

**Transcription ICANN London  
NTIA 1 Update  
Sunday 22 June 2014**

Note: The following is the output of transcribing from an audio. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record.

On page: <http://gnso.icann.org/en/calendar/#jun>

The recordings and transcriptions of the calls are posted on the GNSO Master Calendar page

Jonathan Robinson: Welcome, everyone. Welcome to our Sunday morning session. Thanks to those of you who have come on time and got here ready for the meeting. I'm sorry we're starting a couple of minutes late. We had to reorganize the room from the previous session but thank you for being here on time and ready to go.

Just a quick announcement, someone's left a pair of spectacles up here from the previous meeting so if you are missing some or someone asks for theirs. Ah-ha, one of our councilors, Mr. Holmes.

Tony Holmes: Thank you.

Man: (Unintelligible).

Jonathan Robinson: Yeah, so I'd like you know that Tony Holmes was at the head of the table previously.

((Crosstalk))

Jonathan Robinson: Not quite sure why. Anyway we found the owner of the spectacles. So this morning we've got a full day and we're technically already 15 minutes behind schedule so it's obviously a pleasure to welcome Theresa Swinehart

who is a special advisor to Fadi Chehadé, ICANN CEO on strategy and responsible for some key areas of work as you well know.

We discussed Theresa's meeting with us yesterday in a sort of preparatory session. And as those of you on the Council mailing list will know I forwarded her some sort of discussion points or topic areas in and around the key areas she's responsible for. And so I think she's willing and able to discuss those various points and so I think we're in shape to do that.

Theresa, can I just hand over to you with that? Is that okay?

Theresa Swinehart: Great.

Jonathan Robinson: Okay, thanks very much.

Theresa Swinehart: So thank you for having me again. It's always good to come back and I enjoyed our last conversation. And I know we were also discussing many areas - oh I'm sorry, I'm taking your - apologies. Sorry about that.

I know that we'd also concluded the last conversation about, you know, strategic areas and strategic initiatives and thinking about, you know, some of these things from the broader context. And at least for me that's always been a very important theme, you know, how do we - how do we look at all these different areas of work and how do they tie together into a bigger picture around where ICANN and the community is going in a strategic direction overall?

So I thought before I jump into the topics that had been identified, not to take too much time, I would just touch very quickly on what the strategic initiatives department actually has on the front of its radar right now. And I know that you're hearing from different colleagues throughout the week on some specific areas.

Obviously the NTIA IANA stewardship transition process and the enhancing ICANN accountability process, which I'll get back to shortly and we'll focus on that so I won't deviate.

But there's also the work around the strategic planning process. And as you know that's out for public comment period until the 27th of June and thank you for all the input and dialogue in relation to that. That's a very important component of ICANN's five-year strategic planning process that also informs the operational and budget planning process over the course of the years.

And as you'll have seen, it really does look at goals and details and outcomes, potential risks and measurements and high-level planning. So as you have expertise in different areas input on that is very important.

Strategy panels, I will come back to. I know that's an area of interest. As we've talked about before, those had come up as themes prior to my joining of ICANN, that had come up in the strategic planning process. I know that there was a lot of interest and work around some of the substantive dialogues relating to those and the final reports were posted on May 2014.

They're really intended for community use for information, for helping trigger ideas and dialogues around some of the different themes. And from that standpoint I think are quite useful.

I do understand in that context that there's been some expressions around parts of the reports being used in different ways that may come across as not being appropriate that certainly would never be the intention but when we get into the discussion I'd really like to hear about some examples so I can better understand that and look to address that.

We also have the work going on around the Experts Working Group. And I know you're hearing from the EWG separately as well. There's the Whois Review Implementation and Improvements and then there's also the GNSO

Review Process. And I understand you had a very good meeting with my colleague, Larisa, yesterday on that.

And it would be a shame if I didn't mention the ATRT 2 process and the movement that is underway with that. And there's a Board action in London with the expectation to adopt the recommendations as have been identified in the ATRT 2 process.

And my colleague, Jamie, is here in addition to answering any questions around any of the IANA related things he can help me but also on the ATRT if needed.

So let me get quickly to the NTIA stewardship transition process. I think as everybody is aware we had a comment period that was open from 8-April to 8-May. Received a huge amount of community input and dialogue. Between actual process contributions and specific contributions themselves, and I know from the Council as well and over 700 email exchanges and dialogues so really very fruitful, very lively discussion.

