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TERRI AGNEW: Good morning, good afternoon, and good evening. This is the At-Large Ad-hoc Working Group on Transition of US Government Stewardship of the IANA Function on Thursday, the 26<sup>th</sup> of February, 2015 at 13:30 UTC.

On the English channel, we have Tijani Ben Jemaa, Cheryl Langdon-Orr, Vernatius Ezeama, Sébastien Bachollet, Mohamed El Bashir, Alan Greenberg, Seun Ojedeji, Olivier Crepin-Leblond, Remmy Nweke, Avri Doria, Eduardo Diaz, Leon, Sanchez, Gordon Chillcott, and Yasuichi Kitamura.

On the Spanish channel, we have Fatima Cambronero. And joining us about 30 minutes into the call as expected is Alberto Soto.

We have apologies from Jean-Jacques Subrenat and Heidi Ullrich.

From staff, we have myself, Terri Agnew.

Our Spanish interpreters are Veronica and David.

I would like to remind all participants to please state your name before speaking, not only for transcription purposes, but also for our Spanish interpreters. Thank you very much, and back over to you, Olivier.

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Terri. Have we missed anyone on the role call? No, okay. Welcome, everybody, to this call. It's the first integrated call of the IANA stewardship transition thread and the actually thread. What we're going to have today is half of the call devoted to IANA

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*Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.*

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stewardship transition and half of it devoted to the CCWG on accountability.

So welcome to our members who were only following the accountability thread, and are now also in need of following the IANA stewardship transition. As you know, the two threads are very closely linked together through the first work stream of the accountability thread and through one or more of the proposals of the cross-community working group on IANA stewardship transition, which require strong ICANN accountability.

Today, we're going to be looking at the integrated proposal briefly. We've got 15 minutes to look at the integrated proposal. Another proposal that was sent out to the cross-community working group that has some advantages to it, we'll look at that. Then we'll look at the At-Large involvement in those design teams. There was just a call of the cross-community working group on IANA stewardship just an hour ago. Several design teams are being put together.

Then we'll have the work of the cross-community working group on accountability with updates and a review of the plans of that working group, and of course questions and discussions.

Are there any changes, adoption to this agenda? I don't see anyone putting their hands up, so the agenda is adopted as is.

The second agenda item was the review of the action items from our last meeting, and that action item is somehow obsolete since it's for Heidi and Olivier to include Larry Strickling's remarks on the agenda of

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the ad hoc working group on IANA stewardship transition face-to-face meeting in Singapore that was done.

Since then, there has also been yesterday a meeting of Larry Strickling and a couple of other people with the US Congress Committee. Of course, among the couple of other people was Fadi Chehadé, the President and CEO of ICANN.

I think we're not going to look at these and discuss these, but for anyone who hasn't watched the recording, Joly McFee has made a recording of this and it is available out there. I don't know if it's been forwarded to the working group list, but I know I have seen it on the At-Large list. Maybe staff could forward it to the working group list if it hasn't been sent over.

Let's go to number three in our list, and three is the review of the IANA Coordination Group progress. I was hoping to have either Mohamed El Bashir or Jean-Jaques Subrenat to be able to speak to us about the ICG program. I see that there are apologies from Jean-Jacques, and I note that Mohamed El Bashir is on the line, so Mohamed, could you provide us please with a helicopter view of where the ICG is now, and what is the plan for the IANA Coordination Group. Mohamed, you have the floor.

MOHAMED EL BASHIR:

Thank you very much, Olivier. I will be brief. Yesterday ICG had a teleconference for an hour-and-a-half, and basically the main discussion points discussed was the [conclusion] of ICG that we did reach the

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second step in our assessment of the [critical] parameters and the numbers proposal.

Just to remind everyone that steps of the proposal finalization process document is involved in looking at [inaudible], which means that does the proposals work together in [inaudible] environment? And if there's any incomplete gaps, issues, in the proposals as well to [be filled].

Second, there is the accountability [inaudible] proposals include [inaudible] accountability mechanisms for [inaudible] IANA function for the transition. I think finally the workability of the proposals.

Some of the ICG members on the call, I think I can recall [inaudible] two proposals submitted [inaudible] requirements of assessment, and we can consider them as [inaudible] combining the final proposal.

So I think it was an agreement that we'll continue discussing or finalizing this in the mailing list. The majority agrees to that, which by the way, [inaudible] evaluated and ICG has submitted that to the two communities [inaudible] property of the [inaudible]. That's the only issue [inaudible] to the community.

So we will be left with the task of reviewing the CWG proposal when it's [finalized] and compare to the [inaudible] proposal that we have.

The timeline has been discussed, and a proposal from [inaudible] regarding reviewing the proposal in, let's say, final draft [inaudible] accepted.

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Also, there was a suggestion about shortening the comment period for the final proposal. So this is [inaudible] in a nutshell the outcome of yesterday's conference call, and it will [inaudible] of completing the evaluation of the [three proposals] and the timeline will be – the [inaudible]. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Mohamed. The floor is now open for questions or comments. I don't see anyone putting their hands up. I have a couple of questions.

First, the IANA.org intellectual property, you mentioned it there. I know there has been a proposal that has been received by two of the three operational communities saying that this intellectual property should be transferred to the IETF trust.

There is a design team that's about to work on this in the IANA Stewardship Naming Issues Working Group. Did you say you were – you had already said that this was something that would move forward, or was that just at discussion level?

MOHAMED EL BASHIR: The numbers community did not include that element in the [inaudible] proposal. So the question that's submitted to the [inaudible] community is they need to start a dialog and see if they can [inaudible], let's say, a joint agreement on this topic. Basically, we have one proposal which is – I mean, have a detailed proposal for [inaudible]. We had the numbers

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community [inaudible] provide details about that. So the request is for both communities to consider if they could align their views on this. [Hopefully, I answered the question.]

OLIVIER CRÉPIN-LEBLOND: Thank you, Mohamed. Are you saying the ICG is asking the operational communities to discuss things directly between themselves or are the discussions supposed to go via the ICG?

MOHAMED EL BASHIR: No, discussing is between the two communities and come back to the ICG with a response on this issue.

