

**Transcription ICANN Singapore
Update on IANA Stewardship Transition Coordination Group (ICG)
Sunday 08 February 2015**

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/#feb>

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

Jonathan Robinson: Okay everyone, we're going to call this session to order now please. This is an update to the GNSO from the IANA Stewardship Transition Coordination Group, the ICG. So I note the recording has now commenced. So welcome to Patrick and Mohamed who are the co-chairs joining us from the IANA Stewardship Transition Coordination Group. I know we have a couple of other ICG members here. So welcome to those ICG members. And without further ado Patrick let me let you and Mohamed begin the session.

Patrick Falstrom: Thank you very much Jonathan. So our chair (Anisa) is not able to participate at this ICANN meeting, so Mohamed and myself are trying to run around and do the best we can on update in the community. The good thing is that we have a really, really good team of ICG members. And I see many people in the room and I specifically would like to thank (Gotroisha) and Milton that I've been helping with the slides that we've been using today.

So thank you very much. But I also do see some other people in the room. Next slide please. The ICG consists on members appointed by a number of different groups. And these different groups that you see on this screen had appointed between one and five members each. It's really important to

remember that it is not sort on representatives or speaking on behalf of these entities.

They're appointed by these organizations. They are in some words discussion, they're acting as liaisons and sometimes they are like helping with the ICG understanding the kind of situation. But the individuals on the ICG worked together to try to resolve the tasks that we have been assigned.

Next slide please. The focus of the transition is specified by referencing the NTIA contract. And we have from ICG's point is specifically identified three different what we call operation communities. The protocol perimeters registry management that is managed by the IATF, and they have been running a working group dealing with variances. They DNS or naming the domain name - the naming operation of community which is managed by a CWG or names here which Jonathan and Lisa Fuhr is running here at ICANN.

And then we have the infinite numbers registry management that is managed by the Crisp Team which is also sitting in this room has been running and they also have delivered their report, so the NRO and the RER's have been running the Crisp Team. So what we are trying to look at is these different - the production - the result on the work that these groups have done or are working on and then the statewide ship of these values. The statewide ship itself of the other functions.

Next please. So the ability to participate in the various processes is not by participating in various parts ICG itself. It's really important to remember the participation is done within each one of these operation communities. The ICG itself is not producing any material. We are only evaluating and making assessments of whether the various proposal is coming from the communities or complete or not.

Whether there's an overlap; whether there are gaps etc. So participation as done by the individuals in one or more on these communities and this

includes the ICG members themselves which do participate also not as ICG members but as individuals in one or more of these groups.

And, next slide please. So we have defined in ICG a finalization process that is available on our Website and also in the mailing list we are currently discussing and update on the finalization process. And there are a couple of evaluations and assessments we are validating. We are checking the openness and the inclusiveness and those are two very distinct terms and we have a quite a lot of the discussion about both of these.

Just being opened is not enough. Just being inclusive is not enough. We are looking at both of these terms. We also look at various comments that might be found to specific comment forum that we are hosting with the campaign on the process and process concerns in the various communities - operation communities. We might share comments too with the OOC's, and it's up to the operation community to evaluate and respond to the various concerns that I have in the - that have been highlighted by individuals inside or outside regardless of how these things are brought up.

We're also looking at the completeness; clarity and the various criteria that NTIA has set up. So we are looking at both the process and also the content itself on the proposals. Next slide please. So if we go into the proposals. Two of the three proposals which formally we might - they did send out an RFP.

We asked the two operation committees to come back with a response to their RFP in mid-January, 2015. Two of the operation communities have delivered. We'll start with the protocol perimeters registry that was developed through the IANA plan work group in the ITF. And they suggest you who are interested, you should really should go back and read the proposal, but on 10,000 meter level they suggest no structural changes regarding IANA services.

They don't see any need for that. And, but on the other hand they see that in the absence of NTIA, they might be some new arrangement needed. If we look at the RER's and the Crisp Team, they do identify and suggest that ICANN to continue as the IANA functions operator. They look at various escalades that might not be in place today that might be needed while through some of the IANA plans talk about and identify that they already have some escalades in place.

The Crisp Team are looking at introducing a review community to look at the performance issues. So these two groups are sort similar. They have - they say themselves that they have a well working relationship but each one of them do identify some gaps. Can we go back one slide please?

