
ICANN76 | CF – CSC Effectiveness Review Team
Sunday, March 12, 2023 – 15:00 to 16:00 CUN

BART BOSWINKEL: Yes, it's number three. Page eight. Number three. Go to the next page, please. Page nine, yes, attracting new volunteers. There we go, a recommendation. As you can see, there are still some unclarities. May I ask either Donna, Sean, or Maarten to speak to this particular topic? So this is about attracting new volunteers and using the alternates as a method.

DONNA AUSTIN: Thanks, Bart. So I guess I'll try to remember how we got here. So I think the idea of the alternates to use that as a mechanism for people to become familiar with the work of the CSC, and then it's a way to informally become part of the CSC, and then hopefully create some interest in becoming a member or participant when a vacancy becomes available. So I think that was the intent of the appointing an alternate to the CSC for each appointing organization. So I think this is intended to cover members and liaisons of the CSC. The intention is that they'd be allowed to attend CSC meetings and have access to the mailing list to participate in the absence of an appointed member.

I think that last bit is actually related to another recommendation that we have. So the alternate is a way to expose people to the CSC. And then the other related recommendation about the alternate is if there's a member of the CSC that can't attend a meeting, then the

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alternate is able to replace them during the meeting and vote or whatever the situation may be.

BRETT CARR: The reason behind that was that there was quite tight restriction on the amount of meetings that CSC members have to attend, and that can be problematic sometimes.

BART BOSWINKEL: From the CSC and/or PTI, any comments just for the record on this particular recommendation? Brett, you made a comment whether—

BRETT CARR: I think my only comment, really, is that we think this is a good idea and we support it.

BART BOSWINKEL: Okay. Then we go for the next one. I believe that was the changed one, it was number five. Can you scroll down please, Claudia?

This is probably, as you can see, with a lot of redlines still. Scroll up a bit. This is about the general review of the SLAs. So the group receives support from the CSC, ccNSO, and others on this recommendation. There were some questions by the RSIG regarding this recommendation, and it's specifically focusing on whether a framework was needed to be in place first before the general recommendation or the general review could take place because there

is already a procedure. That was the main point. Maybe, Donna, you want to speak to the deliberations of the review team around this?

DONNA AUSTIN:

Yes. Thanks, Bart. I think the way that we had drafted it, I think there was a little bit of a misunderstanding. So I think there is a process that allows the CSC along with PTI to review individual or select SLAs, but there's no current process for an overall review of the complete set of SLAs. And I think that's what we were trying to get to here is that in conversations that we had with PTI, and I think the PTI Board and the CSC, they felt that the CSC was well placed to actually perhaps not do the review first up but to create a framework that would allow for a holistic review of the SLAs to take place. We recognize that that would have to be done with community input and consultation. So I think it might have been a little bit confusing in the way that we have it because of the IANA Function Review in the CSC review of individual SLAs. But this is a more holistic review of the complete set of SLAs that are in the contract that ICANN has with IANA.

BART BOSWINKEL:

Again, Brett, any questions, comments on the direction of travel?

BRETT CARR:

I think, broadly, we're in support of this. I think those SLAs were set quite some time ago now. So, undoubtedly, the world changes and things move forward. Therefore, I think a review of them is wholly appropriate. I think doing this within the CSC will give the members of the CSC something valuable to do and will give them more insight into

the SLAs because none of the current members were around when those values were originally put together. The good thing here is that the IANA usually hit their SLAs 100% every month, which sometimes can make the job of the CSC quite dull and uninteresting. So I think giving them something to get their teeth into to actually review them to make sure they're all still appropriate and to put our framework together around it is a very positive thing.

BART BOSWINKEL:

Anybody else? Additional comments, questions maybe?

