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DURBAN – ATRT 2 - Meeting with SSAC  
Monday, July 15, 2013 – 07:30 to 08:30  
ICANN – Durban, South Africa

PATRIK FÄLSTRÖM:

Good morning, everyone. I'm Patrik Fälström, Chair of SSAC. This is bright and early in the morning. I know that not enough – many of us have not had enough coffee yet, which I think is good to bring into the minutes of this meeting. That said, we in SSAC would like to thank you, ATRT 2 for the ability to meet with us, and we thank you very much also for the questions that you sent to us beforehand.

I have myself, for your information, been going through these questions and shared some of my thinking with the rest of SSAC. The way – I notice the case that you have – and different suggestion to do this. What I will do is open up the discussion by briefly giving my own personal view on each one of these issues. When I open up -- if not any other SSAC member doing it or even less regardless of who is doing it, the comments should be taken only as personal reflection of the question, and not something that is -- that has been in any way anchored within SSAC as a whole.

So if we... And I encourage all of the SSAC members to speak up here. Yes please Bryan, yes.

BRYAN:

Thank you Patrik. Thank you for your time at this early hour. Just something with respect to the questions so you are aware of the

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context, the questions themselves are -- fall into two categories. One through six are questions that we developed that are becoming top of line questions for us as we're working through early analysis, assessment, and data gathering.

The balance of the questions are questions that we developed having read comments, and so those represent thoughts received from the community, following questions, questions designed to get deeper thought. None of these questions represent preliminary conclusions. Some of these questions could end up in inquiries that lead to a recommendation, some may not.

So that's what you are looking at, just to give you some context and really we're still in the data gathering phase and welcome any and all views.

PATRIK FÄLSTRÖM:

Thank you. So if we start with the first question related to the GNSO PDP, what I personally felt and heard from -- [0:03:33] there is that discussion [that's been known 0:03:34] is whether it is really the case where one should discuss the GNSO PDP by itself.

Maybe there is a more general issue with the various PDPs and discussions that we have within ICANN, that they are very much silo based instead of topic based, which means that regardless where in the actual PDP or development and processes happen, it might be the case that cross constituency input, or input from other like parties that are not directly involved in where ever the basis of development is happening, is coming in too late.

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So it's also the case that I will come back to for the other questions that, it's also a bit difficult, maybe, to evaluate a specific PDP, or a specific issue, a specific general issue, when many of us, specifically asked in SSAC at the moment, or so completely full of issues that are directly related to the new gTLD process.

So to some degree, it might be a little difficult to distinguish the trees from the forest. So from perspective, I think it's really difficult to go back -- it's really difficult to answer the question because I think it's a more general issue here, and just saying that the problem is on the DNS PDP I think is wrong, because I think it has to do any of the process itself that needs to be more topic based and less stakeholder based.

But I will let you open up the floor for others. And I'm really surprised if I am the only SSAC member that has an opinion.

UNIDENTIFIED MALE:

Any examples with respect to your comments of inputs coming in late, the broader processes?

PATRIK FÄLSTRÖM:

Oh sure. Of course, we can use the new gTLD process as an example, or we can take the IDM ccTLD false track as another example, but it is something that is shown elsewhere that I think some of the input that... I think the result, for example, the new GTLD process of some of the issues that there were very late changes in the applicant guide book, for example, could have been brought in earlier if it is the case that we had earlier input from other stakeholder groups than the ones being active in GNSO.

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If we take, for example, many of the GAC advice and potentially many other things that the SSAC brought up, came in very late for various reasons because we simply did not communicate enough earlier in the process without blaming anyone. But I also do know that I personally do have a pretty strong view that I think we should try to have more topic based discussions within ICANN. So maybe I'm a bit special here with having that view.

UNIDENTIFIED MALE:

I would note that under the Affirmation of Commitments, this particular issue of the PDP is under paragraph 9.1E, and it directs us to review the PDP in the context of cross community work. So there is actually... You are hitting on a point that we need to look into, it's not just the PDP and the silo if you will. So these are very relevant comments, thank you.

AVRI DORIA:

Good morning, thank you. Avry Doria speaking. I actually wanted to ask a follow up on that because... Sort of... In terms of talking about earlier input, seems to sort of relate to how to fix the current PDP notion. Whereas, the idea of doing a sort of different cut at it, and doing an issue based, seems to be a more radical rethinking of the policy development process.

And A, I wanted to make sure that I was sort of hearing that correctly, that there was really a difference between the two views that you were giving; and B, if we were try to look at -- and I think you're actually the first in our talks here to actually bring up a notion of thinking about a switch to issue based as opposed to stakeholder based -- any

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recommendations on how one would go about making such a fundamental and radical change, without giving any opinion on what I thought of such a change? But just, how would one do that?

PATRIK FÄLSTRÖM:

Thank you for asking me to clarify. I don't think I'm asking to change sort of the PDP to be outside of sort of the individual stakeholder groups. I'm more focused on trying to have the discussions more topic based. And I think that goes back to the scheduling of the ICANN meetings themselves, where I think we could have more topic based discussions and we should force ourselves to have more topic based discussions, so it's easier to have input earlier in the PDPs.

I feel that, after I took over the -- from Steve, being the chair of SSAC, I feel that for example, we in SSAC, and we still do, that even we try to solve the problem, we explain the same topic multiple times every ICANN week. And that risks... That increases the risk that the discussion floats away in different directions depending on what group we happen to talk with, if you understand what I mean.