So both these communities talk about the need to coordinate future arrangements regarding the IANA trademark and the IANA.org domain. And this is something that we're discussing in the ICG at the moment. And it's something that we will go back to the operation communities and also to them for clarification. So this is one of those areas which we in ICG where we are responsible to ensure that the proposals from the operation communities are in sync.

And so this is one of those examples of things where we identify that the operation communities are not in sync yet regarding IANA.org domain and the IANA trademark. There might also be some further handling of the proposals. So that is something that needs to be decided. There are some open ended questions in both these proposals and of course we also have to do a new depth analysis when the proposal from the names operation community is arriving.

Next slide please. Regarding the timeline, we have received in ICG the new timeline provided by CWG (unintelligible). And the best case scenario in what we have received so far for those that met last week, talk about June 2015. We are now discussing the overall timeline in light of developing all the

proposals. We had a two-day meeting Friday and Saturday and then yesterday.

We didn't finish that work, but I can inform also the ICG members in the room that we chair have been working quite hard and thanks to a list of being on the West Coast of the U.S. we have actually been able to work also during the night. So we actually have something that you will see on the ICG mailing list short.

Like within the next hour or two. So ICG is discussing the timeline and how we're going to handle that. We have as I mentioned - we do have some opened questions and clarifications regarding the protocols and numbers for these proposals. And they fall into two categories. One which is class clarification that we do think that the ICG members appointed by these groups can resolve themselves by just clarifying for the ICG.

But they are also - we have also indicated questions that we at ICG must also base on communities more formally. The real difference between these two for the overall community is not much because everything we do is transpired and hence on the mailing list anyway so you will see what's happening. So we ended up trying to do things as smoothly as possible to make sure that we are not getting stuck. We need to move forward as all of us know.

We're also discussing the handling of process complaints. There have been a couple of filings, and we are working on coming up with processes for how to handle that.

Next slide please. That was finished. That was last night. Okay thank you very much. I'm really sorry. You see what's happening when you manage also to delegate things like who made these slides and I have actually not seen this version. That's why it was a bit complicated in the beginning. I'm sorry for that, it's completely my fault.

So anyways so we're opened for questions and both Milton, myself and Mohamed and others in the room are happy to answer questions.

Jonathan Robinson: Thank you Patrick. Questions, comments or input for Patrick, Mohamed, and the ICG members here before we go ahead.

Man: I think of one of the most interesting discussion points is the timeline. It's openly speaking. And as you can see so we from the ICG point if you at the don't come back with a let me say a suggestion as you had at the beginning and set a new timeline according with the input we have been given the CWG and in coordination with the WCWG.

So what it has costs here or technically about that timing and how it should - how does it impact our own (unintelligible) on that. So this is still under discussion. So if you look at the timeline from let me say the beginning until the delivery of the proposals to the ICG and then the work which is after that. So there are two parts of that. So in respect of that way in the discussion, we discussed the question also how we should react on your input on the CWG with regards to the timeline.

Should we go back and push back for example and ask for and then push on you for the WG to (unintelligible). So I can tell you it was discussed in that way, but it was not phrased in that way if we should push back. Because you know it is - it was accepted that your time plan, your timetable was based on an extensive internal discussion and is reliable and is also obvious at this time.

And the best case scenario is at least needed. So what we are talking about now in discussion is how this impacts on others - on our work after the proposal that sort of mainstreaming that will come up very soon thank you.

Patrick Falstrom: Let me add a little bit more details. Thank you very much for that clarification - really, really good. So what we're looking at, at the moment are two things.

The first is that we are looking at and have been discussing - well there are a couple of things. First of all we're looking at how far ICG can move forward with the two proposals that we have received without being blocked by not having all three.

And it seems to be the case that we can do quite a lot of work without having the third proposal. And we can even come up with various processes on how we're evaluating if nothing else which means that when we are receiving a third proposal, we can move forward a bit faster. First one and we can do.

The other thing that we have been discussing and just because we're discussing by the way doesn't mean that we're going to change anything. The second thing we have been discussing are the various steps that we go through in ICG formally. The number of public common periods, we so far are talking about having to we just make sure that we still have two public common periods.

And also how much time so we in ICG need for our work. The next thing that we're looking at which I just showed to Jonathan is that if it is the case that we in ICG do have a question for the operation communities. So far we have in our timeline relied on the operation community to be able to respond in two weeks.

