

RSS GWG Report: November 2022

Report by the Chair of the RSS GWG

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Introduction [Executive Summary?]

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Kuala Lumpur Work Sessions

Timing and Subject Matter Focus

The RSS GWG met for six one-hour sessions in Kuala Lumpur, Malaysia, during ICANN75 with remote participation as follows (all times in Kuala Lumpur local, UTC+8):

- Saturday, 17 September 2022, 15:00–16:00; 16:30–17:30
 - Focus: Separation and Balance of Powers (Basket 1)
 - [Recording: ICANN75 Work Session 1](#)
 - [Recording: ICANN75 Work Session 2](#)
- Sunday, 18 September 2022, 15:00–16:00; 16:30–17:30
 - Focus: Finances (Basket 3)
 - [Recording: ICANN75 Work Session 3](#)
 - [Recording: ICANN75 Work Session 4](#)
- Tuesday, 20 September 2022, 15:00–16:00; 16:30–17:30
 - Focus: Designation and Removal (Basket 2)
 - [Recording: ICANN75 Work Session 5](#)
 - [Recording: ICANN75 Work Session 6](#)

Advance Planning

Details of preparation for Kuala Lumpur are set out in [Appendix A](#). This includes a [covering email](#) that I sent to all GWG participants and a [process discussion paper](#) that set out an explanation of the immediate challenge we face in identifying and refining governance principles and outlined how to structure these and future discussions.

The process discussion paper described what we now call the [“Mini-Helsinki” process](#) which we are using to structure our discussions.

The Mini-Helsinki process describes a discussion cycle which starts with a round of parallel substantive topic discussions, followed by written submissions and review of the discussions process.

Substantive governance topics are divided into three substantive “baskets” and these discussions are used to propose and refine (candidate) governance principles.

A fourth basket enables discussion of procedural and administrative matters, comments about the progress of substantive discussions, changes that may be necessary or desirable to the basket contents, etc.

Conduct of the Kuala Lumpur work sessions

The work sessions were not conducted as GWG meetings. They are intended to bring forward and discuss governance principles in an effort to define and refine these, not to finalize or agree to them.

Volunteers took a series of contemporaneous notes during the meeting in an effort to capture rough definitions of various candidate principles. These rough notes were displayed in real time to enable all participants to comment and suggest revisions. These rough notes and contemporaneous comments by participants are available in a [separate report document](#).

Post-Kuala Lumpur Written Comments

No written comments were received in the 2-3 week period following Kuala Lumpur.

Post-Kuala Lumpur Informal Feedback

Members and Observers provided private feedback to the Chair in Kuala Lumpur as well as public feedback during the next scheduled GWG meeting (20 October 2022, 22:00-23:00 UTC).

My observations from the feedback:

- Members and Observers have responded warmly to the Mini-Helsinki discussion structure.
- Many expressed the view that the discussions were very productive and helped to identify and bring forward a number of difficult issues that have been “just over the horizon” for a long time.
- GWG Members have expressed satisfaction with the content of the three substantive discussion baskets in this round.

The Next Round: Washington, DC

We will use the remaining bi-weekly one-hour meetings to plan our use of that time in Washington so that we can maximize the efficiency and impact of those talks.

Schedule in Washington

The next round of substantive discussion workshops are scheduled for 6-8 December 2022 at the ICANN office in Washington, DC.

- Session 1: Tuesday, 6 December, morning (90 minutes)
- Session 2: Tuesday, 6 December, morning (90 minutes)
- Session 3: Tuesday, 6 December, afternoon (90 minutes)
- Session 4: Tuesday, 6 December, afternoon (90 minutes)
- Session 5: Wednesday, 7 December, morning (90 minutes)

- Session 6: Wednesday 7 December, morning (90 minutes)
- Session 7: Wednesday 7 December, afternoon (90 minutes)
- Session 8: Wednesday 7 December, afternoon (90 minutes)
- Session 9: Thursday 8 December, morning (90 minutes)
- Session 10: Thursday 8 December, morning (90 minutes)

Recommendations for Discussion Sequence

The experience in Kuala Lumpur suggests that it is difficult to address Basket 1 (Separation and Balance of Powers) as a first subject. In contrast, the discussions of Basket 2 (RSO Designation and Removal) and Basket 3 (Finance) started quickly and remained energetic throughout the 2 hours dedicated to each topic.