The submissions came from a wide range of stakeholders from around the world and the dialogues came from a wide range of stakeholders from around the world. And as you know there was also an outreach panel at the NETmundial meeting, a partner organization of the other customers and direct customers at the IANA functions including the IETF and the NRO and the respected regional Internet registries like (unintelligible) outreach initiative and awareness on that.

In the posting of the process document on 6 June there was a couple areas that were captured and really putting on community input. And I want to emphasize one in particular as I know it relates to a question that came up here.

Some of the highlights that were changed, steering group was moved to coordination group. Steering group was not the best choice of names but coordination group seems to resonate more.

There's no rule for the chair of the ICANN Board or the chair of the GAC in any of the selection processes whatsoever; that is its self selection by the community itself. That was heard very strongly. And it's also incorporated.

There's the elimination of the distinction between the affected and non-affected parties. There was a revised composition to ensure greater balance and representation including the indirect stakeholders. And I know that we received feedback. And some of the input in the proposal that we had gotten on the cross community working group concept from the GNSO Council here had also identified a different composition.

So I realize that that was intended for a different kind of working group; it wasn't directed at a coordination group itself, that many of those factors were captured in there and were important.

It was also - we heard very strongly about ICANN not being prescriptive and not being prescriptive in these phases of the processes. And so one of the areas that I think is important to highlight in the document that has been posted on 6 June is that the focus is on what a revised composition of the coordination group would look like.

That - what it would look like is based on the input from the community and needing to adjust some of the seats to ensure some balanced representation, moving away from the affected, non-affected parties distinction.

And then it was very clear in the feedback we got that it was really to be left to the coordination group to figure out how it should operate, what kind of charter it should have, what kind of working methodology it should have.

So you'll see in the document that input such as we received from here - input that we received such as also from the IAB and from other places that was defining how the coordination group should operate, how it's charter should look, how it's consultation processes should look in all of that is really for the coordination group to define itself.

And I think that's a very important aspect and we heard that very loudly and very clear that it would be prescriptive and inappropriate for anyone other than the coordination group to try to consolidate and figure out the right approach based on all the community input on that.

There's also a dialogue on Thursday, as you know, for two hours around the coordination group area with representation across the different sectors that are selecting representation for the coordination group. That's also an opportunity obviously to continue that dialogue on the work of the coordination group itself and how it functions.

We also heard quite loudly that ICANN maintains a neutral role as a convener and facilitator. Again, that was one reason we wanted to make sure not to be playing a role in defining how the coordination group should function.

Obviously the coordination group is encouraged to adhere to diversity standards as they go their own selection process. The area around diversity was seen as one of the core principles that was necessary overall to ensure good global representation across the world.

On next steps there's a call for names from the respective communities. The proposed deadline to submit names is 2 July and then there's - we hope to have a tentative face-to-face meeting obviously with remote participation availability for the coordination group to meet in mid July to begin scoping out their charter, their work plan, their working methodology and next steps forward on the timeline.

So the input we had received from you, I realize that there may not have been a direct reflection of it in the document. That was certainly not intended. It was thoroughly read and there was a lot of areas that were quite relevant and captured in the document including around the area of diversity, the balance of stakeholder groups, the highlighting of the important role of business, the balance of their respective communities, the contracting parties, registry role there, global reach and translation of materials. And as you know, we also received a lot of input from different stakeholders within the GNSO community as well.

One small observation, and this is just my own personal observation, there's a lot of good material in here. I mean, there's the appeals mechanism, the way to build consensus, various other things of that sort I think are really some very interesting concepts and really well thought through.

So certainly as the coordination group is looking at how to conduct its work and how to conduct its operations and to be accountable and transparent and all of that I would really propose and encourage that obviously it's been highlighted in the document that was posted to be looking at all of these pieces of information, everything that was submitted, but I would really encourage but that's also looked at. There's some really very well thought out pieces in there.

So that's on the next phase for the coordination group itself. As you know, in parallel there has been a strong discussion around what happens to ICANN and the changing relationship with the US administration and how would ICANN be accountable if this backstop is to go away.

