

**ICANN**

**Moderator: Brenda Brewer  
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5:00 am CT**

Coordinator: The recording has been started.

Grace Abuhamad: Thank you. Hi everyone. This is the sixth meeting of the High Intensity Session the fifth - oh that's right I'm sorry the fifth meeting of the High Intensity Session.

It is 10:04 UTC. And we will do attendance in the Adobe Connect room. If anyone is on the audio line please state so now. Okay I will turn it over to the chairs. Thank you.

Jonathan Robinson: Thank you Grace. It's Jonathan Robinson. It seems to be good morning for almost everyone even though it's another day for some.

Anyway hello to you all and as we pick up on the fifth of these six High Intensity Sessions that we've been driving towards hopefully constructive outcome to try and wrap up key details of the proposal and test them against the public comment period.

The objective of this meeting is to try and deal with the IANA functions review and the separation review.

These were dealt with by two different design teams, design team N and design team SR or possibly X in an older version.

The - Stephanie has helpfully following a request yesterday done some work to try and synthesize I think the current outcomes and to work those against the public comments. So I'll be calling on Stephanie and colleagues from those design teams to work with us on that.

But I thought just worth capturing a couple of outcomes from meeting four and just making sure that those of you who didn't have the opportunity to participate or just to recap a couple of items.

I mean we worked through elements of the PTI structure and the PTI board. It would be wrong to say we had consensus but we started to try and coalesce around some key elements in order to both have a working a workable solution as well as to comply with any historic decisions we had made as well as current and historic advice we had received.

In order to do that we worked with the Public Benefit Corporation although we recognized that there is a possibility we may have to fall back to an LLC structure depending on any new information we might receive from in particular some queries that have gone out to ICANN that we are still waiting to hear back from hear back on.

We talked about what the function of such a board might be and made sure that we were clear that the board function.

And it was - I mean we viewed of course the statutory minimum obligations the board needs to ensure that the statutory minimum obligations of PTI are met.

And in addition a key component of the PTI construct is that is contracted with the parent company that is to say ICANN. And so the board should ensure that the performance of the PTI is to contract.

And from that cascades the performance of the entity hopefully to the satisfaction of its customers via any service level agreements or associated contractual commitments and/or provisions within the ICANN bylaws.

We talked in - with some detail and some to and fro about what the composition of the board might be. And we worked with a construct of three to five members comprising a suggestion of executive and managements - ICANN executive staff and/or management staff from the subsidiary with up to two others.

One suggestion was this senior executive be responsible for that subsidiaries functioning. Have a suggestion of adding a CTO and the MD of the IANA function.

There was a follow-on suggestion which received some traction which is that the ICANN Board not the CEO select the board members on advice and consent of the CEO so that it made - gave a degree of additional oversight there with the CEO advising and consenting on the three employ members.

And then we started to test that construct against the public comments mindful of course that the public comments were prepared on a draft which was

drafted prior to us receiving key elements of advice and other components another discussion that we had - that had taken place.

So that was a productive although challenging conversation because it as I said we weren't in consensus but we tried to work around something that was at least workable and consistent with the advice we had received.

So we've got staff to prepare the summary document that Stephanie worked on. And I think that's probably a useful basis on which we can go through the work of relating to the IANA functions review which as you'll be fully aware is a key element in the accountability of all of this and a key escalation point over and above the supervision of day to day and month to month performance by the Customer Service Committee.

The next level up in the construct is the - something which we expect to be provision for in the ICANN bylaws. And that's the construction of an IANA functions review.

So Stephanie I don't know if you're in position? I'm just checking if you're on the call and you are. And I hope you will be in a position to perhaps talk us through.

And I think one of the things we could usefully do -- and I note that Chuck's hands up -- so I'll go - come to just a moment Chuck.

A think one of the things we could usefully do is get some advice from you and any colleagues who worked with you first on the IANA functions review and second on the separations work as to any changes.

It might be useful to orientate us as to any changes before since the draft for public comment was prepared. So if you could bear that in mind as well that will be helpful. Chuck let me come to you for an intervention at this point. Go ahead.

Chuck Gomes: Thanks Jonathan. The reason I raised my hand now is because I left the last meeting a little bit confused. And it may just be that I had previous misunderstanding.

But I had thought that the definition of insider or outsider in terms of PTI board was determined by who appointed the directors but I left the last meeting thinking that maybe my understanding was incorrect.

Now we can deal with that later if you think that's best but at some point I'd like some clarification in terms of that so that I have a clear understanding of what insider director really means. Thanks.

Jonathan Robinson: Thanks Chuck. I think it's useful that we do clarify that now since we were - we discussed some key elements of the last call.

To me there's no ambiguity. And our colleagues from Sidley I hope will confirm this. But look insiders I don't like the term inside. I'll just say this as a moment of distraction.

I think insider implies something negative. It implies in some way someone who is - but an - the internal board or an inside board member is appointed is by definition we've been but by the definition we've been given is appointed by ICANN by the parent of the member. Holly go ahead.

Holly Gregory: Thank you. And I agree. These terms are unfortunate. And we revert to them because they're very commonly used in the corporate governance world.

They're not meant to be in any way pejorative. And there's not a clear absolute definition on some of these. I want you to think about this as a continuum.

At one extreme on the continuum it's like a very pure outsider you would think of designated by somebody other than ICANN and not at all employed or affiliated with ICANN so that would be one extreme.

The way we use the term outsider in our memo we were assuming that and we shouldn't have. We should probably have - should have discussed the stress test results around the situation but we were assuming that it was ICANN appointed.

So we were using outsider in that memo to mean ICANN as the member selecting persons who were not employed by ICANN to serve on the board. And we called that an outsider board. And that's how we defined it at the outset of our memo.

By insider we said ICANN as a member selecting members - employees of ICANN or employees of PTI. And so that's how we used the insider term. And so you could use that as the other end of the spectrum.

Now where you want to precisely draw the line, you know, there's some variation. But that's how we described it in the memo.

Jonathan Robinson: Thanks Holly. And I hope that clears it up for you Chuck. I think as in terms of the - as defined in the memo there's nothing pejorative about it.

It's just that we sometimes use insider when referring to things like stop dealing and so on when it does have a pejorative or at least negative context.

