

ICANN

Moderator: Gisella Gruber-White
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2:00 pm CT

Leon Sanchez: I also remind you to please mute your lines when you are not speaking to avoid background noise so we can better hear each other and the roll call will be, of course, those present in the Adobe Connect room and I would like to ask now if there is anyone in the phone bridge that is not connected to the Adobe Connect room. Could you please state your name at this stage so we can add you to the roll call?

Okay. I don't listen to anyone in the phone bridge that's not connected to the Adobe Connect room. So that is the roll call and our first agenda item is our (ICMO) Meeting.

Next up is (people) and as you can see the agenda for our meeting in the Adobe Connect room displaying in the Adobe Connect room. The venue will be that (unintelligible) and there is least of impertinence of this. There's at least a view onto consult who will be attending the meeting. You can check the list there.

The remote participation or the control meeting room is also through Adobe Connect and it is our additional - it is the usual room that we always use for

these calls. Dial in details will be provided and also we have our dedicated wiki page and the program so far includes a couple of informal meetings for Sunday which will be the arrival date for most of us and we will have two informal meetings for working party one and working party two.

The first one being working party two from 16 Istanbul time and then the other one from 1730 Istanbul time running both for one hour and 30 minutes and then we will have a cocktail for another hour and 30 minutes, a welcome cocktail, and then we will begin our work for day one and day two with meetings from 9 am to 6 pm Istanbul time which will be 7 to 16 hours UTC time.

You can also check the time (cumber) in case you have doubts of your local time and pretty much, our agenda will be structured through the day with meetings that will last for an hour and a half or two hours and we will also be having a couple of coffee breaks and lunch along the day and I think that pretty much sums up what we have on the agenda.

Also we will have our friends from Xplain to remember those guys that helped us draw these very useful cartoons to explain to the wide audience what we're up to. They will be with us in Istanbul as well. We won't be dedicating too much time for them as we did in Singapore but they will be around in the room gathering information and trying to, of course, put it into some new pictures that we can use to explain to the broad audience what the outcome of our meeting in Istanbul was.

And they will also be working with the CWG so we can have up some stage joined cartoon that can depict the whole panorama, the big picture, for anyone who hasn't followed so far the work of the both groups, where we are standing and which parts of the puzzle are missing.

So I'd like to hand it now to Mathieu for the next topic on our agenda.

Mathieu, could you please Singapore?

Mathieu Weill: Thank you very much Leon. This is Mathieu speaking and good morning, evening, afternoon or goodnight for each of you. I seek to answer our questions around what's being introduced which is basically the set up. I think we have to be prepared for quite intense discussions in Istanbul and discussions around various proposals including some options that will certainly merge from discussions and that has led us to seize on the discussion that was taking place, I think it was in (Work 41), and try and get us ready to compare options.

So we are in process and we share this on the list of discussing what would be the comparison points between options and I think it's important to stress that we need to keep this very as simple as possible and is anchored into our previous work so that comparison is based probably more on the definitions we would read on or some very obvious and factual criteria is rather than introducing new notions at this point in our work which obviously might not help us create clarity around the difference between options.

I want to also stress that the point of making comparisons against criteria is not to just a simple checklist and then make a decision based on the checklist, but rather to highlight where the difference is in terms of requirement will be so that we can frame the discussions not between option A and option B, but rather we would put in priority a requirement -- I don't know -- transparency against an additional feature in terms of independence and I think that's really what we're trying to achieve from this list.

We have shared on the list a draft maybe if (unintelligible) can show this on the screen, that would be certainly helpful but basically the draft is about - criteria's are about what are the enhancements to ICANN's account in wiki that are provided by the various options in terms of transparency, concentration, review, redress, checks and balances, independence, to stakeholders that we would extend accountability to that that covered more of the purposes we have discussed but also effectiveness of the account (unintelligible). Obviously something we need to ensure, we need to take into account, when comparing options.

Finally, to me it's a bit like a tie breaker, of course, simplicity of design, simplicity of operation, of the mechanisms, is something that really has been reminded several times that should be looked at very carefully. So certainly something we should take into account. With that, I think that this is really to provide us with the tools that would help us shape the discussions when we find ourselves in front of several options and so that we have a clarity about the debate.

So at this point, I think if there are any inputs, questions on this list. This is the first time we're discussing this so obviously no final decision today but certainly in Istanbul we will try to get that clarified at the very beginning of our meeting so we can move to the core discussions a bit later. So if anyone has inputs at this stage on this list, you can do so now or later on in the main list but that's the first point of discussion we're opening now.

(Unintelligible) is suggesting something about the interlay of different account mechanisms and I think that's something we need to keep in mind in terms of at the end of our Istanbul meeting about how does the whole system worked together but as far as comparing two options, specific power for instance or a specific review mechanism which is going to be the core of our discussions in

his temple, I think will need to take into account (unintelligible) point but rather at the end of our Istanbul meeting to make sure our overall picture plays out well in terms of interactions but I'm afraid it's not going to be that helpful we try to compare various community organization mechanisms for instance. I think we rather do so anyway. I have Jordan in the line.

Jordan Carter: Thank you Mathieu and good morning everyone. Can you hear me? I'm having a few sound problems

Mathieu Weill: Yes. We can hear you all right despite your cold.

Jordan Carter: Okay. Thank you. Yes. Sorry. I really like having some criteria set out for us to use as a transparency and to clear what you're thinking. I think that the interaction with the legal advice that were going to need to get is important so that there is (unintelligible) reality. For me, if we get robust advice that an approach we want to take through an option just to work, then that does have to be a criteria that we take into account. So I don't know if it's in this matrix as legality or whether it's somewhere else.

I also take from what you said Mathieu and I'm agreeing with you that we can't be too - we can't treat this as a set of check boxes because we do need to actually have the full discussion. This will help us and be the decision tool. We don't just add at the scores and then come out with an answer and that's the end of the discussion.

There are some other bits of criteria floating around but I think a lot of core created in this. I was trying to get a discussion going in working party one about it but I believe you're reviewing this document carefully. I'm just sorry I didn't get to it before the call. So I thank you for the work.

Mathieu Weill: Thanks Jordan. The point you're raising is actually very valid in terms of comparison. If one option - if we're quite sure that one option is legally viable and we have uncertainties on the others or we have a legal advice that says one option is not legally viable, obviously that's the key. That's the key criteria. Kavouss, you are next.

Kavouss Arasteh: Yes. Sorry. I may not have followed you correctly or timely. What are the deals columns in orange or yellow or something? This is one point and the other point is that I see some difficulty to some results because if you have - supposed you have six options and you want to examine these options from all of these points.

On this you have a waiting mechanism. It would be difficult that one option may be good in the viewpoint of (unintelligible), maybe less good in the viewpoint of the legitimacy. It would be better in legality. So it would be difficult if you have more options from 10, or 15, or 16. On this you have some weight (unintelligible) that the overall or average of that option with respect to all this and overall average of the other option in this, then you pick an option. So I see some difficulty how to do that if I'm not wrong. Yes and please correct me if I'm wrong.

Mathieu Weill: No, no. The orange lines are part of an ongoing discussion on the meeting list with (Rahon) who proposed the spreadsheet and I reacted with comments. So the orange lines are the ones which I commented on. There's nothing to read behind the orange at this point and you're right to remind us Kavouss. It's not going to work out if we go through all the checklist and we're not going to be weighing the principles. So this is really just a list of questions that can enable us to stand back when we're confronting options and reframing the alternatives in terms of what are the requirements that get a bonus on Option

A and on Option B so we can discuss on the extra features we approved by Option A and B instead of just confronting points of view on those.

So if it's not simple enough, this spreadsheet, then obviously it's going to derail or our discussion is not going to be helpful. (Hamas), you had your hand raised but you lowered it. So I assume this was an old hand or - seeing no other request for comment at this point, I think taking into account the input that has been provided, will keep this discussion going on the list and hopefully we will be able to have this tool at our disposal for the Istanbul meeting when appropriate and I see Jordan is asking to speak. Please Jordan.

Jordan Carter: Just a really quick question I think. Is this table, this set of criteria, one that we think we would apply to the mechanism so using a cross community group, using membership, using a supervisory board, or is it one that we would use with our various powers we want to give the community or is it? Could you just clarify that one for us?

Mathieu Weill: I think it would be more appropriate to compare various proposals for a mechanism than for powers. So if there are, for instance several ways as we will probably discuss later to create a body or process for community powers or several ways, several proposals on the table to create and to enhance the review or redress mechanisms, then that's what we can compare through this table. Okay. So I see that you...

Jordan Carter: Right. I agree with you.

Mathieu Weill: Good clarification. Thank you Jordan. So that's it for this point. I'd like to add to close this item regarding the road to Istanbul that in order to have a productive and efficient meeting, we are pushing hard on the (unintelligible) and their groups so that we get the documented proposals and outcome from

the groups a bit in advanced before Istanbul and we expect to have some documents to share by March 20 so that everyone has all the documentation to download on the flight and read and so that our discussion in Singapore is focused and is already based on an informed group about the proposals that are being put forward and for more productive discussion on this.