So I don't think I'm really asking for change in the PDP itself. I'm trying to find a way of getting earlier input. Steve.

STEVE CROCKER:

Thank you Patrik. Steve Crocker here. I want to veer away from the specifics of PDP and GNSO for a second, but to expand on exactly the last point that you made about saying the same thing over and over again, and something that goes, I think, to the heart of the dialogue here about, are things working right? And I, for the sake of anybody

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who doesn't understand, I'm here jointly in the capacity of a SSAC member and an ATRT member.

And not only am I doubly conflicted, but I'm triply conflicted because I've got to be elsewhere in a few minutes so with apologies, I'm going to bolt. I spent an amount of time last night reading Lyman's excellent report, which is visible, I think, only to the SSAC folks at this point. It hasn't been distributed.

And for the benefit of the ATRT folks, it does an analysis of the conflict of names, and what happens if you use a name like corp or home, that is already in heavy use. And if you allocate it as a TLD, what kind of collisions will take place in local enterprises. And I want to get into... It's not my purpose to get into the substance of that report, I'm sure that will all take place.

But one of the things that was repetitively on my mind as I read it is, we actually raised that issue in conjunction with the original root scaling studies some time ago. And made formal recommendations to the Board that there needed to be a second study that was qualitatively different from the kind of scaling studies we have been doing on the root, to deal with exactly this sort of problem.

Now the way in which we framed it wasn't quite as compelling perhaps, wasn't quite as vivid as later emerged and came up. But, it did strike me as puzzling in some sense, in perhaps a signal that we don't have the right level of attention or sensitivity to certain kinds of topics.

Some of it is a staffing issue, I think, that over time the ICANN staff has gotten deeper and more knowledgeable about these things. Some of it,

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I would think, is a bandwidth question that everything is so urgent and pressed, and it's hard to cover things that don't seem to be so immediate.

But none the less, I did feel that a little -- the Lyman's report goes into much greater depth and surfaces a lot more nuisances and substance. That the basic issue had been raised some time ago and it's an -- it's worth asking why it took this long, and then of course, you get the issue of, well why didn't you bring it up before?

Well, we did bring it before, and is it awkward to have to make those decisions now? Yeah, but it's better now than never. But I think in the context of an ATRT process that that would be one of the things, Mister Chair, that I would think would be possibly in scope. So that's my little stirring of the pot this morning.

PATRIK FÄLSTRÖM:

Well, we did bring it before, and is it awkward to have to make those decisions now? Yeah, but it's better now than never. But I think in the context of an ATRT process that that would be one of the things, Mister Chair, that I would think would be possibly in scope. So that's my little stirring of the pot this morning.

STEVE CROCKER:

It... I remember quite vividly because I had lengthy discussions with Dave [? 0:13:53], who brought the issue to our attention, and it was brought by -- if my recollection is right -- Peter Ford within Microsoft that there would be issues within enterprises. And it was reasonably clear at the time.

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And then we did some studies of, quick studies of what names showed up in the root and [Belk-in 0:14:16] showed up very high and so I remember some vigorous discussions about maybe we should suggest that names that have already been contaminated should be prohibited from being allocated, and there was some spirited discussion back and forth about that.

So -- and we can pin those dates down, but Lyman you were at the center of the original root scaling study, so I'm sure it's still quite vivid. But somewhere within 12 months of the time we started the first study, we had those issues on the table, and so it's -- it would be interesting to know kind of why it didn't raise to the level and where that failure, if one was to characterize it as a failure.

PATRIK FÄLSTRÖM: I don't...

UNIDENTIFIED MALE: Thank you. Just a quick note, the AOC uses the -- a phrase in regards to this, which is either serendipitous and fortuitous, and line block, or careful planning, I can't speak to which. But it uses the expression cross community deliberations. That's not tossing information over a wall, or soliciting input and reading it quietly later on.

That's actually talking to each other. I'm just noting it as something we do very, very little in this organization. We seem to think that tossing information over walls, whether it's a little comment or issuing a report, is the way we should be doing business and maybe if there is more

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opportunities, or the structure is changed to allow, or facilitate actual discussions, maybe we do better.

PATRIK FÄLSTRÖM: Lyman.

LYMAN CHAPIN: Thank you Patrik, Lyman Chapin. Speaking to Alan's point, and also back to Avri, you were asking for ideas for how we might actually alter the PDP process, or change the way we do PDP's, it's my sense that a lot of the difficulties that we get into that a number of people, including Steve, have just mentioned, arise because when we have fundamentally community centered processes, like the GNSO PDP, although we say, as Alan just said, we say that we have lots of cross community communication during ICANN meetings, we try to have as many of these inter-group meetings as we can.

SSAC, I know, we go around and we talk to as many different groups as we can. But institutionally, I think we're encouraged to imagine that we can, when it comes down to it, complete our work within our individual organization. So a GNSO PDP can be completed by the GNSO. There is an obligation to have various consultations with various constituencies, but ultimately my sense is that the GNSO feels that it owns the responsibility for completing a PDP.

If, and this is just to put an idea out, responding to Avri, if the structures and processes that we had in our constituency groups essentially could not complete in a formal sense, without steps that involved other groups, it might encourage us to think that our work, in fact, had to be

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effectively coordinated with those groups, because there would be no way for it to complete without that step.

It would essentially force us to do something that we all know we should be doing, and if we always inhabited our better selves, we would do it all the time. But too often, I think... It's glib to use the term lip service because I think most of us take it much more seriously than that, but in practice that's what it ends up being.