And it isn't intended in this way to imply someone who is doing something that they are conflicted from doing. And I think that's the concern.

So we should make it very clear that there's no implied conflict. It is simply an appointment from within as defined in your memo. Olivier?

Olivier Crepin-LeBlond: Thanks very much Jonathan. Olivier speaking. I absolutely agree with you on this point. But we do have to explain that term because we might be facing political pushback on saying well, you know, it's all for insider. It's the insider solution and that has negative connotations.

So we might have to scan through the proposal at the end so as to make sure that we're not using the term in a way that could be interpreted in a negative way. Thank you.

Jonathan Robinson: Yes. Thanks for putting a finger on that. And I think in some ways it's possibly been at the heart of even some of our internal problems let alone our communication problem - challenges if you like.

Some of the challenges we've faced in coming to terms with it internally let alone how we might communicate it externally so Olivier thank you for putting your foot on it. And I think for putting your finger on it.

And I think we need to be very clear in our document and in our communications and think a little bit carefully about terminology there. I agree with you. It has the potential to be misread and/or misconstrued.

So thanks for the question Chuck. I hope you got the clarity you needed. And I think we've taken on board that from a terminology point of view we need to be careful there. So thanks for that.

And I note that for some no matter how it's named may have challenges selling it to themselves and that's noted.

Good. So I would like to hand over to Stephanie and colleagues on the dealing with the IANA function review to talk us through now any fundamental changes or key changes since we prepared the document for public comment.

And indeed then any further responses to the public comment. So Stephanie you've sent the most recent documents which is great.

I hope that the document that you prepared in high speed yesterday is useful for you as an aide memoir to work from.

And would you be or are you willing to talk to us from that document? Okay great. Stephanie go ahead. I'll hand the mic over to you.

Stephanie Duchesneau: Yes. So one of the challenges that we had the design team around the separation review got kicked off very shortly before that draft comment was - or the draft proposal was put out for public comment.

So even by the time we started to receive the comments they were pretty significant changes around this particular process.

So we - we've tried to kind of account for it in the major issues here. But some of it could potentially have been accounted for if the most recent version of the comment had been circulated.

I want to run through some of it. When we put it - some of the changes that we've seen since when we put the separation review process out for public comment it wasn't clear.

We weren't necessarily leveraging the same IANA function review team as we were for the periodic reviews.

And there was actually not an establishment of what the composition structure for the Separation Review Team would be.

And basically we did a really high level process description as well as a description a really short inventory of some of the possible outputs from the review. But what was included in the public comment period basically stopped there.

What we've done since we've taken a look again at the Separation Review Team. And rather than defining it as something different the composition is essentially the same as or is the same as what we would be using in the regular IANA Function Review Team.

And I think that provides for some simplicity and at least allows us to have the composition discussion around those two entities at the same time.

And instead qualify that in addition to there being this regularly scheduled review which is taking place every five years that this same team though it's not a standing team could be triggered to be convened in a special situation.

We've also put more meat around the trigger for what that separation process would look like. Right now it requires the - as we currently have it drafted it requires the supermajority approval of both the GNSO and the ccNSO as well as of the ICANN Board. That wasn't clear in the draft that we put out for public comment.

And then the next thing while I think it's important to all the members of this design team and we've even probably this is the one area that we've probably scaled back since the comment was put out for public comment.

We don't want the outcome of this special review to be prescribed. That's one of the reasons that we stopped calling it a separation review because the outcome of it isn't necessarily a separation process. We think a different range of remedial mechanisms could be proposed as a result of the review.

We did take the additional step of in the case that this special IANA functions review or technically any IANA function review produced an outcome where the IANA review team was calling for the IANA functions to be separated from ICANN.

And this was subsequently ratified by the- or supported by a supermajority of the GNSO, the ccNSO, and supported by the ICANN Board what that process would look like.

And none of those details were included in the prior process. What we have here is we're creating now a community working group that's responsible for carrying out the separation. The composition structure is similar in nature to the IANA Function Review Team.

One thing that I wanted to note is that while it's not something that was in its exact form agreed to by the CWG what we tried to do to get a structure that was generally agreeable was to leverage the composition that in an earlier phase of the CWG's work had been discussed and was probably the most agreeable outcome to the majority of the - or the most agreeable outcome if we consider the divergences of what people wanted in defining the MRT. So that composition structure was repurposed for these two bodies.

And then we've - and so then we built out that this separation community working group what they would basically be doing is in most instances managing the RFP process including developing the inputs the questions that respondents to the RFP would have to answer to.

They would be responsible for circulating, publicizing the RFP itself. And then reviewing answers to ultimately arrive at a decision about who would be the operator.

And we've made clear in the proposal that the future operator ICANN would still be permitted to participate in the RFP. And that the future operator could be a new entity or it could still be ICANN.

We then have that selection being approved by the - and this is a dependency for the CWG, CCWG accountability that we might require further communication on but that selection would then be approved by the membership organization that is presumably coming out of the CCWG accountability recommendations as well as by the ICANN Board.

So that doesn't account for all of the items that we have up on the screen. But that's kind of an overview of some of the changes between even before we took a look at the public comments the differences between what actually

went out for comment and the subsequent work that was carried out by the working group which is primarily been myself, and Avri and (Greg).

So folks can read questions or comments here or we can just move to the items the items that came out of the public comment which we've tried to - there were a lot of public comments partly because this was so much in draft but we've tried to consolidate some of the major topics to make it easy to run through and easier for staff to respond.

Jonathan Robinson: Well thanks Stephanie. I certainly found that very helpful in terms of orienting where you got to and how you had closed the gap between the draft pre-public comment and the sort of draft as we might stand now without full review of public comments. Chuck go ahead.

Chuck Gomes: Thanks. And thanks Stephanie and the team that developed this. First of all let me say that I am generally quite supportive of the direction you're going.

I did communicate in a message late yesterday a couple fixes that I think are needed in the proposal for the separation process.

I don't know if now is a good time to communicate those. I don't think they're things we'd necessarily need to discuss.

But in the document that's titled Separation Cross Community Working Group the SCWG there are three - the first one relates to the three steps with regard to - that are triggered when the escalation mechanism methods have been exhausted.