So please be aware of this in planning your contributions and responding promptly to the (aperture) request and understand that it's, I think, in our groups interest and in the productivity and interest of productivity of our group that were putting these requests and hopefully this will also help us shape an agenda that's focused on the issues we have to deal with. So that is something I wanted to make clear. Unless there are comments on this, I think this concludes our agenda item number two and I will turn to Thomas to start the activity reports from the various working parties. Thomas.

Thomas Rickert: Thank you very much Mathieu and welcome everybody. I see there's a queue forming and so before we dive into sustenance, let's hear (Jonathan) and then Kavouss. (Jonathan).

Jonathan Zuck: Yes. Sorry. I guess I was taking a second to formulate my thoughts. I guess my one question on some of these criteria's that maybe one of them should be whether or not there's a synergy between - there's a holistic look at this to where there's a synergy between the accountability mechanism so that efficiencies are created. In other words, in the same mechanical mechanisms that create more than one accountability checkpoint. Does that make sense? There's a - the ability to combine them or them working together seems to be a value proposition to add to this list.

Thomas Rickert: (Jonathan), I think Mathieu will gladly take that suggestion which I think is an excellent one and add that to the list which is - we want to keep things simple. I think that fits in quite nicely. Kavouss. Kavouss?

Kavouss Arasteh: Yes. You have two options and only two options. You check those two options in this space to these comparison parameters and then what you do you insert something, another column, saying yes, no. What would you do? Where do we really add end results of this comparison? Where is this appears?

Thomas Rickert: Kavouss, let me try to respond to this one. I guess the idea is not to develop a full blown tool that helps assess the quality of one mechanism against the other, but the idea is rather to give the group the tools that facilitate the discussion making between various options.

So this basically reflects what we have in our definitions and scope in document and if certain parameters are absent where they are present for other mechanisms, then that will facilitate the discussion. I think we can manually check whether some responses are of equal quality or whether there's the same number of boxes can be checked and then we would need to do that, more or less, manually and then discussed which option we prefer.

So I think particularly since we are working against a very aggressive timetable, we should not rather work on developing such tools which is more or less (insanity) check and assistance with the groups deliberation and we should focus on substance, I think. Your point I - Kavouss, let me say that your point is well received. I think that despite putting this into the tool, we will certainly bear in mind the factor that we need to weigh various options in case there are comparable qualities according to the spreadsheet.

Let's now move to agenda item number three which are the activity reports from the different groups. So can I turn it over to Jordan for a quick update.

Jordan Carter: Yes. You can. Hi everyone. Jordan here. Jordan Carter (unintelligible). The last call of our WP spent lustrous time looking at how to merge the affirmation affluence material into the bylaws. We have a full set of material about that now that talks about the community veto mechanism for requiring a reconsideration of the board's decisions on some now items and they've spent quite a lot of time on the updated template about removing the ICANN (boards) from office.

That was priority discussion last week end and having that conversation, it turned into quite a long discussion about the way you would do that. So the mechanism used which are proposed at community council.

There were two points that came up after the call and a bit later on the list that we are going to need to deal with as a CCWG so I thought I'd just highlight those. One is this question of jurisdiction that keeps coming up and it was actually on me which I haven't done to ask the co-chairs for some advice about how we should deal with jurisdiction and this accountability work, particularly work stream one. It could really complicate things if we don't work out how to deal with it. So I think that's something to think about.

The other point is that there's a thing about these simplicity thing and there's a legacy or a hangover from the CWG's work about the IANA Stewardship transition where people are drawing distinctions between exercising in increased power, like removing boards or redoing a budget, for example and the decision to create the process to do that.

So for example (EJ78C) coming to a conclusion at (unintelligible) and tipping that decision into a process that could lead to a board decision being invalid. For instance, structure or a collection of delegates who make that decision.

I think that that probably is going to play out in Istanbul and in our discussions here and where I've only got to is that we shouldn't leap to any conclusions. I'd strongly urge people not to decide in advance that they either are going to require new structures or never support new structures because what's important for our work is to come up with an effective set of mechanisms and if we make initial decisions as a group that we can't proceed down one route or another, we're just tying our hands behind our back. So I just wanted to make those two points.

In terms of the deliverable that were going to have ready by the 20, I'm confident will have templates for each of the powers or text about the (ISC) thing that are on the table right in front of you. The colors there - I've become aware in the last half hour of some material that are beyond red if you like.

So if we don't have material, it will be because it's been deemed not important enough or not work stream one enough to require face-to-face but hopefully we'll get pretty much across the whole lot because we've got things (unintelligible) on the screen.

I'm also confident that will have the template for each of the mechanisms. So at the bottom of that first page and starting at the second page. We might not have one for using (DSO) and (AC) structures, but we will have one for a permanent CCWG for delegates and members for the advisory board and the community.

So as long as no one is expecting us to do anything beyond that, for instance, as long as no one is expecting us to try and create options or report that measures these up against each other or authoritatively states what is better or worse of that particular power, will be fine in terms of the output. So that's my uptake and I'd welcome any questions on it.

Leon Sanchez: Thanks very much Jordan. That is certainly very helpful. I think we should maybe dwell on the question of how to compose or what makes the community have - how we derive the community from the ICANN structure a little bit more. Jordan, maybe you can introduce the various perspectives that have been suggested in your subgroup to the whole group?

Jordan Carter: Yes. I can do that at a high level and I'm sure that others will chip in and contribute if I'm getting it wrong or leave something out. So this, I think, writes the mechanisms versus process type distinction right Thomas?

Thomas Rickert: That is correct. I think what might help is to say, let's say, that the community shall have the power to adopt a budget and certainly the question is, how is the community representation formed? That's what I'm trying to get at and simulate a question on.

Jordan Carter: Yes. That makes sense. I'll talk on that a minute. If you scroll down on the table in front of you to the bottom of the first page, there's this thing called Table 2, (WT1) mechanism and those of the options that we've come up with so far -- not always fully populated but they are there -- for how you might empower the community.

Using the existing SOH procedure structures is a little bit of a special case because what it implies is that you grant the power of (unintelligible) to the

community in a way that doesn't have a cross community discussion if you like.

So all of the - so if you take it as an example of removing the ICANN (boards) from office, the implication of an existing SOA construction model is that each reporting organization and advisory council makes a set of decisions on their own democratic process about what needs to be done, whether the (unintelligible) importance in that or not in their own view and they ask those preferences would need to now be aggregated and I'll be giving - I'll probably end up writing some of this or at least one version on how you can do that. It might be a bit of a person and powers to just note the decisions and add them up on whatever weight that needs to be given and then a decision is made.

What was the other proposals there? So the permanent CCWG delegate. Well, not necessarily delegates to memberships but certainly to the advisory board to have the creation of a group of people and delegates and nominees that point (unintelligible) to the SO's and AC's who either are mandated decisions and that it's worth their estimated towing and how to vote or on their judgment.

They have to sit around a table, talk about the issue and the exercise the decision and each one will have - there are lots of design decisions that we would need to create. One of the most simple ones is what's the relative power of each SO and AC in this process? Should it be equal or should they be weighted somehow? So weighted, what is the methodology of that and the board of directors removal one, the community council discussed.

The proposal that I made was that each of the supporting organizations has the same representation of five members and that the advisory committee has less representation. All of these matters need to be teased out.

The distinction between mandated and non-mandated decisions needs to be teased out. As far as I'm aware, for instance - in fact, I don't know what the status of our own CCWG is in the sector or whether people are creating it as a representative agent of tables to make decisions or whether everyone here is obliged their SO and AC.

To my mind if you are mandating decisions, you lose the benefits to dialogue and discussion and coming to a (unintelligible) decision that a natural part of any kind of governing or authoritative group. It's not my decision to make a call on that.

So these are just some of the considerations that are being discussed. Only one person really forcefully has raised the idea that we should not create any new groupings of people, that it just has to be a set of processes.

Given the nature of the work that we've been doing in the discussions we've had, I think it's probably more common to think that will end up with some kind of grouping being the recommendation with the caveat that in the absence of legal advice about what will work, we're a little bit flying blind.

So we don't know whether it's going to be possible to empower it under the bylaws to do these things or whether were going to have to take a different approach, and the sooner we get that question, I think, the better. So I (unintelligible). So their representation overall, I hope that's been useful.

Thomas Rickert: That was - (Unintelligible) for that was exactly what I'd hoped you would say. There's a queue forming so let's hear Steve Alan, and then Kavouss.