RICK WILHELM:

Thanks, Bart. Rick Wilhelm, Registries. Understanding and agree that the SLAs could use a review. One of the things that when looking at the recommendation was a little bit surprising that it looked to have there be a framework established as opposed to just having the CSC get on proverbially, get on with doing a review, which kind of sounded like what Brett was saying. I would be probably more concerned with something that had a review of the SLAs be thrown open to really, really wide input where input can come from the proverbial peanut gallery for people who can opine on this stuff. But there's a joke in America about the chicken and the pig having differing views on breakfast, right, where the chicken is interested but the pig is invested. With apologies to any vegetarians within earshot, but you hopefully get the gist of that.

So I liked the idea of the CSC undertaking a review, because, as Brett said, it'd be a good thing. I'm not so crazy metaphorically about a

framework that has the PTI's SLAs thrown open for everybody to chime in on because everybody, of course, thinks that they want the SLAs bigger, better, faster, more until they recognize the unintended consequences, costs, and things like that. And so I think that the idea of a review, fantastic. The idea of that being sort of like free for all, uh... you, know. But I offer that gently because I'm not exactly sure how to interpret the words that are written on the page. But I agree with the intent of, yeah, we should do a review on them. Hopefully that's helpful. Thank you.

BRETT CARR:

I think there's a there's a danger of opening a can of worms here that you'll never get back into can again. I think it depends how you define the framework a bit. I see that as a light touch. CSC put together some kind of framework as to how we're going to do it and maybe put that out for comment.

BART BOSWINKEL:

At the same time—and maybe that was the concern—there is no process of doing such a generic review. There is this process, as Donna said, for individual ones use it, but it needs to be expanded and there is a clear definition of the roles, and that's what the review team try to capture with this link to the existing process and build upon it. But yeah, you need to build the process first, especially in this sensitive area before you start doing it and nobody knows where it ends. Donna?

DONNA AUSTIN: Can we just scroll down to the recommendation? Because I'm sure there's some way we can kind of tighten up the language to overcome the concerns that Rick has raised. Back up a little bit, Claudia. No, wrong way. I always get confused whether it's up or down.

BART BOSWINKEL: It's on page 12.

DONNA AUSTIN: Just there. Stop. Right at the top, Claudia.

BART BOSWINKEL: A bit up, a little bit. There you are.

DONNA AUSTIN: Thank you.

BART BOSWINKEL: Below the page, yes.

DONNA AUSTIN: My personal view is that the recommendation as it stands is probably fair. I don't know that ... I guess it's up to the CSC and PTI to work this one out. So, Rick, I guess I'm interested to know whether the recommendation is okay with you.

RICK WILHELM:

One of my issues, I don't recall the details of the process for ... I'm sorry. There was a comment in there—and maybe it's the comments I've picked up other words—one thing that you had said here today about broader community input, and that is the thing that I kind of find ... There should be community input on this stuff, right? But we've just got to be kind of careful about that, about when and how it happens and how it's valued. Because it's sort of like these SLAs are part of a contract. In other parts of ICANN where contracts are concerned, contracts are not as open to public comment, and especially SLAs on contracts are not as open to public comment as other parts of policy-making are. Thank you, Donna, for pushing me gently a little to make my point more clear. We should be more consistent with other parts of ICANN where SLAs are not something that are open. Contractual SLAs are not something that they're typically open for public comment. There's a contractual SLA. So we should look for consistency in that mechanism. Hopefully that's helpful. I appreciate you having a scroll to the actual text of the recommendation. Thank you.

BART BOSWINKEL:

Maybe in addition is if you see the reference to direct customers, this is again reference to the language in the contract but also in the CSC Charter and the Bylaws. So these are the TLD operators. And then the process very clearly—yeah, we cannot go through the process itself but it's on the CSC website. As you will see, the consultation is already there and it provides a mechanism for these consultations. That's another way. That's why there is a clear link between this framework and the process as well. Thanks. Donna?

DONNA AUSTIN: I was just going to flag the direct customers as well. I think if Rick's pretty comfortable with it because I think you drafted the registry comments ... Sorry. So if you're happy, I'm happy.

