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SINGAPORE - At-Large WG on the Transition of the US Government Stewardship of the IANA Function  
Tuesday, February 10, 2015 – 17:30 to 19:00  
ICANN – Singapore, Singapore

OLIVIER CRÉPIN-LEBLOND: Sivasubramanian Muthasamy, you have the floor.

SIVA MUTHASAMY: My question is what does the NTIA require... It's very basic. What does the NTIA absolutely require? Larry Strickling once came up with the clarification that he'd really like to see the stress test and would like to know the contingencies - would like the Working Groups to foresee contingencies and come up with stress points. That was one thing. What does it require? Does it require any new structures to be created? Is there anything that is expected by the NTIA to be created? If not, what are we trying to do here? I think the Working Groups are working far more extensively than may be required, and in the process we're trying to fix something that's not broken. Is there anything broken here?

OLIVIER CRÉPIN-LEBLOND: Thanks Siva. Alan?

ALAN GREENBERG: It depends who you listen to. No one thinks anything is broken now. It's working just fine. The question is can we guarantee it will continue working, and if it doesn't what recourse will we have? That's the

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essential question, and different people have come up with quite different answers for it, and we haven't agreed yet.

OLIVIER CRÉPIN-LEBLOND: Thank you Alan. Not only have different people come up with different answers as to what could go wrong, but different people have also found different solutions too. That really is the core problem that we have at the moment. We can't, as a community, the ICANN community, it doesn't appear to be able to find consensus on what is the best solution. What's been clear is that Larry Strickling and the NTIA is looking for a clear set of stress tests that will be associated in the proposal. We've spoken a lot about the work of RFP3 but RFP4 in the CWG is putting together the stress tests.

Siva, it's actually your job and the job of Robert Guerra to take whatever proposal comes out and propose those stress tests on it and mitigation. Could you expand for a couple of minutes on this please? Not too much, because time is flying by and we've got about 20 minutes until the end.

SIVA MUTHASAMY: Okay. The RFP4, they've combined several stress tests, and some are a little beyond the scope of the immediate purpose of the IANA transition, with the belief that whatever stress ICANN will be subjected to will also affect the continuity of IANA situations. About 44 scenarios have been listed, based on what the members contributed, and some solutions are outlined. At the same time, the Accountability Working Group has also come up with almost the same scenarios in a summarized form. One thing proposed was to combine these two stress tests and come up with



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a single document. We'll probably work on that in the days to come.  
Thank you.

OLIVIER CRÉPIN-LEBLOND: Just a question though on the stress test that you and your group have worked on: are they looking at both the internal and external to ICANN scenarios, and all the different scenarios that have been put out there? Or are they just looking at one type?

SIVA MUTHASAMY: No particular type. They've foreseen various possible scenarios and threats to ICANN, to continuity, to IANA operations, and such, so both the internal and external to ICANN solutions are pretty much covered.

OLIVIER CRÉPIN-LEBLOND: Thank you for this. Are there any other questions or comments on this topic? One thing I didn't ask was... I think everyone in this Working Group should be quite clear as to what line we're following, and I just wanted to see if there was any concern or any suggestions for us to improve the line that we're taking. The line we are taking is an internal to ICANN proposal, as based on the input that we received from the survey that we sent out. Jimmy Schultz?

JIMMY SCHULTZ: Jimmy Schultz speaking. The question of an internal or external solution is not what I'm really afraid of, but what I think is lacking in all the ideas is the balance of checks and balances, separation of powers. I don't see... All those solutions we're discussing here, the internal solution,

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where the control is? Where the judgment is? It's an internal solution and in that case I would have preferred a more independent solution, so we have a better, clearer, more transparent separation of the powers. That's where I have problems with all the solutions on the floor right now.