I wanted to point out that the second and third bullets really overlap. The IANA problem resolution process involves the same accountability

mechanisms that are referred to in the third bullet. And I don't think we need to solve that on the call here but I just wanted to call that to your attention.

One other thing that I think is a relatively easy fix in the - I think it's the next paragraph where it says a determination by the ICANN Board to not approve SCWG that had been supported by a supermajority of the ccNSO and GNSO Council would need to follow the same supermajority thresholds and consultation procedures as ICANN Board rejection of a PDP.

Actually there are - there's not a supermajority required of the ICANN Board if the - in the case of the GNSO if the PDP was not supported by a supermajority of the GNSO.

So I would just suggest inserting before board rejection of a PDP to board rejection of a supermajority supported PDP.

I think that's a minor edit but there is a distinction there because not all PDP recommendations require supermajority board rejection of those. And I'll leave it at that.

And I don't know that we necessarily need to discuss those but I think they're just fixes that need to be done.

Jonathan Robinson: Thanks Chuck great catches or spots. And (unintelligible) definitely acknowledges that those clarifications make sense as does Avri. So that's very helpful. Thank you.

It looks like we can probably hand things back to Stephanie then to start to walk through the public comments and proposed responses or updates based on latest thinking. So Stephanie let me hand the mic back to you.

Stephanie Duchesneau: Yes. And sorry this is done at such a high level. There were a lot of comments specific to this design team. So first for simplicity sake we've just broken it out.

And we tried to do this work pretty quickly between the last set of calls and this one. So for simplicity sake we've just done it on a topical basis.

The first one I touched on when I was doing the overview which is the composition. And I wanted to underscore that we've actually changed the composition structure since the time that this was pointed out for public comment when there was just actually just a couple of straw man proposals for how this could be composed.

What we ended up at was pretty similar to what had previously been agreed for the MRT. The comments that we got in about composition were all over the map partly because it was undecided (unintelligible).

You had some people particularly on the registry side asking that this component of representation be increased.

You had other people saying that registries were overrepresented in the proposed structures and that it should be completely equal.

There was one comment that called into question the role of the CSC liaison that we discussed in the design team. And we think that knowledge is pretty important for this process.

We had another comment asking that the entire CSC be represented on the design team and five additional roles be created for it.

So I kind of like to think that the fact that everyone seems to be equally unhappy about it in different directions means that we've hit some sort of a happy medium but I would be interested in input.

And we took this back and discussed it as a design team. And people seem to think that notwithstanding the comments the structure that not the one that was put out for comment but what we have in our most current version is a pretty good balance. But if there are folks on the CWG that disagree strongly with it please do raise that.

Jonathan Robinson: Thanks Stephanie. Are there any comments or questions? An interesting point that the fact that there's a sort of balance of views in either direction for - that you may already be at some sort of middle ground but any comments.

Anyone either particularly unhappy with the current structure in particular with reference to the public comments or does it seem that it's a reasonable middle ground as sort of suggested by Stephanie? Grace go ahead.

Grace Abuhamad: Hi Jonathan. Hi everyone. I think I just wanted to thank DTN on behalf of staff. This was really helpful feedback to get.

And I think we can based on this feedback we can probably redraft some of our responses and put in some more sort of detailed responses that match the document that Stephanie and DTN have proposed. So we just wanted to thank DTN for putting this forward (unintelligible).

Jonathan Robinson: All right. Thanks Grace. Olivier are you asking to see the structure on the screen? And I am not sure if we have but I mean maybe Stephanie can talk to that.

I'm not sure if we have it in as a - there you go. It's been posted in the chat. So there's your makeup of your sort of multi-stakeholder group in the IFR. And as Stephanie said it's in the document she circulated. Lise go ahead.

Lise Fuhr: Thank you Jonathan. And actually you said it. This is I think a very good example of where we have the multi-stakeholder model in play.

And I think presently I think it looks very good. Being one of the non-ccNSO members it's important to see that those have been included too.

And I think that's also a very important part of the NTIA requirement. So I think this is where we have the multi-stakeholder model in play. Thank you.

Jonathan Robinson: Thanks, Lise. Any other comments or questions before I hand back to Stephanie? Martin, go ahead.

Martin Boyle: Thanks, Jonathan. (Martin Boyle) here. Yes I think certainly as a number of comments have said, and I think quite a number of other ccTLDs identified, and let's actually remember that an awful lot of the biggest problems that affect the IANA functions operator tend to be caused by ccTLDs. I certainly have quite a serious concern about firstly the relationship between the total number of registries. Four of I think it's thirteen, but my math's not necessarily very good at the moment, has been registries and yet this all about technical and service function.

And secondly, my concern that we have just two ccTLDs from this, of which actually only one from ccNSO, and the ccNSO issues, as I say, will be quite substantial parts of concerns about the way that the IANA functions operator work. Yes it's important to have a non-ccNSO ccTLD, but one ccNSO against

is it five GNSO members I think is not a fair balance. So I really do have serious concerns about with this particular oh let's base it entirely on the organizational chart fails to take into account the quite serious issues that will need to be addressed by the IANA functions review team. Thanks.

Jonathan Robinson: Thanks, Martin. I'll leave others to come in behind and either respond or take up those points. I know that Keith in the chat is supportive. I'm sure others will come in with views. So let me hand over to Olivier.

Olivier Crepin-LeBlond: I often - completely agree with Martin. But on this occasion I do have a question for Martin and perhaps also Keith also mention things in chat. This whole functions review is going to be primarily based on the input that is received from the CSC and - I mean do they see that any part of it will be political?

Because the - this whole thing of representation on there and having more issues that will be CC based, therefore we need more people on that committee or on that team that will be from the CC community, I can only think that numbers, actual exact number, will have something to do if it becomes a political discussion. But if it's really down to making sure the IANA functions actually work and the operator works, and if things don't work we have to issue the RFP, et cetera, et cetera, then I'm not quite sure where one then starts being concerned about the number of people rather than actually being represented on that committee. Thank you.

Jonathan Robinson: So there's a queue forming. And I'll just give priority should Martin first of all want to respond directly to that question since it's a direct question for him from Olivier. So, Martin, go ahead if you would like to say something.

