
DUBLIN – CWG-Stewardship Working Session
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LISE FUHR:

Good morning, everyone. Let's get started. I'm sorry for the delay. We had some minor technical problems with the audio and the microphones. Well, I will chair the first half of this meeting, and my co-chair Jonathan Robinson will chair the second half. And I might need to leave everything so he will finish the meeting.

We will discuss two substantial issues today on this meeting. The first is requirements in relation do the CCWG and furthermore, we have the preparation of the actual implementation.

While we hope to get an update from the accountability chairs, which has joined us today, and this is very important for us since our groups are closely tied together, both in relation to the proposals and our requirements to their proposal. And the other purpose is to talk about our role, if any, in the actual preparation and implementation phase. And we have three issues here. That's the SLE, the IPR, and also the budget. And we actually have a few people to help us out on the issues here today. I have

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promised a rock star greeting of the accountability chairs because they have been hard-working and really --

[Applause]

So thank you for giving them the greeting, I promised. And the other one is that we have some key ICANN staff to talk about the implementation and the preparation of the implementation. So these are the opening remarks. I don't know, Jonathan, do you have anything to add before we get started?

JONATHAN ROBINSON: Well, just to introduce -- Trang is from the project team at ICANN working on the implementation and will be joined by Akram in a few minutes, so yeah, thanks.

LISE FUHR: Akram and Xavier will also join us. Before we -- I'd really like to thank you, chairs of the accountability group, to take the time and come here. We know you have had an incredibly tough schedule and it's not over yet. You have a meeting to come today and it's really nice that you will come and give us an update. So we have Leon, Mathieu, and Thomas who will take us through an update of the proposal in general and also touch upon the dependencies. So hand it over to you.

THOMAS RICKERT:

Thanks very much, Lise. Thanks very much, Jonathan. Thanks to all of you for the warm welcome. And isn't it great that after all these months of incredibly hard work we still keep smiling. And I think the good news is we really see light at the end of the tunnel and we trust it's not the train that's going to run us over. We'd like to show you through some of the core ideas which are relevant to your group, right? You know, we've brought with us the slides from the engagement session. I trust that all of you could speak to these slides as much as we can because, you know, that's information that you know inside out.

Nonetheless, let's move to the next slide, please. Just to reinforce that we know where we are in this process. We know that we are what everybody is waiting for. Pressure is on, no doubt about that, and we hope that we are going to be able to deliver as quickly as possible. We're going to discuss a timeline, a revised timeline, with our group today so that's going to be made available to you very soon. But we would like to discuss it with our group first and confirm it before we share it with the wider community. Next slide, please.

So just when you are talking to your respective -- respective groups, there is still some confusion out there that the accountability enhancements that we're discussing would

impact other core pieces of what makes ICANN. And just to refresh our memories, we are not changing any aspects of policymaking in ICANN. That remains entirely unaltered. And I think we need to reinforce that with the community whenever we're asked because there's still some who think that the community as such will sit behind the policymaking and take influence on that. You know that's far from the truth.

The current structure of SOs and ACs will remain exactly as it is today. So you -- under neither of the proposals under discussion, you will be forced to change your legal status or change what you're doing. You will just remain as you are.

And we're also not going to change the role of the advisory committees. There's a lot of talk about the GAC and the GAC will issue advice to the ICANN board as it does today SSAC and RSSAC can issue their advice as they do today so that will remain unaltered as well.

So now I suggest we move straight to the fifth slide, please. And that is that we understood from public comment that we need to be very careful not to allow for a reallocation of power or concentration of power. There was the fear that if we only have a subset of the community being allocated with weighted voting rights that this would sort of change the overall power system inside ICANN. So we heard that message loud and clearly. Just

to be perfectly clear, that's not only a concern that's been raised by the board. We had a lot of public comment on that. So it's not just a reaction to give the board what they asked for, let's be perfectly clear, because there are many that says -- that tried to fuel discrepancy between the board and the community. So that's been said by a lot. And we take that seriously. We try to fix it. And there was the -- the risk of capture. Capture is a main topic. We need to ensure that there's no capture possible by no single interest group in the community.

So we -- we've been working a lot to develop response to that. Let's move to slide number 9. So we're cognizant of the CWG requirements. What we suggest doing is that we will speak specifically to the budget question and we're going to speak to the separation issue, right? The other ask that you had we can take off the list. You know, we've got a lot of confirmation from public comments on the other aspects. It was primarily the question of separation that becomes relevant when you talk about the enforcement mechanism and the question of budget where people said okay, we can't afford a clash between the board and the community to lead to some sort of paralyzation or destabilization of running the IANA functions. So these are the two topics that we would like to highlight with you.

Now let's move to the next slide. And actually I'd like to refresh your memory on what we call the notion of the EEE approach.

So the community will be empowered under any model under discussion, right? So we will put the five community powers plus the two additional community powers on separation and IRP into the bylaws. So the powers will be there. Take that for granted, there's been overwhelming support for these community powers.

The question is then, how can these powers be enforced? And there's been a lot of chatter about enforceability. And some mistake this as enforceability being the starting point of exercising community powers. And that is far from the truth. I have to say that I'm not entirely satisfied with what we see on the screen at the moment.

[Laughter]

I mean, Adobe doesn't even pay me for that commercial -- commercial break. But the notion of EEE, and when you talk to your groups, you might wish to take that with you because we think it's quite punchy, despite the fact that I innovated it, and I'm not claiming any IPR on that. The -- we had three phases whenever we -- it comes to community decisions. Our group has only talked about mechanisms after the first E has expired, which is the engagement. And just to review, the secret -- the second E would be escalation. The third E would be enforcement. So when it comes to budget, for example, we have

an engagement already today, can be improved probably, right? But it's important to understand that we want to make sure that we have processes in place where the community liaises with the board as closely as possible to ensure that before the board makes a resolution issues are fixed and that there is consensus on what the board resolution should be about. And only in the case where the board refuses to or maybe has misunderstood the community requests and takes a decision that community parts are at issue with, then we would come to the second phase which is the escalation phase.