In practice, we end up having lots of meetings where we talk to each other, but we don't really feel an obligation, a formal obligation, to incorporate those discussions into the process whereby we are going to actually complete the work that we're responsible for.

PATRIK FÄLSTRÖM:

David?

DAVID ?:

In practice, we end up having lots of meetings where we talk to each other, but we don't really feel an obligation, a formal obligation, to incorporate those discussions into the process whereby we are going to actually complete the work that we're responsible for.

And I'm not sure it would be possible to sort of synch those time requirements such that, if there is like a checkbox that if SSAC has reviewed something that's going through the GNSO, where that falls in the context of SSAC priorities is not something the GNSO can dictate, possibly, I don't know.

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It's just that one of the issues that I think probably needs to be taken into consideration, we're actually considering this topic. I think Alan has...

PATRIK FÄLSTRÖM: Steve?

STEVE CROCKER: Thanks. Alan's previous comment, and your comments Patrik, along with what David said, have reminded me about another reaction I had when I was reading Lyman's report. There is difficulty in getting attention across groups and some of it is, as I suggested earlier, differences in values or attention, but some of it is just plain workload and overload and bandwidth.

The idea of having more and more cross constituency discussions during the ICANN week is something that doesn't scale too well. I mean, everybody is frantic mode, and every once in a while, we try to change the system and reorganize the meetings, but at the end of the day, there is only -- you're trying to have N squared meetings and you only have a finite amount of time, and it doesn't work too well.

So that's something that I would commend as a topic that needs to be dealt with broadly. It intersects with something else that I have been chewing on for quite some time. I've watched various groups, not just SSAC, although SSAC is included, but groups -- multiple groups over a period of time, that will do serious work and issue very thoughtful and heartfelt advice, and then sit back and feel unloved, so to speak, that nobody is paying attention to them, that their advice wasn't taken.

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And it leads to some not excellent behavior of feeling ignored and that sometimes leads to, "How come you didn't listen to us? And didn't we tell you to do this?" And there is some very interesting thresholds between trying to get heard, versus trying to feel like, "You gave us the question, therefore we own the problem, and therefore you must do what we say."

That goes too far, and I've had some strong sensitive about that. But I think the other side of it is, we gave you advice and it's a matter of both professional courtesy and to help make the system work, to know what happened to that advice that something should have happened.

Even if it didn't get followed, it should get discharged as opposed to just sitting there. And maybe that's something to work on as a piece of machinery or infrastructure across groups that -- and I'm just making this up on the spot here, but some sort of lightweight tracking system, or shared understanding of what's top of mind across the different groups so that you can see if there is an imbalance between something that is raised in one time, one area, and has not been...

Certainly, from the Board point of view, we've been asked more than once, what do you do with the advice we give you? How come the GAC gets to give you advice and then formally require that you have to respond to it? Should we change the bylaws so that we too can be heard? In fact, it came up yesterday; the GNSO said they wanted the authority to be able to give advice like an advisory committee.

And I was thinking there is envy in both directions between AC's and SO's that... So anyway. I'm sort of opening up that topic.

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PATRIK FÄLSTRÖM: So we have quite a large number of questions to go through and a long list of people who want to speak. So Alan? Can you... Yeah.

UNIDENTIFIED MALE: One more thing too. Don't feel constrained by the questions, we here to listen. So if there are other issues beyond these questions that you think are very important to our work that we're [CROSSTALK 0:23:51]

PATRIK FÄLSTRÖM: ...there are a couple of issues and questions that I want to bring up that I think that we just won't have time for. Alan.

UNIDENTIFIED MALE: Just two quick comments. The cross constituency meetings at ICANN, I don't think they are the answer at all. First of all, certainly at least some of the groups, the work is done at a different level than the stakeholder group or the AC or the SO. And the intersection of the interests of any two large groups is just too large to get substantive done on real topics.

But with regard to the GNSO PDP, it is open to everyone, and they actively, at the beginning of every PDP, solicit participation from every AC and SO. But slavery is still against the law in most jurisdictions and we can't really shackle people to the door, to the chair and force them to work.

So it's getting the people to actually do the -- get involved in the process. Not that the process doesn't allow it, but it just doesn't work as it is right now.

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PATRIK FÄLSTRÖM: Don?

DON BLUMENTHAL: Thanks. Don Blumenthal. I guess I'm struggling here a little bit because we were focusing on PDP and in one part of my professional role I deal with those all the time, but in SSAC I think we're less focused on that process than on some others. I think Steve hit it very squarely, in terms of advice being provided. And then just kind of going into the ether.

One frustration I have sometimes with ICANN is the bureaucracy. One of the nice things about working in SSAC is that we can start and practically done in two months, it's a pleasure. To me, it's more of a situation of fostering an atmosphere of accountability and transparency rather than a checklist.

I would hope that it would just be a part of the nature of things that when advice is given, or opinions or given, that somebody responds as opposed to -- making sure that it is done through some form of process.

PATRIK FÄLSTRÖM: Danny?

DANNY ??: Obviously, I'm going to support what Steve said there. I think there a number of recommendations that SSAC has made that haven't been addressed in my perspective, from an SSAC perspective, haven't been addressed to SSAC's satisfaction, at all.

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Obviously, I'm going to support what Steve said there. I think there a number of recommendations that SSAC has made that haven't been addressed in my perspective, from an SSAC perspective, haven't been addressed to SSAC's satisfaction, at all.

