

**Transcription ICANN Los Angeles
Discussion with Theresa Swinehart
Sunday 12 October 2014**

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Jonathan Robinson: Right, everyone, if I could call you to attention please? If I could call you to attention we will - we'll commence the next session.

((Crosstalk))

Jonathan Robinson: If I could ask you to continue any conversations outside the room please and come to attention. Thank you. That seems to me - thank you very much. If I could - can I get an indication that we're okay to get on with the next session from the recording point of view? Thank you. Right, so welcome to our second session this morning on Sunday. I hope you'll join me in welcoming Theresa Swinehart who's made the effort to come and be with us again.

And I think I'm going to let Theresa simply introduce herself and the kind of areas we'll talk through rather than provide you with any introduction myself. So, Theresa, let me just hand straight over to you. Thanks.

Theresa Swinehart: So thank you everybody, again, for the opportunity to be here. And I think this is my third time before this group so it's always good and I always learn a lot and come away with a lot so this is really useful.

I know that we go through this on a regular basis when I present but I think it's important just to give a quick overview of what the Strategic Initiatives Team actually covers. I know that there's been a lot of focus on the IANA related transition processes but we actually cover quite a broad range of other areas.

And I know that you hear from my colleagues, from Denise and from Margie and from Larisa and other members of the team on a regular basis and will be throughout the week.

Obviously the two processes relating to the NTIA IANA stewardship transition process and with that also the accountability process, we are also focused on the strategic and operating planning and the strategic plan is up for adoption after extensive community dialogue and consultations.

I think it's been five meetings in 20 months, if I understood the numbers correctly, that have achieved what is really quite a unique and comprehensive strategic plan so I think a lot of congratulations to the community on achieving that objective.

The Expert Working Group next generation TLD directory services, obviously is another area. And I know that there is presentations and dialogues later in the week along with the Whois review implementation and improvements.

The team is also working on that GNSO review, which I know is very near and dear to this group of course. The BWG and NomCom report also is something that my team is working on together with the Board. And the ATRT 2 implementation, and I wanted to give you a brief update on that.

So next slide please. So on the NTIA IANA stewardship transition process, as everybody knows there is an ICG group that is overseeing that process, so a coordination group. They were formed on 3 July; 30 community representatives and two liaisons, several from this community as well.

The leadership itself is a chair and two vice chairs, listed there. Their modes of operation have been established and they've held to in person meetings. They have one at the end of this week and five virtual meetings. All of their meetings are open and transparent. And they've been working quite carefully on getting their charter and working methodologies established.

Next slide. As noted, they adopted a charter. They had a request for proposals that went out to the respective communities. And I know that it's also gone into the naming community as well. They suggested a timeline for the transition process looking at getting proposals from the respective communities by 15 January.

They've put out an RFP for a secretariat function, which is under discussion, and then guidelines for decision-makings and they've put out some FAQs. All those documents can be found up on the Website along with the recording and the transcriptions of their respective meetings as well.

Next slide. Obviously it's a cross community working group on naming related functions for this co-chaired by Jonathan. This community is I'm sure quite familiar with the working methodologies of that and also conscious of the schedule and the timeline for that discussion.

So that's the status of that process which is currently underway. I know that it's been a lot of work for the volunteer community to come together for this unique opportunity and so I think things are progressing very well and moving forward in a very good way.

Next slide. So on enhancing ICANN accountability, there's been quite a bit of discussion obviously throughout that. And as many are aware we posted, and we apologize very strongly for having posted on Friday but we felt it was better to try to post on Friday as opposed to after the meeting to also allow the opportunity for the community here to see the revised proposed process.

This was based on obviously dialogues and consultations which began once the announcement was made by NTIA on the transition. Community consultations through 8-May through 27-June process, a proposed process posted in August after additional community dialogue.

Some good discussions with the community including at the ICANN Istanbul meeting and community dialogue and exchange of letters, clarification areas, a town hall discussion at the IGF and also a realization that the importance of this issue would really benefit from an additional 21-day comment period which the community requested. And that was a very valuable additional comment period to have.

We received in that second round of comments up to 17 comments that were submitted including a joint SO/AC/SG or C statement. Next slide. So what was posted on Friday, and many may have read it or not read it, but it was really to take what was originally proposed on the 14th of August, revise and modify that to propose a cross community working group of the kind of that the community is working with in other contexts and the principles around that.

But to suggest that there's some additional principles reflected in it that are also things that came in through the community comments both in the first round and the second.

And that is the appointment of up to 7 advisors to this cross community working group by the experts that had been identified, a board liaison that would be selected by the Board, ICANN staff person who has knowledge and

experience around where the review processes are and different things that have a impact or are relevant to the accountability discussions; somebody with a background from the ATRT 1 and 2 processes; some sort of linkage to the IANA stewardship transition coordination group work, how that linkage is achieved though is really up to the community to decide.