It may be that Basket 1 is closer to “operationalization” of governance principles than “identification” of such principles.

RECOMMENDATION 1: That we structure the Washington workshop agenda so that discussions of Basket 2 and Basket 3 take place before discussion of Basket 1.

Kuala Lumpur demonstrated that participants can easily sustain discussion of Basket 2 and Basket 3 material discussion for two nearly-continuous hours. In some ways, it seemed that these discussions were “just getting warmed up” as we reached the end of our time on each topic. I feel reasonably confident that we can sustain two back-to-back 90 minute sessions on a single issue basket to give us three nearly-continuous hours of focussed discussion.

RECOMMENDATION 2: That we attempt (to the extent practicable) to schedule the initial discussions of a issue baskets 2 and 3 in Washington for periods of not less than two 90-minute sessions in a row.

I am not, however, confident that we can sustain that level of engagement on a single issue basket for more than nearly three continuous hours. Attempting to extend a single topic could prematurely exhaust conversation and become counter-productive.

I also believe that there may be value in presenting more than one basket of issues in a single daily session. This would allow participants to reflect on different sets of issues overnight. A good night’s rest and perhaps some convivial conversation at our planned social events may cause participants to reconsider their initial view of an issue.

RECOMMENDATION 3: That we attempt (to the extent practicable) to schedule discussions of a single issue basket for periods of not more than two 90-minute sessions in a row.

It seems unrealistic to delay the start of Basket 1 discussion to the final day of the Washington Round as participants will be suffering from some degree of discussion exhaustion.

RECOMMENDATION 4: That after we conclude the entirety of our first full day discussing Baskets 2 and 3, that we schedule a single 90 minute discussion of Basket 1 issues during the morning of our second day in Washington.

Agenda Proposal

Based on the recommendations above, I suggest (as a discussion draft) that we adopt an agenda for Washington along the following lines:

Session number	Day	Topic
1	Tuesday morning 0900-1030	Basket 2 (RSO Designation and Removal)
2	Tuesday morning 1100-1230	Basket 2 (RSO Designation and Removal)
3	Tuesday afternoon 1400-1530	Basket 3 (Finances)
4	Tuesday afternoon 1600-1730	Basket 3 (Finances)
	Tuesday evening 1900-	Dinner
5	Wednesday morning 0900-1030	Basket 1 (Separation and Balance of Powers)
6	Wednesday morning 1100-1230	Basket 2 (RSO Designation and Removal) follow-up
7	Wednesday afternoon 1400-1530	Basket 3 (Finances) follow-up
8	Wednesday afternoon 1600-1730	<p>OPTION: Basket 1 (Separation and Balance of Powers) follow-up (as desired)</p> <p>Sweep up: Identify issues in Baskets 1, 2, & 3 where the group has encountered greatest divergence of opinion</p> <p>Focus on root causes of divergence of opinion. Consider why we are not finding common ground on these issues. How do they differ from issues where it seems to be easier to find convergence of opinion</p>

	Wednesday evening 1900-	Dinner
9 and 10	Thursday morning 0900-1030 and 1100-1230	<p>Overnight reflections. Opportunity to clarify or restate or change position on anything.</p> <p>OPTION: Further discussion of Basket 2.</p> <p>OPTION: Further discussion of Basket 3.</p> <p>OPTION: Principles definition. Are there better ways of expressing the various principles under discussion that lead to a greater likelihood of success and/or ease of interpretation? (This naturally extends into the qualitative scoring discussion that follows.)</p> <p>LAST ITEM: Qualitative scoring for the principles under discussion. Let's review what we consider to be the relevant strength of convergence, or divergence, for the issues under discussion. Where or how do we need to dig deeper to get to the truth of issues, especially issues where opinions diverge significantly.</p>