OLIVIER CRÉPIN-LEBLOND: Thanks for this. I think all the solutions do include a possibility of separation that would be implemented in one way or another, and in the internal solution, if a contract company needs to be created at some point, then it would be. The big difference of course is that the one that has the external option creates all these external entities right away and puts the accountability of the whole process into the hands of these external entities. So that's one of the reasons why there were so many concerns in this community here. Alan? Then we have to move onto accountability. We've got 15 minutes until the end. If we finish beforehand I invite everyone to go and see a video. That's in about a minute's time, but let's have a quick round-up. Alan?

ALAN GREENBERG: Thank you. Just one very short comment: I really regret that the CWG from the beginning has focused its prime discussion and the prime point of division on separability, when I believe the prime issue should have been reliability and stability of the DNS. It's really skewed the discussion, and I regret it; we can't go back and change history, but that part, which should be of the prime consideration, certainly to the registries and therefore to every user, has really taken a back seat.



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OLIVIER CRÉPIN-LEBLOND: Thank you for this contribution. The SSAC were the first to set those lines, and did say that they acknowledged that the most important thing was the security, stability and continuity of the Internet domain name system, no matter what happens. I think that our community has voiced this very early on, but were totally ignored, strangely enough. Let's discuss a little bit about accountability. I know that we have quite a few people in the room that are involved with this. What we just wanted to have is some kind of update as to what's been going on here. I see Leon Sanchez sitting there.

You're on the spot now. Where exactly are we on that? There's been, as opposed to the IANA CWG where not much of the cross-community discussion has taken place, there has been some on the accountability thread. It would be interesting to have an update from you, Leon.

LEON SANCHEZ: Thank you. The accountability Working Group has been very active indeed, and we've had different discussions. I think the main issues that I could update you on at Working Group 1 and Working Group 2 groups that have been working and also the stress test Working Party as well. They're the three main avenues that we're working on at the moment. Working Party 1 refers to empowerment of the community to achieve some goals, like removing Board Members or maybe amending the bylaws, and Working Party 2 has to do with review and address mechanisms. We're talking about review as a preventive move, and redress as something that would be correcting some actions from the Board,



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Then we have the Stress Test Working Party, which has developed 25 situations that could pose a risk to ICANN operability and the stability of the overall operations of ICANN. These 25 stress tests have been narrowed down to four categories that are being run through these stress tests. We had a meeting yesterday in which we discussed the independent legal advice that the Working Group will be seeking from an external legal firm to assess whether the proposals that will be presented to the Board, when the time comes, are legally viable, or if we need to make some tweaks to any proposal that we design, so we make it viable legally, of course.

I think that's pretty much the update. That's where we're at. Tomorrow we'll be having an engagement session, so it would be very useful for those who are curious about the work we're doing in the Accountability Working Group to join us. We'll be having another working session on Thursday, from 7:00 AM to 11:00 AM, so you're very welcome to join us if you need some emotion on your meeting here in Singapore. That would be my update, Olivier.

OLIVIER CRÉPIN-LEBLOND: Thank you very much for this, Leon. You mentioned waiting for legal advice, and that's one thing I forgot in the update. The CWG on IANA Stewardship Transition is also waiting for legal advice. There is a Sub Group that's come together to act as an interface with whatever law firm is to be selected. I'm not even sure if a law firm has been selected so far.



LEON SANCHEZ:

No, there is no law firm so far engaged. We're working together with the CWG. What we've done here is we're trying to synchronize timelines, because we're very aware that all of our work will at some point feed the solutions that the CWG will propose. What we're doing now is also trying to synchronize these timelines with the CWG and one of the aspects we're trying to get into the same track is the legal advice. What we're going to do is have the same law firm that will engage to the CWG to provide the legal advice for the CCWG as well.

We're now at the stage where the CWG has a shortlist of firms that could be a candidate to be engaged or hired, and the next step is to decide which is the right law firm with the expertise and the appropriate skillset we're looking for. This should be happening some point at the end of February, and we should be looking at having this legal advice but the end of March. That's the worst-case scenario timeline that we've envisioned, and of course we'd very much like to have this legal advice as soon as possible.