Martin Boyle: Thank you, Jonathan. Yes I think Olivier certainly makes a very good point that I would expect most of the review to be about the service that is being provided and therefore would be based on the views of and the input that has come from the CSC. However, certainly the bit that does concern me is that there will be I think quite a lot of pressure on, you know, is the PTI in carrying out its work basing itself correctly on the policy in place.

The policy in place for the GNSO is substantially different to the policy in place for ccTLDs, for which there is a multitude of different sources. And it's because of this, you know, is the PTI introducing new demands, is it interpreting policy in a way that is perhaps stretching the belief of what the policy should be. And that I think is a very serious and very tricky issue to discuss and therefore with the very limited representation I think could be a substantial problem. Thank you.

Jonathan Robinson: Thanks, Martin. That's a clear response. I think given where Stephanie's been leading the conversation, I'd like to give Stephanie the opportunity before coming to Avri and Lise. So, Stephanie, if you'd like to come in now do, otherwise I'll come back to you after Avri.

Stephanie Duchesneau: Yes I wanted to second what Olivier had raised. I think that the CSC input as well as the input that goes directly after the IANA - that is received directly from the IANA customer surveys are going to be among the most important inputs that this IANA function review team is considering for that field, largely with the operational issues.

With respect to the political concerns that Martin just raised, I understand the concern about the ccNSO representation. I think one of the most important tasks, because we had a CSC that was so registry heavy, one of the things that we were working toward was to get a better balance between registry

representatives and other parts of the ICANN community. And I think for this purpose, there's more of a (negality) between gTLD registries and ccTLD registries, so I think that balance is important.

And I also wanted to call out that compared to the other groupings of the community, there is already some weighted representation for ccTLDs versus those other factions. I think - I mean there might be a discussion to be had about maybe doing two instead of one ccNSO representative, but I don't really think that with the balance that we're trying to get out and the fact that one of our imperatives in developing the IFRT was to also to keep the group small and lean and able to operate efficiently.

I don't really think that starting from the principle of having five seats, one from every geographic region, I don't think that that's reconcilable with the other types of balance that we're trying to achieve and keeping a lean composition.

Jonathan Robinson: Thanks, Stephanie. That's helpful. Avri, I'll go straight to you.

Avri Doria: Thank you. This is Avri speaking. I want to concur with most of all what Stephanie said. I mean it is certainly possible for us to work our way back to the 25, 27-plus membership committees that we had when we were talking about the MRT and including one from every region of every stakeholder group, et cetera.

So we had worked our way down to that. Now this was not causative, but doing a post-analysis on the composition of these and if you looked at stakeholder groups not in terms of the silos and sub-silos that we've created for ourselves, but if you look at it in terms of registries, the customers and users of registries and the advisor functions within ICANN, you actually can

see it as having a parity there of a third of the people on it being industries of one sort of another, a third of the people on it being customers, whether it's registrars, registrants, users, and a third of them being the advisories and liaisons through the SSAC, the GAC, the CSC, et cetera.

So trying to find a multi-stakeholder balance while keeping it small, so - and we had gone through that very long negotiation. Now there's something I don't necessarily favor but it's an option we can consider and that's that same dichotomy or duality we've gotten into with the CWG meetings of members and others being able to participate to varying degrees.

I don't - that loses us some of the quickness and flexibility but then does increase the voices potential. So that's another balancing issue (unintelligible). So I just wanted to bring those two things up. Thanks.

Jonathan Robinson: Okay thanks, Avri. Let me hand straight over to Lise, who's next, wanted to make a point.

Lise Fuhr: Thank you, Jonathan. And, Martin, yes I think you have a point saying that the CC community's very diverse compared with the other communities and this might be issue in this sense. Having said that, I also think it's important that we have the multi-stakeholder model here and have the balance. And I kind of like the idea that Stephanie announced saying we could maybe have an extra ccNSO, so you have two from the ccNSO and one non-ccNSO, and try to even the difference more out in this.

And as I think it was Olivier saying that most is going to be dealt with in the CC. There's going to be a review team. So this is going to be very dependent on the CC also and asking into their opinion. So I think you have to view it all in connection. Thank you.

Jonathan Robinson: Thanks, Lise. I noticed that Staffan in the chat is supportive of you, and (Paul) also in chat notes that the requirement to focus on delivery of service and performance of IANA is and should be technical. Of course just a reminder that on the day-to-day, week-to-week, month-to-month focus on holding IANA's feet to the fire should that be necessary, that is the function and role of the CSC. Yes and Chuck makes a point that we should perhaps not get into a debate over relative diversity.

I mean in sense we've got - I don't want to push us to a premature close here but there's a proposal floating around here that says can we nudge it in the direction that Martinis seeking by a tweak to the composition. It probably roughly -- I haven't done the numbers -- but it probably roughly matches still Avri's one-third, one-third, one-third. How do others feel about that tweak, one additional CC representative or is it - have you considered this so carefully that you feel that you've got that refined balance already?

I'll say it's legend I think that putting the GNSO as having five and thinking that the GNSO is in some way is a coherent and cohesive community that might be aligned - is any way guaranteed to be aligned is a stretch, but - so that does give me a little smile if we put GNSO versus CCs. But, you know, you - there is - I think it's really an opportunity to speak for or against.

You know, so it may - I mean arguably we've got - well I know and this is to Olivier's point, once we start to open up - and I think this is where the group came from, they carefully pared it back down from a really substantial number, and that's acknowledged, so. And that's kind of what Stephanie's original point was. Look there's some who want more, there's some who want less. This is a carefully struck balance.

The question is really is it an acceptable tweak that just might get us a rather rapid compromise and allow us to part composition rather than spending a whole long time on it. All right we're certainly sitting at it appears one of two solutions, either - and, you know, one of either as proposed or tweaked in the direction of an additional ccNSO plus one.

I don't - I saw some support for that but probably possibly not sufficient. It may be worth progressing through the other points and not getting absolutely stuck on this for the moment but recognizing that that's remains in an open item that we might need to come back to later in the call while others digest whether they can live with or are prepared not die in a ditch over one way or another.

So let's bear that in mind and recognize that we'll have to come back that and permit Stephanie to continue to lead us through notwithstanding that point on composition.

