevant issues such as these snowball into uncontrollable, unmanageable situations, which is what makes it important to establish a redundancy operator, who would at least operate the ICANN owned infrastructure at least till such period as the irrelevant or peripheral issue becomes controllable. The Community could commit to be cautious as to separate artificially sensitized peripheral issues from valid issues of direct and indirect concern.

			snowballing to such a degree as to effectively threaten the continuity of the IANA functions operator in the global role),					
44		Siva	Structural Separation between Names and Numbers goes wrong giving rise to Names and Numbers at irreconcilable conflicts					
45		Siva	Fatigue sets in among the long time ICANN participants, a new generation of participants occupy seats in the ICANN community / Board. A large number of them are clueless about what the Community stood for, yield easily to international pressure on various issues.					
46		Morris	ICANN, as a California PBC, Contract Co or other entity based in California is held to be in violation of the Cartwright Act, California's					

			antitrust law.					
47		Morris	ICANN, ContractCo or other entity is held to be in violation of national or regional (i.e. E.U.) antitrust / competition law in the jurisdiction in which it's corporate headquarters is located					
48		Morris	ICANN, Contract Co or other entity is held to be in violation of national or regional (i.e. E.U.) antitrust / competition law in a jurisdiction where it's headquarters is not located.					
(49)	13		<p>One or several stakeholders excessively rely on accountability mechanism to "paralyze" Icann</p> <p>Consequence: major impact on corporate reputation, inability to take decisions, instability of governance bodies, loss of key staff,</p> <p>...</p>					

(50)	16		<p>ICANN uses fee revenue or reserve funds to expand its scope beyond its technical mission, through grants for developing nations or other causes.</p> <p>Consequence: ICANN has the power to fees charged to TLD applicants, registries, registrars, and registrants [how does this become a consequence?], so it presents a large target for any Internet-related cause seeking funding sources.</p>					<p>Not a risk, but at best an administrative challenge to be thought through.</p> <p>Predetermine a proportion of fee revenue / other funds to be used on such work of (necessarily???) expanded scope.</p> <p>As for funding requests, ICANN is quite capable of handling a thousand or more email messages, so it could remain open to funding requests. ICANN could reduce the complexity by setting up several levels of filters to get to the evaluation of only the right kind of funding requests and could also devise a process by cooperative agreements by which it could formally refer meritorious applications that fall beyond its budgetary limits to other non-profit, governmental, inter-governmental, private sector foundations for consideration.</p> <p>Could be done with one Executive in</p>

								charge or by a small team, similar to the team that manages the fellowship program.
(51)	3		<p>Litigation arising from existing public policy, e.g., Anti-Trust (Sherman Act, et. seq.).</p> <p>Consequence: significant interference with existing policy (or policies) and/or policy development relating to one or more relevant activities</p>					
(52)	4		<p>New regulation or legislation (see above).</p> <p>Consequence: significant interference with existing policy (or policies) and/or policy development relating to one or more relevant activities.</p>					
(53)	1		Change authority for the IANA Root Zone ceases to					

			<p>function, in part or in whole.</p> <p>Consequence: significant interference with existing policy (or policies) relating to the content of the IANA Root Zone and/or prejudice to the security and stability of one or several TLDs.</p>					
(54)	2		<p>Delegation authority for the IANA Root Zone ceases to function, in part or in whole.</p> <p>Consequence: significant interference with existing policy (or policies) relating to the delegation from the IANA Root Zone and/or prejudice to the security and stability of one or several TLDs</p>					