Steve DelBianco: Thank you Thomas. It's Steve DelBianco. With respect to WP1 work status, what Jordan has just gone through or a myriad of options for structure and earlier on in the chat Jonathan Zuck made a point, Jordan made another point, and I agree. We all talked about the same thing which is the potential efficiencies and complementarities that would be achieved if we can pick only a few, perhaps only one of these, structures that (Jordan's) been discussing and have it work as an exercise muscle. Have it work for all of these powers that are necessary.

A lot of efficiency can be gained if, for instance, we settled on a statutory member just for instance and then all of the accountability and transparency of the membership would be leveraged whether that membership group was voting on bylaws, or whether it was voting on a budget which is another power, whether it was deciding on whether to invoke an independent review which it has standing to do.

So I think creating a single structure that's the best of the rest and giving it the powers that we need is so much simpler than creating separate structures for each power and not attempting to jump to conclusion here, but I believe that there's huge risk in evaluating structures independent of the powers.

We really need to be looking at a package, a package of accountability mechanisms that work well together and that package will be simpler than if you took the seven simplest options and tried to glue them together with separate structures for each. Thank you.

Thomas Rickert: Thanks Steve. Alan.

Alan Greenberg: I guess I find myself saying not the exact opposite but somewhat different. I think we're going to need a combination and I certainly wouldn't want to see

a different mechanism for each power, but for expediency and based on how onerous the decision is, I think different measures are necessary. To approve a budget or an operational plan, I'm very fine with saying there's a delegate from each ACSO and that will make that decision, and it's up to the ACSO's to say whether it's directed or you give that person the power.

On the other hand, if we're talking about removing the board or even a group of directors, I think that's a decision which really must be made by the community, not by a representative of the parts of the community and therefore, I think we're going to need a combination.

There are some decisions which are really onerous and we have to be really sure that it's not a group of seven people arbitrarily making that decision but it is the AC's and SO's or whatever entities were using to be the controlling parts of the community.

We don't want to delay budget processes by having votes that will take a month and a half to complete. So I think we're going to need a judicious combination of the two based on the characteristics of the decision we're making. Thank you.

Thomas Rickert: Thanks Alan. Kavouss.

Kavouss Arasteh: Yes. My question is about the weighting of the decision-making process with AC and SO because they are not the same, they are not having the same weight and there are different combinations and we should really come to some discussions.

I think maybe the situation that's in counsel and of community council may have a better mechanism of others than simply going to SO and AC, or the

create of the counsel but we have to talk about the weighting in that counsel.

Thank you.

Thomas Rickert: Thanks Kavouss. I guess that's exactly the purpose of this discussion to get some ideas on how we can compose it or how to weigh our representation from the community. To Tijani. Tijani, are you - now you're not on mute.

Tijani Ben Jemaa: Thank you. So first of all, I would like to ask Kavouss (unintelligible) and a structure (unintelligible) weighting (unintelligible).

Thomas Rickert: Tijani, can you please...

((Crosstalk))

Thomas Rickert: Tijani, can you please speak up? You're breaking up on me. The sound quality is very bad. Can you please speak up a little bit?

Tijani Ben Jemaa: Okay...

Thomas Rickert: Yes we can.

Tijani Ben Jemaa: Do you hear me better now?

Thomas Rickert: Yes. We can hear you all right? Yes.

Tijani Ben Jemaa: Okay. Thank you. So I repeat. I said that for me there is not a difference between a counsel as proposed by Kavouss and a structure made of AC and SO's. It is all about the weighting, the weighting factors between the different constituencies of ICANN. The fact to say that we need a certain number from the SO's and less people from AC is not the - let's say, I don't understand it.

Perhaps it is (unintelligible) but I don't understand it. We are not about the domain name only to say people who are making policies about the domain name must be more represented than the others

Don't forget that the representatives of the users don't have any interest except the public interest. So their participation is generally very neutral and very helpful. So let's speak about the composition of the structures and I do agree with the fact that we have to minimize the number of structures.

I think that we have to think about a structure for most of the mechanisms and perhaps as (Alan) said, for the very serious decision, perhaps we make the community vote, not the structures vote. Thank you.

Thomas Rickert: Thank you Tijani. Mathieu.

Mathieu Weill: Thank you Thomas. I assume this is the core of our discussions regarding (work 41), at least a good part of it and I want to stress that what we are actually looking at right now is the issue of the accountability of whatever structure we set up or whatever accountability mechanism we set up. That's why I think we need to look into various options about how it plays out in terms of accountability features.

So I very much support also the idea that we can't look at this group or processes without a very tight link with what they will actually be asked to decide upon and there's a very important point I want to stress. In (work 41) powers, we are very far from the typical policymaking decisions. We are more or less in some of the yes, no questions.

At the end of a process, probably with (unintelligible), to create something like a veto and that certainly has a ne (unintelligible) on how we can design process or structures.

So accountability of these processes or structures are important and I prejudiced to - one of the things I think is important is also independent on this. Independence towards the board which is going to be one of the key points we need not to avoid because obviously those powers are over cited of the board and so we need to make sure we have this addressed.

Finally, were hearing various options and I really, really encourage the proponents of various options to document them before Istanbul so we can have them in writing.

I mean, Jordan and his group have already made great progress in documenting their proposals. If we have proposals for specific mechanisms to remove board members, for instance, let's do that, and also I think we'll hear various proposals on the weighting of the groups and it would be very useful to have them or at least a couple of people think about it, put it on the paper, so we can have a discussion in Istanbul to actually look at how they will play out.

So that would be my - my hope would be that from the discussion, we actually take some of the documentation from (work 41) and create options, or all the documentations, or amendments that we can use and rely on these. Thank you.

Thomas Rickert: Thank you Mathieu. Kavouss. Kavouss?

Kavouss Arasteh: Hello. Do you hear me?

Thomas Rickert: Yes we can hear you. It's your turn.

Kavouss Arasteh: Yes. A structure is composition of the community counsel or whatever you call them. In that situation, we have to have the weighting and I've already mentioned that there are examples of this weighting, we can look at that one, and then the process is once that community counsel or whatever you call them is established, how well this decision is made replacing the board member, the approving of the budget, disapproving of the budget and so on and so forth, we have to distinguish between these two and discuss it quite separately. Now (unintelligible). Thank you.

Thomas Rickert: Thank you Kavouss. What I'm hearing, and I'm going to try to avoid repetition from what previous speakers have said, but in terms of how to navigate this discussion, I think there's definitely the wish by the group to build on existing mechanisms or structures as much as we can and what I think is also important to bear in mind is that with the little time given, there are certain areas where we are known territory.

So we do know, for example, that we can have a cross community working group. We do know that the community has previously agreed to have five representatives from the chartering organizations on such groups. All right.

In the absence of better proposals made by the legal advisors, we should maybe focus on what we know and maybe to start with the community representation and say were going to have a community counsel which takes the form of the trust community working group.

Then certainly the question would be how many representatives from each of the groups would be present on my group -- whether they are mandated or non-mandated in terms of their decision-making behavior -- but that's

something that I think everybody of us needs to think about between today and Istanbul.

Another point that I think we haven't discussed yet is whether this community approval or community veto will be determined on the basis of both taken or whether consensus calls are being made and in such groups.

We are currently working on a tool that we'll hopefully be able to share with the group very shortly which is basically a simple table where you can see the various groups, you can enter how many representatives there would be per group, and then you could test how voting behavior of individual groups, depending upon - you wait their votes.

Depending on how many votes individual groups get what impact the outcome of decision-making and what I think can simplify matters is that we don't necessarily establish different mechanisms for different community powers, but that maybe we allocate different voting thresholds to the so that say that the approval of a budget or of a strategic plan could have, potentially, a lower voting threshold than the dismissal of the board.

So this is some - this is food for thought. We should toy with these ideas and try to think about what is a perfect chemistry for the different community powers would be, and please do take a look at the various sheets that have been produced by work party number one because we went through this exercise for each of these powers deliberately to see how this would work out for the different powers hoping that we could find sufficient synergies to boil it down to the minimum number of mechanisms to carry those powers. There's another queue forming now and I think I should close the queue after Alan and then Kavouss.

Alan Greenberg: Thank you very much. I think something else we haven't really discussed, at least not while I have been around and I have missed a few meetings in the last couple of weeks, is we need to make sure that the mechanisms we're building are ones that we can actually exercise.

I have some significant worry about that. A lot of the decisions we're talking about are ones where parts of the organizations, the ACs and SO's or outside entities for that matter, may not have a strong opinion on it. They don't really care. It's not something in their domain.

So if we're taking action on a board decision regarding GTLD's, the CCM NSO may say we don't care, and we need to talk about how we handle abstention's because we can be in a position where because a part of the community doesn't really care and doesn't want to lay down their position, we either may be prohibited from taking action or we might be in a situation where we take action which is really an action of a very small part of the community because the others have been silent. All of those are dangerous in their own way

So we certainly don't want mechanisms that we build now but will never be exercised because we can never get the critical mass nor do we want decisions or important decisions that are ultimately taken by a very small part of the community. So I think we're going to have to look at those issues a lot and probably need stress tests to look at the if we don't already have them because I think that's very worry some that we may be building things which are not really going to be usable. Thank you.