Importantly, participation open to all and this is a very fundamental and very important issue. The comments that came in in particular from two groups really reiterated that the process needs to be open to the ability for all to participate, not necessarily those who have a direct association with SO/AC/SG or C.

And the interest of this is quite wide and for a variety of reasons reflected also in the comments that this needs to be an open to all process. How the cross community working group chooses and the principles around that choose to incorporate that is of course up to the community itself how to reflect that.

Importantly in the comments was also a concern that the advisors, the Board liaison, or the staff have no role in any calls for consensus or vote which has been explicitly put into the process to ensure that that is reflected.

The role of the Board in relation to the acceptance of recommendations of the process is something that the Board will be addressing. They've had a discussion about that and they will be addressing that, that's not something that staff could reflect in the document itself.

And the scope and the two work streams was something that did come up in the comments. Really an interest in dealing with accountability and the context of both the immediate change and the historical relationship with the USG but also an interest to discuss other accountability areas that could be relevant but not immediate to the transition discussion.

Next slide. Next slide. Sorry. Oh sorry, I didn't realize there was no person attached to the computer. Okay. So in that the suggestion is to have two work streams. The timing of those two work streams is really up for the community to decide how they want to do it, if they want to run them in parallel or run one first and then the second one.

And to have the first one focused in on issues that are directly relevant to the changing historical relationship with the US administration in light of the IANA transition. And then the second work stream which is obviously dealing with other accountability issues that come up in discussions.

And how this is captured can be reflected either in the charter or the working methodologies of the group. But both work streams would be housed under this cross community working group to ensure that there's a guaranteed place for the dialogue. But the timing of the two work streams and how the community wants to handle those is really up for the community to decide.

So next slide. Great, I'll go through these very quickly because I suspect that there's an interest in talking about other stuff. So on the strategic plan there's five strategic objectives which are streamlined. These are all based on the community input and the discussions that have come up and you can see those there.

Next slide. And there's obviously more information available. There's a specific session on the strategic and operating planning process on Wednesday. And I think one thing that is very beneficial with the strategic plan and the way that it's come to being is that this is really a result of a long standing community dialogue and is also the projection of the next five years of work and the strategic objectives and dialogue and initiatives for the organization for the coming five years.

And I think that's an important aspect in the context of also the transition is that there has been a lot of community discussion on what happens for the

organization in the coming five years as well. So this is a good opportunity to remind ourselves that we, aside from the transition we obviously have a lot of strategic objectives to go forward on.

Next slide. And just quickly on the ATRT 2 implementation I just wanted to highlight that after the recommendations came out and the Board adopt them we've actually moved the implementation of the recommendations into a project management system including with KPIs and matrix. And this is going to be updated each trimester.

And if you look on the Website there's already the initial information on that and how that is being tracked in the project management system. And this is one of the first times that we've been able to do it this way so I would really encourage everybody to look at this as an example of how we're moving forward on the ATRT 2 implementation aspect and any feedback on the information that's there would be most useful.

I think that ends - no, one more, this is a nice picture on how this is all working and how we're moving forward on it. Obviously we haven't kicked off ATRT 3 yet but right now we're looking at the implementation of ATRT 2.

Next slide. And I think that ends it with the nice pictures. So, Jonathan, I hope I haven't gone on too long with this but I'd be happy to take it to conversations.

Jonathan Robinson: Thanks, Theresa. It doesn't feel like too long to me. I think it's quite important to understand the context and sort of breadth of the areas you're involved in rather than simply focusing in on one particular area.

I don't - I mean, certainly the one area that I suspect is going to come up for some discussion and will obviously be dealt with in the cross community working group is this issue of what falls into accountability work track 1 and

what falls into accountability work track 2. I suspect that's going to need to be teased out.

But let me put it - open - I'd be very surprised if there aren't some questions or comments or input on any elements of this. Maria, go ahead.

Maria Farrell: Hi, it's Maria. Hi, Theresa. Can I ask you just to clarify what is the role of the World Economic Forum in the NETmundial initiative things? I don't know if that's off beat for you because I understand it's just working as a kind of collaborative platform but there's some disquiet, you know, amongst some people because it's, you know, considered a relatively plutocratic institution. But I understand they're just kind of providing a functional platform or something so maybe you could - if that is your area - oh, I apologize, never mind. Who would be the right person to ask about that?

((Crosstalk))

Theresa Swinehart: My understanding is it's a collaborative area but that may be a conversation to have either - I think Fadi's coming later.

Jonathan Robinson: Yes.

Theresa Swinehart: Yes, that may be an opportunity to have the conversation with him.