Now I'm going to truncate this a little bit, but basically what would happen is that there is someone in the community, can be an individual, that takes issue with a board decision in the five areas concerned. So they would go to one SO or AC of their choice, because we think everybody can find a home everywhere, at least talk to SO or AC and say do you share my concerns. And if they do, they can call for what we call a pre-call. So we're not going to have a crisis meeting with the whole community but we would invite the community to come together to a call using Adobe and we would discuss it. If it gets traction -- so in most cases if it is supported by two SO or ACs, then we would go to the next phase and have a community forum, which is an informal discussion with the whole community where everybody can speak their mind and chime in

on whether concerns are shared or not. And then if we have three SOs or ACs supporting that there is concern, then after this thorough deliberation the individual SO/ACs would take this back to their respective groups, take all the community input with them, form a decision according to their procedures as they are today. So in the GNSO the groups -- stakeholder groups constituencies would discuss and then the GNSO Council would vote on it and each of those groups is invited to form a decision. It would be put together in a consensus call. And we're qualifying consensus, we're moving away from the notion of voting to avoid the reallocation of power, to avoid the concentration of power, to avoid weighted voting. So we're doing a consensus call which is not full consensus. We're coming up with our own idea of consensus. We know that there are many definitions of consensus but our definition of consensus would be, we ask for consensus and we look at what the level of support is. And not only what the level of objections is. So you would have no more than one objection and then an objection or a budget veto, for example, could be carried. And depending on the community power concerned, you would need a certain degree of support. So if we take the biggest stick, spilling the board, we would need four organizations to support that. And not just to remain silent. So for that it would be four in support, no more than one objection, and then we would have a community decision, which is not done in a new corporate or

legal structure which doesn't need any offer -- officers but we will basically have a meeting taking minutes. The SO and AC chairs, could be other people but let's say it's -- the leanest version would be SO and AC chairs would communicate the result of the internal deliberations, and then we would have meeting minutes spelling out the level of consensus and there you go. You have your community decision. And then either the board says yes, we now understood, we're going to redo this resolution and fix it or they don't. And if they don't, we can take them to an IRP. And only if, in the case where the IRP leads to a decision favorable for the community, I mean, let's not forget the community can be wrong. The IRP can be in favor of the board, right? But even then the escalation wouldn't necessarily be over. But let's just assume for a second there is an IRP decision favorable for the community. We would then need a board that is stubborn enough to say we are not going to implement that IRP decision. And only after that failed we will have a discussion with the board, and if they say we're not going to fix it, then we get to the third E, the enforcement. So you see how much down the line we are because the question we're now discussing will ever become relevant. And then it's a question of what enforcement vehicle we're going to use that can either be a designator structure which would allow for us to recall the board, put new people on the board, or under a membership-based model the community could take the board to court, fight

over it for like two to five years' time and get their will. And let me just quote Roelof Meijer who said in comparison to that, you know, would we really want to spend a fortune on a community power to get our will to keep the board or after all this process would we rather spill the board, replace them, and move on. So I think, you know, this is the -- the main outcome we think we really had a breakthrough on this community decision-making and I suggest that without any further adieu we now move to the two topics on budget and separation, which we assume are of highest interest for you. And Mathieu.

LISE FUHR: Before we do that, Chuck has a question.

THOMAS RICKERT: I'm sorry, I didn't hear that. Chuck, where are you?

CHUCK GOMES: Can you hear me now?

THOMAS RICKERT: Yes, we can hear you.

CHUCK GOMES: Okay. Hi, Thomas. Thanks for the good presentation so far. When you're talking about objections, are you measuring those by SO and AC? In other words, when you say one objection, do you mean an objection by a -- one SO or one AC?

THOMAS RICKERT: Correct.

CHUCK GOMES: Thank you.

THOMAS RICKERT: Good. So now Mathieu will speak a little bit to the budget veto question.

LISE FUHR: We actually got another question. Sorry. Eduardo.

EDUARDO DIAZ: This is Eduardo. I have a question. If we go through all that process, what happened to the issue at hand? Does it stay there or does it keep progressing, let's say in the case of a budget? If the issue is the budget. I think the -- this was answered before, but I don't remember. Thank you.

MATHIEU WEILL:

So I'm putting the budget aside, but the rest is about bylaw changes or board director removal. And so in the meantime, obviously it's not moving -- it's stalled, but it's about bylaw change and the board director remains in place, obviously. It's not suspended in any way. So that's -- that's not affecting the operations. The budget issue is -- was discussed at length because there was this time critical nature of having a budget, being able to honor ICANN's commitments and that's why it's given raise to a more detailed analysis. And what I -- there's been a lot of work on this on Friday and Saturday and we've made good progress, bearing in mind that there's a requirement -- a condition from the CWG on the budget. And so the progress that we're making is actually to introduce a little bit of difference between the various aspects of budget and strategic plans. And basically it's agreed that the process that Thomas has described would apply to the five-year budget plan, budget and strategic plan, which is obviously because it's a five-year plan less time critical. We can afford to lose three, even six months if need be on the five-year strategic plan. And so that's agreed. We have agreement that the PTI budget would have a separate process and with a veto right on that process. So it's going to be probably a timeline that's in advance of the usual one-year plan to enable -- to cope with the possibility of this process taking place. And I think that was a co-concern for many in the CWG. And will -- there's a number of protections against trivial

objections, against multiple veto and so on that are built into the process. I'm not going too much into the details. And the last remaining piece of discussion that we had was about a one-year operating plan and budget, which are time critical, in many ways, and ICANN has made tremendous progress in the last few years about providing this information in time for the community to engage. There are sessions now at every ICANN meeting about it. Mary is nodding. I know she's involved in many of these sessions within the ccNSO as well and there's been improvement. But there was a concern that in case of a veto, the duration of the process might actually put ICANN in a position to have to go beyond its agreed budget to honor prior commitments. And was putting basically the operations in jeopardy.