So there's a separate process but it's very interdependent with this process. I appreciate very much that some of the timelines are creating pressure and additional workload for the community because of this unique announcement that we received in March.

The second process is looking at how do we enhance ICANN accountability overall, in particular in light of the changing historical relationship with the US administration and what areas of strengthening should be focused on and from there looking at the priorities and the timeline and how to move that - any implementation on that forward.

So that document was posted as well. The comment period was extended for one week at the request of some community members who felt that they needed more time with the reply period now ending on 27 June. And the suggestion is that there be a working group that is formed self-selection and by the respective communities themselves in order to participate in that.

The document itself highlights the proposed work of the working group. Obviously if the community doesn't think that that's the right approach any suggestions on alternative approaches or ways to address some of the accountability issues that have come up are very welcome to receive obviously during this process.

We've gotten some questions on the Thursday sessions that are coming up. I touched briefly that these are really good opportunities for further dialogue. They are - the coordination for this session on the NTIA IANA stewardship is being led by the coordination group - groupings that are selecting their representation. So I'm not expressing that very well right now.

That so what was done is there was outreach to the contact points for each of the groups that has the responsibility for the self selection to the coordination group to come together into work on what an agenda would be and then to suggest how that session should run for a community dialogue.

On the enhanced ICANN accountability one, likewise there was outreach to all the SOs and ACs to identify people to participate in a panel that would be part of a dialogue with the community on areas of accountability. I do



understand that we haven't heard back from the GNSO yet that we can get further information on that.

I'm just trying to see if - I think I've touched on everything so far given the timeline; should we open it up for discussion? Would that be better?

Jonathan Robinson: Thanks, Theresa. I think that would be useful.

Theresa Swinehart: Okay.

Jonathan Robinson: We're well within time so we're okay. I think certainly it would be good to expand on those to the extent that there is a structure for those sessions it would be good to - I think it would be useful to let that be known what information you have. But I also think we should take - I mean, we've - excuse me - gone on a whistle stop tour of those different areas and you've highlighted some key responses to our questions which is great.

But I think it would be very useful to hear some other comments, questions either reiteration of questions that have already been asked if the answers weren't satisfactory it would be - and I'm sure you would appreciate and all of us would appreciate so certainly are there any questions or comments at this stage on any of those three key areas that have been covered?

Marilyn.

Marilyn Cade: Thank you. My name is Marilyn Cade. I just had a question on timing, Theresa. And thank you for that concise overview of putting the various pieces of this - the puzzle we're all trying to solve together.

Taking note that - and I do really appreciate the extension. But I take note that actually the public comment period now closes on Friday which is the day that many of us are flying away. And we will have two sessions that we'll end up with - we'll have three sessions on Thursday where comments that

will be relevant will take place. Two by the specialized sessions you mentioned and then of course during the public forum it's likely that perhaps other things will be raised as well that may be relevant.

So that kind of crushes I think the ability for that community to digest what is said on Thursday. And perhaps because most of us have to take extensive consultation within communities of interest, if we're from a corporation or association or a stakeholder group.

That Friday date is a little bit challenging I'm afraid. Just kind of thinking that through in terms of how to assimilate what's been said on Thursday. Friday the public comment closes. And then how long are you thinking before there would be a summary of what the public comments have comprised and how they may be taken into account?

Theresa Swinehart: To your latter question, my guess would be it would take a few weeks for staff to be able to do the compilation and the analysis and put everything out obviously of what the feedback is also in the context of any elements that might be relevant for whichever process that community has agreed to to move this forward.

To your point about the Thursday session and the Friday, need to give that a little bit of thought. I mean, obviously it's on public record, the sessions on the Thursday and Friday, so from my perspective that would obviously be part of what one is hearing from the community overall. And the community's own discussions on that.

One thing that we've been hearing quite clearly is from different community groups and I think it's - everybody can imagine there's multiple interests involved in all these different things is a strong view by many that the accountability aspect needs to be addressed in the context of the NTIA IANA stewardship process itself.

And so trying to keep those somewhat aligned any time wise factor is quite important in order to meet the requests that have come from that community on that. So moving - are you suggesting the 27th is moved out? Is that what your asking or you're raising?

Marilyn Cade: Possibly.

Theresa Swinehart: Possibly, okay. Let's keep that in the back of their minds, of course managing also for the strong views of community members and others of keeping the things in parallel.