OLIVIER CRÉPIN-LEBLOND: Okay. Thank you for this, Mohamed. That appears then to be pointing at any future discussions that might be needed if there are conflicting proposals between different communities, or is this just specific to this topic?

MOHAMED EL BASHIR: This is the only topic that we can say that is not, let's say, aligned in terms of we have one community provider feedback and a proposal for this issue and other communities not mentioning it at all.

So this approach for finalizing the final proposal might be [inaudible] ICG [might] provide a proposal to bridge gaps, but at this stage, we thought it might be useful to raise this issue to the two communities and they

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might discuss it and come back to the ICG with either a unified position or a feedback about, for example, the numbers community [inaudible] or they will consider this issue. Or the protocol community might not consider it.

So, at this stage, ICG thought [inaudible] and ask the communities really to coordinate on this one.

OLIVIER CRÉPIN-LEBLOND: Okay. Thank you, Mohamed. Second quick question here. Has the ICG been advised of any date by which they should be expected the names proposal to arrive to them?

MOHAMED EL BASHIR: [inaudible]. No, we haven't received any [advice] or a specific date.

OLIVIER CRÉPIN-LEBLOND: Thank you. So I think, seeing no other hands and no discussion in the chat about the topic, we can move to the next agenda item. Thank you for this update, Mohamed. Very helpful.

The next part is the review of the integrated proposal. The cross-community working group had a call that took place earlier this week that had Avri Doria explain the integrated proposal. There are several parts to it. There's the integrated [mobile] description itself. So here on the agenda, you can either download the file or consult the Google doc.

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There is a discussion on the accountability of the [mobile], as there is also a discussion of post-transition IANA community board discussion.

I was hoping that Avri would be on the call. Oh, Avri is on the call. How much time do we have? We have 15 minutes allocated to this agenda item. I wonder if Avri could take us through this briefly in five minutes, and then we could discuss this. Does that work?

AVRI DORIA: Sure.

OLIVIER CRÉPIN-LEBLOND: Excellent, Avri. Welcome. The floor is yours.

AVRI DORIA: Well, thank you. I, first of all, apologize. As a member of this group, my attendance has been rather spotty of late, but I do hope to correct my habits.

It's difficult to explain in five minutes, but not really. Basically, the approach we took is there are two very strong models that are standing pretty much in impasse. There was also a belief on the three of us that were working on it and we're all three from NCSG, but those of you that watch NCSG know that we can be as far apart as anyone.

So, basically, what we wanted to do was find a model that basically included what was absolutely necessary from the internal model, which is that ICANN keeps its finger on the process that the IANA staff and the



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processes by which it is done are preserved and protected, and that it essentially remains internal.

And yet, at the same time, taking into account some of the separation anxieties of the external model, and basically looking for how that can be done in an internal model, but also has the important external aspects. And trying to basically come to the middle at something that is accountable, that hopefully can at least start to bring us towards focusing on a consensus point. And even if the three configurations are not. The three of us have put together think that some form of the shared services model is a middle point with [super-strong] accountability. That's what's explained in that accompanying document, because accountability is then anchored in three organizations, not just one.

But also recognizing after the call we had that day that the model does need to probably change, given some of the initial feedback we've gotten from the other communities that maybe they're not so into joining that.

Once I stop talking, I'll put the URL for a variant model that I started working on since yesterday. My partners in the small ad hoc – I guess we have design teams in the group now, so now we're an ad hoc team that have decided to keep working on this until such time as we know how [inaudible] doesn't fit in the thing.

So we're trying to come up with yet another configuration to try and answer some of the issues that have been coming through.

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Basically, we've got – the beginning here is just a sketch that shows the focus of the model. We're trying to make it rely as little as possible in changes in accountability. But one of the tradeoffs in our configurations is that when you have the first configuration, the fully owned subsidiary of ICANN, it is like the GDD in terms of being separate, but it's one step further in separation by instead of being an internal division, it's a wholly owned subsidiary. [inaudible] happen with GDD someday, but that's another issue.

So then the second-level model, which we've called a configuration, which is the shared services is that not only is for ICANN then becomes a partially owned subsidiary that is co-owned by the other two operational communities.

Now, the new model that's developing out of that is to change that and to change it into a membership-based shared services. So that means where the members can actually have clients like ICANN currently has clients, and basically that the membership shared services can start with a single member and basically then can have a procedure for adding future members of the others if they so want to. And I go into that, but I can't go into that too far in five minutes.

So, basically, if you look through this document, you'll see the first picture tries to talk about the highlights of the model. We talk about a post-transition IANA. We try to change as little as possible. We get rid of the Contract Co as a notion. We really get rid of the notion of RFPs to move elsewhere. And basically by putting in an SLA for the gTLDs and ccTLDs, we give ICANN the same power that IETF and the RIRs have of

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saying, “This isn’t working. We want to do SLAs with someone else.” The fact that it’s a subsidiary doesn’t mean that ICANN can’t do that because the relationship would be defined by an SLA and we’ve all seen companies that decide to outsource something that they once did internally.

So ICANN gets that ability and that ability kind of replaces the need for, “Oh, we might have to do an RFP someday.” So the RFP part of Contract Co and Contract Co, which was kind of, in some people’s minds, a recapitulation of ICANN and its complexities is removed from the equation.

We have what we call a community board. Try to keep that very restricted in numbers, remembering that there are only 12 people in the IANA group. And basically, as each of the members, using their own multi-stakeholder techniques, their own multi-stakeholder practices, picks a group of – and at this point, I’m arguing for the three – for three board members, they can have something as big as a 100-person cross-community working group behind it that advises and even constrains their members that that’s up to them, that includes the notion of subsidiarity in that, but they put forward three board members based on their multi-stakeholder model.

That’s the case both in the wholly owned subsidiary model and in the shared services model. And even in the freestanding model, but I’m not really even going to talk about the freestanding model in this one (A) because it ain’t going to happen and (B) because I know that that is not a model that this group would in any way favor. But it was really put

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there just to show that that evolution is possible if the community were to want it.