This agenda as drafted produces:

- a minimum of 4.5 hours discussion on Basket 2 (3 hrs on day 1; 1.5 hrs on day 2)
- a minimum of 4.5 hours discussion on Basket 3 (3 hrs on day 1; 1.5 hrs on day 2)
- a minimum of 1.5 hours discussion on Basket 1 (on day 2) with a programmed opportunity to extend this for further discussion early on day 3
- a programmed session asking for “reflections” at the start of day 3
- a programmed session to review relative strength and weakness of support (which also provides an opportunity to identify WHY issues enjoy strong or weak support)
- The Thursday (day 3) sessions are a bit more “fluid” and start to touch on topics that could be treated as “Basket 4” problems surrounding discussion processes.

Additional Resources

- [Recordings and minutes](#)
- [Defining RSS capture](#)
- [RSO yields and RSS gains](#)
- [Separability of RSS governance](#)

Appendix A: Advance Preparation

Chair's Preamble

Colleagues,

I have been working with staff and taking in all input from individuals on how to move forward through our face-to-face meetings in KL and beyond. The three topics that were identified in The Hague and we have been discussing in recent weeks are long standing questions that needed to be asked and as everyone can see we have ended with more questions than answers, so these discussions will continue.

As we have been working through these and other topics there is an underlying challenge that keeps coming up, "How do you address 'given topic' when we don't know the governance principles we are defending." In reviewing our discussion notes it's clear that we have and continue to conflate what I would describe as "architectural principles" and "governance principles".

As a result, here is a proposal for you to review. This proposal can help us frame our work going forward. In this document we have worked to address the conflation of principles and give examples of each. This describes a path forward and three large substantive baskets of issues we have identified that need our attention.

For Kuala Lumpur the thought process for the working sessions is to focus on the substantive topics, especially since we will, for the most part, be face-to-face. This means we can take advantage of that personal proximity to work through some more of the tough questions. If the group agrees with this process moving forward I suggest the following schedule for KL:

Saturday 17th (2 sessions) – **Separation and Balance of Powers**

15:00–16:00 and 16:30–17:30

Sunday 18th (2 sessions) – **Finances**

15:00–16:00 and 16:30–17:30

Tuesday 20th (2 sessions) – **RSO Designation and Removal**

15:00–16:00 and 16:30–17:30

Any and all feedback or other suggestions are more than welcome and encouraged. Please review the document linked above. We can take a few minutes in Thursday's meeting (tomorrow) to talk through KL and then we have some time to prepare for discussions in KL based on the identified issue baskets.

Cheers,
Brad

Highlighting RSS Governance Principles

Advancing the discussion of RSS governance by broadening and deepening understanding of the governance principles to be protected

1 Introduction

This introductory section sets out a series of observations and definitions. These provide context to describe the need to identify more clearly RSS governance principles as well as the challenges in attempting to do so.

1.1 Governance focuses on organizational controls

Broadly speaking, **governance** encompasses the system by which **an organization** is controlled and operates, and the mechanisms by which it, and its people, are held to account. Ethics, risk management, compliance and administration are all elements of governance.¹

Thus the primary purpose of any **governance structure** is to define **organizational controls**. These are “people controls” - rules, norms, and laws that define how a group of people share power, responsibility, and accountability. They are distinguishable from **technological controls** - technical infrastructure and techniques that serve to implement and preserve choices made by people.

1.2 Governance principles vs governance structure

A **governance structure** consists of **governance processes** that are used to support and defend **governance principles**.

- **Governance principles** describe the substantive values that a given system is intended to preserve.
- **Governance processes** are the mechanical acts of operating a governance structure that implements the governance principles. (E.g., how people are appointed or elected to governance bodies, how governance bodies make decisions, how actions are subject to audit/review, etc.)

Governance principles are a statement of requirements for the design of governance processes that collectively form a governance structure.

¹ While this statement is derived substantially from a definition used by the Governance Institute of Australia <<https://www.governanceinstitute.com.au/resources/what-is-governance/>>, similar definitions can be found from a variety of sources.