Thomas Rickert: Thanks (Alan) and I think that some think we need to play through for each of the individual items and I think this can be responded to by having different quota for different types of activities that this community counsel, or whatever

we might end up calling it, would have but your point is well noted and I'm sure that we will include that in our present deliberations. Kavouss.

Kavouss Arasteh: The community representative...

Thomas Rickert: Yes.

((Crosstalk))

Thomas Rickert: Please go on. I thought you were muted.

Kavouss Arasteh: Line is not good?

Thomas Rickert: No. It's okay. Go on.

Alan Greenberg: It's okay now.

Kavouss Arasteh: Okay. It's okay now. So I took it from the following, one, structure, community representative in their own brackets - sorry. Yes. Community representative in down bracket, community counsel, is the compositions of the various representatives of the AC's and SO's with an appropriate or with an appropriate weighting number in order to have a balance of representations which is one point.

Then the second point, the scope of activities and mandates -- that is what Alan mentioned and I agree with him -- that there are areas that we have to be very careful whether those communities are interested or not.

So this is the scope of activity. So if we can separate these two things, we might have a better rating but I still, not insist, but suggest that we talk about

community representatives and the down bracket community counsel composed of AC and SO's with sufficient and with appropriate weighting number. Thank you.

Thomas Rickert: Thank you Kavouss. That's helpful. So with that I think we can - well, we need to close the discussions about work party number one. Again, thanks to Jordan for their excellent work and his team. Let's now move to work party number two and I'd like to hand over to Becky to give us an update. Becky.

((Crosstalk))

Thomas Rickert: Becky is on the call but she might be - might not be ready to talk to us which I would suggest that we work the agenda items and discuss the stress test now.

((Crosstalk))

Thomas Rickert: So Becky is responding now. Becky, can we hear you? So there seems to be an audio issue which I think we should try to sort out while we discuss the stress test working party first. So Mathieu, would you be okay with taking over for this section of the call?

Mathieu Weill: Sure and I hope (Cheryl) and (Steve) are as well. So the stress test update...

Becky Burr: Sorry guys. I'm back. Apparently my speakers weren't working.

((Crosstalk))

Mathieu Weill: Sure. Let's just move to work party two first.

Becky Burr: Yes. That's fine.

Thomas Rickert: Thanks Mathieu. Sorry for the hiccup and Becky, the floor is yours.

Becky Burr: Thank you. I have filled out the template. Basically, my understanding for Istanbul is that our primary deliverable is the mission statement, core values commitment to the community document. We are quite far along with that.

We've had really good input and exchanges on the list and I'm expecting that will have a call of the working group so that we will be in good shape to deliver a draft on the 20 as contemplated and then are prepared for a robust discussion to get it in interim final form in Istanbul.

We also have had very good progress and discussions on the independent review. There are some very complicated issues to be worked out there but I think that we will have a solid discussion document and I will work with the group to try and put it into a template with the various questions, open questions, identified for circulation on the 20 as well.

The work streams on the (unintelligible) and on the reconsideration have got off to a slower start here. So hopefully we will also use our preliminary space on Sunday in Istanbul to kick those into a slightly higher gear.

Thomas Rickert: Thanks Becky. Are there any particular questions that you would like to bring in front of the group to discuss?

Becky Burr: well, I think that there are a couple of questions that we are kicking around on the scope mission and commitments, obligations, constitution document, whatever were calling it. There is one significant discussion about to what extent, if any, the mission of ICANN should be permitted to change even with the expressed consent of the community and I think there's consensus that

mission (creep) is to be avoided wherever possible and that to the extent that mission is permitted to evolve, that would be a very high bar to pass to permit that to go forward but that's one issue.

The other issue that's been discussed is whether this constitutional - on the - related to be independent review and the mission scope is a question of whether there's a need for a constitutional court that is separate from an independent review judiciary. I think the weight of the group falls to trying to make and to combine those two functions into one body for efficiency and for the purpose of building up expertise.

There also is a significant discussion going on with regard to cost and accessibility. How would we ensure that access to independent review or the constitutional court are accessible both from a standing perspective but also from a cost perspective and how do we allocate costs among various parties and that would be ICANN with respect to supporting the entity itself and then parties to dispute whether it would be everyone bears their own cost unless there is a frivolous claim or whether there would be a loser party pays approach.

I think the critical question there is balancing accessibility and also trying to figure out a reasonable means of preventing frivolous or abusive use of the review process. Those questions, as I said, are very, very complicated. I think that we will benefit from a robust discussion on that but those are fundamental questions which we have known would be the hard questions to deal with.

Thomas Rickert: Thanks very much Becky. That's very helpful and I think we should maybe take one or two out of those items and open it up for discussion. Kavouss hand is raised. So please. Kavouss, it's your turn.

Kavouss Arasteh: Yes. Just take it from the simplest thing. Mission changes are daunting and mission changes should be something that absolutely no change. If there is a (unintelligible) change, perhaps we should define that to ICANN's core mission, something which is the core mission of ICANN and that core mission ICANN, within that, there could be some changes into wording, changing the conversation, changing and so on and so forth but something is not the core mission of the ICANN to the (unintelligible) such as public policy issues and so on and so forth.

No. The question that was raised several times -- there's still people talking -- is the independent review panel and the binding nature of that because if that is one of the difficulties that we're having in discussions such as booking (com) and booking.com and combining of the decisions and so on and the third one, I raise the question, do we really (unintelligible) that or not?

This is something we need now but when we go to other (unintelligible) mechanism arrangement with new committees, address, and empowering of the community, all of these things are still (unintelligible) so that this is the intellectual intelligent people.

I have no question about the intelligence of anybody but do we need that and if we need that, we really need to know the scope of the mandate, the scope of the, and where it appears. Does it appear in the bylaw? Does it appear elsewhere? The issue of the jurisdiction is still have not been discussed. What is the jurisdiction mechanism over the whole process? Thank you.

Thomas Rickert: Thank you Kavouss. We will get back to the issue of jurisdiction potentially later in the call. Regarding the point you made about binding decisions, I think as far as I remember, the discussion on the list about the booking.com decisions was not that much about the decision being binding or

not but the fact that the decision was not made with respect to the merit of the case but just from a procedural point of view and that's something I understood the group agreed on that needs changing. Becky.

Becky Burr:

Yes. I think that this is a little bit different from the bookings case. Based on all of the discussions that we've had, including the discussions that we've had in Frankfurt, I think that the sentiments of the community and the group is that to the extent possible there should be some ability to have the decisions of independent review be binding. Now, what that means when it comes right down to it is going to require legal input before we can finalize it.

I have no doubt that an independent review could be - could be found to say, this process - the ICANN board or the ICANN staff did not bear its burden in demonstrating that this was within the mission of ICANN and therefore were mandating it back for further consideration which could mean that the ICANN Board would, you know, either then demonstrate convincingly that it was in fact in the mission statement or not.

It may be able to go farther than that but in terms of being able to sort of bindingly reject an outcome based on a set of sort of analyses I would think that that is something that's likely to be doable. But, you know, for now I think that we need to think about sort of the term binding in square brackets so that we can understand with input from the legal counsel what that actually means.

On the bookings.com discussion I think there was strong consensus that, you know, we're not - we shouldn't be sort of talking about the merits of any individual decision one way or another but that that was a useful document with respect to the way in which reconsideration can and cannot be used and whether we think that that informs our view on reforming reconsideration.

And then finally on the ombudsman point I think Kavouss's fundamental point that, you know, we should not be assuming that just because we have a function we need to keep it. We should be reviewing these, you know, as a whole to understand if all of the components still continue to make sense once we've got the new or enhanced pieces in play.

So on that I agree. I personally, and I know I think that, you know, there are others who view the role of the ombudsman as something that's really quite distinct from any of the more formal dispute resolution processes. It's something that can help resolve disputes early in the process before they require the full blown, you know, formal dispute resolution process.

And I think at least theoretically that that is a - is useful but Kavouss is quite right that we need to keep our minds open and look at all of the components as part of the whole as a piece of the puzzle to see whether they make sense.

Thomas Rickert: Thanks Becky. We have Mathieu and Markus on the line and after that I'd like to close the queue so that we can move onto the Stress Test Working Party. Mathieu.

Mathieu Weill: Thank you Thomas. And thank you Becky. I think that your group is making outstanding progress. I have a question regarding the mission statement core value document. And I think there's been a lot of interaction on it.

I personally have received feedback and understand that there is some form of expectation that document also outlines the key - the fundamental purposes that ICANN is venting and trying to enhance. And at this point I think there are some elements in the document.

But I wonder if your group has considered sort of making a specific section of these documents that would outline what ICANN is trying to achieve through its mission.