I'll stop there. I know it was quick. I actually hadn't planned to do a presentation today. Hopefully I managed to cover stuff. Thanks.

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Avri. Apologies for putting you on the spot, but since I saw your name on the attendance list, you were the best person to present this proposal.

AVRI DORIA: That's quite all right. I don't mind.

OLIVIER CRÉPIN-LEBLOND: So now we go on for questions. We have Alan Greenberg.

ALAN GREENBERG: Thank you. Can you hear me?

OLIVIER CRÉPIN-LEBLOND: Yes, we can hear you.

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ALAN GREENBERG: Okay. Sorry, I'm trying a new microphone. Avri, just one short comment. Normally in a wholly owned subsidiary, it's quite common for the board of the [parents] to have a representative on the board of the subsidiary.

[someone speaking another language, crosstalk]

OLIVIER CRÉPIN-LEBLOND: We might have a problem. We seem to have some leakage in another language.

AVRI DORIA: I must admit, Alan, I did not think of it. I think of it obviously as a board reporting to the other board, and one of the things, if you look at the [new thing], I do allow for the notion of liaisons. But no, actually, I hadn't thought about putting a board member on the board.

I don't think it's necessary, especially in a case where even though it's fully owned, you're defining the relationship in SLAs and MoUs. Certainly it's a variant we can talk about, but no, did not spend any time thinking about that.

ALAN GREENBERG: Yeah. Just a follow-on, I don't think it's necessary either, but in [any cases] I've been involved in, the [parent was one]. Just a thought.

AVRI DORIA: Yeah. And it's certainly that way with venture capital all the time.

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OLIVIER CRÉPIN-LEBLOND: Thanks for this, Avri. Next is Eduardo Diaz.

EDUARDO DIAZ: Thank you, Mr. Chair. Avri, I have a couple question. In the membership subsidiary, I think I understood that, that you're working on now, you talk about memberships. Who manages that subsidiary, the membership or is there still a board managing that membership type subsidiary? That's the first.

AVRI DORIA: To answer that one, it would have the same kind of community board, but the community board – and I just put it in the document – that's still a thought [piece]. I haven't released it to the group yet, but since I was in this meeting and since I'm part of this group, [figure] I might as well float it here, too. But as I say, we're still in the thinking phase – is that each member as they join and as they're accepted gets [three seats] on this board.

So it starts out with a minimalist board of only three that are basically derivative of an MRT. It's kind of like ICANN has an MRT called cross-community working group. Call it MRT, call it whatever we want, and they put forward three board members.

Now, for something this small, three board members is not certainly small. I mean, it's fairly adequate perhaps. We could certainly go with

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five, although I really want to keep it little. And then each one of the new members. So it's members controlled.

So it is a subsidiary in a sense, but it's a membership-based subsidiary. And what it drifts from is it tries to find a middle place between the wholly owned subsidiary that's fixed and the shared services that is also fixed. And this is trying to say that we start out with a membership-shared services that looks very much like a wholly owned subsidiary because there's only one member. And then it can take on some more members.

EDUARDO DIAZ:

Thank you, Avri. You're finished? It's kind of confusing to me, but [inaudible].

AVRI DORIA:

Yeah, I am, but I thought maybe there were more questions.

EDUARDO DIAZ:

Okay. Well, I have another question. It's kind of confusing to understand the structures that you're trying to explain, but I will eventually get to understand [inaudible] structure.

The other question I have is this community board – and I think you mentioned it – the board members that are going to be in this community board are selected by [inaudible] CWG [inaudible] internal

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to ICANN community and multi-stakeholder board. I mean, group or whatever. Is that correct? Thank you.

AVRI DORIA:

That is our suggestion. What we're suggesting is that each of the members has its own [multi-stakeholder] modalities. In ICANN, they seem to be cross-community working groups and MRTs have what we've been talking about. So through some multi-stakeholder modality that's adequate to ICANN, I believe a CWG/MRT is indeed the appropriate mix.

Yes, they would do the choosing, but that's a decision for each member to make in terms of what their multi-stakeholder model looks like. Yeah.

Basically, I've tried to draw pictures of these, and in the new document that I put there, I did put a picture both of what it looks like with a single member and then what it looks like with multiple members is very similar to the drawing that's on page six of the one that's there. Slightly different, but pretty much the same. Thanks.

OLIVIER CRÉPIN-LEBLOND:

Thank you very much, Avri. Thanks for these questions, Eduardo. Next is Alan Greenberg.

ALAN GREENBERG:

Thank you very much. A couple of substantive comments. I have some significant problem – I pretty well support the wholly owned subsidiary



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of ICANN, and I'll go back to that in a moment. I have some real problems with the other versions because of potential future [capture] and things like that. The stress tests are looking at [capture] a lot. RIRs, I'm not sure what [capture] means that. The IETF [capture] has been talked about a lot through the IGF over the decades.

Although it has survived, there have certainly been reportedly some attempts and one doesn't know what's going to happen in the future. So that I think certainly a major problem of that.

On the wholly owned subsidiary, I thought at one point there was talk that the board would be the MRT. Although I understand the concept of why you want to keep the board small, having the MRT represented by a person on the board I think could be really problematic. Just look at the current CWG IANA and how difficult it is to come to closure and put forward a single idea. You may well have to have representation of the different stakeholders who have very different positions within ICANN on that board.

So it's conceivable to me that you could have a board that significantly exceeds the number of people that they're managing. Just a few thoughts.

AVRI DORIA:

Okay, thanks. Yeah, let me answer both of them. On the [capture], I think that it is actually less likely when it's tethered in three organizations, because even if one of them is [captured], even if one of them does go rogue, if you need the full agreement of all three – or at

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least two-thirds of them – to move forward, then the other two probably have not gone rogue and been [captures] at the same time.

The notion that we had on [capture] is without getting into judging how possible it is that ICANN has already been [captured] by the registries or not getting into the possible [capture] history in IETF or the various organizational [churn] that one sometimes sees in RIRs and the whole RIR to NRO relationship being very loopy-goopy, that's none of our business in a sense. Those are multi-stakeholder groups, but it's anchored by all three of them aren't going to mess up at the same time type of notion. So that was there.