1.3 Governance principles vs architectural principles

It is possible to describe a distinction between RSS **architectural principles** and **governance principles**:

- Architectural principles concern the technological architecture of the RSS (e.g., maintain a globally unique namespace, RSSAC055 Principle 1, citing RFC 2826)
- Governance principles concern the nature of relationships among and between RSS stakeholders (e.g., preserve the RSS as a public good, RSSAC058 Criteria A.3.4.3)

2 Problem statement

A well-functioning governance structure depends upon a clear understanding of governance principles.

The currently available literature commenting on RSS governance significantly intermingles the discussion of architectural principles with governance principles.

There is a pressing need to abstract a more clearly stated set of RSS governance principles.

3 Finding a path forward

Any effort to discuss a wide spectrum of issues can be frustrating. Tensions arise between those who want to “broaden” a given discussion among several issues and those who want to “deepen” a discussion of a single topic. Attempting to discuss a long list of topics to the point of exhaustion in a purely serial fashion can cause all discussions to stall. A strictly serial approach can also defeat the purpose of discussion as the suggested resolution to an early issue may be revised as the result of resolving another issue later in time.

Progress in these circumstances can be accelerated by identifying a few categories of related issue areas for common discussion. Such common discussion points can be collected together and advanced as a set of parallel, but interrelated, sessions. This method was widely credited as a success factor in achieving the complex agreement known as the Helsinki Accords of the 1970s.

The Helsinki Process rests on collecting sets of issues into clearly identified “baskets” for common discussion. (Helsinki identified four such baskets.) This allowed the discussion of principles in each basket to be advanced independent of the others, but at a roughly equal pace. It also created programmed stops at the end of each discussion round to allow participants to step back and examine the emerging picture of how issues from the different baskets might relate to one another.

A similar “Mini-Helsinki” process can be adopted to advance the identification and discussion of RSS governance principles.

4 Scheduling

Each cycle of the Mini-Helsinki process starts with substantive discussions, followed by written submissions and summaries, followed by a process discussion that reviews results and plans the next cycle. The following outline illustrates the process:

- Cycle 1
 - Substantive Discussion Round
 - Basket 1 Discussion
 - Basket 2 Discussion
 - Basket 3 Discussion
 - Post-Discussion Round tasks
 - Post-discussion written submissions by participants to revise and extend remarks, by participants and others to make observations, etc
 - Rapporteur reports on result of discussions, taking into account post-discussion submissions
 - Basket 4 Process Discussion - next step
- Cycle 2
 - Substantive Discussion Round
 - Basket 1 Discussion
 - Basket 2 Discussion
 - Basket 3 Discussion
 - Post-Discussion Round tasks
 - Post-discussion written submissions by participants to revise and extend remarks, by participants and others to make observations, etc
 - Rapporteur reports on result of discussions, taking into account post-discussion submissions
 - Basket 4 Process Discussion - next step

Although the substantive discussions in a single Round take place as parallel processes, due to resource constraints it is likely that many of the same people will be participants in multiple discussions in a single Round. Discussions therefore cannot be scheduled simultaneously.

The post-Discussion tasks identified above are a critical success factor in the process. Participants and observers need time to consider the impact of the substantive discussions and to fashion more careful statements. Rapporteurs require time to collect disparate threads of discussion into coherent summaries which will inform the ongoing agenda.

5 Collecting RSS governance principles into “baskets”

The goal in defining baskets is to cluster similar issues for parallel discussion and advancement, while separating issues into categories that benefit from independent consideration.

Basket 1: Separation and Balance of Powers

Basket Description: Principles that inform the allocation of RSS-related powers and responsibilities among and between various RSS stakeholders.

Issues for discussion include:

- Taxonomy of subject matter for which powers/controls over the RSS need to be separated/balanced
- Identifying stakeholder interests in the RSS; identify interests that relevant stakeholders place at risk if the RSS fails
- Identify clusters of stakeholders with similar and/or diverging interests
- Others TBD

Basket 2: RSO Designation and Removal

Basket Description: Principles to be used by relevant participants in the RSS governance structure to decide whether or not to designate an RSO, to remove a designation from an RSO, or to alter the number/nature of RSOs.