And I think that' problematic. I just wanted to reinforce Steve.

PATRIK FÄLSTRÖM: Please.

OLIVIER CRÉPIN-LEBOLOND: Thank you. Olivier Crépin-Leblond for the transcript. Danny, you mentioned that -- the question is, do you think that the SSAC or other advisory committees should be afforded the same kind of response as the GAC for example?

DANNY ?:

In the spirit of multi-stakeholderism [sic], I think that -- and professionalism, I think there is an obligation to make sure that due consideration and some actions taking on some recommendations that SSAC provided to the Board, or to ICANN, or to the community.

I think that's an obligation, otherwise we're spinning our wheels making these recommendations. We have recommendations that were made two and half, three years ago that haven't been addressed. And we don't know where these things reside, and now we're at a point where it is much more problematic and so if they were considered and aren't a problem, then we should have been told that.

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Or if they were considered and weighed with other resources, and constraints, or other things, and some risk analysis was performed and said, "We don't believe we need to do that." Then I think that feedback should be provided. I think that's a big part of the issue is that dialogue that Steve is talking about.

PATRIK FÄLSTRÖM:

So let me just explain a little bit of what I've been doing in coordination with the other SO NSA chair's to try to try to synchronize a little bit more of what we're doing. We started about two years ago how we are trying -- how we should try to coordinate a little bit more of what kind of topic areas we are working on.

And one of the first things that we encountered of course was that me and Heather, the Chair of GAC, we agreed that each one of us, each calendar year, probably have trying to work on maybe six issues, not more than that. Six to eight issues or something like that, really deep.

I ask the same question to the GNSO counsel chair that then said, "Oh, we probably have 35 or 40 issues that we're looking at across all of the constituencies." And there immediately we saw a disconnect and a problem because among the issues, for example, we in SSAC are looking at, we cannot devote all of our time to issues coming from the GNSO.

And the question... Maybe we can devote maybe three of the issues to... And then the question is, what three out of those 30 should we look at? And how do we ensure that we are looking at them early enough and at the right time so it is actually useful?

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What is the selection process? And that is something that so far we don't have really any answer to. But that could be one way of sort of improving the work because it feels like a little bit like each one of the groups, even though we try to help each other, but when we're deciding that we are going to work on a topic but it's still a little bit too ad hoc and it could be resolved a little bit easier.

Yes please.

UNIDENTIFIED MALE:

Thanks. All very good inputs. And just to note, that at the end of question one, we are in the process of engaging an [? 0:29:56] expert to assess the PDP process. That's going to happen and be an input to our work. We are looking for groups that are willing to interact with that independent expert, we hope you do.

But let me just kind of recap what I'm hearing here, what we've been hearing in other sessions, because a meta question that's been put in front of us, is the PDP process broken? We're not convinced that that is the right question, but it is a question. So coming back to the process itself, what I'm hearing is, what's the number of issues that the community is dealing with at any given time?

Who puts inputs into the system or process and when resources -- whether that's human or others provided by ICANN? Timing, or sequencing, or pacing of the process; the dynamic of cross-constituency interaction; and Don's point, fostering an environment of accountability and transparency in this process.

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These are all things that we are hearing. Is the process broken? Is it these elements? Is it a combination? Which ones are the most important do you think, in terms of having negative effects on the process? Could you dive a little bit deeper in all of this?

PATRIK FÄLSTRÖM:

I think from SSAC perspective, and at the moment, as I said, we are so heavily involved in the new GLD process at the moment, so it will be very much effected on that specific one, which means that maybe the answers are not like -- properly reflect the general issue with the PDP.

But I think, what I hear as the Chair of SSAC from SSAC members, I think I hear -- the problem for us to know when we should pick up specific issues. So it's a timing issues between the constituencies. I hear that the SSAC members as volunteers want to help, and they do know that they have a contribution to make, but feel a bit frustrated of when to do that and how.

I also hear that people -- and we from SSAC, think there is a big difference between having members of SSAC also participating in other working groups, with their individual expertise, and when SSAC actually looks at a topic. It's very important to see the distinction between the two.

And then what Danny points out is that, we are currently in SSAC reviewing and reissuing recommendations that we feel that we have issued before, where the discussion around those earlier recommendations never really ended. I think it's just like Danny explained, I think it's really important though to know that we in SSAC

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absolutely recognize that everyone should not sort of listen and do what we are asking to do.

People can happily ignore what we are doing, they might come to other conclusions, etcetera. But people are a bit frustrated that we have not been able to, in certain cases -- some cases, have the discussion so we understand why our recommendations are not implemented. If you understand what I mean.

So that is why I interrupt as to what you said Danny, correct me if I am wrong, when you talk about responsiveness. We just like... Let me go to... There are a few other issues that I would like to just to mention before we go back into more general discussion. Can we scroll to question 14 please?

There are a couple of issues which I think are very easy that I just want to mention to you. First of all, regarding the work methodologies regarding accountability and transparency. I would like to mention like I will do on our open meeting on Thursday that we are, in SSAC at the moment, working on the disclosure of interest policy, where members of SSAC disclose their interests.

We have decided to work on a disclosure of interests as an inclusive mechanism of handling interests instead of, as in some other places in ICANN, a conflict of interest procedures that they are based on exclusivity. One of the reasons for this is because we in SSAC, have a little bit of a problem to exclude the people that actually do have the specific topic skillset.

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So it's a disclosure policy of interest that we are working on. The next thing that I wanted to mention...