Marilyn Cade: Sorry, Marilyn Cade again. I think perhaps I should have said "yes."

Theresa Swinehart: Thank you. I will take that back. Thank you. Thank you. I will take that back. Thank you.

Jonathan Robinson: Wolf-Ulrich next.

Wolf-Ulrich Knoben: Thank you. Wolf-Ulrich Knoben for the ISPCP. Thank you, Theresa. Well, it was very clear what you outlined the structure of the process and what's going on right now.

I have a question with regard to the coordination committee. You mentioned it's up to the committee, well, to organize themselves, to organize the membership themselves. But my question is if I recall correctly there are some seated members already isn't it?

So that means the membership of that coordinating committee has some members already nominated from the - from several parts of the community. Could you a little bit outline about that?

Theresa Swinehart: Some of the members - I haven't looked at the latest of the submissions of names. The - I know that ISOC had extended its call for nomination in

names until I believe it was next Wednesday. I think the IETF may have identified one name already. I know that some of the other supporting organizations are under discussion on that.

Wolf-Ulrich Knochen: It's not about the names itself it's about the associations and the groups behind...

Theresa Swinehart: Yes. Those have been...

Wolf-Ulrich Knochen: How it came to that.

Theresa Swinehart: That came through the input that was received in the consultation process, in the dialogue process, that we had subsequent to the posting of the original proposed process.

So when the original proposed process was posted it was suggested that there be eight grouping for affected parties and then non-affected parties. Obviously that distinction is gone. It was suggested that there be representation obviously from the ASO and GNSO and GAC etcetera.

Community feedback had identified a few things. One was that the seating composition for the namespace needed to be adjusted and then also adjusted for that GNSO and how it's composed. That the ASO and NRO - the representation should be handled differently there. That business should have some representation in addition to the business that's coming in through the GNSO relationship.

So what's been identified only is the categories of the stakeholders that the actual identification of the candidates is up to the selection. I don't know if that answers your question or if you have a specific concern or example?

Okay.

Jonathan Robinson: No, I should just clarify that we in the GNSO still have some work to do to confirm those positions both the Registry nominated seats plus the three others from the GNSO. And we have not yet gone through that process.

I've got a queue with next is James.

James Bladel: Hi, Theresa. Okay. So could you perhaps expand a little bit on the interrelationship between the timelines of the accountability work and the work of the - what are we calling it now? The - the...

Theresa Swinehart: Coordination committee.

James Bladel: ...coordination committee, thank you. I was going to say steering but I know that's the wrong word. Right. So maybe you can explain do you believe the coordination committee will have completed accountability body of work to reference as it begins its work? Or do you feel that those things are going to occur in parallel? And if it's the latter then what challenges do you think that will present to that coordinating committee?

Theresa Swinehart: I think that - and this is just my own observation. It will obviously depend upon the work of the two processes. We've been in quite an extended period of time discussing processes. But the mechanisms of the processes to actually begin the substantive work have to begin, right.

Which is why it's also important to get the coordination group up and running so they can begin defining their work and for the working group or whichever mechanism the community decides is appropriate to begin the work on the accountability part.

What is put forward in the document on the accountability part is that the output of the enhancing accountability aspect of this would look at identifying what are the key elements for strengthening ICANN's accountability

specifically to address the absence of its historical contractual relationship with the US, right? So that's a very specific scope, right?

To prioritize those elements for development and refinement and then set forth a timetable and mechanism for implementation. It could be imagined that as one looks at areas that might be very limited to addressing the change in the contractual relationship with the US administration that community dialogue may identify some other areas that could be useful to address in accountability and strengthening it.

The one may be very relevant for the IANA stewardship transition and part of what is relevant to that proposal that needs to meet the criteria set out by NTIA. The other areas may be longer work plans that need to be looked at. So it's going to be very important that first of all the processes are running as closely together as possible so they can inform each other. That's Element 1.

And then obviously as the work moves forward there is a link between the conversations in order to ensure that the aspect that's relevant for the IANA aspect, right, is informing there. Other areas may be useful to be addressing but those may not be specifically relevant for the IANA transition. Does that answer your question?