Issues for discussion include:

- Appropriate subject matter for consideration when evaluating an entity seeking designation
- Appropriate subject matter for consideration when evaluating whether or not to remove designation from an entity
- Circumstances that justify expanding or reducing overall number of entities designated as RSOs
- Others TBD

Basket 3: Finances

Basket Description: Principles to be used to decide levels of funding collected and allocated for the purposes of: (a) operating the RSS itself; and (b) operating the RSS governance structure.

Issues for discussion include:

- Sources of finance - appropriate cost spreader models
- Allocation principles (what drives individual RSO funding levels)
- Financial disbursement vs decision-making
- Encouraging RSS infrastructure maintenance and innovation (reducing perverse incentives to under-invest)
- Others TBD

Basket 4 (or perhaps “Basket 0”): Process and coordination

Basket Description: Discussion on how to progress discussion of the substantive issue baskets. This would normally take place following the conclusion of a discussion cycle.

Issues for discussion include:

- Reviewing outputs from each Discussion Round
- Lessons learned from the Round just completed
- Tempo, scheduling, and forum selection
- Time boundaries for the next Cycle
- Changes to Basket definitions as needed
- Deciding when the focus of the Mini-Helsinki Process needs to shift to the next phase of development (e.g., declaring that RSS governance principles have been sufficiently ventilated to enable design of governance processes and structure; redefining Baskets to move from governance principles to governance process)

Appendix B: Contemporaneous Notes from Kuala Lumpur

Sessions 1 and 2: Separation and Balance of Powers

Principles that inform the allocation of RSS-related powers and responsibilities among and between various RSS stakeholders.

Issues for discussion include:

- Taxonomy of subject matter for which powers/controls over the RSS need to be separated/balanced
- Identifying stakeholder interests in the RSS; identify interests that relevant stakeholders place at risk if the RSS fails
- Identify clusters of stakeholders with similar and/or diverging interests
- Others TBD

Strawman (draft) candidates for Principles (inspired by discussion) for further exploration:

- The entity that collects money for RSS support is not the entity that decides how to spend that same money (see, e.g., comments by Wes at the last GWG meeting concerning the challenge of “capture” as a result of loss of control over financial decisions).
- Governance facilitator (ICANN or other TBD) cannot “force” RSOs to change/modify [operations? / actions? Anything”]
- [Only RSOs?] can [force?] RSOs to do [something operational?]
- RSO has no power to publish an altered root zone. (Balancing between RSOs and RZM/IANA)
- Maintain and grow the foundation of TRUST in the RSS: trust by stakeholders
- People who MAKE policy are not the people who ENFORCE the policy
 - Drilling down: when people act COLLECTIVELY to make policy, they might then be expected to comply with it INDIVIDUALLY (recall that RSSAC058 makes clear the idea that RSOs have, and should continue to have, a significant voice in governance)
- RSOs must not be excluded from policy making process (as they are subject matter experts, among other reasons), but they also must not be the exclusive decision makers on policy (i.e., there must be other Stakeholder voices in the process)
- No SINGLE person should be in a position to set policy (no Dictator or Policy Czar)
- Compliance with these Principles should be subject to some form of audit/confirmation/review. That power of audit/review is one of the pieces of the puzzle.
- Exercise of Powers should be open and transparent (critical to instill trust)
- There must be an ability/freedom to accommodate and make changes to the [RSS GS/RSS itself]

- Principle of direct participation in an open and transparent matter - an accommodation of direct participation by stakeholders
- Exercise of power should be through direct participation rather than rely upon representation of interests
- [Maybe] There needs to be a [body] that acts in a representative capacity for the community of RSOs. Something that can speak authoritatively on behalf of RSOs.
 - Distinction for discussion: “representation” for purposes of information sharing vs “representation” for purposes of making decisions that bind RSOs.
- No single RSO can hold the system hostage - prohibit advancement
- Those who wish to dissent publically should be allowed to do so