UNIDENTIFIED MALE: When you say problem of excluding members, is that because of resource issues? Or qualitatively, what's the exclusion...

PATRIK FÄLSTRÖM: The quality of the result of the result. We think that it is more important that people get the result, and then understand within what context the result was developed. Ron, you were the one that ran the -- you want to add something to this or maybe I was clear enough.

RON ? : Thank you Patrik. This is Ron. Yeah, I think you covered it, but the -- just to reiterate. The focus is on ensuring... SSAC is an organization that consists in general of folks who have deep subject matter expertise. They come from varied backgrounds in an industry from various different places.

And for SSAC to do its work, and to execute on its studies, and its research, and things like that, and to issue recommendations, we feel that having all of the members engaged is important. And so, our approach to making those inclusive, is to ensure that member's interests are disclosed in a very open way, so that those who read the reports that come out, the...

In our reports, we generally say who are the people who are directly involved in the writing of the reports. And our intent is you can look at

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who was involved in writing the reports, and then you could go and look at what are their interests. Not only what are their affiliations, but also what are their interests or...

So in that way we hope that the accountability and the transparency of how we generate these reports is quite open. And for those who are the recipients of reports, they get to understand the biases of the people who come in.

PATRIK FÄLSTRÖM:

Okay. So can we go to number eight please? So the question there is, has the community on the specific issues or concerns with other aspects of security and stability and resilience, that are outside of DNS specific... From our perspective, from SSAC, absolutely. One of our first recommendations, number four, was related to IP addressing, and so it was filtering and related issues where we have now actually reissued a work point on similar issues.

So the routing system and IP addressing has always been, and is still, a great concern of SSAC. It's only the DNS, what is discussed at the moment. And related to that, if we scroll a bit down to number 12, let's see. Was it 12? No, it's -- is that, 10, sorry. One thing that we want to note there is that the IP address and AS numbers are, from an ICANN perspective, quite different from DNS.

Because for DNS, ICANN is not only sort of the overall coordinating, but ICANN also runs the PDP. Well for IP addresses, the PDP is run elsewhere, so it would be difficult to compare how the community embraces decisions as the acknowledgement and to take the issues into

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account, sometimes is within the ICANN PDP and sometimes it is something that should be taken into account in the PDP run by a different organization.

So I would be careful in comparing whether one is better than the other is better because they are different, and need to be handled separately. And I just want to mention the last one before I open up for discussion again, and that is number two. I'm sorry for forcing you to run back and forth all of the time, but I try to take -- for me, at least, 11 PM yesterday evening, in logical order.

[Laughter] Maybe I said in illogical order, I don't know. Number two comes back to something that we are discussing at the moment on how we should phrase that in my report because from our perspective, ICANN will never be able to include everyone on the planet that use the internet as part of the -- as active participants. And some of the risks that we are looking at, or costs associated with the risks that we're looking at in SSAC, are one of ones that are not reached directly by ICANN, maybe indirectly but not directly.

So some of the issues that we are talking about is something that we call cost transfer from the ones that have the interest of some kind of change, but the actual risk related with that change and the cost, if it is the case that the risk is actually sort of the events happen, the cost is on other parties. And when those parties are not specifically active within the ICANN environment, that creates something that we are a little bit nervous about.

So we are differentiating between the risks and costs, is also taken by the one that have a specific interest from the issues where the risk and

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cost is transferred to a third party, specifically when the third party are the ones that are not directly involved in ICANN.

I just wanted to make that point. I think that is approximately what we are talking about, and I see Danny... So with that, I don't have any more of the questions that I was thinking of mentioning, instead we have another 15 or 16 minutes or something, so I'll open up the floor again for people to comment and ask questions. Danny?

DANNY ?:

Yeah, I was going to make a couple of comments actually. One thing that I think in the future, not immediately, excuse me, might change some of the dynamics here related to the names and numbers -- or the AS numbers and IP addresses is the resource PKI and the architecture of that.

And the obligations that are going to be on ICANN related to that, and certainly the interactions with the regional registries or the NROs, and so forth. I think it is not as problematic right now because there is sort of not an operational role for ICANN there. But if the resource PKI impacts route-ability of addresses on the internet, then certainly it's an effective control point or a point of attack, or failures, or other things.

So I think that some of the complexity surrounding that are going to come to ICANN in the next couple of years. I don't think it's an immediate concern other than things like trust anchors and the architecture and what not. And it is fairly complicated, but I do think that it is something that should be on the horizon.

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One other brief comment that I wanted to make is, as a SSAC member I also wonder about what amount of legal oversight ICANN as an organization should have over SSAC and the advice they provide, or the statements that they make as opposed to some amount of autonomy.

So if there are things we may or may not say, or things that reports may or may not say, and they may not find their way out of ICANN because of legal risk, then I think that does a dis-justice to the community and puts things at risk to both direct stakeholders as well to sort of internet consumers and what not.

And I think that's something that needs some serious consideration.

PATRIK FÄLSTRÖM:

David?

DAVID ?:

Yeah. On the topic of IP addressing, I questioned them... From an accountability and transparency perspective, ICANN is involved at a higher, at sort of the highest level in terms of proving global policies associated with IP address allocation and AS numbers.

I guess the complication becomes when the policy mechanisms that are defining those global policies, are outside of the context of ICANN, how can ICANN be accountable to its community for those policies? And how, particularly in the context of SSAC, when there are security and stability implications associated with those policies, when they are applied in a global context that may not be apparent in a regional context.

