Transcription ICANN Dublin
GNSO session Sunday 18 October 2015
Discussion with Theresa Swinehart
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Jonathan Zuck: All right, I'd like to welcome Theresa Swinehart and her colleagues from ICANN staff to the next session. I'm going to hand it straight over to (Theresa). We've got just over 20 minutes to work with so we're tight and I think we just need to get the show on the road. So over to you (Theresa).

Theresa Swinehart: Fantastic, thank you very, very much. It's great to be here again and this is always a nice break from some of the other things that we're working on so thank you very much. Let me take a little bit -- the strategic initiative division actually takes on all of the responsibilities around the reviews so we have quite a bit of work. I'm going to turn it over to (Margie) and (Larissa) to be talking about specific areas that are on the top of our radar right now but let me just give a high level from the standpoint of the reviews are really how operationally the organization also evolves and so I think it's an important part of all of the work that we're doing as an organization.

The other area that our team is overseeing and I have responsibility for is the (IN) transition process that's currently underway and as you know, Akram and another team will be taking on the implementation part. I'll touch very briefly on that in the end just where things are with regards to process but I think most people are aware of the substantive dialogues that are happening.

So, if we can go to the next slide. I'm going to turn it over to Margie and then to (Larissa).

Margie Milam: Hello everyone. So as (Theresa) mentioned we're responsible for handling the reviews and what I wanted to talk to you about specifically was the schedule that's coming up in the next year because there's a lot of activity that's going to affect the community. Next slide please? Next slide.

So, on this slide last time we spoke we mentioned the timeline over the next year, year and a half of reviews so you could understand the schedule. We actually went back to the board in July and asked for the schedule to get postponed to delay some of it because of the immense amount of work that is involved with the community but even with that we're starting a fairly aggressive timeline that you can see on the slide here.

Obviously in the middle of the GNSO review, you heard about that yesterday, the one that's kicking off now is the consumer choice, competition consumer choice and trust review team and I'll talk a little bit more about that in a minute but even if you look through the rest of the items on this timeline we will be starting the next review team for the security, stability and resiliency next year. We'll be starting the second review team next year and the (ATRT), the third one, will likely get kicked off in January. This schedule is pending dialogue with NTIA since this is all under the affirmation of commitments. We need to ensure that the NTIA is okay with this revised schedule but this is what we believe will work and then there's also additional organizational reviews that are underway that (Larissa) will talk about in a minute.

Next slide please?

And so because we oversee all of the reviews we also oversee the implementation of past reviews and so as many of you know have been

reviews under the affirmation of commitments on accountability and transparency, (ATRT 2), the (SSR) review team, the very first one, and the (who is) one back in 2012 and so what we do so that the community can know where we are in the implementation cycle, we actually have a lot of data posted on the ICANN Web site and I'm not going to go into any details on where we are on the recommendations but I just want you to know that the information is there and we're certainly available if you have questions regarding specific recommendations.

I believe you had a question, the GNSO had a question about specifically the (who is) related activity and how that's being managed within ICANN. I can certainly address that as part of the implementation of the (who is) review team recommendations, I oversee the activities at ICANN but I work with various departments that are actually doing the implementation. So, as you heard from the (GDD) team just a moment ago, (Jamie Headland) over on the (GDD) side takes -- is looking at the (who is) related activities for the (GDD) as well as the compliance activities, there's policy activities and so we have meetings internally and we exchange information to make sure that everyone is aware of all of the activities that are underway.

Does anyone have a question about that?

(James):   Yeah, but just I was going to wait for a natural break. So is this a good time?

Margie Milam: Yeah.

(James):   Okay, thanks. (James) speaking and just a quick question, regarding (ATRT 3) which you just kind of mentioned in passing but I just set off an alarm bell because we have this (ATRT 2), I think there might be a backlog of things there and then, of course, (CCWG) so how do you see the dependency of that, I mean, kicking off (ATRT 3), I mean, presumably it would align exactly with the (CCWG) recommendations, whatever those are, but what if they don't?

Woman: Do you want -- sure. So the (ATRT 3) would be January of 2017 if that makes sense. So, we at least have a year before we know what the final outcome of the (unintelligible) transition is and because we're moving the reviews into the bylaws, I think the schedule would be adjusted accordingly. But, at the moment, we're working under the current -- under the current affirmation of commitments and so we're just, you know, envisioning given the timeline that's in there, when would these kick off?

(James): So the possibility is the (ATRT 3) could be postponed or it could be the review that the (CCWG) is saying will happen after the transition? Okay, that makes a lot of sense. Thanks.