In terms of the ICANN subsidiary, I think you're right. I think that if it is a wholly owned subsidiary and it doesn't include the membership notion, that basically we take just that basic model – and I'm more interested, in a sense, in the overall architecture of the model than I am on any particular configuration. Sometimes [inaudible] of my partners. Because I just want to make a configuration that works as a consensus point.

But basically, there's no reason why we couldn't say that we have an MRT as a community board in the wholly owned subsidiary because that works best for us. I do believe that we can come up with methods in a cross-community working group to direct our board representatives, basically make them a directed type of affair.

And remembering again that – I didn't say it here, but remembering again that this is a minimalist board and it's really only dealing with making sure that it's funded and that there's a budget and dealing with

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any of the exception issues that weren't resolved in either [CSE] or IAP and that, therefore, need a full-level escalation. That's why it didn't need to be that many people. It was something that, hopefully, would be lightweight. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Avri. The clock is ticking.

ALAN GREENBERG: Olivier, can I do a follow-on?

OLIVIER CRÉPIN-LEBLOND: Yes, Alan. Please, go ahead.

ALAN GREENBERG: Okay. Avri, two things. First of all, with regard to the minimalist board, the proposal actually has some merit in that it takes operational overseeing of IANA out of the ICANN board and ICANN staff hands and puts it into this board. So you may not want it to be that minimalist. You may actually want to be more hands on because that gives the community the control over the operational details of IANA more than it might otherwise have had. That's something to think about.

The other thing is – I'll finish and turn it back to you. I'll turn off my mic. The other thing is either because one of the three partners pulls out or because you're ramping up and there's only two partner, one partner

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[captured] or going rogue or something has the ability of freezing the operation.

So when there's three, you're right. You have to have two of the three going bad. But when there's only two, one of them can completely freeze the [operation]. So it's something to think about. Thank you.

AVRI DORIA:

Yeah. I think you're right on both accounts. On the size of the MRT, I'm trying to sort of work with others to create a model that can work and solving the issue we're having in the MRT between [inaudible] registry versus full multi-stakeholder spread. I favor the full multi-stakeholder spread. But trying to leave the model somewhat agnostic to that, and find a configuration that works in terms of how we do that, especially if it's a wholly owned subsidiary.

In terms of if there's only two, then can one [going] rogue freeze it? It's possible. It's always possible [inaudible] that forces nuclear options and says, "This is ridiculous. We're moving." But you're right. It's something to think about. It's also not necessarily the case that everyone's going to vote in blocks. I can very well see that just because there's three, you may split your vote based upon a split within your multi-stakeholder makeup.

So you're right. There's various cases. And this does, if it makes that far, does definitely need to be put through the [test case turn].

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OLIVIER CRÉPIN-LEBLOND: Thanks for this, Avri. I realize time is ticking, but just a couple of quick questions here. First, what is the nuclear option in there? By nuclear option, being the allocation of the [inaudible] to another operator.

AVRI DORIA: The nuclear option is the same one that the IETF and the RIRs maintain. Since it's now a wholly owned subsidiary, since you've defined an SLA to it, you basically can take your SLA – even ICANN can take its SLA – to another operator, basically. And that relies on the same level of being able to make community based decisions, etc.

Then there's lower level nuclear options, which is a total you throw out the [PDI] president and you hire a new one to fix things. It's that type of mechanism. It's corporate mechanisms and it's the mechanism that you get by having – the freedom you get by having an SLA that you could say, “We don't support our wholly own subsidiary—“

As I say, I was in a division. Last time I worked in a real company, I was in a wholly owned subsidiary that they decided they didn't need any more and they outsourced it to another company and – poof – three months later, we were gone. That is a nuclear option. If there are no more owners left saying, “We're willing to support you . . . “

“Your budget is gone. We're taking our SLA elsewhere.” That is the nuclear option.

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OLIVIER CRÉPIN-LEBLOND: Avri, doesn't that mean that one of the three proponents to the [IETF], for example, could just force a nuclear option when the names community might be happy with ICANN?

AVRI DORIA: They can just leave.

OLIVIER CRÉPIN-LEBLOND: So [inaudible] independent. Separate and nuclear options for each one of these three.

AVRI DORIA: Right. Separate and nuclear options for each one, but if it's a wholly owned subsidiary, it's a single nuclear option because there is just one.

OLIVIER CRÉPIN-LEBLOND: Okay. Thanks very much for this, Avri. We are running out of time. There is interest in the options you're proposing here. The ALAC has produced some – I wouldn't call it similar, but they had some aspects that were similar in suggesting an IANA resource organization, which I think would have probably been with that structure that you're describing here in purple.

AVRI DORIA: Yeah. I went through your designs, like I said. I think that they're in the same family. There are just some differences. And are compatible.

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OLIVIER CRÉPIN-LEBLOND: Yeah. [inaudible] there is interest in there. Just asking you one last question. Obviously there are some legal parts to this. Have you submitted questions to the legal team that will be seeking external legal advice on these models?

AVRI DORIA: I have mentioned the need of the questions and the need to look into wholly owned subsidiaries and such, but have not made it explicit yet. Basically, doing so felt presumptuous before I had some notion of whether the CWG was willing to take this up as a model to work on.

So now I feel a little bit more – no, we haven't quite said yes this is a model to work on, but we have kind of said yes we're willing to talk about this model. So I feel less shy about asking for these particular issues to be looked at.

Until yesterday's meeting, I was really trying to be very careful about the fact that we were just an ad hoc team presenting a proposal and not presume moving into other areas until we had done so.

OLIVIER CRÉPIN-LEBLOND: Okay. Well, thank you very much, Avri, for this. Time is ticking and we need to go into the next agenda item, and I note that it is 20 minutes in length. In fact, it will take much less than 20 minutes. The title is the At-Large Involvement in those design teams. There are a number of design teams that are being created. This was announced during the Singapore

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meeting where the work was going to be chopped up into bite-sized chunks of work that could just be on a single topic and that might take just a few days to resolve, and a small team and a maximum of five to seven people or so.