Stephanie Duchesneau: So another point that we got comments on and we've touched on in this last discussion is the question of geographic representation, which we hadn't specifically called out either in our public - in the version that was sent out for public comment or in our subsequent revisions to it. In the work since yesterday that we carried out to call the public comments, we took some of the discussion from yesterday and decided that - I mean it's difficult to provide for perfect balance representation of all the geographic regions because we're trying to keep as a very small group, so most of the appointing organizations, many of the appointing organizations only have a single representative.

We suggested that to the extent that an appointing body was able to - was appointing more than one representative that then they should seek to appoint not all of the people from the same ICANN geographic region, which I think

is a good starting place. And I note that on the list Chuck had also suggested that potentially the groups could communicate their selections and there could be some attempted reconciliation between the selections across these different groups.

I think it's a good idea in principle, though I think it adds a pretty good deal of complication between the appointing procedures, because each group is going to be going about it internally according to their own rules and procedures. So I wanted to put out to the group now whether there are additional suggestions about whether we think that requiring geographic diversity for folks that are appointing more than one representative is an appropriate solution or are there other ways that we should be trying to go about this, acknowledging that it's a pretty small size that we're looking at for the IFRT.

And then this could also be applied to the separation community working groups because we also haven't defined geographic representation for that particular body, which wasn't discussed in the draft proposal but I think we can leverage parts of this conversation to potentially add additional criteria to that if we need to also.

Jonathan Robinson: So key question is to what extent is geographic diversity either not addressed as a desirable condition or addressed as a mandatory condition in any part of the language describing this. Avri?

Avri Doria: Thank you. This is Avri speaking. Yes I mean it is quite difficult on the geographic representation. Now in the case that we go to one of the entities having more than one and we can look at them in different ways, we could put requirements, as I think Stephanie was saying, on them having to have no more than one from any particular geographic region so that (unintelligible) a little.

And normally in one representation we look at for example the GNSO membership in this as being decided between registries and customers. In another respect we could look at it as useful for doing some of it the geographic distribution. Likewise if any other of the groups were to have more than one, which they don't at the moment, then, you know, they could also be part of doing their own you have to have, you know, no more than one person in a geography. That starts to distribute it. Thanks.

Jonathan Robinson: Thanks, Avri. And I see a couple of comments running in the chat around being careful not to be overly driven by this requirement. Alan?

Alan Greenberg: Thank you. It has been suggested that we allow alternates because any group with only one person, where a specific organization only has one person on it and the group runs for a long time, is in a really bad position because often things come up where people cannot attend and alternates are useful in that situation. And should we allow alternates, then we could also require that the alternates provide some level of diversity.

Jonathan Robinson: Any response to the point on alternates? Is alternates currently not envisaged? Is that the point?

Alan Greenberg: I don't believe it's mentioned anywhere. I think the ALAC mentioned it but I don't believe it's mentioned in the current document. I may be wrong.

Jonathan Robinson: So Stephanie confirms in the chat that it doesn't currently consider alternates but that may be - so Stephanie, can I understand from that that there's no - okay the discussion could be had, it's not that at this - so that may be a way of fixing things. Chuck, go ahead.

Chuck Gomes: Thanks, Jonathan. With - one of the things I think is helpful to keep in mind is that ultimately any recommendations coming out of the IFRT would have to be approved by the, I believe if I remember correctly, by both of the policy development - by GNSO and ccNSO as well as other approval mechanisms. And recognizing that those groups I think are geographically diverse that in the end I think there's pretty good geographic diversity.

Now as I proposed and what - on list between the two calls today, you know, I'm okay if an additional step to try and balance geographical diversity is taken, and if that can be done without too much complexity, which I think it should. Now that aside, I think it's helpful for us to remember that in the end any recommendations coming out of an IFRT would have to be approved by the ccNSO and GNSO and other approval requirements, which are very multi-stakeholder and I think geographically diverse. I think we don't need to spend too much time tweaking all of this if we understand that. Thanks.

Jonathan Robinson: Thanks, Chuck. Can I just - I suppose the current recommendation is that, just going back to the document, we recommend that a principle that to the extent possible groups appointing more than one representative strive to represent from different geographic regions. So there's certainly a recommendation.

I think you could potentially strengthen that to say consideration - I mean if you're publishing where the group is coming from, consideration is generally given to geographic diversity. I don't think I'm seeing a strong requirement here for mandatory.

So, Stephanie, I think you've got - the group's got some direction here. I'm not sure how much further we can resolve this. There's some consideration to alternates, there's recommendation to contain language that reflects

geographic diversity, and then there's Chuck point to think about the approval mechanism is - so it feels to me like you've got enough additional substance to work with here and we should probably move the conversation onto the next point.

Stephanie Duchesneau: Yes happy to move to the conversation along. The next item that we had pulled out from the public comments is that whereas we had proposed that the periodic review be carried out first after a two-year period from the date of transition and thereafter every five years, there were some comments that called for the reviews to be carried out much more frequently. We saw a couple that were saying that this should be done every other year, and one that even noted that this should be carried out every year.

Considering that we envisage that this would be about a nine-month process, we think that the churn of doing reviews and the burden on the community would be too much. And Chuck added a very good point on the list, which is that also this has been a very predictable service and the CSC has mechanisms to also consider other changes on a more day-to-day basis.

So we're pretty comfortable with the proposed five-year review structure, especially because it's also supplemented by the option to trigger a review outside of that cycle if it was determined to be necessary. And that review wouldn't necessarily be a separation review. There could be a multitude of outcomes or a multitude of causes for it.

Jonathan Robinson: Thanks, Stephanie. I guess my take from that is that the group has a really clear recommendation. There were some respective tweaks to that provided by the public comments but my feeling is you're not swayed by it. I don't know if anyone else - I'm going to call the question really. Do we stick with what we have or does anyone else feel that the public comments are sufficiently

material to modify? And I note Staffan's comment saying he agrees with sticking with the current proposal as it stands.

So I think in the interest time I would keep moving, Stephanie, unless people call you back and tell you that they're either too frequent or too infrequent. We have a working proposal and we have some comments. You've thought about them. Let's keep it moving unless someone calls you back.