So the agreement that's been found is that there would be a specific process for the -- for this budget by reconstructing the way this budget is presented. And defining a -- I think Xavier Calvez is here for ICANN, calls it a caretaker budget. So everything that is totally -- that's basically already committed to, and I would -- that would, if canceled, put ICANN's commitments at risk. And a second part of the budget is basically what can be -- what is -- has more liberty to be -- so we use the word "discretionary" but Xavier was not very comfortable with that. And that's basically the process that the CWG went through

when looking through the PTI budget. It's the same kind of distinction between basically new initiatives and ones already on the way. And so the -- the idea is that the veto for the ICANN budget, a veto would freeze the new initiatives but the continuing budget would still be possible to use for ICANN so that the operations are not interpreted as no contradiction with prior commitments and the ability to actually spend that money. Staff can get paid and so on. That's the balance that has been found and that is currently getting, I mean, a lot of support in our group.

And we are -- have the impression that it's meeting the CWG requirement. Obviously, a formal confirmation of that would be extremely helpful.

Maybe we could take questions on the budget now and then move to the expiration, if you agree.

LISE FUHR:

I think that's a very good idea. And I know Seun has had his hand up for quite a while. Thank you for being patient, Seun. Go ahead.

SEUN OJEDEJI:

This is Seun, for the record. My question is generally about the process.

Are you considering efficiency of timeline in all your processes? Because this is very important that, whatever addition is made in regards to IANA has to be efficiently done. We've spent so much time on this current process. So are you considering efficiency in the timelines? And can you confirm that the timelines provided would actually be efficient enough? Thank you.

MATHIEU WEILL: I'm not sure which process you're referring to. Are you speaking about the escalation process or the budget process?

SEUN OJEDEJI: Exactly. The escalation process.

MATHIEU WEILL: Okay. So the escalation process, our estimates are that for the three phases -- petition, community forum, decision -- we're speaking about roughly two months. Okay?

And then, obviously, if you go into an appeal mechanism, that's - - that can be three to six months. Even -- I guess on the community powers, it will be very focused on due process. So that would probably be -- could be in the lower range. But that's already very extreme.

And that's actually providing a very strong incentive for settlement, which is what we need to have in this escalation process. It needs to be very clear that at each step, there is an option to settle, find a way forward. I mean, if after an SO or a couple of SOs, for instance, will introduce a petition again in the budget, I think the most efficient way forward for the board is engage, have an emergency discussion with them, amend the budget, take the constants on board. And we're off.

So I think that's the kind of timeline we're talking about. That's, obviously, because these durations are significant in terms of budget process that we've adjusted for the one-year plan. But I think it's still an appropriate balance. I hope you find it appropriate as well.

LISE FUHR:

Thank you, Mathieu. We have to be a little mindful of time. We have 10 minutes left. Actually, we have less than that. I have Mary Uduma. Go ahead.

MARY UDUMA:

Thank you. My name is Mary Uduma. And my question is on the PTI budget and vetoing of the PTI budget. Maybe we have to take into consideration the model the CWG is putting forward.

Is it going to be complete separation that the budget of PTI is completely separated from that of ICANN and where the PTI will still be embedded within ICANN processes and budgets? So, if that is the case -- okay. Maybe I should just leave it at that. Did we consider that? Whether it's going to be complete separation so that everything that is related to finances with PTI is separate from ICANN. Is that what we're looking at, or we're looking at it's been part of ICANN budget?

MATHIEU WEILL:

It is a separate budget per your requirement as a CWG. And there is going to be a separate engagement discussion around the PT budget as well. So that's what you required, and we're just taking that on board as-is with no change.

LISE FUHR:

You want a follow-up question?

MARY UDUMA:

Now it goes to the CWG. Okay. From what we've learned from ICANN and the ICANN process and the way it is operated, it is so difficult to say that this is -- IANA functions in total is against ICANN function. So I don't know whether CWG would have to look at that again to determine whether you will have a

complete separation or just a department on ICANN as part of PTI.

LISE FUHR: Thank you, Mary. I guess this will also be a part of the implementation of the actual implementation.

So we will be mindful of that. Thank you.

And, Mathieu, you are all --

MATHIEU WEILL: I'm all set.

LISE FUHR: All set. Thank you.

MATHIEU WEILL: Thanks.

LISE FUHR: Now we hand over to Leon.

LEON SANCHEZ: Thank you very much. This is Leon Sanchez. And another part of what we've been doing is, of course, to ensure that there are

means to comply with the separation process requirements on the CWG.

And annex L of that -- of your last report or last proposal describes, of course, the details into which a separation process would need to go through. And, in this respect, we have provided the powers for the community to actually review or reject a board decision in which they would say that the outcome of the IFR doesn't merit a separation of the IANA functions to a new entity.

So we are positive that, through the enforcement mechanism that we have envisioned, we could deliver this power, actually, to the community.

So, if we could switch to slide number 16, I think. Thank you.

So there you have the enforcement mechanism where we have been discussing the different models which would actually enable the community to enforce or exercise these powers in which the separation process is, of course, encompassed.

And, first, we were going through a multiple legal personhood structure in which any SO or AC could actually begin this process. But then we received comments that raised many concerns with both the notion of membership and the notion of multiple. And we undertook some work in the working group.

So we are now going through finalizing the comparison of the benefits and the powers that either a sole member or a sole-designator model could actually deliver to the community to be able to enforce these rights and, of course, at some point enable this separability process.

But one thing we are undertaking now is that in the annex L, the requirement is to provide the community to actually review or reject the Board's position, but not to force the Board to actually go and comply with the community's opinion on separability.

So I think that actually going into a mechanism that would force the Board to undergo the separability process would be jumped the requirement that has been set by the CWG. But, for the moment, we are only, of course, only addressing the issue of providing this possibility of reviewing or rejecting the Board's decision.

And we do believe that this can be achieved by either the member -- the sole membership or the sole-designator model. And we, of course, encourage you to join us today in our session to continue the assessment on the different -- on the two different models. As you can see in the slide, what we would be doing in either model, either the designator or the sole-member model, would be providing a legal structure that would comprise all SOs and ACs. And all SOs and ACs would be part of

the decision-making process. But the one that would be, in fact, exercising the power would be the sole-designator or the sole-member as a matter of law.

So this would actually deliver and allow us to line up your -- or our proposal with your requirements according to PTI separation. Thanks.