BART BOSWINKEL: Who else for comments on this particular text maybe? Me? I don't know. It goes back to the process that was initially between PTI in the early days between PTI and the CSC when they drafted the work on the process for amending this. That was right before the first review, if I recall.

DONNA AUSTIN: Bart, just my comment on the side there. There's a reference to a model in text ahead of that, but I don't know what model we're talking about.

BART BOSWINKEL: When we finalize.

DONNA AUSTIN: All right.

BART BOSWINKEL: Oh yeah, the next one is number six. Can we scroll down? Need to appoint alternates and liaisons. Again, the text is not ready yet, but there is a general support, I would say, for the suggestion to appoint alternates. Again, this needs to be concluded. Any direct comments,

Brett or Rick, on this one? I think yesterday was really the main topic that will come with a lot of work for the CSC and PTI. No?

DONNA AUSTIN: Can we look at the actual recommendation?

BART BOSWINKEL: Claudia, can you scroll down? There it is. Brett, any comments on the recommendation itself? No? Okay. Thanks.

Then there is a new topic and a new recommendation which emerged when it became clear that the IANA Function Review will be starting soon. And that's on the frequency of the Effectiveness Review of the CSC. So this is the second review. This time it took a little bit longer than the previous one. If you would follow the cadence of the Bylaw and the Charter, I think the next one would need to start next year, 2024, or maybe 2025, it really doesn't matter. Very soon, relatively soon. And right after the IFRT is closed. So the review team will advise the ccNSO and GNSO Councils to work on changing the frequency. Unfortunately, this will require amendment of a fundamental Bylaw. That's why it's directed at the ccNSO and GNSO Councils. Maybe a comment, question from the CSC on this one?

BRETT CARR: Again, I think personally I'm supportive of this. I think both this Effectiveness Review and the previous one have brought up very small amounts of change needed to be done but have taken a fair amount of people for quite a long time to deliberate. That in itself, often in the

UK, we talk about painting the Forth Road Bridge, because when you paint the Forth Road Bridge, you start again when you get to the end, and that feels a bit like what we're doing here. So reducing that frequency, I think, is a good thing.

RICK WILHELM:

Or we need to figure out how to paint faster just to—yes, [sand]. I'm hesitant sitting in the current chair, speaking as a CSC representative, and I think that Brett would share this. It's a little bit squirrely for us to say, "Don't review us so often." It's sort of like when my kids weren't sure, they'd be like, "No, Dad, you don't need to watch us so closely." Be that as it may, we understand because I was on the IFRT last time and it was a lot of work. We made some recommendations, they were helpful. Kim was great. The rest of the IANA team was fantastic, but we didn't really change the world with that review. And this review is sort of similar. You sort of nip and tuck around the edges, but it's at a tremendous amount of labor from the team and from ICANN Org and stuff like that. So either we've got to lengthen the time period between reviews or we've got to figure out how to make these reviews be lighter weight. I don't have any good suggestions on the latter, but on the former, lengthening the time period, that's an easy suggestion. All you got to do is change the Bylaws. Wow, that's simple. But one of the other should happen because it's really tough for the review teams. Thank you. Donna?

DONNA AUSTIN:

Thanks, Rick. One of the reasons this took a bit longer is the same reason for everything else taking long, it's COVID. We didn't have the

opportunity to work together face to face at any of the meetings. That was certainly really helpful when we did the first review. I think we actually lost one of our members, didn't we, partway through. So that was one of the reasons.

But I think this recommendation actually makes sense because there's nothing controversial with what the CSC does, and we're agreeing with the first review that everyone's doing a great job. The only thing that I envisage being problematic for the CSC is people not showing up and I don't think a review is going to fix that. So that's somebody else's problem. So I'm reasonably comfortable with this, just pushing it out a bit further.