Stephanie Duchesneau: Great. So the next item is the outcomes of the IFR. We had actually included a very high level but not well developed inventory of potential outcomes, but ultimately -- and this has been further clarified in more recent drafts -- we don't want the outcomes of the IANA function review to be prescribed. We think that it could be anything from there being no action to the initiation of a separation process, which we've defined a lot better in more recent versions of the draft.

The question that I have --and I think we would be willing to do this if people on the CWG think it's useful -- is whether we wanted to include - to still make it clear that the outcomes were not going to be predefined but to include an inventory of possible outcomes from a separation review -- or not from a separation review, pardon -- from an IANA functions, if we want to explicitly call that out or if we think that even stating that within the proposal would be somewhat prescriptive.

Jonathan Robinson: Thanks, Stephanie. That's a really good question. I mean personally I'm fairly attached to the open item and I have no view yet - I think it's a great construct of this group that we came to the point that we wouldn't prescribe the outcome. I don't feel strongly, and I wonder how others feel about potentially indicating possible outcomes. Stephanie, go ahead again.

Stephanie Duchesneau: Yes and I just wanted to call out that one thing that we do say in the current version of the draft is that the outcome can be anything from no action to initiation of the separation process. So while we haven't described everything that falls in between we've kind of put what the ends of the spectrum could potentially be for the review.

So I think that's a useful boundary. The question is do we need anything more than that. I'm inclined to want to keep it open as well.

Jonathan Robinson: Sorry Stephanie did you want to finish before than I won't come in again and when you finish Avri go ahead.

Stephanie Duchesneau: Avri can go ahead. I'm all set.

Avri Doria: Yes this is Avri. I think it's very good to leave it open the way it is. We may want to just give a mention to, you know, the center of that spectrum being various forms of remedial recommendation.

And just too sort of indicate what kinds of things without getting into an explicit list. So that would be my only recommended change to just indicate kind of what's in that middle space. Thanks.

Jonathan Robinson: Yes I'm going to say as we were talking I was thinking about this and I think there's a communications issue here and it may be that, you know, where you seem to be is you're saying there's no prescribed outcome, the range could be this and some examples could be this.

But I wonder if it isn't useful to put a couple of examples in so they're not possible outcomes but and I know this is really nuanced but it just gives some examples.

So for a reader who is not as in depth in this as we are its illustrative and you might even say illustrative examples include. So that's just a thought to slightly tweak what's going on.

And then if you don't hear anything else Stephanie I suggest you consider moving on through the list. Chuck go ahead.

Chuck Gomes: Just a quick comment. I think part of our problem on this is the definition of outcomes. When I think of outcomes I think of recommendations coming out of the IFRT.

I don't think that's what the commenters meant here but I believe that's part of the confusion here.

Jonathan Robinson: Okay there seems to be a couple of bits of support for some examples but recognizing that - but I think the overarching statement would be that there is no prescribed outcome and I think that's a fundamental principle of this part of our work.

I'll take Chuck's point that outcomes may be, there may be some ambiguity as to what - all right maybe we should let Stephanie and colleagues move on and Avri has noted that she would be happy to take a crack at something that defined, that put a bit of scope on it without being prescriptive.

Stephanie Duchesneau: All right so can we scroll up a little bit. So notwithstanding the conversation that we had before about what the size of ccTLD representation should be on the IFRT a question was also raised about how non-ccNSO members would potentially be appointed to the IFRT.

This has been made more specific in the current draft and in what we put out for public comment as we specifically noted who of the ccTLD representation would be coming out of the ccNSO and who would be a non-ccNSO representative.

The suggestion was made in the public comment period that for both of these bodies the ccNSO still should be the appointing body. We discussed this as a design team and we generally agree with that suggestion.

Particularly if it's qualified that one of the representatives has to be coming from outside of the ccNSO. We think that the ccNSO is still best equipped as an appointing body and also as an outreach body.

As I know they retain the contact information for both or even ccTLD operators that sit outside of the ccNSO but I wanted to put it out particularly to members of the CWG who are ccTLD operators and don't participate whether we think that's appropriate as a mechanism.

If it's clearly qualified that there is going to be non-ccNSO representation on it.

Jonathan Robinson: Okay Lise go ahead.

Lise Fuhr: Thank you Jonathan. Well to me it makes sense it is the ccNSO that is appointing because the others are not in the same way organized. So having a process that's saying that you need to include non-ccNSO members is important but I also recognize that we need a procedure in the body to do the selection.

So being a non-ccNSO member to me that (time) and I see (Paul) in the chat is mentioning I would assume that it's fine non-ccNSO registries simply don't want ICANN board to impact their operations.

Jonathan Robinson: Okay, so it sounds like in the absence of objections you can move on with that. I'd just encourage anyone if you do, you know, if you are, if you have - don't feel you've absolutely missed the boat we don't want people dragging us back too much but if you feel you've missed a chance to comment just come in as quickly as you possibly can.

Otherwise I'm going to encourage Stephanie in the interest of getting through this to keep moving.

Stephanie Duchesneau: All right so I'll move it along to the scope of the IFRT and this is a pretty simple question that was raised. I think in the ALAC comment which asks for a clarification of this would apply only to the naming functions.

It was the intent in drafting a separation process that this would only be applying to the naming functions. So we will just take the task of making that. I think it already has been clarified in most places in the current draft but I will do a run through to make sure that is properly referenced everywhere in the overview of the separation or of the special review in the separation process.

The next one is that a new hand?

Jonathan Robinson: Yes just a quick comment from Lise, yes go ahead.

Lise Fuhr: Thank you Jonathan, sorry Stephanie. I just saw in the chat that (Donna) made a very good suggestion and that was that the ccNSO would input from the regional cc organization could appoint.

So that could be a way to describe how to do it for the non-ccNSO members.  
Thank you and sorry to jump back.

Jonathan Robinson: Thanks Lise. Go ahead Stephanie.

Stephanie Duchesneau: No not a problem and I don't know that we can have one of the regional appointing bodies as regional organizations as the appointing bodies but I think the way that (Donna) has it formulated makes good sense.

So if you and other folks are in agreement I can definitely make that change or make that addition to the draft. I see a green check from Avri and a plus one from Staffan. So unless I hear otherwise I'll go ahead with that additional stuff.