James Bladel: I think so. I think the key thing here is that we've got two moving parts; they're going to play off on each other as they both go down the road. And I think that, you know, in order for the coordinating committee to be successful it has to have confidence that that - and the outputs of the accountability process maybe less so in the other direction.

Theresa Swinehart: Right. And I think that that's, you know, there's a focused topic area, right, (unintelligible) that should be strengthened, you know, the training wheels are kind of coming off; what do we need to do to strengthen, you know, the balance, all that kind of stuff.

That we've all heard other discussions that may relate to other aspects of ICANN's accountability that are directly related to the IANA transition but it's an opportunity to address it, but it would be a longer-term aspect. But you don't want to hold one up because of the other. I hope that answers your question.

Jonathan Robinson: Thanks. We've got a queue forming at the mic so let's go to the mic now. Go ahead.

Theresa Swinehart: And how would you see that in the context of the timeline and the IANA - sort of the unique window of opportunity in the context of the NTIA and IANA stewardship transition?

Woman: I don't have the answer. I'm just asking the question.

Man: No, Steve, they didn't silence me at the mic. I don't know. I don't have that answer but I think, you know, what I think is the comments that were put in on the IANA the transition was a lot of new parties coming to the table putting a lot of thought, energy and effort into comments. I thought it was one of the best comments periods we ever had.

And that was extremely clear from parties who have never really engaged with I can before so I think it has to be addressed. I don't think you can splinter the accountability discussions because of the timeline on IANA, I just don't think that's the right approach.

Theresa Swinehart: And I think that's why there's - this other process has been put into place to move on. And in a way also my response to Marilyn on, you know, if you start pushing that timeline out you actually lose that window of opportunity in order to have it inform what needs to be informed.

Man: I think some people would argue that having that accountability in place is paramount to the transition of IANA, you've got to have that bedrock of accountability in place before you take on that additional responsibility.

Theresa Swinehart: So I hope the work starts soon on the accountability track.

Jonathan Robinson: Thanks. Got Steve DelBianco next.

Steve DelBianco: Theresa, following up on the last two questions was exactly what I was trying to get at because the June 6 summary spoke of interdependencies between accountability and IANA stewardship but not the notion that one had to be complete before the other was done.

And you've just answered Mr. (Prendergast)'s question by suggesting that there's a window of opportunity and yet if the accountability isn't accepted, let alone implemented, if it isn't accepted by the September 2015 ICANN's management and NTIA have both talked about there is flexibility with respect to the size and length of time of that window for the IANA transition.

But it struck me as very clear from the comments that accountability needed to be baked first before IANA transition occurred. The June 6 document didn't reflect that. It uses terms like interdependencies. And it would be much - it would be beneficial to this group to understand whether management appreciates that we are saying it's a dependency, not and into relationship with a dependency; that accountability first and then transition. And this notion of the window has a little more flexibility than I think you implied.

Theresa Swinehart: I think interdependency is used because one is dependent upon the other, right. So they're interdependent upon each other, right. Look, we can't foresee where everything is going to go; we need to begin the work in order to actually look at how this is going to move forward in the proper way. So from my perspective, and this is just my own personal observation, we can



discuss process for quite sometime and we can spend many years doing that.

We can also start getting the work underway on all of these core issues that we're looking at. If we need to refine the processes obviously there's windows of opportunity to do that. Right now we're having a conversation about accountability and to be NTIA and the stewardship transition process, a strong recognition that they are interdependent with each other and that there's aspects of accountability that are directly relevant, right, from community input to be looked at in the context of the changing relationship with the US administration and are there gaps; if so what are they. If there are not, what needs to be strengthened?

That we need to be having the conversation around what are those, right? Is it doing this? Or is it doing that? Or is it doing that? Right? So I think we need to be moving into that conversation and at that point we know whether it's going to meet what we need. So, that may not answer your question directly but what I'm saying is we actually need to be starting some of the substantive dialogue for the solutions in order to know how we can align these in the best way possible.

And that - we is not ICANN but we as in the community more broadly.

Jonathan Robinson: Thanks, Steve. One question strikes me is whether dependency means in sequence or not or in parallel and that's a key thing that perhaps others commenting might want to say something on that. What I think we're going to do is - I know we've got Avri in the queue, we've also got a queue at the mic, so will go to the mic and then the table just try and balance it. So, Keith, we're going to go to you next and then Avri.