Strawman (draft)

LIST of powers that we need to balance or apportion or deconstruct (“deconstruct”, meaning to spit/segregate the power into more than one function):

- Designating an RSO
- Removing an RSO designation
- Deciding the “correct” number of RSOs - size of the RSO/RSS structure
- Audit/oversight of governance
- Power to hear APPEAL from various decisions
- Determining the content of the Root Zone [which we have always believed belongs solely to IANA/PTI, even if this is silent - perhaps time to make clear?]
- Power to decide allocation of financial support among RSOs
- Power to decide overall size of financial support resources
- Power to collect financial resources intended for allocation to RSS
- Power to decide from which IP addresses data will be served; similarly, power to stop using IPv4 to serve data
- Power to alter/expand SLEs or SLAs
- Power to “enforce” SLEs or SLAs (if “enforcement” is the right word - action short of, or different from, removing a designation from an RSO)
- Power to decide when/how to disclose security vulnerabilities collected by the RSS GS (Criteria A.1.1.1)
- The “Power” to participate Directly in [governance] [decision making]
- Power to object publically - to be seen to dissent

Sessions 3 and 4: Finances

Principles to be used to decide levels of funding collected and allocated for the purposes of: (a) operating the RSS itself; and (b) operating the RSS governance structure.

Issues for discussion include:

- Sources of finance - appropriate cost spreader models
- Allocation principles (what drives individual RSO funding levels)
- Financial disbursement vs decision-making
- Encouraging RSS infrastructure maintenance and innovation (reducing perverse incentives to under-invest)

REMINDERS FROM RSSAC058 Success Criteria:

- A.3.2: The RSS GS must include a method to establish and undertake regular review of payments to RSOs in respect of RSS operational expenses and capital investment.
- A.3.3: The RSS GS must include a method to establish and undertake regular review of budget to support governance structure expenses (Secretariat, Board(s), etc).
- A.3.4: The RSS GS must include a method to assure the ability to raise funds from a clearly identified source (or sources) in the Internet Community. The authority also extends to decisions to decline sources of funding for the RSS GS as a whole, but does not interfere with individual RSO decisions to accept sources of funding.
 - A.3.4.1: Sources of funding must be sustainable.
 - A.3.4.2: Methods of funding must naturally align with the overall purpose of the RSS. See also Criteria A.2.2.
 - A.3.4.3: Methods of raising funds to support the RSS should, to the extent practicable, preserve the status of the RSS as a public good: made available for no charge at point of use.
- A.3.5: To align properly with the goals of Internet governance generally the RSS GS Body must operate on a not-for-profit basis.

Strawman (draft) candidates for Principles (inspired by discussion) for further exploration:

- Receipt of funding should not necessarily open up the RSO itself to external audit/inspection - funding without consequential “audit of the business.” Correlated problem: finances for RSO operations are often (mostly?) not separately delineated, and therefore audit exposes other parts of the business to unnecessary or inappropriate inspection.
- Funding for those who “need” it (“need” TBD)
- There needs to be an appropriate mechanism for “accountability” (TBD) with respect to funds supplied to RSOs (e.g., how was the money used; demonstrate it was used to support RSO operations, investment, etc)