Margie Milam: Yeah, and just so it's on the record as well. Yes, absolutely, there's a strong awareness of where the (CCWG) discussions are and when we'll need to look at how to calibrate all of that once everything is done. Next slide please?

So the one that is kicking off right now is the review of the new (GTLE) program and how it impacted competition and consumer trust and choice and it's also looking at the effectiveness of the application and evaluation process and the safeguards that were put in place to mitigate issues in the expansion of the space? So as you can see there's a broad, very broad mandate, for this review and we're now in the process of seeking volunteers to put in their names to be a member of the review team.

Next slide please?

So we published the volunteers, call for volunteers at the beginning of this month, it closes on October 30. Once we receive the list of applicants we will publish that list and we will seek endorsements from the various (SO)'s and (AC)'s because the affirmation of commitments talks about representatives of supporting organizations and advisory committee so this is some work that the GNSO will have to do in November once they see the list of applicants

and who has identified themselves as wanting to represent to the GNSO. You'll have the opportunity to put in endorsements for the review team members.

And then once that happens that will happen in November under the affirmation of commitments, the CEO and the GAC chair select the review team members and so that will be announced sometime in December so that's essentially the timeline that we're looking at.

Next slide please?

((Crosstalk))

Margie Milam: Oh, I'm sorry.

(Donna Austin): Thanks Margie, (Donna Austin). Do you have any insight into what the composition of that team would look like, there's going to be 30 people, there's going to be 20?

Margie Milam: So in the past they've been 15 members approximately on average. I have a slide I can share. I didn't bring it here, but I could certainly send it to the list as to how the review teams were composed in the past, the composition and what supporting organizations they came from but it's really up to the CEO and the GAC chair, that is what the affirmation of commitment says. We are aware that the CCWG proposal is calling for a higher number of participants; I think 22. So, anything possible in the past it's been around 15.

(James): Okay, thanks, (James) speaking again. Just a follow-up from (Donna)'s question, I think that this particular review team is going to be so focused on competition and consumer trust, you know, it's in the name, that in previous review teams we've submitted various endorsements and some were not accepted, for example, the last (ATRT) had no registrar representative and I think that to go forward on something like the (CCT) without a registry,

registrar representative bringing the industry contribution I think would be a mistake so I see you nodding but I'm really kind of talking to the rest of the council here.

I think we need to think very carefully about our endorsements on this and make sure that we have adequate representation when we send that up to the CEO and the GAC chair because we don't want to go forward with the review of consumer trust and industry and not have any industry people on this group.

Margie Milam: Next slide please.

So this -- I'm not going to read the slide but this shows you the kind of expertise we're looking for. Okay, okay. And I'll -- in a minute but just so you can see there's a wide range of expertise we're looking for before this particular review team.

Steve?

Steve Metalitz: Yeah, Steve Metalitz, I'm a member of the intellectual property constituency just to pick up on what (James) said. Our constituency has never, never had a representative on any review team. This, as you look at the issues, these obviously very closely affect the intellectual property interest as one of the issues. So I hope that we're not looking at the past to, as a template for how we staff this review team. So since the CEO is going to be picking these people I just want to convey right now that if it goes the way that it's done in the past that's not going to be acceptable to our constituency. Thank you.

Margie Milam: Thank you. Next slide please.

So as I mentioned, this is the timeline, October 30 is the close for the application process then we'll publish the list, the GNSO will have November

essentially and the other (SO NAC)'s to come up with their endorsements. In December the review team will be picked and then we anticipate their first meeting in January. So, on this timeline we're looking for possibly a final report at the end of the year. So if you're thinking of the timeline of when will this be done, that's around the time that at least we expect the work to be completed.

Next slide please.

And now I'll hand it over to (Larissa).

(Larissa Grenick): Thank you Margie. Good morning everybody. My name is (Larissa Grenick), I'm part of the (SI) team. On organizational reviews, with the revised schedule that was endorsed by the board in July, several of the reviews have been pushed out to start in 2017 and this was in response to communities, concerns about bandwidth and resources so you can see the starting points of the organizational reviews and these had been plotted out on the timeline that Margie talked to you about.

As far as the reviews that are currently in process, as you all know from the various updates, the GNSO review, had the final report published in the middle of September. The GNSO review working party is continuing their feasibility assessment and looking at the recommendations to determine how they might be prioritized, which recommendations should not be considered for implementation and such and they will conclude their assessment within the next several months and provide their feedback to the organizational effectiveness committee along with the feedback from staff and then the organizational effectiveness committee will consider all of the feedback and the final report as they make their recommendation to the board for final action. All of this would be happening in early 2016.