And this is one of those critical issues that we need to work in all of us together in the timeline. So it's not only ICG's responsibility, also for the operating communities. Because if it is the case that we have the maximum amount of round shapes between the ICG, and the operation communities, we have a quite high number of these two week periods if you understand what I mean.

So if that being four weeks instead of two weeks, that blows the whole timeline from around 31 weeks which we're looking at the moment to something completely different. So there are small details like that which

hinges the timeline. But at the moment we're talking about 30 weeks on work together for it to finish.

Mohamed El Bashir: Just briefly add one more point. This is regarding keeping the motivation. The level of motivation to continue working. That is - if you look at this. So if you have the timeline which maybe end of January to be provided proposal. So two are coming in proposal and the CWG came back with a new timeline. So this is to be kept into consideration.

So in order to keep the level of motivation which has been shown before in working out the proposals and up-to-date. So we recognize - we acknowledge how the work which has been done so far and that over weekends over holidays and all these times and the work has been done so far.

So the question is how to keep that level so to motivate it. This morning I think I got the message from they are expecting in one of the discussions well, that NTIA is not interested in getting proposals in portions. So it means we have to go by a combined proposal. And that means those two communities who have already provided they should be kept motivated as well as CWG is.

So this is what they have to take into consideration as well. Thank you.

Man: Thanks Mahomed. I think that the policy of message we're trying to convey from the ICG is that the ICG will do its best. And we can do everything in our capacity to try to accommodate original target and timeframe - that's what we have. That's why we're working very hard to review as quick activity internally, so at least we can try to reach the target.

Man: Thanks. We've got Milton next.

Milton Mueller: I just want to say that actually if we were just dealing with the GNSO in the development of the names of the proposals, I would be a lot more confident

about your ability to come in at a reasonable and predictable time. The problem of course is that we're dealing with a group of several different communities that are not used to working with each other on a routine basis.

That is we're also dealing with a CCNSO. We're dealing with the advisory committees. So I would say that those of you who are you know, don't think you haven't been designated to serve on the CWG by the GNSO. I would still urge you to attend the meetings of the ICG. The reporting back to find out about the progress because the names part of this is really critical now. And you need to be informed about what your representatives are doing and where things stand because you may be surprised, you know you need to keep an eye on what's happening here because deals will be cut and compromises made.

And issues regarding timing worked out - hashed out. So the more of you within the names community who can actually contribute to that, the better in my opinion.

Man: That's a really good point and we're certainly thinking about in my capacity as co-chair of the CWG, that certainly was striking me as the say for example Patrick's point about the two week cycles. If we can avoid having those two week cycles even having to happen by pre-empting that through effective coordination and conversation along the way.

It's that kind of informal discussion and/or liaison that will, may make a difference to the speed of which we collectively produce outward. And so I think we're going to have to be - I know it's a terrible cliché but there's sort of some smart work as one as hardworking, it has to be done and through communication and effective working together. Patrick.

Patrick Falstrom: Yes and we have to remember that its a few week for the operation community. We also have to count in two weeks for ICG to sort of interpret the response. So in each roundtrip, we're losing four weeks which is almost

enough. So it's pretty darn important to actually communicate as Milton is saying participate in each other's meetings.

Many of us individuals are in touch with multiple of these groups. So by not working as silos and encourage us humans to talk each other and participate as much as possible and try to iron out the issues that we already know are the difficult issues. I think many of us in this room actually do know what the hard issues are okay.

So the more we, individuals can talk to each other and try to resolve them, the faster we can move.

Man: Yes for me a related point is you know if you think about it going the other way as well as the ICG is picking up things in the current existing two proposals that are challenging, insufficient, both through TWG members and part of being tracking the work of the ICG, but similarly going in the other direction, I was talking to the co-chairs and the ICG and understanding what those concerns or issues might be whether they perhaps are inadequacies are incompleteness's that need to be filled out in the collective or combined integrated proposal would be very helpful.

I think we've come to the end of our time for the slot, so that's probably the time to thank you for that input of update, and recognize the value of that. That is very useful. Thank you.

Man: Alright if we could stop the recoding on that session. And then as a point of housekeeping, we've got a half hour session now at which point we're going to deal with the CCWG's work on accountability and an update to the council. I suggest that if that we let the counselors get some lunch and come back to the table. And then anyone in the room would like lunch, please help yourselves.