So the next item that we had was also a pretty simple one. We got some comments that were expressing concerns about the IANA function review team sitting within PTI.

And concerns about undue (employment) if that was the case. There were also concerns about PTI providing secretariat and other support for the IANA function review team.

That was not the intent of the design team. We intended that this would be a group sitting within ICANN and identified within the ICANN bylaws. But we take note that that could be clearer in the draft and unless we see any concerns

from folks in the CWG we'll take that task back and update the draft just to make sure that is crystal clear and the latest version. Avri.

Jonathan Robinson: Stephanie.

Avri Doria: This Avri. I just wanted to add one quick thing on that. Since we situated the IFT team at least for the moment within the context of standard review teams and all the mechanisms that apply to those standard mechanisms like secretariat support from ICANN staff and plus on the CCWG side.

I think a lot of that ICANN infrastructure for supporting a review team is inherited just by that very nature. If we moved it out of there then we would have to be specific but at the moment I think it's actually inherited from its nature as a review team. Thanks.

Stephanie Duchesneau: Okay, seeing no other comments I'll go on to the next point which was just a basic comment that we saw numerous times and considering that we kicked off this work just before the public comment period doesn't come as any surprise.

We through there was insufficient detail around the separation review. There has been a few changes since the special IFR has been sort of redefined and is no longer being tied exclusively to separation.

But we've also defined a separation process which is the creation of the separation community working group and defined what that would look like and how it would conduct its work.

That overview is covered - the most recent version of that overview is what I circulated to the group just at the start of this call today. So it's difficult to kind of assess the public comment because we're in a very different place now

with the defining the separation process than we were at the time that the comments were received.

But I open it up to folks to identify any points of confusion that persists with the current version of the separation review overview or areas that we think require further detail in the process where it stands today.

And I also wanted to flag that to the extent that there were some specific comments raised like community consultation requirements. We looked through these and thought a lot of them were addressed by the work that had been done since the date of the public comment period.

So that's it for me I'll turn it over to folks with their hands raised.

Jonathan Robinson: Thanks Stephanie so we'll go to Chuck first, go ahead Chuck.

Chuck Gomes: Thanks and I'm supportive of the DTN recommendation here but I wonder if with regard to the SCWG since it's a working group if this is an area where the membership of the working group could include more from the ccNSO like we were talking about earlier or from the cc's so that they get, you know, the geographic distribution of the five regions or whatever they so want.

I like the idea of patterning the working group after the IFRT but it seems to me in a working group there could be a little more flexibility there to accommodate some of the concerns that were expressed earlier with regard to cc participation.

I just throw that out I'm not pushing that but it seems like a little more flexibility in a working group like this could be had and accommodate some of the concerns we heard earlier with regard to the IFRT.

Jonathan Robinson: Thanks Chuck that's an interesting suggestion. I noted the comments in the chat there about members and participants which becomes more important to distinguish when we're talking about the CWG here. Martin.

Martin Boyle: Thanks Jonathan. Yes certainly I initially put my hand up for very similar reasons to Chuck's intervention so I won't repeat those at all. But I think the thing I'm taking away from this discussion and what Stephanie right at the start was that the SCWG its key role is going to be to look at the processes which would include writing an RFP going through that whole process and eventually selecting the future operator.

And I would put my hand up here and say it is very, very important through that process that it is entirely an IANA process and there is plenty of opportunity for people to put views into that discussion in a roughly similar way to the way the NTIA went through with its notice of inquiry and further notice of inquiry as it went through its statement of work RFP call it what you will, thanks.

Jonathan Robinson: Okay, thanks Martin. Any other comments or questions in respect to this? And is there - and then there's a point from (Donna) in the chat that seeks to potentially modify the working group to include greater participation from all direct customers.

Avri notes that there's of course already greater representation from direct customers, (Donna). (Donna).

Donna Austin: Can you hear me?

Jonathan Robinson: Yes we hear you (Donna).

Donna Austin: Okay thanks Jonathan. I think my concern here is that the separation review is very different from the IANA function review in that if it gets to the point that separation has been decided that it is warranted and we should move forward then it's a different, potentially a different set of people that you want in the room and a different conversation.

So I just I think that should be taken into account that the separation review is different. There will be an outcome. It will impact the direct customers so I think that should be factored in.

Now whether that is greater representation on the SCWG or a mechanism like Martin was speaking to, you know, I guess I would lean more towards more representation from the direct customers but I understand that that is a sensitive issue.

So if there is another way to provide for more input from the direct customers then I think that should be provided in some way.

Jonathan Robinson: Thank you (Donna). I must say I hadn't formed a view on this but as you spoke that does occur to me that and this is just food for thought that the functions review is somewhat of an audit type function whereas the CWG the separation review work is more of a potentially at least although I think it's not constrained is potentially more a vendor selection exercise.

So there is an argument to say what you have made in part at least that the tasks are different. I wouldn't mind clarifying what - you endorsed a suggestion of what Martin was saying and then Martin was coming back. So I wouldn't mind clarification of what Martin was saying.

I understood (Martin's) points on process. We're saying any vendor selection process or perspective future PTI should be done methodically and thoroughly along the lines of the process that NTI had undertaken but did you say something else Martin that's material and needs to be captured?

Martin Boyle: Thanks Jonathan. No I actually at that stage made no comment about the makeup of the SCWG. I think I actually shared some of, probably rather a lot of (Donna's) concerns that you end up with an SCWG that absolutely does need to understand what are the requirements of the customers actually are.

But what I was looking at was that if you're going to the SCWG process that that process needs also to get in comments from way outside its own membership including almost certainly from the other operational communities as well. I'll leave it just there thanks.

Jonathan Robinson: So there's actually a couple of themes coming in here and we need to try and give this group direction so they can - I mean it sounds to me like there's two points here at least.

One is composition in terms of a sort of map of the composition and then the relative amounts and the other is almost a skill set issue. So in theory you could be coming from the same community and in the first instance if you are an IFR having the relevant skills for that job.

And if you are on SCWG have a different set of skills notwithstanding the fact that you came from the same communities. So we sort of assume that the community and the skill sets go together.

And so it may be that the group makes a recommendation as to the fitful purpose or the appropriate nature of the skill sets in each case and that might be at least a part of the fix.