LISE FUHR:

Thank you, Leon. Any questions? I see Paul. Yeah.

PAUL KANE:

Thank you very much. This is Paul Kane. And may I thank all the three co-chairs for the amazing work you've done. To be candid, I've not been following it. And I'm very pleased to not be following it bearing in mind what is going on.

Just to follow up on the point that Mary raised with respect to the budget but also with respect to the separability, bear in mind in the CWG's proposal, we have had numerous opportunities in the event of what is considered to be a breach or a fundamental breach by ICANN, IANA, PTI, in delivering the IANA service. We have escalation mechanisms for separating out PTI.

I would just like to hone in on one thing you said, which is, if the community that is contained within the CWG proposal considers that the only remedy available is for separation to occur, could you just reiterate what you said with respect to the community being able to enforce that? Because one of the tasks we asked the accountability group was to make sure that we had the mechanisms in place where the escalation processes had come through and determined that separation of PTI from ICANN was the only outcome, that it did happen. So the other aspect was the budget. Having determined that separation should happen, that the budget of ICANN -- sorry -- the PTI is indeed ring fenced so ICANN will fund the new co or whoever it is that delivers it. I want to emphasize, I think ICANN and IANA have done a very good job in the past. And this is the worst case scenario. But it's always good to have the root predefined so that there is no ambiguity with respect to how separability actually occurs.

MATHIEU WEILL:

So the first thing is yes to PTI budget is ring fenced, because it has a specific veto right. The second on the separation, I think what Leon said is, when we -- our very detailed reading of the CWG report shows that this -- there is a process where the community would decide it's the ultimate remedy and the only one available. And that's something that needs to be -- a conclusion that needs to be reached with the Board. And then

there's a process that's taking place, which our group is definitely prepared to take on board in the bylaws. And we think that in both of the models currently being considered, that would bind the Board to follow the process. And so, as a consequence, we think we're meeting the CWG requirements to have this process enforceable. Now, bearing in mind that it's a joint decision with the Board. So, as a consequence, if the Board was not in agreement with the community at this point, then, obviously, I guess the decision wouldn't take place. And it's not our group's role to prejudge what the outcome should be in this process.

So it is, however, what our group is setting up either way if this is not settled, to actually change the Board, which is probably, actually, the best way to do so, to find a solution. But, as Thomas was saying, this is -- this is not going to be the way it happens. It's going to be about a crisis mode kind of discussion and finding a mutually agreeable solution. Because I think that's the spirit of what I read in annex L of the co-decision process. It's a major crisis. We need to find a way. And it would be dangerous to have something that's too mechanic and would lead to automatic stuff while we still are talking about IANA functions and their impact on security and stability. So it's just like a bridge where, if you build it without any room of maneuver or any wiggle room and suddenly the conditions outside change,

you risk breaking it. So I think it's actually a very wise balance that was struck in the CWG report about this, speaking without my accountability hat.

LISE FUHR: Yeah. I'll close the queue after Avri. And I see, Thomas, you have a quick comment. Because we're just short of time. But, Thomas, go ahead.

THOMAS RICKERT: Just a quick follow-up, because my memory is so bad. What I would take away from this is you get an enforceable right to the process. The Board needs to follow the process as you have specified in annex L. But we can't predetermine the outcome of this process.

That's for the outcome of the process, if and when it happens. But you get what you want in terms of process enforceable.

LISE FUHR: Thank you. Alan, go ahead.

ALAN GREENBERG: Thank you. Two points. First of all, recall that separation may or may not be separation of PTI. It's the reallocation of the IANA function by its steward, ICANN, to somewhere else. So it could

be by, you know, cutting off PTI and doing something else with it. Or it could be just leaving PTI where it is as a group that does nothing at least on behalf of names and going somewhere else.

With regard to the separation process and enforceability, I find this discussion interesting from a theoretical point of view.

But, when you recognize that the whole process is kicked off because the registries, essentially, have decided something is really broken and can't be fixed, it's hard to imagine that we would live with that not working and can't be fixed situation for the next many, many months, possibly years that it would take to get to the point where we have to worry about enforceability.

Just the concept of running an IFR and then a CCWG and then an RFP, in any real world I live in chances are the other registry functions the IANA does will also have been messed up. The IETF and the RIRs would have long left. The registry operators and the root server operators would have found a different way to distribute the root. And we may have a completely enforceable process that's meaningless because it has no work to do any more.

So an interesting theoretical discussion, but I just cannot ever see it playing out in any real world. Thank you.

LISE FUHR: Okay. Thank you, Alan. A quick from you -- sure, Avri.

AVRI DORIA: Yeah. Avri Doria speaking. Whether it's purely theoretical or not, what it basically says is that for the names function at the end of a separation process, either the Board agrees or it has that whole escalation process that can enforce it according to the bylaws.

And in either of the models, at some level of that, whether it's at an appeals or at the replacement of the board or at a court level, you are, basically, enforcing the bylaws. And the bylaws have forced the decision in some way, have defined how the decision is made.

So I believe that that comes into enforceability without getting into all the spinning about what may or may happen it. Yes, in the best of all worlds, the crisis would be yeah, we've got to fix something. And they would fix it in the meantime.

LISE FUHR: Thank you, Avri. And, since I closed the queue, there's no more time for questions. I'd like to thank the accountability chairs to come and give us a quick update on where you are. And we look forward to have a new proposal to have a look at in order to sign off of our requirements. And thank you for giving us the catchy

concept of the triple E. So I'll quickly hand over to Jonathan to move on.

JONATHAN ROBINSON: Thank you, Lise. And I'll echo my thanks. And, if you want to add a fourth E, Mathieu or Thomas or Leon to the triple E, you may exit at this point.

[Laughter]

But you are, of course, very welcome to stay.

Thank you very much.

Okay. So we have normally 35 minutes left in this meeting. We were hoping to have 45 to deal with the remainder of the agenda.

I welcome Akram and Trang from ICANN staff to join us for this section of the meeting. Our plan here is to get an update from staff as to the work they're starting to do to prepare for the implementation and to discuss -- gentlemen, Alan, Leon, please - - and to concentrate on making some initial or discussion and forward motion on our work on the implementation and oversight of the implementation of our work.