Jonathan Robinson: In fact, I think that's one of the questions we agreed yesterday isn't it? It is, right, okay so that's on our agenda with Fadi in the next session. Yes. Any comments, questions, detail? I mean, we've got a pretty sizeable change in what was being proposed on the accountability work certainly so I'm surprised if there aren't any questions, comments or input. Steve.

Steve DelBianco: Steve DelBianco with the BC. Theresa, thank you and staff for acknowledging so much of what the community was saying. It shouldn't have taken so much effort to get that message home and now we know that when we are aligned

and unified and persistent and staff and management do listen and we appreciate that.

The paragraph you pointed out with respect to the split work streams is a suggestion. And the charter of the CCWG is subject to Board input, perhaps like this, but not necessarily Board approval. And so that suggestion will be taken on board.

And I'm quite sure that given the large quantity of accountability mechanisms we might need that they may well be prioritized - prioritized in things we need to do right away before transition and things we might do after transition. And that would enable us to address the spirit of this concern without necessarily following the strict split of the suggestion which had to do more with things that were in the contract than things that were not.

We may decide to split the streams according to priority instead and I hope that staff and management would understand that that's being responsive to I think what the core concern is which was cited in the staff report.

Theresa Swinehart: I think the first - and importantly the dialogue that we've all had to reach where we are now has been a very useful dialogue I think for everybody including staff. So I think that's been a good place to get to and especially the thoughtful comments that have come in and suggestions.

Going to your specific point and we've obviously heard the comments also in the context of NTIA's comments in Istanbul, there is an element that is relevant to the transition so there is a key element of accountability in the context of the changing historical relationship that is part of what needs to be the input to NTIA on enabling the transition.

So that is what is intended by a reference to a track one. It is what are those elements and then how are they put forward in order to enable the transition to happen. And obviously a lot of the transition discussion is obviously

happening also in the track one. So looking at the accountability in the context of the changing historical relationship has - what could be indicated by the timing of the transition a shorter timeframe.

There's obviously a lot of other issues that are important but may not be directly relevant to the changing historical relationship but we wanted to ensure that there is a place and there's already a structure and a mechanism to ensure that those are also able to be addressed.

But how that gets captured in the execution of this is obviously a discussion with the community to be had.

Avri Doria: Thank you. I have a question. And thank you very much for the way you put the tracks. What I'm curious about is how we ensure that the IANA transition stewardship part, the ICG, is somehow gated on receipt of the first track of the accountability. And I'm wondering what thought has been put to how that serves as a gate to completing the other one.

Because watching the other process at the moment there's all this discussion of do they go together or can they go separate and how that end game is played.

So I'm wondering, you know, obviously the accountability is not on the same schedule as that because the ICG does not need to integrate with their program but somehow there needs to be set up some sort of gating mechanism that sort of says, you do not proceed with the NTIA solution hopefully the whole stewardship solution, not a piecemeal solution, without this having been determined.

Theresa Swinehart: And that's an important aspect of how the liaison mechanism with that and the communication is established. So it's a very important area how that then gets coordinated moving forward. I don't have the immediate answer for

it but it's something that should be discussed in the formation of this work and then obviously a dialogue potentially with the leadership of the ICG process.

Jonathan Robinson: Chuck, you're next.

Chuck Gomes: Thanks. Chuck Gomes from VeriSign. I think with regard to the two track approach - and I heard Larry's remarks in Istanbul - I think that it can be effectively argued that accountability in general - all accountability is directly related to the IANA transition. So I just want to make that point.

Now that being said, I also understand that there are things that could be implemented and tweaked further after the IANA transition so I'm not trying to slow down the process but I think we have to be very careful when we talk about directly related to the IANA transition. Accountability itself is very much related in all ways to the IANA transition in my opinion. Thank you.

Jonathan Robinson: Any other comments, questions in the room? Table? Steve.

Steve DelBianco: Steve DelBianco with the BC. And the BC was keen to advance the notion of using stress tests to assess accountability mechanisms that would emerge. And I appreciate that staff mentioned that in the report. And yet if we were to create a new stress test we'd say here's a hypothetical, let's suppose that the community was unusually united and persistent in its views on something but staff and management were perceived to have been ignoring those concerns.

And we'd say what if that would happen? What would be the accountability mechanisms that the community could invoke to realign management with the community?

And it's interesting, I mean, one of the mechanisms we have is the reconsideration request. And, well, we filed it at the end of August, early September.

Didn't act on it but we honestly don't know to what extent the actions of Board members having conversations in Istanbul or the extent to which our unified reconsideration request between the Registries, the BC and the NCSG, we don't know the extent to which all that sort of stewed together and motivated staff to do the right thing.

And so any color you can add to that would help us understand the right levers to pull when we feel the need to realign like that.

Jonathan Robinson: Jonathan.