OLIVIER CRÉPIN-LEBLOND:

Thank you. Is this legal advice, end of march latest, is that just for the Accountability Group, or is that for also the questions that were asked by the IANA CWG Group?

LEON SANCHEZ:

I can't speak for the CWG Group, because I'm not in charge of their client team, as they've called it, but my understanding is that since we're trying to synchronize timelines then the legal advice would come at the same time for both of us. I guess - and this is mere speculation - that



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their timeline should be tied to ours, and we should be looking at the same timeframes for both the CWG and the CCWG.

OLIVIER CRÉPIN-LEBLOND: Thank you for this Leon. It looks like at the moment much of the work on the CWG on IANA Stewardship has pretty much stopped until we obtain legal advice, as to whether the solutions that are on the table are actually doable - the threats to the different component parts, the limits on changing the bylaws with regards to Board Directors in a California-based non-profit organization, et cetera. Having to wait until the end of March, latest, would then go on and have a domino effect with the whole schedule, so it looks like we might be having discussions on finalizing the proposals in the next Meeting in Buenos Aires, at this rate.

LEON SANCHEZ: That is correct Olivier. Actually, our timeline at CCWG is to present our proposal to the Board by our meeting in Buenos Aires, so I think we'll definitely continue to discuss the proposals at our Meeting in Buenos Aires.

OLIVIER CRÉPIN-LEBLOND: Thank you Leon. We're nearly at the end of this meeting. Seun, you wanted to add to what Alan said earlier, but I guess we're now mixing both accountability and IANA stewardship, since the group is dealing with both.



SEUN OJEDEJI:

I will just comment on the legal part. I think that's one of the concerns I have. [unclear 17:27] it looks like even if we get a response in March - and this is related to the CWG - there's a likelihood that the response will support both the internal and external solutions, so if that brings us back to the drawing table to have to agree on which solution we want, that means we need to discuss the solutions, irrespective of whether we get the legal advice. I don't see the legal advice saying that the external is the only thing possible and not the internal, because looking at it with a non-lawyer eyes it shows that - and the readings that I've done - it shows that one of those is possible; internal or external. I think we should start discussing it also, without waiting for the legal advice.

OLIVIER CRÉPIN-LEBLOND:

Thank you Seun. Are there any other questions or comments on this? I think it's been a very long day for everyone. Just one last piece of information: earlier this week the ALAC did have a discussion about the fact that we had, at the moment, a Working Group for IANA Stewardship Transition, but we did not have a Working Group in place for the CCWG on Accountability, and therefore there was a bit of a concern about our five different representatives on the Accountability Group being unable to, on the one hand, tap input from the community, and also being able to coordinate between themselves so that we have a line that falls in-line with what our colleagues are saying.

One of the proposals - and I think that was somehow accepted - was that this Working Group, the IANA Stewardship Transition Working Group, whilst having a bit less work with the ICG at the moment; not needing to support the ICG at the same level as if it did in case all the proposals



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were in the hands of the ICG, would be able to divide its calls into two parts - one part IANA stewardship transition and one part accountability. We'd be able to move the barrier of time and be a bit flexible about this, but that would provide a forum for both the accountability track and the IANA stewardship transition track. Any comments or thoughts on this?

LEON SANCHEZ:

I think it's reasonable. I think that obviously at some point our timelines would converge, so we're better off beginning to speak about both topics in our sessions, or we could also set up another Skype chat.

OLIVIER CRÉPIN-LEBLOND:

Thank you very much for this Leon, and thanks to all of you. You're the survivors of the day. I know that we started in this room today at 7:15 AM with the ccNSO, and we're still here and it feels like it was not today. I'd like to first thank our staff, who've done an incredible amount of work. This is a long day for you. Thank the interpreters and the technical people who've made this work today. Honestly, I don't think there's anyone here who wants to stay another minute, so I'll end this call quickly. At the end, give me a minute to do one announcement. Thanks very much Jean-Jacques for joining us remotely. This meeting is now closed. Thank you and goodbye.

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