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For examples, the implications of one region running an address based, and having to go back -- go into a market based regime, where other regions have additional address space.

PATRIK FÄLSTRÖM: Thank you.

UNIDENTIFIED WOMAN: Yes, I just have a couple of questions. It's all terminology, so terminology how things are written or interpreted in different ways, but when you see the phrase DNS, you think of Domain Names and not IP numbers. I think when we used it in the past, we think the domain name system includes IP numbers, and that was with the wording of the question was.

So I think it was question eight, when -- you don't need to scroll back, it's okay. I think when it was like when there are issues outside of the DNS that are security related. And the specific issues that you raised were IP number based. But I have a couple of questions about the relationship between -- this can be sensitive in both cases, the RIR structure and the policy being made outside of ICANN, and how you see the correlation between the ccTLD space.

Because ccTLDs also have regional groups, they also have the ccNSO, where policy is made. And then the RIR sees much more independent, and the ASO relationship. I would be curious about how you see that and if there are any challenges to that or lessons learned.

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And then also, I think, to Danny's point, I think it would be interesting for the review team to know if there were instances when a SSAC report was not released, because of some kind of legal liability construct or some kind of review. This is the first I've heard of that. So I think that would be interesting to know what that environment is like and situation and relationships.

PATRIK FÄLSTRÖM:

So regarding the various policy development processes, personally I don't see any problem with policy development processes being in multiple places. Historically, all the policy development processes related to anything to today that can be related to telecom was done within IT in only one organization.

And to some degree, personally, I have strongly the view that sort of, if I use the word competition between standards organization, I see that as a healthy thing, and where questions might move from one organization to another. That said, I think the various organizations can learn of each other and not only between, for example, the GNSO, the DNS policy development process within ICANN, and for example, the discussions that are going along with the ccTLDs where they should do certain discussions.

But also I think David brought up another good example with the RARs, where the RAR themselves, among themselves have looked at each other's PDPs and copied and sort of good things and learning from each other. So I think it's hard to...

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I think personally it is both hard and wrong to say which one of these works the best, because I think the best PDPs, from my perspective, are the ones that really are developed bottom up, and are not cast in stone, but the ones that are allowed to evolve, including, which I think is important, that certain aspects are allowed to move from one PDP to another where you have gray areas.

Then regarding SSAC, SSAC reports and recommendations, whether they have been implemented or not, we just... We actually got a question yesterday whether we had any SSAC work or recommendations at all that have not been published without talking about for what reasons. And at first, we thought no, none.

But then some people whispered in my ear and said, "No, we actually have two or something that we have not published lately." But regarding illegal, legality and whether we can say certain things, depending on who we are as individuals, I think that -- I think Danny you have to clarify that a little bit because I think personally that discussion has come up when we're talking about specific recommendations, what we should actually should say or not.

DANNY ?:

Yeah. So one of the examples that I was referring to, was coming out of Beijing, the fact and the clarification that we were to make, when a fact was in an operational document within SSAC. And the apparent required review of ICANN Legal of that document, and then the determination that it wouldn't be published at all if anybody objected to that.

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And it was on a contiguous issue, and so that the specific issue that I'm referring to. There are other things though, the notion of SSAC of putting legal footers on emails and saying you can't share this, you can't forward this, and other things, to me gives me some concern because I think that a line with disclosure of interest notions that the people who participate in SSAC are technical experts there for technical merit, and people should apply a filter based on their disclosure of interest.

Yet at the same time, the organizations they represent, the expertise in those organizations could probably contribute and make the quality of the work product better. So they can't consult those folks for various topics. And so those are the sorts of things that I'm referring to.

I think they are actually other examples where things have come to SSAC, or a subset of SSAC, and not found their way out. But I'm not here to speak on behalf of other people.

PATRIK FÄLSTRÖM:

Jim?

JIM GALVIN:

So, Jim Galvin for the record. I'm sorry, I'm pausing for the moment because I'm just trying to take in a little bit more of what Danny said. I wanted to make one clarification about SSAC documents being published or not and when they are held back. The couple of examples that we had though, of documents not being published were from issues that were raised inside of SSAC.

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They were not from issues that had been raised by others and we were asked for an opinion and asked to say something, because in those situations we have actually always responded and always published something, even if it was simply an indication that there is nothing to say.

So in that respect, we have an 100% publication effect. We didn't make that clarification in the ALAC meeting yesterday when the question was asked, but it is something that I had thought about afterwards and realized that the ones that weren't published were because SSAC had raised an issue within itself, and examined it, and was questioning whether there was something to say here and came to the conclusion there was nothing to be said.

And so we just chose not to proceed with that and not publish that. I think my concern with some of the things that Danny is saying, which is not intended to take away from the fact that those are issues and questions that have to be explored, fully and completely is, those are discussions that we're having within SSAC about how we are going to proceed.

So they are around the disclosure of interest policy that we are developing. So the question of whether or not to put a statement at the bottom of our mail list, every message, not distributing that. The question of whether or not you are allowed to disclose anything that is going in the meetings, these are discussions that we are having.

So they are not actually an issue per se, I mean I think that is the way I would characterize it. They are not an issue outside of SSAC yet, because we haven't declared consensus about where we are going

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forward, and that's the one concern I have about what you're saying here.

UNIDENTIFIED MALE:

So, and yeah Jim, that's fair. I agree with that on the disclosure of interest stuff. That's something we're newly considering. And it feels to me like we're sort of trying to tighten the noose around what finds its way out of SSAC, or what dialogue happens where.