As far as the reviews that are about to start at large is the next one on deck and we are in preparations to kick off that review starting with the request for

proposal as part of the competitive bidding process and that -- the competitive bidding process is going to begin in January with the expectation of the independent examiner being appointed at the end of March in the independent examiner part of the review kicking off in April.

Similar processes would follow for the (non-COM), (RSAC) and SSAC. The dates that you see on here are the dates that represent the intended start of the independent examiner and in every case there would be about four to six months' worth of preparation activities that would involve the organizations under review in the form of a review working party working with staff and the organizational effectiveness committee to prepare for those reviews.

Next slide please?

I wanted to highlight the face that there are some new revamped Web pages on the ICANN.org Web site. The circles are slightly off from where they were supposed to be but this is meant to highlight that you can find these new pages under the resource tab under accountability and there's now very clear sections dedicated to organizational reviews as well as AoC reviews and each review summarizes the process as well as the history. There's links to all of the documentation, timelines and various other resources with the idea of making the information easier and more accessible to people and we would certainly welcome feedback from anybody on the usability and usefulness of our new Web pages and as we're looking to future phases of improving and making the information more user friendly.

Thank you.

Jonathan Zuck: Thanks (Larissa), that's the last slide, yeah. Okay, and so we come to (Theresa) now. Isn't that right?

Theresa Swinehart: I'll be very brief. So, the other area that I have responsibility for with the team and then across the organization managing across organizational

teams around obviously the transition discussions that are vibrant at this session here, I think everybody's very informed about where the progress is and, of course we have (Thomas) here and others involved in the very hard work of the (CCWG) and then the (INA) coordination group is also meeting and pulling together and preparing the operational community proposals on that. So a lot of activity at this ICANN meeting which is going to be very important and a huge thank you to everybody who's been spending enormous amounts of hours on all of this work.

So I'm just going to focus where we are sort of on a timeline standpoint. The next slide?

There we go. So, this isn't going to be new but just to show really the tremendous progress since the announcement in March 2014, obviously the work of the (INA) coordination group pulling in the operational community proposals through their community work and then the accountability process pulling together its final work on the proposal areas including the hard work at this meeting.

The process is then that the (INA) coordination group proposal is transmitted to the board and that's transmitted to (NTIA) and then the same with the accountability proposal to the board and then transmitted to (NTIA) as part of the overall package for the transition.

Next slide?

So as we're looking at this we have some elements before the actual release of the contract that would happen in 2016 and so for those that are less involved in some of the day-to-day activities around this, we're really in the Phase 1 right now where the community proposals and public input is being done and that's obviously been a huge amount of work.

We then have a phase which is around (NTI)'s review and evaluation. The anticipation is that that takes about four to five months depending. There's also a congressional review which is around 30 legislative days so that means legislative days not days of the week so that can take a period of time that needs to be accounted for.

In parallel, we obviously are looking at areas where one can start preparations for implementation. That is not implementation but start preparing the areas of work that would need to be considered for that. The Phase 3, as you would see here, would be finalizing anything around the implementation and operationalizing those elements and then after that there would be lapse of the contract.

So if I can go to the next slide, we have a few scenarios that could play themselves out. If you use the periods of time that are going to be needed with regards to implementation and the (NTI) review process and, again, these are estimates based on what we think the timing is going to take.

So it looks like we're in a very good phase right now and with the progress in the work occurring at this meeting, obviously, a lot of progress to be made there. If we go into the January and into the March timeframe it would very likely push the implementation part past the 2016 timeframe so then one would need to look at whether there's an extension of the contract or not gut this gives you a sense of where things are from a program management and project management standpoint and timeframes.

So with that, I think that's our full overview of what the (SI) team overall has responsibilities for; working with you and the community and then obviously with others in the staff but if we can answer any questions on any of this, I'm leaving any substantive questions around the transition to all of the experts involved from the community on that topic.

Jonathan Zuck: Thanks (Theresa), that's -- and (Larissa) and Margie are very timely. We -- there was certainly one question about the coordinational management of all of the various (who is) efforts across the piece and one of the things that -- I mean, there's this sort of meta theme and it's not the same as it's always been in terms of workload and focus (spread) and that's clearly got ever, ever more critical but there's -- in combination with that, there's simply multiple initiatives as you well know on (who is) and it's really a matter of how are those rationalized, coordinated and managed. Have you got any comments or thoughts on that?