Keith Drasek: Okay. Thank you, Jonathan. Thanks, Theresa. I'll try to be brief. I think my first comment is that from conversations over the last several weeks going

back to NETmundial, where Fadi acknowledged the interrelationship and the interdependency of the two processes I think that was very welcome.

But in the subsequent weeks, the strong sense that I'm getting is that the community, and those that I've spoken with, strong feeling that the ICANN accountability discussion and true ICANN accountability mechanisms must be in place before the IANA transition is affected, assuming it is.

That the ICANN accountability mechanisms and structures that we are going to be working on - have started working on identifying - must be in place; it's a prerequisite for the IANA transition to take place.

I think what I heard you say is that there may be some elements of ICANN accountability that are directly related to the IANA functions. And I understand that.

But at the same time I think the sense that I'm getting from the community is that we have one chance to get this right and that once the IANA transition actually takes place then there is very little leverage or incentive for ICANN to actually accept meaningful new external accountability mechanisms or accountability mechanisms generally.

That once the IANA functions contract rebid is no longer in a sense a threat, then the community loses any opportunity really to affect meaningful accountability mechanisms on ICANN or with ICANN.

So I guess my message is that the accountability discussion generally needs to be resolved I think before any IANA transition takes place. Thanks.

Theresa Swinehart: Thank you. Again, I hope the work of that process begins very soon.

Jonathan Robinson: Thanks. Over to Avri.

Avri Doria: Thank you. Good morning. I want to make two comments. One, I want to endorse all the comments that have been made about the necessity for there to be an end to end dependency, to actually put it in started scheduling terms, as you said, the difficulty is figuring out how to schedule an end to end dependency between the accountability process and the IANA transition process with various checkpoints along the way to make sure that they are indeed traveling together and that one does not complete without the other.

I think that's very important to the entire stakeholder community in terms of being able to look at this at the end and say yes to NTIA that ICANN has indeed done a good job at stewarding this and that the solution is appropriate.

Another part of that is - and I do want to commend you in a way on adding an external business representative to the mix even though there is very strong inside business - inside ICANN business representation.

But I wonder, did you actually consider doing the same thing for civil society? And going to a group like (unintelligible) which very much occupies a similar role of aggregating civil society organizations and asking them to also bring.

There is a certain concern and civil society at the moment that it's very ICANN and they've actually made an extra effort to include external business. No one denies that that has importance. And yet external civil society has basically been ignored in this. And I don't know whether it's possible to consider making an adjustment on that basis.

But I would really like you - to ask you to consider that because otherwise there is an element of the community that is left out. And one knows how civil society, when it's left out, can react to solutions that didn't include their voice. So I would recommend trying to avoid that particular problem. Thank you.

Theresa Swinehart: Thank you. Those are two very useful points. I'll come back on those.

Jonathan Robinson: Great. So I'm just mindful, just to remind you it's 9:35, we're due to hear from Fadi at 9:30. I'm sure this sort of flows into the conversation we'll have with him but just letting you know where we are on time. So let's go ahead with Steve from the microphone and then I've got Maria next from the table .

Steve Metalitz: Thank you. Steve Metalitz. I'm a member of the Intellectual Property Constituency. My question was about something else that Theresa presented on which is the strategic plan.

First I want to thank you for the way the strategic plan was presented. Over the years it's been presented a lot of different ways and this seems to mean one of the better ones, including a list of the risks that were involved in each area. I found myself resonating with many of those risks but I think it was helpful to identify it in that way.

I've noticed it's been out for comment for quite a while and you've only received two or three comments. And this is not a situation where there has been insufficient time to comment; it's been out for a while. I think it's - the fact that the other issues that we've been discussing here have kind of sucked a lot of the oxygen out of the process unfortunately.

But could you just tell us a little bit about what is the timeline and the plan for approval of the strategic plan. Is the deadline of Friday - I don't think you're going to get a lot more comments by Friday either - is that a hard deadline or are there other steps or just how is - what is the process for approving the strategic plan and when will that happen? Thank you.

Theresa Swinehart: Do you want me to take each of...

Jonathan Robinson: Yeah.

Theresa Swinehart: Okay, that's fine. Yeah. So the strategic plan has been under discussion for quite some so I think maybe the lesser amount of comment is - because we've had comments sort of over the timeframes in all of that.