- Securing a supply of funding for the RSS is one element of building and maintaining trust in the RSS. Correlated question: why can/should the world trust the stability of this important system that has no source of funding?
- [From recent GWG meeting:] RSO operations should not be run on a for-profit basis. I.e., in addition to the Governance Structure being not-for-profit (see criteria A.3.5) the actual operational side should also be not-for profit.
- Decision-making concerning funding policy (raising funds and dispersing funds) should rest within the RSS Governance Structure itself (should not be controlled by an outside entity).
- Funding for RSS [debate/discuss/choose]: (1) [may not rely solely on a single payer because of risk of capture, payer failure, etc]; or (2) [may rely on a single payer, so long as governance over allocation and disbursement sits outside the control of that single payer and within the RSS governance structure itself, and the system meets other criteria concerning stability, etc]
- Funding for the RSS should naturally arise and somehow be connected with, payment for domain names - people who pay for domain names need and expect a well-functioning RSS.
 - ICANN appears to be a logical mechanism (perhaps the only reasonable one?) to make that connection. Without ICANN we would need to create an entirely new mechanism to make this connection.
- [For exploration/discussion:] Create a dedicated/hypothecated funding channel - money dedicated for RSS use only.
- In any system of “taxation” for support of RSS, there must be a mechanism for the “tax payers” to have a significant voice in the discussion of funding. (Specific example: if RSS ends up funded by a [N¢]/name charge, then the people paying that charge need to have a voice in how [N] is decided.)
- RSOs should remain free to raise funds to support RSO activity as they see fit.
 - See also RSSAC058 Criteria A.3.7: “While the RSS GS must provide opportunities to finance RSOs, there must be no obligation imposed upon RSOs to accept all or any such sources of funding....”
- Engendering trust relies on some reasonable degree of financial transparency/accountability with respect to RSO operations. I.e., RSOs need to be prepared to identify and report (at some level of specificity TBD) on how much they spend to keep their RSS-related operations working properly.
 - [Strong counterpoint to this - it may be impossible to do. Even if it is Possible, it may be unhealthy. Discussion to be continued.]
- Secure funding for the RSS will enable greater transparency, accountability, stability, appropriate diversity of control (aka avoiding “capture”), etc. [General theme: why stakeholders should welcome the opportunity to contribute finance for a function they have not expressly funded in the past.]
- The RSS GS [should? should not?] serve as the financial backstop of last resort

Sessions 5 and 6: RSO Designation and Removal

Principles to be used by relevant participants in the RSS governance structure to decide whether or not to designate an RSO, to remove a designation from an RSO, or to alter the number/nature of RSOs.

Issues for discussion include:

- Appropriate subject matter for consideration when evaluating an entity seeking designation
- Appropriate subject matter for consideration when evaluating whether or not to remove designation from an entity
- Circumstances that justify expanding or reducing overall number of entities designated as RSOs
- Others TBD

REMINDERS FROM RSSAC058 Success Criteria:

- A.2.1 [Organizational Independence and diversity]: The RSS GS must be structured in a manner designed to preserve and promote RSO independence and diversity.
 - A.2.1.1 [RSO independence]: “Independence is assessed by ensuring ... a material number of the RSOs are not subject to organizational control by the same person, organization, government, or community, or a collection of such persons, organizations, governments, or communities acting in concert...”
 - A.2.1.2 [RSO Organizational Diversity]: “... The RSS GS must be structured in a manner designed to preserve and promote an appropriate degree of RSO Organizational Diversity and limit the risk of the loss of an appropriate degree of RSO Organizational Diversity...”
 - From the Glossary: “RSO Organizational Diversity: A state of heterogeneity among the business and organizational models of the RSOs maintained for the purpose of increasing RSS security, stability, and resilience, as further defined in Success Criteria A.2.1.2.”
- A.2.4 [Changes in RSO Composition]
 - A.2.4.1 [Transferability]: “Any action that would have the effect of transferring the business process of acting as a designated RSO from one entity to another by whatever mechanism (e.g., transfer of RSO assets, issuance or transfer of RSO shares, or change of organizational control of an RSO, whether or not for value) must be subject to careful scrutiny to assure that the transferee is an appropriate entity (i.e., a “fit and proper person” to act as an RSO) and does not jeopardize the RSO Autonomy & Independence Criteria.”
 - A.2.4.2 [Decreasing number of RSOs]: “Any action that would have the effect of decreasing the number of RSOs by whatever mechanism (e.g., by withdrawing root server designation from an existing RSO, through the merger of two existing RSOs, RSO insolvency or business failure, etc) must be subject to careful scrutiny to assure that the change does not jeopardize the RSO Autonomy & Independence Criteria.”