I was under the impression that there would have been more advance with those design teams in the cross-community working group call that took place before the present call. There wasn't such an advance. There is actually no major list so far of the different topics. There's just a few examples.

What I have been able to put together so far is that there should be one design team on service level agreements that will be led by [Paul Cane] who is going to work on this. And I think that their team is nearly complete, but they haven't started the work on it yet. The plan is to have all the teams listed, sent to the co-chairs of the CWG and for them to hopefully come back to the group on Tuesday with an agreement on how these will proceed.

So one is service level agreements. One is the authorization function of NTIA. Currently, the NTIA approves all change requests to the root zone, and that obviously would be certainly important as far as re-delegation and delegation of ccTLDs and gTLDs as well.

Then there is one team on the [CSE] MRT confidentiality and the perception of conflicts of interest. I can't remember who will be in charge of it. I think it could be – it will be listed on there. That's an important one I think as well, because the customer – well, certainly the



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MRT is for us an important committee for the ALAC to be able to have seats on. Then there's the question of conflicts of interests with any contracted parties that might be on there and the confidentiality that is needed, or that might be needed, and that will have to be weighed against the transparency that is needed, or will be needed, in such a committee.

Then there is one on mechanisms for implementing changes to the root zone post-transition. The IANA functions contract provides this [triangular] relationship between NTIA, IANA, and root zone manager for implementing changes. I think I touched on this. It's pretty similar I think to the authorization function. It might be that these two will be put together.

Then there is one on the OFAC licensing. IANA requires that OFAC licensing to operate with certain countries or territories. Would anything change post-transition?

Then there is one on IANA intellectual property rights. So the IANA.org, for example. The IANA trademark and domain name. That one is led by Greg Shatan – or propose by Greg Shatan. The idea there is to look at what the IETF has proposed, which is to have the IANA.org transferred to the IETF trust and see if that's acceptable.

Then there's also a proposed design team by one of the GAC members. It hasn't been proposed yet, but I've certainly asked for this to be proposed because it is important. That's on the .INT operations. This is a topic we haven't touched on yet. It's the international .INT domain.

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There is a potential problem with this since the ITU has made it clear that they wanted to get hold of this and to run that domain. It's something that was mentioned in 2004 I think. We're looking at another top issue. There might be other design teams that will be proposed before the weekend, but I open the floor for any comments or questions.

I was hoping we would spend 20 minutes in being able to allocate people to these design teams, but since the call for members hasn't been announced yet, it's a little bit premature and maybe we'll be able to deal with this next week.

Cheryl Langdon-Orr, you have the floor.

CHERYL LANGDON-ORR:

Thank you very much, Olivier. Just on that list you went through, that was drawn from an earlier document which is setting out some examples. Since that was circulated, which I think was two meetings ago but only last week, there was some pushback which was far too prescriptive a list, etc.

Therefore, as you'll have heard in today's call – the one that just finished before this meeting started, the CWG meeting today – we're talking now more about the immediate design team being on the topics of [IAB], SLA, and the [CSE]. Those three, having their scoping documents and every design team needs to have a scoping document and [inaudible] for that put out. And that includes proposed members for each design team.

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The design teams are very lean. Ideally, five and certainly no more than seven members. To be a member of a design team, apart from having your SOI, etc., [inaudible] you actually have to give some evidence as to why you have particular skills, expertise, and contributory benefits to the design team because they're meant to be very nimble, very short-lived, and very quick. In fact, I tend to call them drafting teams rather than design teams.

So to that end, I think what we need to do is make sure that from that list you [weed] through if there are any particular topics – and I think there are some of the topics in that regional list – that are well and truly worthy of getting early attention that we, as a group, could propose and scope some of those design teams to get up and going. And I'm happy to support that activity. I personally would like to see the one of the actual what NTIA does now get a fairly early look at.

So I think we need to be careful that we don't wait for something to happen in terms of a call for these things to be populated. If it isn't going to happen that way, what needs to happen is that, from a bottom-up proposal – in other words, people like us, [from] topics included those you've just all gone through, put into a scope and [pro forma] document and suggest that a design team would be worthy of doing it. [inaudible] design team makes the cut. It will go into a funnel, for want of a better word – a queue is another way of looking at it – and they will be run in parallel, but we don't want too many running in any one time. We envisage probably no more than three or four [inaudible]. Some of them will only last a week.

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So I hope that helps you understand where we're trying to come from in this. I think it's a reasonable way of doing it. Some of these design teams may [inaudible] four or five or six weeks, but they can [inaudible].

I would suggest that knowing that [CSE], IAB, and SLAs have already got [inaudible], and I'm hopeful that [Donna Austin] will be running the [CSE] one. [Paul Cane] is running the SLA one and Allan MacGillivray has put his hand up for the IAB, just so you all know.

If there is any of those that our members in this ad hoc group feel they have particular skillsets or abilities in, we should put them forward now as soon as possible because they're being populated literally now.

We need to watch the [inaudible], which I have tried very hard to get on Wiki. It will happen, just not yet. Of what is being considered, what is being already [challenged], for want of a better word, and what is perhaps [inaudible].

I've also got them to agree that collaborative documents, such as Google Docs, etc., [inaudible] will be open obviously and others will be archived and the Wiki spaces they all have will be as live and up-to-date as possible.

Sorry to take up that much time, but I just wanted to make sure our group knew exactly what was going on. And more importantly, that maybe we should, over the next day or two, look at that list that you went through and see if, like me, other people believe there are some topics that need to be now drawn out of this example list and put into actuality. Thank you.

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OLIVIER CRÉPIN-LEBLOND: Thank you, Cheryl. Just to add, the list that I went through is one that I put together from various e-mails and things. The first four listed – or five listed – were listed as examples. The last two are ones that I've just added to.

I did ask on the CWG call for an official list to be put out there ASAP. I hope that this has been taken in and we'll get that within 24 hours.

CHERYL LANGDON-ORR: That definitely will be happening. That I can promise you is happening. But remember, this list is not actually going to be closed until the work is finished. This will have to be a [inaudible] list.