I can't speak to the deadline on the 27th. My understanding is that that's a hard deadline given also that one really has to move it forward and because it plays a role in informing the operational plan obviously going into the next cycles that we have.

The next steps would then be that it's adopted by the Board and then it is put out so that would be the next step after this. And I would actually agree, having looked at the strategic plan over the past years, thank you for the feedback on that and if there's any improved areas of presentation on that please let us know as well.

Jonathan Robinson: Thanks. Chuck, your next.

Chuck Gomes: Chuck Gomes. Thanks, Theresa for the comments with regard to the public comment input that was received on the IANA transition effort. But I have to be honest and say I find it really difficult to believe that it was just an oversight not to address the comments submitted by the GNSO Council.

And in your comments about that you left out the key thrust of those comments which was that this should be done in a bottom-up multi-stakeholder manner through a cross community working group and a charter should be developed for that, which that community have been working on, as you probably are aware.

So I guess my direct question there, before I go to my second point, is ICANN, as the convener of this, opposed to a cross community working group that's really uses the bottom-up multistakeholder processes that have been used over many years now?

Theresa Swinehart: Not at all. Absolutely not at all. What was put out was the input on what the composition of the coordination group, how sub working parties or cross community working parties or other mechanisms and how the cross community working group model or the coordination group are going to be working together.

That's really up to the community to decide. It would have been prescriptive for us to have identified that and highlighted it out of one community versus another.

Chuck Gomes: To identify what? I don't understand what you just said.

Theresa Swinehart: I don't understand what's not clear.

Chuck Gomes: You said it's up to the community to identify what?

Theresa Swinehart: If the community would like to organize a cross community working group as part of its mechanism for input into the coordination group, just like the IETF and others are organizing how their dialogues are happening, it's very much up to the community to do that.

The coordination group - the role of that is really to come up with what will be a proposal to meet the criteria set out by NTIA. So that obviously involves pulling together community members and input that's much broader than just the ICANN community.

Chuck Gomes: But...

((Crosstalk))

Theresa Swinehart: But how the community organizes itself in the context of what you're describing is absolutely useful; it's very important. So nothing that was said was ever to be implied that that's not a good idea.

Chuck Gomes: But shouldn't the community decide how that coordination group should be formed and established if it's truly a bottom-up process instead of the ICANN staff deciding that?

Theresa Swinehart: I think that was part of the dialogue that began right after 14 March announcement...

((Crosstalk))

Theresa Swinehart: ...of what would actually be the mechanism.

Chuck Gomes: Okay. Second point, I was quite surprised how many comments there were in the public comments with regard to scope and yet that also wasn't addressed as far as I can tell at all. And it was amazing, the consistency of comments across the community saying that scope should not be limited and yet in the response, in the revised plan, nothing was said about scope. Is there a reason for that?

Theresa Swinehart: There was a reference that the scoping document is the scope for the coordination group.

Chuck Gomes: In other words keep it the same as it was originally proposed?

Theresa Swinehart: The scoping document is the scoping document, yes.

Chuck Gomes: So no change to the scoping document even though the community very clearly said the scope should not be limited as was done in the scoping document.

Theresa Swinehart: The community identified a range of areas that's work along with whatever the transition process is, one of them being accountability, right?

And many of them raised that so there's an accountability process that can address a very wide range of areas.

Chuck Gomes: But the plan is to keep the scope limited as was originally proposed?

Theresa Swinehart: That's what the document says, yes.

Chuck Gomes: Okay. Sorry to hear that. Not listening to the community again.

Theresa Swinehart: Thanks, Chuck.

Jonathan Robinson: Thanks, Chuck. I've got Milton next. I'll just let you know that Fadi has walked in and so welcome, Fadi. I think, you know, in many senses clearly with - with Theresa's role as a strategic advisory to Fadi these two topics fit seamlessly into one another so Fadi, much as we appreciate your precious time with us I think we might as well continue to the end of the queue which is Milton and then we'll move over into your session.

Milton Mueller: Good morning. This is Milton Mueller, Syracuse University, Internet Governance Project. Two comments about the - your response to the comments on the IANA transition. Just to follow up on Chuck, one of them has to do with scope. We did actually go through the comments and classify them and of the dozen or so comments that addressed the issue of scope all of them, except one ambiguous one, said that you should not limit the scope.