- A.2.4.3 [Increasing number of RSOs]: “Any action that would have the effect of increasing the number of RSOs by whatever mechanism (e.g., by creating additional new root server designators, etc) must be subject to careful scrutiny to assure that the change does not jeopardize the RSO Autonomy & Independence Criteria and that any newly-designated RSO is an appropriate entity (i.e., a “fit and proper person” to act as an RSO).”
- A.7.3 [Fundamental Change]: “In addition to any other voting thresholds and approvals that might be necessary under the RSS GS, a Fundamental Change shall require approval by an appropriately defined supermajority of RSOs. For these purposes, a “Fundamental Change” is action arising under the RSS GS that involves: designating or removing the status of RSO, making a material change to the functioning of the RSS, making a material change to the RSS GS, or otherwise implicating an issue of significant concern to the good order of the RSS....”

REMINDER FROM RSSAC055 Principles Guiding the Operation of the Public Root Server System:

- Principle 5. “Architectural changes should result from technical evolution and demonstrated technical need. RSOs should embrace emerging technologies affecting the RSS, as long as the Internet’s globally unique public namespace is preserved.”
 - “The RSS is technical infrastructure. Due to its importance for the Internet and its role as enabler of transactions on a global scale, the RSS must evolve with the caution expected from operators of such important technical infrastructure. The stability of the system is paramount.”

REMINDER FROM RSSAC024 Key Technical Elements of Potential Root Operators:

- Selected text from Section 1:
 - Paragraph 1: “In this document the RSSAC defines key technical elements of potential new root operators....”
 - Paragraph 3: “[While] Non-technical aspects, such as trustworthiness, ethos, funding, business models, openness, community participation and politics are out of scope [of RSSAC024] ... RSSAC believes these non-technical aspects to be important, and ... we expect them to be part of the overall evaluation.”

Strawman (draft) candidates for Principles (inspired by discussion) for further exploration:

- These decisions should (to the extent possible) be based on “technical” reasons.
 - TO carry out a principle like this we need to “measure” / [i.e., define?] what is “technical” and what is not.
 - [Q: is this a governance principle, or an architectural principle?]
 - [Q: Is it even possible to view this purely through a technical lens?]
- [The Cautious movement principle] Changes to the composition/identity of the RSOs is to be undertaken with caution. Extreme or rapid change to identities or numbers of RSOs is to be avoided.

- First identify any “need” for new RSOs. Then and only then identify candidates.
- Decisions concerning designation of RSOs and determining size of the RSS must preserve and enhance TRUST in the RSS.
 - [Comment] TRUST is in the eye of the beholder - there is a serious risk in bending too far to accommodate issues badged as “trust” that are not founded on logic [and engineering reality]. This is a cautionary note against politicizing the selection process and size determinations.
- Removal and Designation are different functions - that require different skill sets [different decision-making calculus?]
- Designating new RSOs [should not/should] be a source of finance
 - Argument against: Doing this creates perverse incentives to grow beyond what is needed; not sustainable
- If money is paid to obtain designation, that must be applied for the benefit of the RSS (see RSSAC058 Criteria A.3.6.1)
- [The not-for-profit principle part 1] The RSS Gov Structure itself must be a not-for-profit operation (see RSSAC058 Criteria A.3.5 - [this has been discussed in the past]).
- [The not-for-profit principle part 2] The operation of a Root Server should not be a profit center to prevent the perverse incentives that would flow from a profit motive linked to a service provided as a public good.
 - [This NFP2 idea was raised briefly in a recent GWG meeting without discussion at that time]
- Reminder that this is a GLOBAL Service - primary motivation of RSOs should be that global mission
- [Consider the parallel process of selecting Trusted Community Representatives for key signing] [principles used to select to be reviewed and considered for useful points]
- We must adopt the highest level of due diligence to assess the technological and non-technological characteristics of a candidate RSOs to assure the world/stakeholders.
- The act of Designating [and Removing?] (1) requires support from a supermajority of RSOs (see RSSAC058 Criteria A.7.3) AND (2) it ALSO requires support from a [significant number to be defined] of the other [defined stakeholders]