BART BOSWINKEL:

And maybe in addition to this, another way of dealing with your problem, Rick, is you set a reasonable timeframe. But if something comes up, you appoint or delegate or designate certain parties who can initiate that process in between, and that's exactly what the RT has been proposing. Make it five years after the last one has been completed, and then allow the CSC itself, PTI, or the ccNSO and the RSIG to initiate a process when needed.

Any other comments, questions around this one? None? Thanks. So this would close the part of the meeting with the CSC and PTI. You're welcome to stay, of course. We can now go into the second, finalizing the document and a few areas that still need to be addressed.

Claudia, how much time? We do have half an hour, don't we? Oh, am I missing something?

CLAUDIA RUIZ: We still have 30 minutes left.

BART BOSWINKEL: Okay, good. So let me go to the first bits that are still open. Can you go to Recommendation 3?

CLAUDIA RUIZ: What page is that, Bart?

BART BOSWINKEL: That's page number 10. It should be at the top. Go to page 10. Yes, there we are. So as you can see, there is a comment from Donna, whether it was from just the ccNSO and RSIG. And especially maybe that's something else to include as a sentence because this builds or this is closely aligned with Recommendation 6, where you talk about alternates as well. So it doesn't make sense to do it in this case just for the members and not for the liaisons. And in Recommendation 6, do it for the members and the liaisons. So I think this would resolve that issue. This is both with the alternates and for the liaisons and the members. So that's the first point. Is that okay, Donna? So that we can clean this one up. So I'll do it afterwards.

One more question is do you want to include a one sentence that this should be read in conjunction with Recommendation or topic 6 as a final sentence for this for this particular one. So it's very clear that these two are linked of this one. So thanks.

Now we can scroll down to number five, the findings. Again, that's on page 11. There we go. We start with the findings part. And then the second paragraph, again, there are some changes but the CSC reviewed yesterday. As expected and mandated under the IANA Naming Function contract, I don't know ... I can't see the comment. Yeah, that's the one. Claudia, can you open the language, please? The comments. The CSC Review, click on that yellow bar. There you are.

Donna's comment was—you can read it yourself. I added a response maybe just to clarify, especially second paragraph, the mandate of the CSC. It doesn't allow the review of the full set. Go ahead, please.

DONNA AUSTIN:

Thanks, Bart. I think if we can just make it clear that the CSC reviewed specific SLAs or something like that, just basically a subset. But what we're talking about here is the complete set of SLAs that the review would be conducting. Something like that. Yeah.

BART BOSWINKEL:

Sorry, I can't see my microphone. On the paragraph itself, the language in the paragraph—I'm looking at Maarten and Sean as well, Donna. So starting with the team and ending with SLAs, that paragraph. Donna, you're okay with the proposed language then? Okay, then we'll accept it as is. And we add ... or individual SLAs, okay.

Scrolling down to the next one, that's number six, page 12, Claudia.

DONNA AUSTIN:

Sorry, can we get back up to what model we're talking about?

BART BOSWINKEL: Oh, yeah. Sorry. I think the model is the current structure around between PTI and CSC. That was all the model developed—I've been thinking about that question—as a result of the IANA transition. Or we can delete it. Replace the model with structure resulting from the IANA transition. Does that capture—because I think that's what you really want to capture, is trust in that structure.

DONNA AUSTIN: Yeah. Just to make it clear what it is because when we said the model, I didn't know.

BART BOSWINKEL: I'll replace that. You'll see it later today.

DONNA AUSTIN: Thanks, Bart.

BART BOSWINKEL: Then we can go to page 12 now. Which one is it? Not too many screens open. That's Recommendations 6, Claudia. Page 12. Topic 6. We're starting with topic 6 on page 12. Scroll down please. Can you scroll down the other way? Go to page 12, Claudia. Continue scrolling to page 12. Please continue scrolling.

CLAUDIA RUIZ: There's a delay, but this is page 12, Bart.