So I think it's probably most useful to hand over to Akram and Trang now to give an update. And then we can take the other

items under section 3 of the agenda as discussion points. So over to you.

AKRAM ATALLAH:

Thank you, Jonathan. And thank you, Lise. It's very nice to be here and to meet with the CWG. We wanted to give you an update on what we're trying to do to, let's say, improve our chances of getting everything done on time. So, as you can see here, there are the three phases that everybody is talking about - - the presubmission of the proposals, the approval of the proposal and during the approval period and then once the approvals are approved. And then, of course, we have the timeline of 9/30/2016. That's not changing.

So the way we're looking at this is that we are trying to do as much as possible before the approval. Because, as things move to the right, the time that's fixed is actually 9/30. So we want to give ourselves as much chance to do as much as possible before so that, when we get the approval of the proposals, we can get it done in whatever time is left for us to get it done.

So that's our thinking.

We have broken the work into the three tracks that you see below that. The root zone management system. And I'll talk about that in a second. The post-transition IANA, which is PTI,

which is mostly the proposal that's coming out of the CWG plus other two communities.

And then the accountability track.

We are in the phase today that would we would call administrative prep. So, basically, we are trying to get our arms around the different projects that are already being highlighted by the proposals. And we are putting a team together to be able to track the projects, make sure that the appropriate staff and -- that are working on that are updating the progress, and provide reporting and accountability -- not accountability -- I'm sorry -- oversight and reporting tools for the appropriate working groups that have developed the proposals. So -- and we're here right now to, basically, work with you, see what your needs will be, the frequency of reporting that you would like to see.

It's very important for us that we do a frequency that gives you comfort so that you're reviewing things as we're going and not wait until the last minute to say, okay, here it is. And then you review it. And then you have concerns. And then we have to backtrack and start all over again or do more work.

So the idea is that we want to give you the frequency you need on reporting and allow for oversight so that, as we progress, you're in lock step with us. And then, when the product is finished, it is actually your product that you wanted in the first

place and the interpretation of the implementing team is the correct interpretation and the output is what you want.

So this way we get ourselves a much more likelihood of success within the time frame that is just getting shorter and shorter.

So these are the things that we're working on right now. We're hoping that we will also hear from you on your requirements and how you would like to operate so that we can start preparing as much as we can now.

We are also trying to figure out what can be done before the approval. And we're trying to itemize these things in two buckets. One bucket that says, you know, we can do some prep ahead of time on certain issues that are in the approval period.

And we're working with NTIA to get their okay on doing this because we have the contract and there are certain things we don't want to overstep. And we don't want to actually presume approval either. So we have to be very careful on how we do this.

The other bucket is we believe that there are other things that have nothing to do with the IANA contract. And, if they have nothing to do with the IANA contract and the Board is willing to give us resolution to move forward on those, then we can start the work sooner and be able to implement and get the

implementation done ahead of time. So these are the two things that we're trying to do as much of as soon as possible so that we give ourselves more time. .

On the root zone management system track, we have been asked by NTIA to deliver a proposal to maintain the security and stability of the RZMS.

And what we've done in that regard, we've actually got with VeriSign who is current maintainer of the root zone management system. And we've developed a process to put a system -- a parallel system to the existing system in place. And the parallel system will take the NTIA approval step out of the system.

Besides that, the two systems should be totally identical.

And the reason for this, of course, as you might have guessed by now, is to maintain the stability and security and not to make too many changes for the transition.

Now, these two systems are supposed to run in parallel for about 90 days, during which we will compare the outputs of the two. And we will post on a regular basis the outputs and the consistency that the two systems are working exactly alike.

Wherever there are actually differences -- and we expect some differences on timing, as you can see. One system is not going to

have the push button from NTIA. One will have the push button from NTIA. And, if NTIA delays pushing the button for a day or so, there might be an update that comes out on the parallel system that will say yes, go ahead, versus on the existing system it won't. So there will be some differences. We will have to be able to explain these differences also in a very transparent way. Otherwise, we will have to fix the problem that we see and then start the clock all over again. So that's really in a nutshell. It's just maintaining everything, status quo, continue doing the same things we're doing right now, maintain everything that we have until the transition happens.

And on September 30th, we need to have a contract in place with the maintainer so that, when NTIA takes away the maintainer function from the cooperative agreement between them and VeriSign, we have something in place for continuity and stability.

That contract is being negotiated with VeriSign. And, basically, it is a contract that asks them to do the same thing as they're doing today, no changes, with the ability to actually terminate the contract, you know, within the period of notice and within a transfer so that we can transfer the knowledge and -- so that allows us in the case of community, post-transition, decides that they want to change maintainer or they want us to put an RFP

out or, you know, so we have the time to do what the community wants us to do.

And then also there will be a change process so that, if the community decides that they want us to do things a little bit differently, start exploring other things, that we can actually enter into a change process with the VeriSign to change the way we do things.

So the approach is very simple. Do the same thing as we're doing today without NTIA to guarantee the continuity and stability, have something that is today or as soon as possible contracted so that we can guarantee that at the last minute we don't find ourselves with the maintainer not wanting to do the function and now that becomes a delay for the transition, and also be able to have the flexibility after the transition to change things and improve things as we need to. So that's really what we're doing on the root zone management system.

On the post-transition IANA, we're doing a lot of prep. We're trying to understand certain things. But we can't move as much on the PTI stuff until we have, actually, a final proposal. But we're exploring where we are. And under accountability, as you can see, we're waiting for the final proposal. And we will try to do this.

The good thing is that the resources are available to actually implement these things as quickly as possible. Given, you know, where we are today I think we have plenty of time to get things done. We need to get as much in the bucket of do -- to do before the approval as we can. And if we manage that well, we increase our chances of success. So that's where we are, and, you know, we'll be more than happy to take questions.

JONATHAN ROBINSON: Thanks, Akram. That's helpful and clear. And I think from my point of view I would look forward to seeing the expansion which we will work with you on and be able to keep a close eye on all of that -- you know, the orange, the post-transition IANA component of your diagram. So great.