I mean that's my observation, my opinion. That specific topic is orthogonal of the issue of the statement of work. And I guess structurally even the fact that things that SSAC says, what amount of oversight or review is done for example by ICANN legal, or what advice is given to maybe you guys in your capacity as chairs versus to the entire SSAC versus to a document.

And that's not clear to me, but it does feel to me, in my participation, in my read of the emails on the SSAC mailing list that is most certainly influencing things that SSAC has or hasn't done. And that gives me some concern as a member of SSAC and the community, and an operator in this community.

PATRIK FÄLSTRÖM:

Avri?

AVRI DORIA:

Thank you. Avri Doria speaking. I wanted to ask a clarifying question because I'm not sure that I understood. Was it a question of something not being released because legal said not to release it? Or something

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not being released because SSAC said we will not subject it to legal oversight?

And when you were speaking, I just wasn't sure which of those was the issue.

UNIDENTIFIED MALE: Do one of you guys as chairs want to respond given the...

UNIDENTIFIED MALE: So I'll speak a bit from the historical perspective of what we do. I mean, SSAC when it publishes, it forms its own consensus about what it wants to do. Our documents are not in any way required or obligated to be reviewed by ICANN Legal, and then subjected to anything that comes from them.

We have, historically though from time to time, recognizing the importance and the significance and broad effects of the documents, actually offered them to members of the legal team to be reviewed, just to get an opinion. We have never been obligated to take any of the advice that they have offered.

And in fact, we have taken some advice and not taken other advice, and then still published the documents. So we have never been held back from publication. But there is nothing special about that. We do that with our documents with other groups too. We've asked for comments and advice prior to publication from time to time, and we take that input and then we decide what to do with it and go forward with it.

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PATRIK FÄLSTRÖM:

Let me, before I let Olivier in here again, let me just say that the discussion that we currently have as part of this, or extended discussion around the disclosure of interest that we have at the moment. I do see that we have a strong consensus within SSAC, that we have to create a work environment where all individuals, irrespective of what environment they are themselves bound by their employer, or whatever, that the individuals need to be able to contribute fully in the capacity.

And that whatever they are bringing to the table, should be taken into account and must be possible to be taken into account by SSAC as a whole. So what we are looking at here is how to implement that so the people are comfortable. So we are looking at all different kind of things from enforcing similar rules on all SSAC members to individual disclosure of which other, but only internal in SSAC how that local environment that you operate yourself as an individual -- how that is.

Exactly where we would end up there is something that we are not finished with yet. But we are discussing that, I think goal is something that we absolutely have agreement on. And that is that we have an obligation to ICANN as an advisor committee to be able to bring things forward full stop. I don't see any problem with that.

So what we are talking about is how to do that, how to be able to have discussions with the external parties, and as Danny says, to make sure that every one, in every SSAC member, knows what is going on. Let me use sort of layman language.

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UNIDENTIFIED MALE: Yeah. One more comment. I guess sort of the crux of my concern is that as a SSAC member I'm not sure when ICANN Legal reviews something that SSAC would like to publish, and what amount of influence they have other than that. And I've seen artifacts clearly illustrated on the mailing list that ICANN Legal has influenced statements that SSAC may or may not have made.

And so that's sort of the crux of my... I don't think it should be subjective, I think it should be transparent about what's provided there, and what risks are being mitigated by ICANN Legal review. What finds its way out of ICANN and what doesn't. And so couple of ICANN Legal review, and that amount of oversight and that sort of veto power with a disclosure of interest -- I mean, a confidentiality policy that hasn't necessarily existed, and you're tying the hands of SSAC members to comment on certain things.

That sort of -- it's that intersection that gives me concern. I'm not... I understand the need for disclosure of interest and for people to work in interest groups and so forth, but it is sort of the intersection of those two things that gives me some concern.

PATRIK FÄLSTRÖM: Jim?

JIM GALVIN: Yeah. So I want to go back to what I said before in responding to what you are saying Danny. While I agree that those are important questions and things that have to be answered and fully discussed, what I don't want is to have any confusion inside the ATRT in the review that these

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are issues that we see as we create our disclosure of interest policy and we're trying to decide how we're trying to deal with them.

We have not had these problems to date. We've never been... Our publications have never been held back by ICANN Legal. They've never been influenced in a way that SSAC has objected to. I mean, any time that we've done that review, we've always told the full SSAC that we ran the document through them, and sent the red line out to the committee so people could see what changes were made.

And we still get consensus on it. So I'm just trying to... What concerns me is that you're bringing up internal SSAC discussions, and they don't represent a consensus of what's actually happening. It's a point that's under discussion right now, inside. I don't see... I'm concerned that you're raising issues that they're are going to interpret as something that is a real issue and it hasn't been yet, it's because we're trying to work our way through it.

DANNY ?:

So to be clear, I believe it has been an issue. It was an issue with a fact that was going to be published after Beijing, that we deviated from our operational procedures for because we don't have the notion of fact within SSAC, and ICANN Legal reviewed it. And then advice that we were given is that if anyone objects, it won't be published.

That is a real issue that occurred just a couple of months ago. And so, I don't want to dig into that specific issue, I want to say there is a meta issue and some interdependencies here. And that's sort of...

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PATRIK FÄLSTRÖM: The reason why the FAQ was not published was that it didn't have consensus around it, full stop. That was the reason. Don?