So if we could just defer to counselors taking a quick roundtrip. I think Thomas you're probably going to have to kick things off while people get lunch or I think if we wait for you, we'll end up...

Thomas Rickert: Can you give us like five minutes. Fine. Let's give it five minutes and then we'll commence the session in five minutes. Okay can we please get the recording started for the next session? And can I ask somebody to please close the doors to the room. Could the technical support please indicate whether the recording is running? Great thank you.

My name is Thomas Rickert. I'm one of the co-chairs of the cross community working group on enhancing ICANN accountability. And it's my pleasure to spice up your eating pleasure with some accountability. I guess then accountability is the topic that has ranked quite high on our priority list over the last couple of weeks and it will do so over the next month I'm sure.

Part of that I can keep quite brief because the council has already been updated on part of this. So can we move to the next slide please? So the cross community on accountability has been working on accountability issues since December.

We have received two hour calls and we also had a face-to-face meeting for two days in Frankford in January which has been quite fruitful in terms of outcome and what you find on the slide deck is I'm going to show you through this is actually the currently status of our work.

But at the outset, we were actually looking at what the problem is that we're charted with. So we were looking at different questions relating the accountability and I'll get to those in a moment. Just as a reminder, you will remember that the NTIA has clarified that accountability work can take place in two so called work streams. The first of which is focused on identifying mechanisms that must be in place for or committed to within the timeframe of the INS search of transition.

And work stream two is focused on addressing accountability topics for which a timeline for developing solutions and fuller limitations may extend beyond the INS search of transition. Now obviously our main focus at the moment is on work stream one. That's the very critical part that we need to get programmed on prior to the transition.

Next slide please. Now this chart you see some information on the composition of this cross community work so we have 25 members that are delegated from the chartering organization. We have 136 participants, and almost 40 observers. You see a breakdown of the regional presentation which is quite good but there could be more presentation from Africa and Latin America particular so if you come from these regions and if you have an interest in this topic, please do chime in and make yourself heard.

And participating would be great. Because ultimately we need to come up with solutions that are all encompassing. We need to make sure that the proposal that we come up with is carried by the whole community, and not only those that come to these things.

The second group presentation is quite high and I'm particularly pleased to say that both groups were at the ICANN board; regularly attend our meetings to turn out representatives from these groups is very high and I guess that's quite unusual for exercise such as this. But also shows the priority that's been given to the accountability issued by these groups.

So we have more than 160 people. It's a very good group. But it's by the size of the group and the difficulty at times to manage such a big group. I think we made substantial progress for the short time that this group is working together.

Next slide please. So we took quite some time to actually discuss and define what we're talking about. What is accountability? So I if we did a run through

this room and asked individuals what their idea of accountability is, we would probably get as many answers as we have individuals in this room.

So we needed to get clarity on the purpose of accountability and that would basically means due process. We need to be compliant with applicable laws. We need to achieve certain levels of performance as well as security. And we need to make sure that decisions that are made do not only benefit certain stakeholders but that they are benefitting the whole public and all stakeholders.

So next slide please. So when defining accountability we are looking at different topics and these are transparencies, consultations, checks and balances, reviews, regress and then the panelist. I'm not going to go through the details. The slides are available so you can go through that but even more importantly there is a paper that we've produced which is available under working groups Wiki.

And that's mature to a level where we've now shared it with the independent advisor that have been identified by the public expert group. So the next version of that paper is going to be issued once we get feedback from the advisors and once our group has digested that feedback and then provided an update.

But these are the main topics that we've been looking at in great detail and since there was a question at an earlier session this morning, I should be very clear that this paper might be found very instructive by a few because it sheds light on to whom we're accountable; what accountability means and you know other surrounding questions on the term of accountability.

So we've leaned on the (unintelligible) definition of accountability and so this is something that the whole group has brought into.

Can we see the next slide please? We're talking about the stakeholder groups. We broke it down into different sections so we have affected parties which you see on this slide so they are directly and indirectly affected parties. And you see whether the groups that you're representing are actually listed here. But that's to ensure that we are looking at accountability from a very realistic point of view.

That we do not forget any stakeholder that is relevant to this exercise because if this proposal wants to be globally encompassing and inclusive, we need to make sure that we have at least considered all stakeholders there are.

Next slide please. So not only the affected parties are relevant but also the parties that affect ICANN and there again we have parties affecting ICANN directly as well as parties affecting ICANN indirectly.