Currently it's - the mission statement is drafted in a way that is describing what ICANN does and that's very useful because we need to make sure there's no one (unintelligible).

But there's also I think a need and especially if we want to go to - use it as a standard of review for an independent review that we highlight the purpose of the organization. And I understand that it's going to be something that's from stakeholders and especially outside of ICANN try to - we'll be looking at carefully.

So I wonder if (using) is possible. Obviously one of the key easy one is enhancing the security and stability and resiliency of the Internet unique identifier system. And that's one of its purposes but maybe there are probably others.

And I wonder if your group has continued highlighting a specific section on this - this traditional and strategic statement. You have the mission statement, vision statement and the values after that.

Becky Burr: So I think that we could certainly contemplate a vision statement. I have thought of it. And, you know, other - and we'll have to take it back to the group and others who are in the group may want to chime in.

But to me ICANN's purpose is to preserve the stability, security, openness, interoperability and resiliency of the DNS and to the extent the DNS affects those same issues on the Internet.

That that's really what ICANN's role is that ICANN's mission is to do that through coordinating the unique naming, numbering and parameter functions. So I'm not sure what would be - what would be the vision beyond that that wouldn't lead us into scope creep.

Thomas Rickert: Thanks Becky. That's helpful.

Becky Burr: And if I could just - go ahead. Never mind.

Thomas Rickert: No, no. Go on Becky.

Becky Burr: I mean just in terms of where we are in the document, what I've tried to do with the document that we're drafting is to sort of create - to add - to include all of the inputs that we've had so far in the discussions as opposed to picking and choosing among them.

So for example, Work Party 1 had done some work on this and I folded that - those contributions into the document that we're working on and people are beginning to, you know, comment and exchange views on all of those things.

But no contributions have been, you know, any contributions that I've seen or heard have been added to the document. And so Mathieu if there's - if there are inputs along the lines that you're receiving, if you pass them along then I will just amend the document to include those things.

Thomas Rickert: Thanks Becky. Markus.

Markus Kummer: Hello. Just to follow up on some previous statements. I would like to add my voice to those who say the core mission of ICANN should really be protected

in whatever form of bylaws we're going to have to make it really difficult to change that.

And to follow up on Kavouss's and Becky's point on the (bylaw) review. I mentioned that to several people informally. I think one organization (would look) into is the World Trade Organization.

Twenty years ago in (Marrakech) agreement they moved from an ineffectual dispute resolution system to an effective (just in) the basic change were made they (forget) what it was before. It needed a consensus to agree. And they turned (in) what they call the negative consensus that it needed a consensus to disagree with any panel.

This is the very, very high bar. But it kept the political responsibility with the General Counsel. That is (unintelligible) of this entity, the General Counsel. That it must delegate the responsibility, (unintelligible) responsibility (unintelligible) whatever comes from the panel on dispute resolution.

And that's from a legal point of view I think also very relevant to whatever our legal teams have to say. So (unintelligible) has a dispute resolution system that actually works. It has teeth and it is effective.

But I also would like to echo Becky's remarks on the ombudsman. The ombudsman is (an amazing invention) and it works extremely well in those countries and it's somewhere in between. But maybe it needs to be better defined.

There is clearly merit in having a place to go to if actually a problem escalates. And I would really like to see that maintained on our way forward. But yes, we need to define it a (little) better. And the (deciding mark) on the

bookings.com and yes, a dispute resolution that fits also needs to go into the substance not just only into the formalities of an issue. These are my speaking points. But all in all I think you're making great progress. Thanks.

Thomas Rickert: Thank you very much Markus. And you will all remember that I closed the queue after Markus. So Sebastien and Kavouss have raised their hands afterwards so an I please ask you to keep it very brief so that we can move to the next agenda item? Sebastien.

Sebastien Bachollet: No, no. You decide that you close. I will close. All right. Thank you.

Thomas Rickert: Okay. I would have given you the opportunity to (let) you speak. But let's then move to the Stress Test Working Party and Mathieu is going to chair that part of the call. Mathieu.

Mathieu Weill: Thank you very much Thomas. So the Stress Test Working Party is - there are actually two items - two sub items. One is going to be an update on the progress of the group and reviewing a couple or maybe three stress tests.

But before that I'd like to go back to an issue that was raised based on the work from this group, which was the - and it's related - we received this morning a response from Thomas Schneider, the Chair of the GAC, regarding the question we had raised about one of the contingencies.

So you - so that everyone reminds what we're talking about we have a contingency, which basically says if the GAC was changing its rules - it's decision making rules, then that might lead to some form of capture of ICANN.

And therefore there was a proposal made to sort of change in the bylaws that would only give - force the Board to give due deference to the GAC advice on this advice phase on the consensus.

We had (consent) within our group that we would engage with the GAC about this. Had been (raising) questions. And we've received a response from Thomas, which is a response that he makes based on his own experience and various exchanges with some GAC members. Not a formal GAC response obviously due to the timing constraints.

And I think if I wanted to summarize the response, it's basically - one of the aspects is that it's saying that the contingency we're discussing he would question how to - he would fine tune it because he finds the relevance - it's not fully accepted on the GAC side that if the standards of the decision making was changing then that would definitely - that would lead to capture of ICANN.

And so I think this raises a question for us whether we keep the contingency or we provide more details to the GAC for further exchanges about why we think as a group that this contingency is one we need to address and especially within Workstream 1 or if there are any other ways forward.

So I think before going into the various stress tests this was an outstanding issue that you - to deal with. So I'm (unintelligible) for reminding the source of the letter and I'd like to hear some of the comments. Markus, that's an old hand? Or if you want to speak, please go ahead.

Markus Kummer: My apologies. It's an old hand. I have to take it down.

Mathieu Weill: Right. Thanks Markus. So Kavouss and then Steve.

Kavouss Arasteh: Yes. I think Mathieu properly mentioned that this is the view of the Chairman of GAC himself with few others. There are five members from GAC in the CCWG. In the communication (I see) from the Chair of the GAC to Mathieu there is no comment in the discussion from any of those five members in the CCWG.

This comes from elsewhere. No problem. That we'll all (speak) express view. But I do not think at this stage we should talk about - first of all talk about defining what is consensus. I am strongly opposed to define the consensus. Consensus is consensus. It's something that people can read with that. We do not need to define what is consensus.

I'm total disagreement to have a (unintelligible) for the consensus, (to have) consensus or soft consensus and (our) consensus. Nevertheless what Chairman of GAC maintains should be mentioned in different way.

There are different categories of consensus in GAC. GAC sometimes has consensus agreeing with something; sometimes have consensus of disagreeing in something. This is different category of consensus but not different meaning or different definition of consensus.

Until the GAC (fully) met and has a consensus of what to send this CCWG I don't think we should take any action on that because that does not present the entire GAC. But I don't think that we need to qualify the consensus by attach - associating number of the people against or in favor of the particular consensus. That will be very dangerous game and we have to avoid that (power).

If the whole GAC agree with that to change the principle - operating principle, that is something (else). But currently that does not exist. Thank you.

Mathieu Weill: Thank you Kavouss. I will note that we have a written intervention from (Suzanne) from the - one of the GAC members announcing that she will put some comments in writing shortly. And next on the line is Steve.

Steve DelBianco: Thank you Mathieu. Steve DelBianco. This Stress Test Number 18 was something that my group NetChoice and the Business Constituency submitted in the original list of stress tests back in May 2014.

It was in direct response to the U.S. Government's condition on the transition that ICANN itself not be subject to capture by governments or intergovernmental bodies.

I had come up with this by spotting the fact that the bylaws enabled the GAC to change how it can arrive at advice - sorry, the operating principles for the GAC. And I noted that the GAC had from time to time discussed the notion of whether it might want to change its voting. And the GAC could do so any time it wishes.

On the other hand, the ICANN bylaws simply referred to GAC advice with the due deference and requirements to work on a mutually acceptable solution. And they did so without declaring that that advice be consensus advice. And yet that is status quo.

So this stress test originated with the best of intentions. It is more relevant now than ever before and it might be - well, it might be the - one of the only stress tests that goes straight to the heart of insulating ICANN's new accountability structures for government capture.

All that being said, I find myself agreeing with Kavouss that Thomas' return letter to us indicates perhaps a lack of understanding of how we intend to use stress tests. There is no requirement that a stress test be probable...

Man: (That's right).

Steve DelBianco: ...that it be likely or that it have already occurred. A stress test is something that's plausible. And this particular one is extremely plausible. And the way we insulate from that is to make a small change to the ICANN bylaws to codify the status quo about GAC advice that's consensus.

This does nothing to constrain what the GAC does in the future. It could change; it could offer advice under any (new) that the GAC wishes. All it says is that ICANN is only obliged to give the due deference standard that the GAC advice came over with the current definition of consensus under Principle 47.