DON BLUMENTHAL: Don Blumenthal. I was going to suggest to if that was the subject of Danny's comment. We tried to put something together, and we just did not get consensus. I do want to provide another perspective to this disclosure of interest though. In some settings, it is possible to recuse.

But we made the decision, we are working on a decision possibly, that it is better to have the expertise. But I... And put it on the record so that people can judge fairly. And to be honest, to me that's part of all of this whole accountability and transparency process as it applies to SSAC.

Pure and simple. It's not ICANN Legal, it's our looking at ways to make sure that we come out with the best product, and make sure that our processes are clear.

PATRIK FÄLSTRÖM: Olivier?

OLIVIER CRÉPIN-LEBLOND: Thank you Patrik. Olivier Crépin-Leblond speaking. Would an opening up of the SSAC discussions leading up to the drafting of a SSAC advice be in your view detrimental to the public interest? Or would it be beneficial to the public interest?

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PATRIK FÄLSTRÖM: I don't hear what you're saying. You have to talk into the microphone please.

OLIVIER CRÉPIN-LEBLOND: Okay. Sorry. It is difficult to have the mic on the left and you on the right.

PATRIK FÄLSTRÖM: You don't have to look at me while speaking. You can talk into the microphone.

OLIVIER CRÉPIN-LEBLOND: I'll look at the screen. I'll end up cross-eyed. Would an opening up of the process by which SSAC produces SSAC advice, the internal deliberations and the discussions and so on leading up to a document, would, in your view, that be detrimental? Or would it be a positive to the public interest?

PATRIK FÄLSTRÖM: Can you expound a little bit about what you mean by opening up?

OLIVIER CRÉPIN-LEBLOND: Right. By opening up, most of the -- let's take the PDP process. You've got mailing list, you've got Wiki pages, the work leading to the final result, the final report of a PDP is all open and transparent, etcetera. I'm struck by listening to your discussions that this is...

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Although the final report of a SSAC advice does provide a lot of information about the people involved, etcetera, there is no way for the community to say that that process as it takes place. Now, I don't know why that is the case. And the reason why I'm asking the question is, it might well be that it is not in the public interest for this to be the case.

But then again, it might be in the public interest. And this is where my question lies. In your point of view, you're probably the best to judge since you do know what the process is, would it be in your view in or not in the public interest?

PATRIK FÄLSTRÖM:

Ron.

RON ?:

Thank you Olivier, this is Ron. I don't know if it is really appropriate to frame this as a public interest question, because typically the issues that we deal with, the topics that come up are topics that we believe have significant impact, or some real impact on security and stability of the domain name system.

And from our perspective, that by itself is a public interest issue. At least, that's the way I look at it. That by itself is a public interest issue. Now I do have a pretty definite opinion about the way we work. The fact that the conversations are happening inside of -- in a closed loop, if you will, inside of the SSAC, among SSAC members, allows me, for instance, freedom to express opinions, to ask questions that I would perhaps curtail myself from doing if I knew that this was going to be not

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only out in the public view, but also subject to interpretation which may have nothing to do with the reason why I'm asking these questions.

Because folks who... Audiences from the outside who watch our deliberations can sometimes draw conclusions, some of which may be political in nature or may have other agendas associated with it. When inside of SSAC we're often asking questions and working on issues that have to do with specific technical or research or details like that.

So the benefit is that I think the current methodology actually works, and the output really is in the public interest.

PATRIK FÄLSTRÖM:

So we have two more people who want to speak. Let me first just mention that the actual process that we are using with the work parties, etcetera, how we deliberate, that is part of our operation procedure. So that is documented. Just so we're not misunderstanding here. [? 1:04:11]

FEMALE SPEAKER:

[? 1:04:13] I just want to make the statement that a lot of things are discussed within SSAC are quite sensitive. So partly, we have to keep that in a very closed and trusted environment because should some of these issues that people within SSAC feel that yes we can discuss in a closed community be made public, it can be detrimental to the actual internet.

PATRIK FÄLSTRÖM:

Avri the last person to speak.

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AVRI DORIA:

Okay. Thank you. One of the presumptions that we've been making for ICANN for our work and others, is that openness and transparency is the default except for when there is a specific reason for closing. And certainly understand security as a specific reason for closing, I'm not sure that I totally understand embarrassment or confusion as a reason for closing, because we're all stuck with that all of the time.

So I'm wondering has there ever been consideration to a notion of transparency except for when the issue is one that might actually pose a security threat? As opposed to having adopted a -- everything is closed, until we decide to release it which makes SSAC pretty much different from the entire trend that we're trying to take in the rest of the organization of the default of openness, except for when there is a reason to close.

PATRIK FÄLSTRÖM:

We are discussing about this issue now and then, and the problem, of course, is how to run the process of knowing when we are -- when something is not part of what can be open. Until we really have an answer to that, we all the time, we come to the conclusion that yeah, we should continue to run it the way we do.

But yes we are talking about it now and then, yes. So...

UNIDENTIFIED MALE:

Very quickly, I know people need to go. Just to wrap up. Our timeline is we are going to put pen to paper toward the end of August, drafting and posting our recommendations. We're going to publish in mid-October,

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propose final recommendations in our report. Issue a final report December 31st.

So your inputs continue to be welcome. I look forward to your comments. I would like to explore, or hear from you, a little bit more about the decision making and criteria you use in deciding when to provide a report to Legal, and when not.

That was a very interesting question that we didn't get to explore more. And any of these questions that you want to get back to us. We have an email, it's open, feel free to provide inputs. It's very much appreciated. Thank you.

[End of Audio]