Let's go straight to -- I'm very mindful of time. I think I can see a way through this in the time available, but let's go to any questions or comments for Akram and Trang, and I see Alan, your hand is up.

ALAN GREENBERG: Thank you very much. The description you just gave of the -- what is embodied in the ICANN VeriSign proposal is pretty clear, with one exception. I'll go to that in a second. The document itself was not. Many, many people read into that that it was

somehow related to the contract, that it was somehow related to the cooperative agreement or the contract that you just referred to will come sometime in the future. There were all sorts of things people presumed and conspiracy theories because there was no clarity in it as to what it was really trying to fix. It was trying to simply avoid writing some code and inserting it into the root zone process today. It would be useful if there could be something written that actually describes that.

If I may, one more question. The thing it does not -- it is not clear on and you aren't -- you did not make clear on is exactly what happens. You have these two parallel systems, one partially IANA, partially VeriSign and with NTIA plugged into the middle and the other wholly contained with essentially on ICANN premises, as it were. No, you're replicating the whole system.

UNKNOWN SPEAKER: (Off microphone).

AKRAM ATALLAH: So the idea is that the system that's on VeriSign side stays there and the system that's on ICANN side stays there. The only element that's taken out is approval.

ALAN GREENBERG: No, no, I understand, but you've replicated a system which goes -- which copies -- repeats, copies what VeriSign does and then you compare the outputs, essentially.

AKRAM ATALLAH: No. So the system on VeriSign side stays there and at the output of that system VeriSign will post the outputs and the differences, if there are any, and justifications for them. So VeriSign is still doing its role and ICANN is still doing its role. So it's not all sitting at ICANN. It's sitting at both.

ALAN GREENBERG: Okay. But the paper describes a duplication.

AKRAM ATALLAH: Yes.

ALAN GREENBERG: Okay. The question is, what happens at the moment of transition?

AKRAM ATALLAH: And so what we're trying to do is we're trying to get the system that is -- the parallel system to be consistent and show us that over 90 days the system is good. Now, we would like to ask NTIA

to flip to the parallel system before the transition is over so that there is time where the parallel system is actually now the operational system. I don't know that we will have time to get to that, but the idea is that once we get the transition done, then we switch to the parallel system and the parallel system becomes the system of record and the operational system. Okay?

To answer your previous question on the contract, I wanted to mention that also we -- we're committed to post the contract once its negotiated between -- with VeriSign, post it publicly for review and like I said, we're putting everything in place so that we have the ability to change things after the transition. There was one more question you asked. Okay. Oh, the explanation, yes. We're -- we're very mindful it's very cryptic. You know, we spent like maybe probably three weeks to issue a small blog between, you know, the concerns of all the different parties and how the, you know, different parties are going to read the language and what's going to be and, of course, it doesn't satisfy everybody but, you know, we try harder next time. Thanks.

JONATHAN ROBINSON: Okay. So thank you. Now, let's look at this. We have 20 minutes to cover this area of implementation. We've had a good update from staff which goes on record of which there have been some

helpful questions. I think I'm going to try and cover A,B, C, D at a high level and in particular I'm very mindful that Paul has traveled here almost specifically to be at this meeting and I've got Xavier and Akram and Trang here. Let's try and make sure we make best use of the time available.

Lise and I have had the opportunity to talk. We various of us have talked amongst the group at different times and I want to get on record where I think we are and see if there are concerns or issues arising from that.

I think in the -- going back into the sort of mists of time, it wasn't clear what the role of this group would be in implementation. We considered whether there would be an implementation review team or how things may or may not work in implementation. As time has passed, I think it's become clear that this group will need to play a role in working with staff as they prepare for and execute on implementation by essentially reviewing that oversight, if you like, but certainly review, to make sure that the work that staff is doing is consistent with what was intended in our work.

So the way in which Lise and I have talked about that working is that we would have -- and Akram essentially talked to that a moment ago -- regular updates from and opportunities to engage with the implementation work to ensure that it is

consistent with the intend of the proposal. Which actually if I think about what the GNSO has done, for example, on policy and implementation, that iterative cycling as we go through makes a lot of sense. So I trust that that is in line with the group's expectations, and we can reiterate this approach at the next meeting of the group when -- but for the moment, I'll get that on record and obviously expect any counterpoints or questions or concerns if there are.

Now, we have three very specific points on implementation that we need to deal with in more short order and those are dealing with the -- probably most urgently, because the other operating communities have got a little ahead of us on this, is the IANA IPR, but also ensuring that there's no confusion in and around the work that's being done on the service level expectations, the SLEs, and finally to make sure that any work that's being done on the budget -- and I welcome Xavier from ICANN finance here - - any work that's being done on the budget is undertaken consistent with what we -- how we envisage things to be post-transition. So we've got this delicate line to walk where we're operating in today's environment but mindful of tomorrow's environment, which affects the SLEs, affects the IPR, and affects any financial work.

So here's what Lise and I believe we are doing and essentially propose to the group, that we have some discussion now on the

SLEs, that with respect to the budget, we essentially ask what was design team O to engage with ICANN finance and make sure that any work that's being done in current budget planning and work is consistent with what's envisaged by the group in future. And then thirdly, on the IANA IPR, we clearly need to get to work on our requirements. And Lise and I had the privilege of meeting with the other operating communities -- representatives from the other operating communities yesterday, I believe it was, and we talked through work that they had done so far and what we might do going forward, which is really what we've agreed to do is set out the naming community's requirements for the appropriate housing of the IANA IPR and to do that mindful of what the other operating communities have done so far and also so that we can make -- ultimately dovetail these requirements together and ensure that whatever solution is in place is consistent with the various requirements.

So I see a hand up from Jari, and I think what I would like to do is go to -- and so finally, on that IPR, I think we need to pull together a design team, a small group of people with appropriate expertise from the CWG who are prepared to work on this, put in the time in short order to essentially draft those requirements in conjunction with reference back to the group of course for -- ultimately for approval by the group, and make sure that we get to work on that as soon as possible. So I think I've

captured that adequately and I see a couple of hands coming up. And so we'll deal with those, and then I'll probably pass the microphone to Paul to talk about the SLEs. Let's go to the hands up first from Jari and then Alissa. Jari.