Jonathan Zuck: Oh okay, you want an answer. I would - Jonathan Zuck from ACT and the IPC. And I guess my comment is just, again, on these two streams, that the reality is is that there's just always been this talk about ICANN accountability and the transition being intertwined, etcetera, and that all sounds like it needs to take a long time.

And I think the reality is about sequencing. And one thing about which the community has been pretty cohesive is the notion that some measure of accountability or some part of that accountability needs to happen prior to a transition occurring.

And that doesn't mean every mechanism that might come up as a result of that needs to be put in place but maybe one of them does; one that would then empower the others to happen down the road.

And I think that getting that piece of it - and that would be part of the - I think the chartering of the responsibilities of the cross community working group would be what is that one piece or two pieces that we need to make sure as part of stream one so that if things get out of sequence and there start to be time pressures, etcetera, that there are a couple of things that we ensure happen prior to a transition that then empower the community to execute on

the remainder of things that come up over the course of time through the second stream.

Jim Prendergast: Should I go or is there...

Jonathan Robinson: Yes, Jim, go ahead.

Jim Prendergast: Okay sure. Jim Prendergast. Theresa, just a question about the timing of the Board's consideration of what they're going to do when a proposal comes from the community. Do you have a sense on when we might hear back from the board on what they've decided on that? Is that something they're going to tackle this week or is it going to be after the meeting?

Theresa Swinehart: My sense is it's - they're tackling that this week.

Jim Prendergast: Okay.

Theresa Swinehart: I know they've been already thinking about it; they're aware of the comments and are looking at that.

Jim Prendergast: Great. Thanks.

Jonathan Robinson: Any other comments, questions, points on the various areas? Keith.

Keith Drasek: Yes, thanks very much, Jonathan. And, Theresa, thank you for your presentation. As somebody who's been involved - sorry, Keith Drasek, VeriSign, Registry Stakeholder Group Chair.

As somebody who has been involved with the SO/AC/SG leaders in this - these discussions over the last several months on the accountability track I wanted to thank you, thank Fadi, thank the Board for the decisions that have been made in the last, you know, week or couple of weeks on this topic.

I feel like you have - you, as a group, have been now responsive to the communities requests, recommendations, statements, positions, so I just wanted to acknowledge - speaking personally - that I feel much better about where we are today than I did several days ago so thank you.

Theresa Swinehart: So our next session is - we'll have Fadi join us. I don't have an update as to whether he is - I mean, he's clearly not perfectly on time, which is understandable. But I - there's an opportunity for a - for further questions or comments in and around the strategic areas Theresa discussed. So I'm welcome any. Yes, go ahead.

Theresa Swinehart: Actually in light of these updates what - is there anything else that would be useful to hear from me in future presentations? I know that we've been quite focused since the announcement of the transition around the processes and the work there. And obviously you get briefings from other members of the teams on some of the specific initiatives under the Strategic Initiatives Department and how we're working with all the other teams on those.

But - and this doesn't have to be an immediate answer but if there's something else that would be useful to hear of what we're doing or anything of that sort or you'd like a drilling into further details on different areas please just let us know. It's obviously a department that deals with, you know, the bylaw reviews and the AOC reviews and a wide range of topics so if there's areas that, in the future, you think are relevant or useful to hear more about just please let us know. I just wanted to put that out there.

Jonathan Robinson: I appreciate that, Theresa. And it's a good point because basically for the last or three meetings we've ended up structuring things similarly which I think is a useful format.

We've had, as you saw, the update from the Global Domains Division moving then into Theresa's area of the Strategic Initiatives Department. And I was keen in talking with her ahead of this meeting to highlight the scope of that

department, the scope of activities because I'm not sure that's always obvious and then moving into our interaction and discussions with Fadi.

So it seems to be a sensible and logical sequence to go through things. And the thing I'd highlight is that, you know, what we tend to do is either I proactively ask but there's no reason why it's - I seek comments and input as to what the topics are and then on the Saturday session we typically go through things - a review of what we're going to discuss.

But there's no reason why anyone in this room - any participants in the GNSO and its processes shouldn't send in questions either directly or in through the councilors to make sure and just a reminder yet again, and I see it's great to see how full the room is, but there's an opportunity to participate in preparing the agenda through the - the councilors from the different stakeholder groups and constituencies of these meetings and weekend sessions.

We do plan them in advance, we get organized around them and so your contribution and participation in them is welcome.

All right we'll draw a line under that and close the session. Thank you very much, Theresa.

Theresa Swinehart: Thank you.

Jonathan Robinson: It's great to hear from you as always.

Theresa Swinehart: Thank you. And just a big thank you again everybody for all of your work and comments into what is obviously a very unique opportunity for the organization. I think we're getting to a good place so thank you very much for all of that and helping us do that.

Jonathan Robinson: Great so we can close that session and we're expecting Fadi to join us any minute so we'll - just if you can just bear with us for a minute or two while we wait for that.

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