Next slide please. When addressing the issue of accountability, we thought it would be difficult to address accountability and isolation. But it's important that we understand what contingencies we're facing or that ICANN might be facing, so that we can apply stress test to see whether the accountability mechanisms are actually robust enough for opposed IANA phase that we will see in ICANN.

So we've actually looked at contingencies. We've accumulated a list that is as finite as possible of potential contingencies. We analyzed those contingencies and then we tried to find main topics for contingencies. And the breakdown of these topics you find on this slide.

So basically the basic topics - the basic contingencies that we need to be equipped for are financial crisis or insolvency; failure to meet abrasion obligations; legal and legislative action. Failure of accountability and failure of accountability to external stakeholder.

So these are the topics that we're looking at and as we move on, as we go on defining accountability mechanisms, we will then take these accountability mechanisms and stress test them against these contingencies to see whether the accountability mechanisms that we come up with actually are counter measures to these contingencies that we see on this slide.

Next slide please. In order to achieve that, we have now passed two subgroups of our cross community working group to look at two different subjects and that is number (1) community empowerment and number (2) review and regret. Because we felt that for work stream one we need to make sure that the community has sufficient power to either implement now or to make sure that such measures are implemented at a later stage.

So analogy was used often in this context and that was the big stick that the U.S. government has currently meaning that if ICANN doesn't behave, U.S. government can say okay, if you don't behave, if you don't change, if you don't become a better organization, then we might not extend our contract with you.

So how can we replace this big stick with other accountability means so that this big stick is actually upheld in a sense and can cause ICANN to reason in case there are issues of hostile takeover or other contingencies? And one of which would be community empowerment. The other would be review and regret.

And what that means we're going to see on the next slides. Can you go one back please. I'm going too fast. Thank you. So in terms of community empowerment, we've looked at the timeline and I'm sure you have a hard time reading this, but this is the best case scenario that we identified. So everything needs to be working very, very smoothly so that this can work, but we're trying our best to make this happen.

And what you don't see on the slide but what you can be assured of is that the CWG has been working with the SGS as well as the CWG co-chairs to ensure that our timelines are aligned. I.e., to insure that we're both ready at the same time for submission to the NTIA. And what's important here is to mention that we as a GNSO have the specific task of insuring that the GNSO groups as well as the GNSO counsel as the charter organization is ready when we're ready.

So we are doing our best to get our recommendations ready by the time you see on the slide, but we need to make sure that the individual groups follow closely what we're doing so that they can help us as a charter organization to approve the recommendations with a very, very short turnaround time so that we can then pass on our recommendations to the board.

Next slide please. This slide is quite important because that's where you find all the documents; the drafts or otherwise, so I encourage everybody of you to go visit the Wiki side; transfer the information and please do come and ask questions should you have any. Actually this is an exercise where we can't be wrong. We need to make sure that everybody is on board with this.

They're restricting us as already a the GACK session that he will not accept half-baked proposals nor will he accept proposals with centered opinions. So we need to make sure that what we come up with is truly the (unintelligible) stakeholder truly butter up build and truly consents this space. I think I should pause here - leave it there and I think that, (Unintelligible) are you chairing the next session? Was it Jonathan? So before Jonathan comes I can take maybe one or two questions should you have any.

Coordinator: Thank you very much for the presentation. This is Maria for the record. There are several issues that are being discussed like right now that are connected or limitary. And in my view one of the issues that this complimentary with the accountability issues is a public interest. The organization needs to act on

behalf of the public interest in several domains and I wanted to know if you have taken that into account in your discussions.

Another point of discussion about ICANN and human rights, this discussion on encompasses some of the policies that we are discussing here such as privacy issues and (unintelligible) and also the issue of broken remedies and due process. So in your discussions have you taken into account how to make the connection between accountability and the public interest and human rights in ICANN and how. Thank you.

Thomas Rickert: Thanks so much for the question. The short answer yes. We've discussed all of this. I would suggest since the ICANN has not joined us, we take this off line and I show you to deposit the document that we produced where we've actually responded to these issues. I hope that this is sufficient for the moment give the time constraints that we're facing. And with that I'd like to hand it back over to Jonathan.

Jonathan Robinson: Thank you Thomas. Thank you I'm sorry we squeezed you into a relatively tight timeslot but I think you can feel comfortable in knowing that many of the council members that I think others in this room were present at your previous session with ICANN holders as well.

END