JARI ARKKO:

Jari Arkko, for the record, I just wanted to come here and say that we're very keen on working with you guys and the RIRs on the top of IPR. We've reached a sort of high-level agreement and often neutral place and next steps on what exactly that is and what kind of a place that needs to be and what kind of contracts are in place, that is the work ahead, and I agree with everything that you said about how to move forward on that. I sent yesterday -- or was it this morning -- an email to the list about, you know, some existing things what the RIRs have said, what the ICG has said, what the IETF has said. So my personal belief is that we are at the stage where we should not yet discuss too much like, you know, this organization or that organization or this contract details but first figure out sort of what the framework is and what the requirements are and that the IETF contribution was on the framework, that in order to have this work we need contracts between, you know, the parties that are the operator and the operational communities and of course ICANN who currently hosts the IPR and then the RIR contribution is on the requirement. So moving forward on that I think is

important. We want to understand your point of view as well, and then once we sort of at the high level understand what we're trying to do and agree, then we can move forward to, you know, selection of entities and more detailed contract work. Thank you.

JONATHAN ROBINSON: Thanks, Jari. Appreciate your -- both the substance of your contribution, also the support for our processes and participation in the meeting. I've got Alissa next. So go ahead, Alissa.

ALISSA COOPER: Thank you. I just wanted to return briefly -- I apologize if I didn't get this in at the right time -- but to the question about the general interactions between the various parties during the implementation phase. So what I think I heard you say, Jonathan, is that in terms of -- let me just give a concrete example. There's some details in the CWG proposal that are to be worked out during the implementation phase so, for example, the PTI board is said to be between three and five members. When it actually exists it must be either three, four, or five people. It can't be a range. So someone's going to have to decide, you know, is it going to be three, four, or five. So for decisions like that, it sounds to me like your expectation is that

Akram and Trang and team will put together a proposal for resolving that detail and then invite, you know, review and discussion with the CWG and the CWG, you know, once it's decided will say okay, yes, we feel this has been completed appropriately and consistently with the proposal. Is that correct?

JONATHAN ROBINSON: That's correct. And so to that extent, that orange bar on this very high-level project plan will be broken down into numerous sub-details for which we can essentially sign off that they are implemented consistent with the underlying intent in the proposal, and we don't see that as modifying the proposal, rather progressively implementing the proposal as intended.

ALISSA COOPER: Okay. Excellent. Thank you. The ICG is discussing whether there's any work for the ICG to do during implementation, so it's very useful to know that the CWG is willing to be the body that kind of gives the sign-off and says yes, this is consistent with the proposal so that's very helpful. Thanks.

JONATHAN ROBINSON: Yes. And I think that's become increasingly -- our role has become -- our role or requirement in this process has become

increasingly clear to us over time and we were in a sense differential to the ICG in an early draft of our implementation schedule. But we now feel increasingly confident that we need to be in place to keep a close eye on the implementation in line with what I talked about before, that iterative reviewing and making sure that -- and I know staff will feel most comfortable with that because it gives them the opportunity to know that they won't have to go three steps forward and two steps back if we work in that way.

So I have a queue that formed, and next is Nurani and I don't know if, Izumi, you would like to join that as well, but let me accommodate Nurani who has her hand up in the chat and Izumi if you would like to join, by all means, do so as well. Go ahead, Izumi.

IZUMI OKUTANI:

Thank you. So I'd like to speak with the CRISP -- the hat of the CRISP team chair from the numbers community, and I completely agree with the statement that Jonathan has made and Jari has made. So as much as the others were very willing to continue in the collaboration on the IPR issue and as a way forward, we've actually shared the IPR principles to the CWG list. So I think as a starting point, instead of trying to immediately jump into the discussions on what should be the entity, I think it

would be good to start agreeing on what are the basic principles that we all feel would be important for three operational communities. So we'd certainly welcome your feedback on the - - on the draft that we've shared. And also on the -- on the drafting team that Jonathan has mentioned, I think this is very helpful, that we have been engaging among the leaders from each of the operational communities on this issue. But then I think from this point on we would like to have experts on this topic to have discussions. So not just lists restricted to the chairs who do the collaboration so this team can go back to each of the groups and try to form a way forward in terms of implementation. So I completely support this suggested way forward, and certainly the numbers community is committed in joining this team and working together. So thank you.

JONATHAN ROBINSON: Again, thank you, Izumi, for both the substance of that input and also your willingness to be here with us and provide that. So much appreciated. I'm -- unfortunately we've ended up in a rather tight time spot, partly due to the technical issues at the outset of the meeting, so I think I'm going to go straight on now to bring Paul in to give us an update on where we are with the SLEs and the work that's been going on there and just make sure we're -- we're in a good place there. So Paul, over to you.

PAUL KANE:

Thank you very much, Jonathan. Paul Kane, for the record. First of all, let me just reiterate what I said on the email exchange. I would like to thank the ICANN IANA staff for the good work that they helped the working group undertake in the development of the SLEs which obviously this community adopted sometime ago. I'm also pleased to advise that yesterday we had a very productive meeting with Akram and Trang, and thank you both very much for facilitating that meeting yesterday. And in principle, as many of you know, all of you know, there is no intent within the design team to change the current process. What we're seeking to do is capture -- and we have captured in the SLE the current process. And what was agreed yesterday, subject to further discussion, is basically the log files that currently the IANA system generates may be made available to the design team to start populating the SLE and so the thresholds can be determined. It's uncertain precisely how many of the SLE parameters will be able to be addressed, but at broad brush, about 80% of the SLE can be addressed using -- just simply pausing the current log files of the IANA. So that's a major chunk done. Just to use Akram's term, it's the bucket before approval, as it were. So I would also like to support the idea of having a -- a parallel, using the parallel track process to basically populate the SLE so that things can move forward very

expeditiously, particularly with the few items. It's either four or five items where new tools need to be or may need to be built just to extract the time stamps of those. I don't think it's as many as four. I think it's probably three. But if we were to say four or five, then we've certainly over-egged it.