And, you know, you said the document that you submitted addresses that but in fact you didn't say anything about it; you didn't say we're reaffirming our scope and ignoring the community comments; you didn't say we're taking into account the community comments. There's really nothing in there that takes into account the comments with respect to scope.



And I think that's a mistake. I think that's a really bad mistake. And let me tell you why. This might be a little more convincing to you than the simple fact that you're ignoring the community comments.

And that is there's been a lot of back and forth about the accountability issue. In our analysis and paper that we issued about this we made the point that structural separation of the IANA implementation from the policy making process has certain accountability features but it doesn't solve all of the accountability problems of ICANN.

And in fact we propose structural separation as a first step precisely because we don't think it is possible to completely restructure ICANN to solve all of its accountability problems within, you know, by September of 2015. And in fact we view the accountability issue as something that would take more like 5-10 years to truly address properly. It may even involve some kind of negotiation of a new international law or certainly some kind of new institutional arrangements.

Whereas the separation of IANA from ICANN's policymaking process again it addresses a lot of the accountability concerns without solving all of the problems. And it does so relatively quickly. So again I think the scope - you don't want to make that mistake.

I have another comment but did you want to react to that at all?

Theresa Swinehart: I think some of the things that you're proposing are already the solutions which is actually the work of the community and the coordination group to be looking at. So that would be point one.

Point two is, is that what was asked to be done was to look at a proposal to meet the criteria of the transition of NTIA's stewardship role and the IANA functions. That was the ask. And that is the work that needs to be accomplished.

Milton Mueller: Yeah.

Theresa Swinehart: And so what you're proposing is already going toward solutions and for that we actually need to be having the community dialogue and the input from all the respective communities.

Milton Mueller: Right, but if you...

((Crosstalk))

Milton Mueller: If you've ruled certain solutions out of scope we can't talk about that, right? So that's why I'm raising it. It's not that I think your document should say we must have this solution. All I'm saying is you shouldn't say it's out of scope.

Theresa Swinehart: I think we need to have one conversation at a time. And right now we're dealing with the transition of NTIA's stewardship role and the IANA functions.

Milton Mueller: Okay, so you are going to ignore that. So the other question was...

Theresa Swinehart: Milton, I'm not ignoring things. And I think that as anybody can appreciate there are a tremendous amount of community inputs and a tremendous amount of community dialogues and these community dialogues and these community inputs are not being ignored; they're being heard.

So, you know, I think that this view that we're not hearing things - I'd like some specific examples of that. And how we achieve a balance across the wide range of stakeholders, the ICANN community is one community around this. We also have a lot of other communities that relate to this that are outside of the ICANN community as well.

Milton Mueller: Right. But, you know, you - I just gave you an example of something that you chose not to address. So let me go on to the next thing. Here the response to

the comments was a little bit more ambiguous. The Internet Architecture Board I believe it was proposed separating the thing into three different chunks, the protocols, the domains and the addresses - numbers.

And it wasn't clear that you - to me that you addressed that. Did you think that you addressed that in your response? What exactly did you think of that proposal as a - it seemed to be a very tidy and very constructive way to go forward.

Theresa Swinehart: Do you mean their proposal in the context of the - how the coordination group would conduct its work?

Milton Mueller: Yeah.

Theresa Swinehart: Okay, again, that is for the coordination group to be determining. I think as I mentioned at the beginning there was a lot of useful input in how the coordination group would be conducting its work, how it would have its charter put into place, elements of its charter, different mechanisms to demonstrate accountability and transparency but that's really for the coordination group to be determining.

And just like the input from here, is very useful for that dialogue even though it wasn't intended specifically for that coordination group concept. The IAB input for that is also very useful for that concept.

Milton Mueller: Okay, so the door's open to that.

Jonathan Robinson: Okay thanks, Milton. And thanks to all of you. I mean, we've overrun slightly on Theresa's session. And in fact what I think we will do is just for good order we'll just cause a halt to the recoding on that session. So if you can stop the recording and give me an indication as soon as you're ready to go ahead with the next session please.

Thank you very much, Theresa. Thank you very much to everyone who contributed to some...

END