OLIVIER CRÉPIN-LEBLOND: It will continue, yes. That's why a Wiki is probably the best thing, so they can just add to it and put a status on these and due dates.

CHERYL LANGDON-ORR: Good heavens! Have you been listening to my calls?

OLIVIER CRÉPIN-LEBLOND: Possibly! Okay. We haven't got time to actually discuss this any further here, because we're digging into the accountability discussions. We know that this is coming up. As soon as this list comes out, I will send out an e-mail on our mailing list. We could have a coordination of who

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wants to be on what committee. I guess making sure the best person – the most suitable person – is on some of these committees, because I do think that we have the knowledge to be on most, if not all, of these. But not the same people on all of them, and obviously not more than just one person on these.

Any comments, questions on this? No? Okay, then, thank you. We are eight minutes late on our agenda. Next is the cross-community working group on accountability. Leading this is Alan Greenberg and Leon Philippe Sanchez [inaudible]. Not sure who of you two will be taking the lead on that. You both have the floor.

ALAN GREENBERG:

I'll take the floor for three-and-half seconds and introduce Leon, who will lead us through the actual summary. And how he's going to do a summary of all the work we're doing in 10 or 15 minutes, I'm not sure. Then open it up for a few questions. So Leon?

LEON SANCHEZ:

Thank you very much, Alan. With regards to the cross-community working group on enhancing accountability, we've been trying to put the group up to speed in order to synchronize our timeline with the one of the CWG. We've had of course a lot of work. We've had so far some 14 calls on a weekly basis and we've had one face-to-face meeting, and we will have another face-to-face meeting in the coming days. We'll have a face-to-face meeting on the 22<sup>nd</sup> and 23<sup>rd</sup> of March I believe, or the 23<sup>rd</sup> and 24<sup>th</sup> of March if I'm not mistaken.

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I'd like to take you through a brief introduction of how the cross-community working group was formed. It was formed in December 2014, and the problem here is that, of course, the IANA transition encompasses some accountability issues that the community has raised.

We, as the cross-community working group doing this job of enhancing accountability, are tasked with the work of exploring the current accountability mechanisms that are available for any review or [inaudible] from decisions made from the board, etc.

We are also tasked with exploring new accountability mechanisms that can of course strengthen the participation of the community with regards to how decisions are made. Of course enhancing this accountability mechanism such as [inaudible], etc.

So I don't know if you were able to [inaudible] through the presentation of [inaudible]. You can see we are a group formed by 151 people. We have 24 members, 136 participants, and 38 mailing list subscribers.

The difference between members and participants is only as for when some decision needs to call for consensus, well the members are the ones that will be counted towards any decisions, and the participants won't be able to vote [inaudible]. Actually, both participants and members have the same [standing] and the same capabilities in participating in the discussions and in the [inaudible].

The [regional presentation] is firmly well-distributed. I would like to see, of course, more people from Latin America as it's less represented [inaudible] so far. We have also [inaudible] across the different

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[inaudible] within ICANN. We have 61 members that have no affiliation, 40 from the GNSO, 25 from the GAC, 20 from the At-Large community, and 11 from the ccNSO [inaudible], and four from the ASO.

We started by framing some questions, which is the purpose of accountability. And while through this process we find out that as far as accountability concerns, we must take into account at least four aspects of [inaudible], which are transparency, [inaudible], review, and redress. So we're working of course in this extent to fulfill the definition and encompassing it in the outputs of our work.

So as I was telling you, we define what is accountability, and then the next step was to define to whom should ICANN be accountable. Well, in this definition document that is available on the Wiki page for the Accountability Working Group – I don't know if Terri could be so kind as to post the Wiki page for the work of the Accountability Working Group and [inaudible] any one of you would like more information on what we're doing. But all information and documents are available on that Wiki page.

In this definition document, we stated that there are of course [inaudible] parties that may be affected by the board's actions or inactions. For example, we have directly affected parties, and of course the indirectly affected parties.

One of the things we've been doing is try to identify how can different members of the community or outside the community trigger in some mechanisms to hold ICANN accountable for their actions or inactions.



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Of course the general plan for the Accountability Working Group has been established as having to define the mechanisms that should be in place or strongly committed before the transition takes place. These mechanisms are identified in our work as work stream 1, and also those mechanisms that should be happening after the transition takes place. Those mechanisms are known as work stream 2.

So if you look at the [inaudible], you have work stream 1 and work stream 2, and then the work stream 1 divided the work into several working areas. In the end, we came to two working parties. One of them has been the community empowerment, and the other one review and redress mechanisms.

We also have another group of people working on stress testing, because our [inaudible] requires us to stress test any proposals that we come forward with.

In this sense, we have had of course a very [inaudible] discussion with a lot of people, a lot of players. And we've come to have 25 contingencies identified by the group that's handling the stress testing, and they narrow it down to five categories. I think Cheryl is on the call and Cheryl is the head of this stress test working group. I don't know if Cheryl would like to take us through what they've been doing. I think that the work they're doing is of course essential for the final outcome of what we're doing at the cross-community working group.

I don't know, Cheryl, would you like to comment on the stress testing phase you're running now?

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CHERYL LANGDON-ORR: I would be pleased to very briefly not so much take you through – what I’ll do is I’ll ask staff to circulate the URL to our Wiki workspace for this stress test, which I do admit does need updating. But that’s only because we’re running a few at the moment and they haven’t been put back into the Wiki.

We welcome input into this process, and that’s an opportunity for all of us on this call to be part of that stress testing discussion. There are a few questions and criteria checks that we put up against various scenarios. Some of them plausible, some of them highly improbable, some of them the sorts of things that we doubt would ever happen but we still need to look at whether or not the accountability mechanisms we either have in place already or that are being proposed will, in our opinion, in a hypothetical exercise of stress testing, be able to deal with the circumstances or not.

It is an activity that will be continuous throughout the work of this accountability work group, and indeed I would suggest probably needs to be continuous beyond just this current activity as the transition exercises. It certainly is something that one would have I think running in the background for just being a smart thing to have in terms of risk analysis within accountability program.