So I'll conclude by suggesting this stress test cannot be set aside simply because we got a reply from the GAC. Instead I think as Kavouss indicated, let's engage with the GAC, continue to educate about the purpose of stress tests, why this particular one cannot be set aside.

That it by no means tells the GAC what it can and cannot do; not even close. It's simply getting our house in order on the ICANN side so that we know how to react when GAC advice comes over. Thank you.

Mathieu Weill: Thank you Steve. Greg, you're next.

Greg Shatan: Thank you. Greg Shatan for the record. I'm glad to hear some comments of the GAC members alive and in the chat. When I received this letter I was somewhat troubled by it on several levels.

First I think there seems to be a misunderstanding of what Workstream 1 is and its relation to the IANA transition. Seems to assume that anything in Workstream 1 has to be directly related to IANA for it to be relevant and therefore kind of goes off and gives an answer that really seems to be incorrect and really unhelpful to us.

And I hope that's just a misconception of anybody who's outside this process not understanding what the delineations of this process are. But it would be helpful any further discussion with Thomas Schneider or any other member of the GAC to help them understand what the scope of Workstream 1 is so that it's - any further discussions on that topic can be more helpful.

Also I think that the letter significantly downplays the due deference standard and how much deference the Board does in fact give to GAC advice in GAC communiques and what some people call capital A advice by the GAC.

And seems to make it kind of, you know, soft pedals the difference between capital A GAC advice and communiques and non-consensus expressions of varied opinions.

So I think that the reality is that we've all seen in the GAC interaction with the Board and the Board's interaction with GAC advice really belies the claimed methods other things work in this letter.

So I think there's, you know, definitely room for further discussion with the GAC. And again, I think as others have pointed out, there's nothing in this

stress test that proposes that the GAC be restricted in any way from changing how it gives advice and communicates or decides on what level of - that they should meet in terms of consensus or other decision making process to get to bottom line.

The issue is really just that the due deference standard, which most of us I think take quite serious, maybe more seriously than Thomas Schneider's letter seems to take it, you know, is something that is linked to the high degree of consensus with which that advice is given.

And that linkage can't be - if that linkage is broken then the due deference standard doesn't make sense. And I think that's really what underlies this and seems to me an entirely reasonable and, as Steve says, really even critical stress test in this case. Thanks.

Mathieu Weill: Thanks Greg. We have a clear conclusion that further dialog is needed. One thing I just want to stress is that I'm not understanding the stress test in terms of (full ability) is questioned that all.

It is a relationship that is made within - it is the direct relationship between the probability that the GAC changes its procedures and the fact that this leads to capture.

And I think that if we want to have this dialog proceed in any constructive way that some of the GAC members have to understand the perspective that we are - we've been heard - we're hearing a lot here and I remember everyone we've had various inputs from various GAC members on this discussion on our own list before we engage with Thomas.

And that's why we engage with Thomas Schneider so there is not a unanimity of views within GAC members on this perspective. So we need to also try and capture what lessons - what's the concern that's being raised and then the discussion about our stress tests if we want to have a (product) dialog, which it certainly makes sense that we have taken on.

And that's - and we also need to take into account that this is a very hot topic within the GAC right now. And we need to ensure our Workstream 1 proposals are met with support in all constituencies and chartering organizations.

And so certainly an action item is to continue discussions and we hope we can rely on the five GAC members to (stimulate) it in all its diversity and we would - we can make good progress shortly because time is going to be very critical in this matter.

I would like now to turn to Cheryl for a quick update on the Work Party Stress Tests and maybe very quick review of a couple of points. Cheryl.

Cheryl Langdon-Orr: Thanks. Thank you very much Mathieu. Cheryl Langdon-Orr for the record. And, excuse me. Two things we just wanted to raise. Today we'll be briefly going through Stress Test Numbers 1 and 2 and time permitting Stress Test Number 11.

So you'll see - you'll be able to scroll in your screen now with that document you've got up to I think it's Page 6 it is. No. I lie. It's Page 5 you'll need to be at. No. I'm still not - I'll work out what page it is eventually. And Steve will take us through those.

And I just wanted to mention that we had our second telephonic meeting of the Stress Test Working Party happening at 2200 hours today. And I would look forward to having observers and participants as well as of course those formal members of the working party join us at that call.

So with that while I obviously need to have a sip of water if not another cup of coffee, I'm going to hand over and Steve will take you through. Thank you Steve. Page 3 of the document. Over to you Steve.

Steve DelBianco: Thank you Cheryl. Steve DelBianco with the GNSO Commercial Stakeholders Group. As Cheryl indicated, all 25 stress tests have at least been drafted against the current set of proposed mechanisms.

Please understand that doing so early like this, this gives us a heads up that we may have gaps in what we're designing. But inevitably we have to wait until the CWG and the CCWG have proposed mechanisms and structures and powers and then evaluate the stress test again. That exercise can be done very quickly because we've practiced it against the current set of drafts.

I believe that Cheryl asked for a quick walkthrough of just two stress tests. They're on the screen on Page 3 in the document. We discussed these in the stress test group last week and I have a lot of notes scribbled all over the place for that. But I thought reaction to Cheryl's request we'll go through these very quickly.

So on the screen you see Numbers 1 and 2. Stress Tests Number 1 and 2 are combined. They have to do with delegation and change authority for the IANA root zone ceasing to function whether in whole or in part with a consequence that it interferes with the policy related to the root zone and

probably prejudiced to the security and stability of one or several gTLDs or ccTLDs.

These two stress tests were added I believe during Eric Brunner-Williams period as Rapporteur. I'm not sure where they came from. They were combined here because they have basically the same consequence.

This is not - this is not something that is in the CCWG's charter. This is one of the four stress tests that is really a CWG item. We don't have a separate set of stress tests for the CWG. So we are endeavoring to cover as much as we possibly can to be a good partner to the CWG.

And that's why four of these stress tests are in here acknowledge that at this point CWG's recommendations are still in development. So we're trying to be helpful as we know that a joint proposal from the CWG and CCWG have to be presented to the U.S. Government after the community approves them. And they will want them to be stressed tested in total as a package. Okay. There's a phone ringing so somebody might be on hold.

Cheryl, I can quickly walk through this one. When you look at the...

Cheryl Langdon-Orr: (Yes please).

Steve DelBianco: ...existing accountability - yes. Under the existing accountability measures the IANA contract held by NTIA can be revoked by NTIA. And they could revoke their authority to perform the IANA functions and potentially reassign to a different entity or entities. That's the leverage that NTIA has in the current world and others that will disappear once the contract is handed over to ICANN.

So what this proposes is the existing measures are inadequate once NTIA terminates the IANA contract. The proposed measures from what we can gather is that the CWG it may design mechanisms, structures that enable separation of the IANA naming functions that are described here in which case the IANA functions could be readily revoked and reassigned. It might even propose an emergency backup provider.

And I put these tests in here only because it's things that I have observed that the CWG is working on. We aren't prescribing, recommending or anything else. We're just trying to be supportive of the CWG. So there's no conclusion drawn about this particular stress test.

On Wednesday's call I brought up the idea of sending the four stress tests related to the CWG and them over to the CWG. I was quite amazed and surprised at the reaction. Some members of the Stress Test Team were worried that that would be premature since it hasn't been all vetted by the CWG, CCWG.

But I think that misses the point. We're simply trying to be helpful about things that they ought to consider. And there's no conclusions drawn here that would affect the CWG's work.

Cheryl, that's all I had on Numbers 1 and 2. If you wish, I can handle Number 11 next.

Cheryl Langdon-Orr: Yes. I think go straight through to Number 11 unless - I do know - we do have one hand up in the queue. So you might want to take that first Steve.

Steve DelBianco: Go ahead Kavouss.

Mathieu Weill: Kavouss, you have the floor.

Kavouss Arasteh: ...WG will submit a joint statement to NTIA. No, it is not true. CCWG and CWG first of all they don't have any joint statement. Second, they don't send anything to NTIA. The only entity send to the ICANN is CCWG relating to the accountability.

However, CWG accountability regarding the naming will be shared with CCWG on one hand in the accountability (in the overall manner) and it will be submitted to ICG on the other hand for the ICG. So there is no joint statement from CCWG and CWG to NTIA. There is no joint statement from these two to ICANN. Only CCWG sends something to ICANN. Thank you.

Cheryl Langdon-Orr: Kavouss, thank you. Cheryl here. I think that's well understood. I believe Steve was just using some shorthand language and talking about our intention to facilitate and aid. I think you've got Avri next Steve.

Steve DelBianco: Yes. But in the chat Kavouss I have heard NTIA's Under Secretary strictly say many times don't dare send me two proposals. Send me one proposal that covers the IANA transition of the (three) IANA functions as well as ICANN accountability enhancement.

So I'm pretty confident that eventually that's what we as a community have to turn over to NTIA.

Mathieu Weill: Let's not dwell to these process details because I think we have other aspects on our agenda. I'm afraid it might derail us. Avri, you wanted to say something next?