So I'm very grateful again to Trang and to Akram for the pragmatic approach that was discussed yesterday, and we look forward to receiving the data so we can start the population of the SLE. And obviously once the SLE has been populated, the thresholds have been entered into the SLE, that will be circulated once again to CWG members. So thank you again for yesterday.

JONATHAN ROBINSON: Questions, comments, issues arising out of that or anything in and around the implementation that we've been discussing so far? Akram.

AKRAM ATALLAH: Just a point of clarification. We still need the NTIA's approval to deliver those data fields. I just want to make sure everybody hold your applause for this but we'll get there. Thanks.

JONATHAN ROBINSON: Any other comments, questions, points? So looking forward, just to be clear where I think this is going to go, I suspect all of us are sufficiently exhausted or otherwise engaged next week that we might want to take a little break, but there is some urgency to getting on with elements of this. Probably most significantly in the case of the IPR because as I said a moment ago, we are slightly behind the curve with respect to the other operating communities. So I think we will want to pick up the -- this work of the CWG in the following week, and I'll work with staff to get -- Lise and I will work with staff to get a meeting scheduled for that following week and we'll pick up some of this on list.

The -- I think that covers most of it. As far as this meeting is concerned now, we had an item on legal and a progress update on the bylaws drafting. We did communicate via the client community with Sidley. I understand that there is some work going -- that the work of the bylaws is two to three weeks away from seeing an initial draft. So that will dovetail with this implementation scheme. I'm realizing that Xavier was good enough to come and be with us. Xavier, would you like to share anything with us? Are you content with where things are or --

XAVIER CALVEZ: If I have the time I can give you a little bit of insight on the planning process. But if you're short on time, we can do that at - - in a different time frame. It's not indispensable now.

JONATHAN ROBINSON: Let's commit to working with you via design team O, as I said earlier, and essentially dovetailing our future requirements with your current work, and I think we can work effectively with you in that -- that way. And so that can be part of the -- in essence, this transition timeline and part of the band 2. Conscious that it may not be represented in the same color on everybody's screens.

TRANG NGUYEN: Jonathan, if I may just to chime in on that FY17 planning process, there is the dependency that sort of maps into the implementation, and that's sort of what Xavier was planning on highlighting to this group, is that the FY17 planning process is -- does have a timeline that it needs to adhere to and it does require some information, if possible, from -- well, Xavier, the slide is up so I'll let you talk to it, but it does require some information to inform the planning process. And so that's sort of what we wanted to highlight.

JONATHAN ROBINSON: Thank you, Trang. Go ahead, Xavier.

XAVIER CALVEZ: We've hijacked the two minutes ultimately. As Trang was just indicating, the planning process for ICANN, for those of you who participate to it, is a fairly tight and packed timeline with a sequence of events that are very much impacting the rest of the process downstream.

So, to make it very simple, because we are intending to produce on the 5th of March in draft operating plan and budget for public comment, the process that needs to be able to do that requires that we have finalized

Assumptions relative to any element of the plan but including the USD transition, no later approximately than January 15th. So this is the orange bubble on the slide that is here on the line that is on the top.

By that time, after that time, it will be very difficult to formulate any substantive information relative to something that needs to be put into the plan. The simpler reason being that, between January 15th and March 5th, there's a certain amount of work of consolidation review, validation by the board finance committee, by the management, and also simply preparation of the 80 or so page document that we put for public comment. So

the logistics of production make this date, approximately, of January 15th as a very important date for us to have received any input that we can take into account.

Now, this is simply for the purpose of producing a draft. But it's important, because it's very structural to us.

Of course, the -- when you map this timing to the development of the transition process -- and we have simply displayed here the option under which the Board and NTIA would receive the proposals by the end of December -- it may not be possible to have a lot of information at the detailed level by the -- by January 15th in order to be able to fully develop a budget at the level that we develop it today, which is by project relative to transition.

So it's just a matter of the more information we have, the least assumption we need to make. The less information we have, the more assumption we need to make. And we just want to make sure we're also as transparent and aligned as possible together on what those assumptions need to be.

So our plan is to work very closely with the implementation team and have, basically, the implementation team own the formulation of these assumptions. Because that team is closely going to be working with everyone to ensure that at all times

these assumptions are well-formulated and representing the intents of the communities.

So, from a planning standpoint, Trang will be the owner in quotes of the information that we receive so that any information that we receive is always very aligned with the intents in the status of the work from the organizations. And we expect that this is a good way to be able to be in sync. And, of course, I am very happy to work with the design team O in ensuring that alignment and obtaining feedback and exchanging thoughts. So I think it's a good process, if it works for everyone.

JONATHAN ROBINSON: Thank you, Xavier. And you'll be familiar with the section in the proposal or response to the request for proposals from this group, the final proposal that deals with, specifically, the detail. And I understand that not all that detail may be possible from the outset, as you said, at least in fully accurate form at the project level.

XAVIER CALVEZ: There's just one last comment I would like to make on this slide, Grace, if you could put it back, please. There's one concern that I have on the timeline. And that one is driven by the timing of our approval of the budget. If the Board, as usual, approves the

budget in June 2016, you can see that we'll be much further along, obviously, the transition path at that time. In logistically, the challenge that I have and the concern that I have is that we may find ourselves in June looking at a final budget that reflects a position that was determined somewhere in February.

And, of course, by June, we will have a lot more information collectively. And that information may not be, actually, reflected in the final budget. So I think it may be just a communication exercise or an education exercise. But I want to emphasize to all of you that, because of the lead time of all those phases for budget approval, we may find ourselves a little bit at odds between the content of the budget and the knowledge of the time that we will all have. As long as we're all conscious of that and we're able to communicate with each other on that and agree on that, that's fine. But I just wanted to point that out. Thank you.

JONATHAN ROBINSON: Thank you, again. I think we really have to draw the meeting to a close because of the time constraints. But thanks to all who participated remotely and in person and have come specifically, to contribute to this meeting from the staff or the community.

So with that, we'll stop the recording, call the meeting to a close, and look forward to the next meeting of the group which is

provisionally scheduled for 11:00 UTC, Thursday, 5th of November. Thank you.

[END OF TRANSCRIPTION]