To that end, we are going to be putting out next week I believe a call for a call where we will – teleconference. Basically, have a stress test working party gathering. Now, I would like to think, because it is open –

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in my opinion anyway, and I'm the leader, so they're not going to argue me. Well, they can try. We should have that open to beyond just those from the CCWG [inaudible] put their hand up to say they want to work on it.

So when we have that Doodle outcome – I don't think it's reasonable to Doodle beyond the working party. But when the Doodle outcome is known, I will do my best to ensure that we pass it onto this group, and preferably have the meeting happening after this call next week, so more of you can join. Because the more minds and opinions that go through these stress tests, the better. Thank you.

LEON SANCHEZ:

Thank you very much, Cheryl. I see Olivier has his hand up. Olivier, please take the floor.

OLIVIER CRÉPIN-LEBLOND:

It's interesting we speak about stress tests. Yesterday during the congressional hearing, the stress tests took a significant amount of time to discuss. There's very much emphasis on this.

My question is to do with the accountability stress tests. How do these relate to the IANA stewardship transition stress tests? I was a little confused because some work has been done by the Accountability Working Group. Some has been done by the CWG on IANA stewardship. Has now all the stress testing been moved to the Accountability Working Group or are these two separate threads?

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CHERYL LANGDON-ORR: May I?

LEON SANCHEZ: Thanks, Olivier. These are separate threads. Of course we are working in close coordination with the co-chairs of the CWG. I see Cheryl's hand up. Cheryl, would you like to add something?

CHERYL LANGDON-ORR: I very much would. Thank you very much, Leon. Because the stress testing is a [inaudible] mandate within the CCWG, it's clearly a large, particularly important, and publicly important piece of our work in CCWG.

What used to be RFP 4 in the CWG also included stress testing. It has produced, amongst other things, because of doing a lot of implementation stuff, not just stress testing, some documentation which is quite extensive. I have already asked at least one of the leads in that thread, what was RFP 4 in CWG – this transcription is going to be just sounding like code. I don't know how they're going to manage it.

What I would suggest, because what CCWG has deliberately done is take a very broad group of possibilities and distill it down to the most simple set of contingencies. We are running, at the moment, about 26 different tests through five criteria groupings.

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I believe that the outputs on stressing from CWG from RFP 4 should and could be funneled into the work of the stress test working party in the CCWG, because there is very little, if anything, that is in that original [stuff] that is not – I’m sorry, the RFP 4 [stuff] – that is not covered already in the more distilled methods that we’re using in the CCWG and I would suggest more sophisticated and successful methods that we’re using in CCWG.

So I would like to see the outputs of RFP 4 to date be reviewed and set out against what we’ve currently got in our 25 or 26 stress tests, and anything that is not covered in principle be added as a new stress test. But I’m not running RFP 4.

LEON SANCHEZ: Thank you very much, Cheryl. I hope that clarifies your question, Olivier.

OLIVIER CRÉPIN-LEBLOND: I have another question.

LEON SANCHEZ: Yes, go ahead, Olivier.

OLIVIER CREPIN-LEBLOND: Thank you. As we all know, we are under very, very tight deadlines. As we also know, the CCWG will be meeting in Istanbul prior to the CWG meeting in Istanbul. I have been – between the CWG call and now I was on another call where I was asked a question on whether we would

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have legal advice back, ready, in time for the face-to-face meeting in Istanbul of the CWG meeting and whether we would also be having in time the accountability work, the results of the accountability work, by the time the CWG meets face-to-face in Istanbul.

My response was very evasive in saying I have no idea whether the CCWG will have made any significant progress in those days in Istanbul and the lead up to Istanbul, but I wondered whether you had any idea about this as far as scheduling is concerned, when you expect the first set of proposals to come out of the CCWG.

LEON SANCHEZ:

Thank you very much, Olivier. We have circulated a first draft set of questions that will be put forward to the legal external advice that we're going to engage. We're doing this work a lot with the CWG as well.

We had this first draft circulated of our call on Tuesday, and then we had another new version circulated yesterday which was [ironed out by] Robin Gross. There is this new version of the legal questions that we will put in front of the external lawyers.

And as for engaging the law firms that will take care of this question, the legal sub-team from the CWG – the Client Committee, as they have called it. And as well as [inaudible], as part of the legal sub-team in the CCWG – will hold some final calls with the shortlist of law firms that have been analyzed as probable candidates to engage in this advice we

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will be requesting. These calls will be taking place today – between today and Monday.

We should have a final decision as to which firm will be the one that will be taking care of these issues next week I guess. Since the questions are already framed and have been already been discussed with the wider community or with the wider working group, I would think that the law firm that finally engages in taking care of these issues will be able to have the answers for these questions – [inaudible] would think that it wouldn't take more than a week in answering these questions.

So my guess is that we would be able to have an answer in time for our face-to-face meeting in Istanbul. That's of course just, let's say, an optimistic timeline from my point of view. I don't know if that answers your question, Olivier.

OLIVIER CRÉPIN-LEBLOND: Oh yes, it does. Thank you, Leon.

LEON SANCHEZ: Thanks, Olivier. I see Cheryl's hand up again. Cheryl, please, go ahead.

CHERYL LANGDON-ORR: Thank you. The second part of Olivier's question, how much CCWG progress [inaudible] by the meeting of CWG face-to-face, I think there will be considerable progress to report. [inaudible] it will be [inaudible] but I think the whole intention is with the timelines and the convergent

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points in the timelines, including this face-to-face, and the face-to-face in May – remember, there’s a face-to-face plan for May as well – is to have considerable progress happening. Thanks.

LEON SANCHEZ: I’m sorry, Cheryl. I didn’t quite get the question.

CHERYL LANGDON-ORR: The question was – Olivier asked how much or what degree of outcome and how far along will we be with CCWG outcomes on accountability to [inaudible] for when the CWG meets in March. I was suggesting we’ll be further along, but not finalized.

LEON SANCHEZ: Thanks, Cheryl. Let me see if I’ve got this right. The aim of the face-to-face meeting for the CWG in Istanbul is to have a first draft proposal that will be released for public comment. So this should feed into the CWG work for their meeting in Istanbul as well. I don’t know if that’s the answer to your question.