Avri Doria: Yes. This is Avri speaking. And hopefully I'm not delving onto process issues. One thing I had a conversation earlier today that made me realize that one of the things that's happening in these stress tests that do point to CWG work type items is ways they relate to the accountability issues that the CWG had sent over in January.

So there may actually be a mapping that can be done showing that in relation to those concerns that they sent back, the stress tests and the mechanisms in Workstream 1 are the answers.

So I think that the relationship could be defined in that respect as opposed to in some way interfering or in some way being joint or separate statements or whatever. Thank you.

Steve DelBianco: Avri, it's Steve. I couldn't agree more. I was only seeking to set up that exchange of views and conversations and not have it be a formal interference of any kind.

I believe we have people that are on both groups. Folks like you, Greg, Steve Drasek on the ICG. So it would be important for those of you to share with the CWG and ICG the four stress tests that relate to IANA. Thanks.

Mathieu Weill: And just to add, we've come to this point during our weekly co-Chair calls the call with the CWG co-Chairs and trying to find the right way to (redirect). They're very focused on preparing Istanbul as well right now. But certainly around Istanbul there will be time for some handover over some kind.

Kavouss, is you - I'm conscious of time. So...

Kavouss Arasteh: Yes. Yes.

Mathieu Weill: ...is your point a new one?

Kavouss Arasteh: Yes. Mathieu, Steve is right and you are right saying that NTIA told don't send us two proposals. But that has nothing to do with CCWG nor CWG. It's related to the ICG. Numbering community and parameter and (protocol) community. They did not want to wait for the naming community. They pushed to send their proposal to NTIA. That was stopped.

That is why NTIA said don't send us two proposals. This is entirely different from the CCWG and CWG activities on accountability. That merely and (solidly) relates to the activity of ICG. Thank you.

Cheryl Langdon-Orr: Steve, if we can just move on to Number 11 now. Thank you.

Mathieu Weill: Yes. That would be my proposal.

Steve DelBianco: Great. This will be quick. Stress Test Number 11 was added when Eric Brunner-Williams was Rapporteur of the stress test initial group. You can obviously see where this came from. I think it was added within a few weeks of a relatively minor but well noted security problem that occurred between a contractor and an employee of ICANN. And so it's a relatively simple one to understand. It's just what would happen if it was a compromise of credential?

How would the community hold ICANN accountability to taking the right steps to remedy security vulnerabilities (probably) on the part of employees and contractors within the ICANN space or security vulnerabilities to do it the way that ICANN is managing the root, managing its own files, managing DNSSEC keys and the things that impact operational security there.

The consequence was described as a major impact on corporate reputation, maybe a loss of authentication like DNSSEC or authorization capabilities. One of the conclusions is that this is not a threat that's related directly to the transition of IANA. This would be the case with or without that.

Under the existing accountability mechanisms it wasn't apparent at all how the community could hold ICANN management accountable or is able to force the implementation of an adopted security procedure.

Eberhard on the last call added to the fact that when we asked - when the community asked ICANN staff for a readout, an after action report, if you will, on what exactly happened, the staff declined to provide an answer. They didn't say why. And we'll try to figure that out as well.

So we're going to add to this one that the community needs standing to require ICANN staff to provide an after action report on breaches or security (incidents).

Under the proposed mechanisms we suggested that there's no measures yet suggested that would force ICANN management to execute its own stated security procedures for employees and contractors.

So think about what this means. Let's suppose we were to open ICANN's operational manual. Not something the community designed. It's something that ICANN management does with simple (unintelligible) provisions.

If we were to open that up and find on Page 25 that every contractor was supposed to be given a multifactor authentication, that they were trained how to resist phishing scams and social engineering scams and then you discovered that ICANN's management was not following through on that.

I think it's apparently we may want a means or a mechanism not to question the decision that was made but to require ICANN - the community would want to hold ICANN management responsible to execute something that it has already agreed to do.

They also need an after action report for the proposed measures. And then we indicated two other proposed measures here that have already been discussed in Work Party 1.

One is to empower the community to force ICANN's Board to implement any recommendations that arose from an AOC review. This in particular case could be the SSR, security, stability and resiliency review.

If it had put a recommendation in place, it had been accepted by the Board just two years ago and we discovered it hasn't been implemented yet, well that's a perfect opportunity for the community to come together by whatever super majority threshold that's there and force ICANN to take steps to implement that.

Sam Eisner came up with some good ideas on this particular (cell) that I would want to split the (cell) between employee and contractor procedures, which was the first paragraph, and the second and third, which really have to do with more of a ICANN management of resources.

Another possibility here is to force ICANN report - to respond to recommendations that came from an advisory committee such as the SSAC. So I'm aware that it was first in Frankfurt and I believe it was Alan Greenberg came up with the idea on the (mind map) to say that it's not just questioning decisions ICANN makes but it's also forcing ICANN to implement a decision

that's already been approved and been through the bottom up consensus process.

But that still has to be designed yet. And I think (Jordan) reminds me that my name's next to that one. So before we get to Istanbul I'll draft some text about that so people can evaluate.

Cheryl, that's all I have. Would you like to take a queue or move on?

Mathieu Weill: Thanks Steve. Just (entering) that we have common agreement. It's not directly related to the transition so we're probably speaking about (what) two measures.

And my personal view and my experience in terms of security is that there are some simple measures and prevention measures that we could recommend about having external audits being run on a regular basis on the security and actually on the business excellence as well that would be preempted measures that would be useful. And maybe in addition as to the ones we're discussing. But it's probably more a Workstream 2 discussion than a Workstream 1.

Cheryl Langdon-Orr: I agree totally with that. Sorry. Cheryl for the record. I've a frog in my throat obviously.

And the other thing is too we may want to read Workstream 2 then go back to some of the previous work done by Cross Community Working Group on security and stability for the DNS, which looked very much at a modification of a well-known. I'm sure many of you in the business will be familiar with the NIST systems of looking at risk and preventing these sorts of things being as likely as they are without external or indeed regular internal reviews.

So that's all on the to do list. But I agree. We'll (pop) that to the Workstream 2 pile. But other than that, I think we're finished for you now Mathieu unless there is any other follow up you want to do.

Mathieu Weill: Yes. The last word would be that I mean you're making an outstanding job at the stress tests. We still have a few of them not reviewed. But I think our coverage is starting to look very good.

Cheryl Langdon-Orr: Thank you.

Mathieu Weill: So looking forward to reviewing of this in Istanbul. And I would like to hand over now to Leon for the legal group update. Leon. On no, Leon has - had to leave.

Leon Sanchez: No. I'm still on the line. I'm on the line.

Mathieu Weill: Oh, you're still here. Great.

Leon Sanchez: Yes.

Mathieu Weill: Can you give us a group update?

Leon Sanchez: Yes, of course Mathieu. I'll be very brief because I'm mindful of the time. And we're very close to reaching an agreement with the legal advisors - with the external legal advisors where we have had a couple of calls with different law firms and some other calls within the legal sub team to of course (brief) what we've heard and what we've discussed with the law firms that have been in touch with us.

And we will have another call tomorrow to discuss some details that we need to iron out as to how we are going to establish a working method with the external counsel. And what I can tell you is that we're really close to getting there and in fact our aim is to have the legal advisors present in our Istanbul meeting.

So that close we are to getting external legal advice. But so far since we haven't closed the engagement letter, we would prefer to keep this information confidential. Of course this information will be released as soon as it is proper to be released. And we will keep informing the larger group on progress we make with regards to the legal advice.

Our timeline would be to have, as I said, the legal counselors present at Istanbul, begin working with them. They have already the scoping document in hand. They have been able to review it. They haven't provided any input of course since we haven't engaged formally. But I think that my sense is that these answers would come really quick from the side of the law firms. And I think that would be it.

I mean there's not much to inform at this stage with regards to the legal advice other than that we continue to review the document, refine it and of course the (usual) call for working parties to bring their legal questions forward so we can include them in the document and we can of course put them in front of the lawyers. Thank you Mathieu.

Mathieu Weill: I see no question being raised right now. I'd like to - oh, I have Eberhard has a question. Please.

Eberhard Lisse: So can you hear me now?

Mathieu Weill: Yes. Now we can hear you?

Eberhard Lisse: Okay. It's the same that I write in the chat. I would like to be able to read the current of the paper just to know what's being discussed and what might still be edit and so on.

Leon Sanchez: Thank you Eberhard. We will forward the links for the Google Doc and we will also send out a PDF version of the refined document so everyone is on the same page with regards to the work we're doing.

Mathieu Weill: Thank you. Pedro.

Pedro Ivo Silva: Yes. Thank you. This is Pedro from the Brazilian Government. I have - it's rather a question related to the use or let's say the work of the Public Experts Group, that group of seven experts that have been chosen to kind of help and give some advice to our group.