Theresa Swinehart: As I mentioned earlier, there's a cross functional team internally that works on those. There's actually a session on some of the internationalized (who is) data recommendations today, this afternoon, if you are all interested. But, yeah, we're constantly trying to see how they all fit in and make sure there's no inconsistencies and make sure that the implementation is taking into account some of the activity that's underway.

Jonathan Zuck: Any other questions or comments on the content or related to the work of the strategic initiative's team? Any other input or questions that anyone would like to make?

We're going to hear an update from Thomas (through the) suggests, I mean, Thomas Rickert is here to talk us about the recent progress of the (CCWG) and the subsequent session anyway. All right, any comments -- okay, (Maria)?

(Maria): Thank you (Jonathan)? This is (Maria) speaking. Well, it appears to me that in the -- considering the possible delays, one of the causes of it has been the contract proposal that the board has put forward and I just wanted to ask you, we're going to have another session about that but I just wanted to ask you how is your (competition) with the board, do you think that from what you see there will a possibility for us to (bridge) that and to give the community more

time to work in the public comments and not in the proposal that came from the board because it's kind of slow (in community bound).

Thanks.

Theresa Swinehart: The board input was a contribution also during the public comment period. I think, you know, part of what's important in any multi-stakeholder process is ensuring that the input is received in a way that it can be incorporated into the rest of the comments that are received from that standpoint. There was about 96, I believe, or something to that affect, public comments actually received and I know that the (CCWG) is looking at all of those across the spectrum of looking at how to move forward on the different areas around that. The (CCWG) had also invited and suggested, and I don't want to speak on Thomas' behalf here, board members to participate in the working parties so you'll have seen them quite active in the different working party discussions and phone calls.

So I think this is all part of input from all of the different interest groups and stakeholder groups and all of that as we try to move towards a consensus around the different areas of what would be a final proposal.

Jonathan Zuck: Thanks (Theresa). (Heather)?

(Heather Forrest): Thanks (Jonathan), (Heather Forrest). (Theresa), I apologize for asking a sticky question but you summed up your overview of the timeline by saying you're looking at it from a project management point of view and I wonder, how does political activity in the United States factor into your timing of Phase 3, let's say, because it seems to me that Phase 3 is contingent on a very big if. So how does that factor into this?

Theresa Swinehart: I'm not a political expert for Washington, there's better people for that one. You know, I think that there's -- I mean, I think as everybody is aware, this announcement came under this administration and we have an election

process coming up and so, you know, administrations as they start wrapping up their work and new administrations come in, you obviously have shifting in staff and priorities, various other things, so it's hard to predict, I don't know. I don't have the answer but it is one of the realities and, you know, I think that there's versed experts around Washington politics who are probably better to talk to about that.

But, you know, as in any political environment whether it's in Europe or any place else and you're dealing with major projects, those are obviously factors especially when you have staff and the different administrations.

So I hope that helps.

Jonathan Zuck: Thank you. Any other comments or questions or any other remarks that you would like to make, (Theresa), Margie or (Larissa)?

Theresa Swinehart: I know that this has been said before but I just really do want to acknowledge the enormous amount of time and hours and commitment not only to the areas around the transition but also to the areas around the reviews. The reviews are -- they're embedded in the bylaws, they're embedded in the affirmation of commitments, you know, once the (CCWG) work is done, also embedded in the bylaws, and they're part of the operational evolution of the organization and I know it takes a lot of time from the volunteer community on that. So just a thank you for that and if you have any ideas and suggestions on how one can ease that in any way, and ease sort of the additional time that that takes, we're always welcome to new ideas and suggestions and having discussions around things like that. So I just wanted to put that out there.

Jonathan Zuck: Okay, great. Thanks (Theresa) and (Larissa) and Margie. I mean certainly that came up yesterday as a critical point and it remains, it's sort of a tired subject so in one sense we're kind of tired of hearing about being tired or about being overworked but actually it reaches ever greater levels and we do

have -- it seems that we have to do some work on how to figure that out and it's both on these sort of cross-community initiatives as well as managing that and how those compete with initiatives kicked off by the board within the (GNSO) itself and so we are grappling with that and I think it's subject to further discussion. So we'll definitely be --

Theresa Swinehart: I think you're right. Let's try to find some concrete solutions towards it because it's not going away; a lot of the things that we have to do as an organization but we do need to find some concrete solutions.

Jonathan Zuck: There's a sort of ironic position in that there's been a cross community group working on that, as you know, with the leadership level and that was -- that meeting was actually cancelled on account of trying to do work on the (CCWG) but hopefully it's -- all right, so are we going to draw a line under this session so we can stop the recording…

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