I see Alan Greenberg’s hand up.

ALAN GREENBERG: Thank you very much. Let’s be blunt. If the CWG were doing as well as the CCWG, we’d be in much better shape.



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LEON SANCHEZ:

Thank you very much, Alan. I see that we're reaching almost the end of our meeting, so I would just like to take you through the final slides here.

This is the storyboard we created in Singapore. I don't know if you are able to see with detail what these graphics are. But in the agenda, they have been linked by Alan and you can download this. You can see the three different stages which we've been working on. The ones that have a green tick on it are the tests that have already been completed. The ones that don't have a tick on them are of course a work in progress.

It all comes to framing a solution, stress testing it, and of course if it passes the stress test, it will go to the board – well, of course to the chartering organizations – for approval. And then after approval, we will get it in front of the board. And if it doesn't pass the stress test, then we'll go back and review what was wrong and try to address any issues that we'll have.

The four elements that we've envisioned as key for enabling or enhancing ICANN's accountability is of course an empowered community. The board, which also plays an important role in any decision that ICANN [inaudible] principles in the bylaws would be talking maybe about having the Affirmation of Commitments in the bylaws as principles, for example. And the [inaudible] appeals mechanisms.

We would be thinking of a mechanism or a body that would be independent of the board and that could hold the board accountable

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either for actions or inactions, and of course address the concerns of the community with regards to many questions or many concerns.

These mechanisms would be divided between non-triggered and triggered. An example of a non-triggered accountability mechanism would be the ATRT which happens on a regular basis and is considered as an ongoing process. And a triggered mechanism would be, for example, if the ATRT has some recommendations that need to be actioned by the board and the board doesn't take action [inaudible] then that would trigger a mechanism for the board to act and implement the recommendations from the ATRT.

This template for mechanisms that you have on the screen is kind of a recipe that we consider all mechanisms should have as to basic formula to build it.

So you can see here a list of, for example, powers that would enable the [exercise] [inaudible] those mechanisms [inaudible] review, composition of decision-making body, the decision-making process, accessibility, and the potential [means] and time to implement.

So this is the general recipe for any mechanism that we would be designing as a means for enhancing ICANN accountability. And then we come back to these four elements that will of course be encompassing a recipe that we decide to enhance ICANN accountability.

Now I would like to go back and open the floor for any questions and comments. We have five minutes left, so I think I would hand it to

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Olivier since [inaudible] agenda. If you don't have any more questions or comments, I will hand it back over to Olivier to finish.

OLIVIER CRÉPIN-LEBLOND: Thank you very much for this, Leon. Yes, I note no one has put their hand up. Thank you for this extensive presentation – a thorough presentation – and thanks for responding to the questions that we had.

Now the last part of our agenda today: any other business. Are there any announcements or anything that needs to be done now? Alan Greenberg?

ALAN GREENBERG: Thank you, Olivier. Two different items. First of all, I can announce today that Fouad Bajwa, one of the members of the CWG, has resigned due to health reasons and he is being replaced by Cheryl Langdon-Orr as a formal CWG member. So Cheryl now has the distinction of being the only person who is a full member of both the CWG and CCWG. Congratulations, Cheryl . . . We think!

CHERYL LANGDON-ORR: Thank you very much, Alan. I do like to break through glass ceilings, so I'll take that as a compliment.

ALAN GREENBERG: Well, it's either a compliment or a statement about your self-persecution complex. Regardless, we wish you well.

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The second one is, as you perhaps know, there will be two meetings scheduled in Istanbul the week of the 23<sup>rd</sup> of March. The first two days will be for the CCWG accountability. The last two days of the week will be for the CWG IANA transition, and the day in between will be consultation between the co-chairs or whatever.

And just for the record, I will be at the first two days. ICANN is not funding any participants for the other days, so I will be returning home on the Wednesday. And due to travel reasons, I probably will not be participating in the first day of the CWG even remotely. I don't know how many other people that may apply to.

Quite interesting, they claim the timing is such that everyone can participate remotely. Cheryl, if there are any Australians or New Zealanders who are in the same situation, I think you'd still be up in the air at that point.

CHERYL LANGDON-ORR: That's right.

ALAN GREENBERG: Nevertheless, the powers-that-be . . .

CHERYL LANGDON-ORR: It's more than 24 hours travel to get there. That's right.

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ALAN GREENBERG: Well, not according to the people in ICANN. They must have invented some new planes. Or maybe they're flying you all in military jets. I don't know. I guess it's [inaudible].

CHERYL LANGDON-ORR: [inaudible]

ALAN GREENBERG: Anyway, that's all I have. Olivier, back to you.

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Alan. A quick question to you from Eduardo. Has the change of member been informed to the CWG chairs? You might be muted Alan.

ALAN GREENBERG: Right, [inaudible]. They have been given a heads up and will be happening, and I'm just about to send the e-mail saying it is [inaudible].

OLIVIER CRÉPIN-LEBLOND: Okay, thank you, because I believe the members of the CWG are appointed by the respective SOs and ACs so it would be for the ALAC to inform the co-chairs of the CWG of this change.

Okay, any other other business?

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ALAN GREENBERG: As I said, they already know it's happening, but they are now going to be told that it has happened.

OLIVIER CRÉPIN-LEBLOND: [That was the] question. Thank you for answering. Any other other business? Seeing no hands up and with two minutes remaining into this call, I'd like to thank our interpreters, Veronica and David, in particular. Thank you also Terri for running this call. And thanking all of you for being on this call and sticking to the timings. I think it's been very productive.

We've got a number of things to look for in the next few days. Obviously quite a few CWG calls, and also calls of the ICG follow-up. This is a particularly intense time now. Watch out in your e-mails, members of the CWG on IANA. Watch out for this e-mail regarding this taskforce groups – design teams, as they're called – and volunteer for them. As I said, we need to have people who know what they're speaking about and are able to actually show experience in the topics that will be discussed in those design teams.

And with this, thanks to everyone. This call is now adjourned. Adios! Goodbye!

CHERYL LANGDON-ORR: Bye.