I think - well, many questions related to international law and has - have been raised and discussed in our list. Also there is a set of questions related to jurisdiction in the legal team document.

Those questions I assume will not be able to be answered by this legal firm, which is basically has the expertise limited to the California (realm). So I'd like to ask about the importance of those advisors. And I...

Mathieu Weill: Thanks Pedro. That's the jurisdiction of being one of the outstanding issues we had planned to address in the next agenda item. Maybe Thomas could you share with us the - some insights? You still around Thomas?

Thomas Rickert: Yes, yes. Sorry. I had to un-mute myself. But I guess that with respect to the jurisdiction question what we need to do and what we should also discuss with the experts that are going to join us in Istanbul is actually why we are trying to discuss jurisdiction.

I think it's one aspect with respect to the jurisdiction issue where ICANN has placed but I would be surprised if we were only talking about the location. The other and maybe more important point is subject to which law ICANN concludes its contract and is under which jurisdiction the contracts are governed.

So, you know, this is just an example or an encouragement for CCWG colleagues to make themselves heard as to what the requirements for the jurisdiction of (the base) are.

I think that, you know, given the time constraints that we're working under we would need to have a clearer understanding of why this is - why this is being brought up to further facilitate the discussion.

Mathieu Weill: Thomas, this is Mathieu speaking. So would the course of action be we create a thread - a specific thread on our list asking for specific requirements regarding jurisdiction to frame the question? And then when hopefully by the weekend we can transfer this thread to the advisors that will be - some of them will be present in Istanbul so that they can start thinking about this under this perspective. Would that - is that what you were suggesting Thomas?

Thomas Rickert: Yes. You know, I think that's the right way to go. I think we do have experts that can speak to those issues. I think that also in order to have an informed discussion about that we would need to know what the reasoning behind the discussion is and what the requirements are as we did with the other community

powers where we also put the requirements at the beginning of the discussion. So I think that, you know, our suggestion would be to work along these lines.

Mathieu Weill: Good. Would you like to - would you like to move on to the rest of the outstanding issue agenda item? We're getting close to the closing time.

Thomas Rickert: Well with four minutes left to the top of the hour, this is somewhat of a difficulty. I think we had noted the jurisdictional issue and we wanted to ask the group whether there are other pending issues that you would like us to deal with before we meet in Istanbul. But I suggest that we take this discussion to the list.

I think it's imperative for us to have a good meeting in Istanbul that everybody comes well prepared. And so the tough questions that should actually be brought forward a little bit in advance. And that's also because - why we have introduced the document deadline for the 20th.

I think I should leave it there so that at least we have a minute or two to speak to the public comment approach. Mathieu, what do you think?

Mathieu Weill: Okay. That's fine. I think - I just want to (recall) what you said. Outstanding issues or key issues for members of the group need to be raised upfront so that we can organize the meeting productively and make sure everyone gets heard or at least everyone's issue is provided proper treatment.

So the last point - almost last point of our agenda is the public comment approach. It's just a response to some requests about what - how we would structure the outcome of Istanbul. And obviously to reach, you know, what level of detail of our agreement would have.

But just to share the discussion that is we're having as co-Chairs with support staff as well as (with the operators) about the approach of the public comment. And Berry is on the line. Berry, can you just - can you do that one minute so that we have a view of the approach? Are you on mute?

Berry Cobb: Yes. I'm sorry. I'm on mute. Berry Cobb for the record. For those that are familiar with the public comments and how they've been held in the past, typically a proposal or a document is posted and the community will respond based on the overall proposal and of course to adequately review to those comments in an effective way that can be quite a tedious exercise because many of the comments are submitted in a very structured and long format.

The approach that we're going to hopefully take for the CCWG is kind of more or less structured based on the report itself or I should say the draft proposal. I think it's clearly obvious that most of the content will fall along the lines of the work that's been or the mechanisms designated in Workstream 1, Workstream 2 as well as the stress tests. And the desire is to structure that public comment to that format.

So what we're envisioning now is that for each mechanism that is being proposed or maybe a group of mechanisms that are similar in structure there would be kind of a two-question format for those mechanisms.

The first would be a general kind of question. You know, do you support this particular mechanism with a simple yes, no or yes with reservation. And then the second part would be a free form text field that will allow the respondent to provide rationale as to why they support that mechanism or they don't or that if there could be possible changes that could be suggested to that.

What this ultimately will allow us is to export all these comments in a structured format. And given our short timeframe that we have from the close of the public comment period to our target date to deliver the final proposal, we're hopefully going to take a divide and conquer approach similar to how our workstreams are set up now.

And that each of the groups can then review the comments in a much quicker fashion. And we'll have the tools applied to that that will allow the group to understand how they responded to the particular comment submitted and then as well as document any changes that may have been made to the proposal or more specifically the individual mechanism as to which will all be rolled up back into the next version of the draft proposal.

That's kind of the general approach again subject to slight changes depending on how the draft proposal is structured. But again, the whole intent is to increase our time to market for lack of a better word in reviewing the comments.

And we are expecting quite a considerable amount of them so there will be quite a bit of review through. Thank you.

Mathieu Weill: Thank you Berry. Robin has a question. Go ahead.

Robin Gross: Thank you. Can you hear me okay?

Mathieu Weill: Yes. Now it's better. Thank you.

Robin Gross: Okay. Thanks. Yes. I'm really concerned about the proposed timeline and the suggestion that we're going to have a final proposal for Workstream 1 out for public comment on April 6.

I mean these - we've got a lot of proposals that are really significant changes to ICANN's corporate structure and to a lot of its existing processes that's going to take - first we have to get the legal advice back in terms of what are the risks, what are the limitations, what are the benefits.

And then that's going to take some time. And once we get that information back, then we need to go back to our community groups and say okay, this is what - this is what the lawyers have advised us to do, these are the risks with this proposal and those are the risks with that proposal and what do you think we ought to do community.

And then we come back and then we come up with our set of final recommendations to go out for public comment. I mean I'm just really surprised that we're talking about such major structural changes or at least power changes in terms of whose got powers at ICANN with so little public engagement. One single 20 day public comment period is just not enough for the kinds of changes that we're talking about here.

Mathieu Weill: Thanks Robin. I think the timeline discussion is going to be on our agenda in Istanbul definitely. And it's never been the intention that we come out of Istanbul with a final proposal in any way. And we'll have to address, assess how far we've gone, how far we are from this, how mature we are.

We need to take into account the fact we probably won't have legal advice by then. So it's definitely going to be (internal) work products we go to public comment on. And I think it will be easier to see what kind of impact we have on the timeline at the end of our meeting in Istanbul than it would be now.

And I think that's why it will probably be a waste of time if we wanted to adjust that right now before Istanbul. But it's certainly going to be on our agenda in Istanbul. And you can - I mean I can hear all the concerns of this and it's perfectly valid.

So rest assured we will address this. And it's not really forgotten but it's - and the (road) to Istanbul we really need to focus on delivering those interim (raw products) and we'll see where we go from - when we are in Istanbul.

Other - I'm conscious of time. So and a number of people have to leave already. So my - unless there is any other business, I'd like to move to the closing remarks. And just recapping that I see we've outlined a number of the key discussions here. Adam, did you have any other business?

Adam Peake: Yes. Mathieu, I do. If I can just very quickly just let everybody know that there will be three of the expert advisors that we have for the group; they will be present in Istanbul on the 23rd and the 24th. That is (Valerie Da Costa) and the (Lee Bigray) and (Yen Shulte).

They will also be holding their own meeting on Sunday morning and early Sunday afternoon. We're anticipating at the moment that that will probably be a private meeting at least in the morning so that it'll be the first time that they've got together even as a small part of their own group.

One of the - at least one of the other advisors that can't travel will join via Skype or some simple remote access means. We may have another as well. And we'll let you know what the agenda for that meeting will be so there is transparency as much as possible.

But I think at the moment we're thinking that they should have the chance to work on ideas themselves rather than having a public meeting or an open meeting. And but we'll certainly, you know, the agenda will be there.

And it's also important I think for everyone to know that they will be receiving the same briefing documents as the rest of the CCWG. So they'll be receiving the documents that are available on March the 20th from the various work parties and so on.

And looking forward to seeing them. They'll be at the cocktail. They will be - three of them will be there for Monday and Tuesday. So it's good to have them. Thank you.

Mathieu Weill: Thank you Adam. So Adam was saying and then we can forward this on the list. But some of the key discussion we'll have in Istanbul have been touched on during this meeting. So I hope we can have all the documents ready in advance. And I encourage everyone to get up to speed on all those documents on the flight so that we are as productive as possible. We have a lot on our plate in this meeting and (we're putting) make good progress.

I really look forward to seeing all of you and benefit from our collective constructiveness and willingness to come to concrete outcomes next week. And wish you a good day or night or whatever the time is in your location. Thank you everyone for the good call. And see you soon in Istanbul.

Man: Bye bye.

END