BART BOSWINKEL:

Yeah. There we are. This is correct. Yes. There we go. So, a little bit up. Yeah, there you are. The start of topic 6. Marked yellow. Quorum requirement. So you had a question whether it's in the CSC Charter, it isn't. This is a part of the internal procedures of the CSC. So, potentially, up for amendment by the CSC itself. However, at the time—and this is something that Rick and Brett don't know—is it was decided—because to think about, they went through the exercise, what would happen if you have only three members or even two members and you need to vote upon something serious. That's why they inserted especially to ensure that all members would be available, that four members always have to be available for taking the decision. Otherwise, it would require unanimity. In this way, if you look at the internal procedures, it allows for one of the members to abstain or disagree. So that was the rationale at the time for this high bar of four members, this quorum of four members. I don't know to what extent you want to adjust the text to that extent or included. I've included a remark around these. But it's more for you as review team, whether you think this needs to be amended in the sense to be as precise that it's an internal procedure or leave it a little bit in the gray zone. Go ahead, Donna.

DONNA AUSTIN:

I don't know. I guess I had assumed it was in the Charter. And when I couldn't find it, I thought, "Well, why is this an issue?" Because if it's the CSC's Operational Procedures, if the CSC has concerns about the

quorum, they can change the quorum themselves. But I'm just going to let it go. And who cares, really? Not who cares, but yeah.

BART BOSWINKEL: There is a good rationale for maintaining it. And say change it, then you are on the slippery slope. Sean, Maarten?

SEAN COPELAND: Sorry. I'm looking at what's the result in a recommendation but—

BART BOSWINKEL: The result is to appoint alternates.

SEAN COPELAND: Okay. That also solves the issue of having four members needed. So the alternates can replace?

BART BOSWINKEL: Yes.

SEAN COPELAND: Okay.

BART BOSWINKEL: So leave it as it is? Go ahead, Rick.

RICK WILHELM:

The one thing I would offer very gently is that we in the Registries did not have an easy time drumming up representation. Our call for representation was out there for a while before I stuck my hand in there. So while I'm supportive and the Registries are supportive, the Gs are supportive of the notion of alternates, that's not necessarily going to solve the quorum problem, right? It's a way to solve the capacity building problem if we can find someone to step forward and gingerly raise their hand. Donna is intimately familiar from her time in and around the Registry. But in terms of solving the quorum problem, that's a different challenge. From the sitting in the CSC, more of like, "Let's solve the quorum problem if we can solve the quorum problem separately." By just making it sort of like when you go to the doctor and say, "My head hurts because I beat it against the wall," and the doctor says, "Well, don't beat your head against the wall so much," that sort of a thing. So let's just fix the quorum problem. But the alternates are really good for capacity building and expertise and things like that. But I don't think that the alternates are necessarily going to make it easier on the quorum situation, I would offer.

BART BOSWINKEL:

It depends a bit on ... probably it's a matter of testing the waters and see what happens. And that's the good thing. That's more to say, looking at you, Brett, and you, Rick, as members of the CSC, if this really becomes a problem, you can always take on the suggestion about proxies because that's an internal procedure.

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- DONNA AUSTIN:** Thanks, Bart. I think when we had this discussion amongst ourselves, one of the things that occurred to me, Rick, and I think we left this open so that the ccNSO and Registries can develop their own process for appointing an alternate. So it doesn't have to be full blown like getting a member on board. And one of the things that struck me is that the Registries or the ccNSO might decide that there's somebody already on their ExCom that they could appoint as the alternate, that could step in if one of the members aren't available. How the alternate is appointed I think is still left up to the appointing organization. So if one of the vice-chairs was available to step in, if you couldn't be on a call or whoever the other member is, maybe that's a way to solve it as well. We left that part of it open so that the ccNSO and Registries could develop their own way to deal with it. But yeah, I do acknowledge that it is a problem trying to get members, although, ironically, the CCs don't have that problem anymore, I believe, or certainly in the last round.
- BRETT CARR:** I wouldn't say there was massive amount of interest, but I think there was some interest.
- BART BOSWINKEL:** Oh no, if you look at the level of requirements, there were five or six very strong candidates. That was surprising, by the way.
- DONNA AUSTIN:** I think one of the other things we discussed as part of this review is that it's not a really high bar, I suppose. But there's specific expertise
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that has been identified, that you must have some knowledge of IANA or whatever. But maybe it's time for the appointing organizations to review the criteria and see if there's a way to bring it down. So you don't necessarily need expertise that we thought was important in the first place. So that's another possibility as well.

BART BOSWINKEL:

What happened, again, going back in history, if you look at the initial CSC, you have, at least from the ccNSO side, I think also from the Registry Stakeholder Group, you had some people with very strong technical insights, etc., like Jay, and then somebody who was very strong in the managerial/operational side, Byron. So that's a way of dealing with it as well, that you have different skillsets associated, and that's relevant for the CSC as well.

SEAN COPELAND:

I think alternates can help in that respect. So if you can even lower it more for alternates because they have a learning time.

BART BOSWINKEL:

Okay. So, back to the review team members. Do you see any need to adjust the text from number six after this discussion? Starting on the top. So online decision and then as an observer. I see your comment around observer. Let me check. Is this in addition to being able to attend as a replacement for the appointed liaison? It's more that people can become an observer, whether they appoint it as alternate or as liaison or as member. That's the reference. It's open to observers anyway. So, okay, then we'll leave it as such.

Any additional comments? I don't see any. I think with this, you finalize the text of the document, which is good at the first face-to-face meeting, as a record. Go ahead, Donna.

DONNA AUSTIN: Do we still have the observation in here or the out-of-scope part? The CSC is looking after PTI. And then the IETF has a relationship with IANA and somebody the RIRs have a relationship, do we still had that? I couldn't say when I did the last read of it. I mean, maybe its way at the bottom somewhere and I just didn't see it.

BART BOSWINKEL: Looking for it, Claudia.

SEAN COPELAND: It's page 4.

BART BOSWINKEL: Yes. In the final paragraph, isn't it, on page 4? Oh no, it's in the middle.

DONNA AUSTIN: Okay. I must have been scrolling the wrong way. I didn't see it.

BART BOSWINKEL: It's still there.

DONNA AUSTIN: Okay.

BART BOSWINKEL: Okay. So with this, I'll circulate a clean version this evening for final sign off. We still have time. This is part of the joint meeting between the Councils. Unfortunately, you're not able to submit the report to both Councils but you could alert them maybe. I know, Sean, you'll be there. Donna, I don't know if you'll be there as a GNSO-related person or we can ask, because it's effectively a closed meeting. But then if you want to attend. It's Monday, tomorrow, block five. You'll be there?

DONNA AUSTIN: Yeah.

BART BOSWINKEL: Would the two of you just say where we are in the process, or where you are in the process, that it will be submitted? Unfortunately, they can't vote but hopefully, if necessary, there's something to explain, but maybe go through the two or three main recommendations so people are aware of it, and that's it. So it should not take too long. And that you've consulted the CSC again.

So that was my one but final comment. So just to close this part, I'll circulate an updated version this evening, clean it up. Maybe I'll just circulate it as a PDF, read it through, and then sign off on it. Yes or no. So Jonathan will be in a position to do it as well. When that's done, yeah, maybe on behalf maybe Sean and Donna, that you submit it to the respective Councils on behalf of the review team. I think then we covered all ends and with a copy to the CSC. Claudia, can we go back to the agenda, please? There we are.

DONNA AUSTIN: Bart, just under Any Other Business, can I just thank you for your leadership and support and for driving us through this and finally getting us to here. I know it's been a pain at times, so much appreciated. And to Claudia.

BART BOSWINKEL: Thank COVID. Thank you. Wearing my little bit, not so much my support, but more my admin hat, thanks, everybody. Thanks, Claudia, and thanks, Joke. And thank you for attending. The meeting is closed.

Stop the recording.

CLAUDIA RUIZ: Thank you all.

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