I'm not saying that deals with the composition point of view but it does at least guide thinking of the appointing groups as to say, you know, this is what you are trying to achieve.

So even if it wasn't as bland as saying appointees should have an appropriate skill set to undertake the work provided and we may go further than that but it's that kind of - that may help things a little at least.

So, so far we've had a couple of suggestions for potentially in modifying composition in both cases. Okay well let's keep moving for the moment Stephanie and recognize that there's potential composition issues.

Yes and James highlights that point (unintelligible) procurement manager. Go ahead Stephanie let's keep working through these and make sure we make as much progress as we can noting that there's a partially open item on composition in both cases.

Stephanie Duchesneau: Okay so the next item on the overview that I prepared is the role of the board which was again something that was probably not that well defined in the version that went out for public comment but we have put some more clarity around in the more recent draft.

And basically where we have it standing now is that the board's responsibility would only or the board would only come in in two places. First it would be approval of a recommendation to initiate a special review which would be in addition to ccNSO and GNSO approval.

Also in the approval of the recommendations of the IANA functions review. We think that with this kind of clarified scope that there is not too much and certainly not very active board involvement it's just the approval function.

And considering the nature of what's at hand we don't think that board approval can be circumvented. One of the things that we had already done in the more recent version of the draft which I hope will address some of these concerns is to require that if the board were to reject the outputs of an IANA function review that it would have to both have the same voting thresholds and follow the same procedures as for rejection of the outcome of a policy development process.

And I note Chuck's clarification here that it would be a super majority policy development process. So I hope that quells some of the concerns that came in but if people still think that this is too much board involvement we can take a look.

I think we've tried to keep it pretty bare bones and to build an additional safeguard even where we do have the board playing a role. And Avri also notes that we have CCWG mechanisms to handle board rejection which is important to consider also.

And in response to Brenden's comment this is the ICANN board that we're talking about. (Matt) can you please provide a little bit more clarity around the question that you're raising in the chat?

Right now we have the board approving the outcomes of the special IANA function review but they're not actually playing an active role in developing the outcome.

Yes so (Matt) shares, says I thought it had to agree to the initiation of the special IANA function review. Yes that's true there is board agreement of the

initiation of the special IANA function review and board approval of the outcomes of the special IANA function review.

Jonathan Robinson: Stephanie it's Jonathan. Perhaps then presumably the check and balance on that is if the board unreasonably fails to accept the initiation of a review or the outcomes of a review the community then has recourse to the CCWG accountability mechanisms to deal with that.

Thanks Stephanie. So (Matthew) questions is the series of dependencies. I mean (Matthew) just a perspective on that. I suspect this is from some perspectives or some observers view this would be potentially highly de-stabilizing activity.

Now you might say well operational failure is equally de-stabilizing and when the remedies need to be invoked it needs to be invoked. But I guess it's about the perceived and actual checks and balances at each step of the way such that it goes through and I assume that's where the groups are coming from.

But, you know, how do others feel about initiation? Maybe initiation is less significant than acceptance of recommendations, you know, let's try and -  
Greg go ahead.

Greg Shatan: Thank you Jonathan. Greg Shatan for the record. You know, I think that the approval of the initiation or review is necessary and appropriate and both because it is the outcome of a review team kind of procedurally should occur.

Secondly, you know, this will be a major corporate event for ICANN. It would be a significant investment of time, money and effort, support and, you know, going out to the public perhaps with a RFP which will be extensive.

I mean this is not small beans by any stretch of the imagination. As such I think it's just, you know, good governance that the board would need to approve something of this magnitude, thank you.

Jonathan Robinson: Actually it just occurs to me there's a point of information it might be useful to give at this point. I made a reference in Singapore I think it was to the board initiated review of the GNSO which I took to be the case.

I understand that we were in the midst of a board initiated review. As it turns out it's an ICANN bylaw mandated review as arguably would be both the regular and special reviews in this case.

And one of the board members took umbrage at me referring to it as a board initiated review. So whilst the board in effect was overseeing the review they had no choice but to follow the bylaw mandated review.

And in some ways this if the analogy persists which I think it is our intention it's interesting to even note technically whether the board has a role in initiating it other than to ensure that it is undertaken consistent with the bylaws.

So maybe that's what we mean and maybe that's sufficient to assuage any concerns. So I'll just add that as a piece of information and then revert back to the queue. James.

James Gannon: (Unintelligible). So I think we need to just look at these in two separate instances because they're two different things. So I would have concerns around the process for the special IFR being needing to go to the board.

My issue with that would be (unintelligible) if we are convening the special IANA function review it's generally four calls, something that's happened that is requiring us to look at this.

And my impression would be that that would be something that would be something that yes needs to be carefully considered, but would need a point of expediency about it.

And my concern would be that if we have a situation where the community has identified something needs to - something has gone wrong and we need to initiate an FIF4, and the board rejects us, we are then getting into what can be quite a long and protracted process to go through the accountability mechanism for board rejection of something, which may actually then impact the operational issues that the FIF4 is going to be looking at.

So I would - my suggestion would be could we look into the possibility that if an FIF4 is brought to the board, the board is compelled by a bylaw to accept that initiation step so that we can then get into the process of looking at okay, what needs to be done? So I just - in the process of how this would happen, I would have concerns about how long the accountability measures being put in place to - for a board rejection would impact on whatever the issue that the FIF4 is going to be looking at.

Jonathan Robinson: Thanks James. And your suggestion is in my view consistent with that of Chuck's in the Chat which is supported by Matthew - that the board could be given the opportunity to initiate a review in addition to the community, but not require both. And that seems self-consistent with both a bylaw mandated regular review and perhaps a bylaw mandated requirement to initiate a review on appropriate suggestion by the community. Avri?

Avri Doria: Thank you - Avri speaking. One of the - in terms of initiating the IANA function review, indeed the regularly scheduled one is you need no board intervention. Now the reason I think that we put the board approval and the special - and this could possibly be dealt with in other ways - is every board decision on a recommendation is preceded by community review.

Since this was CSE to the S and their super majority without any interval - without any point at which wider community input was taken, that was basically one of the features inherited immediately by having the board approve that. So that was one element.

Now if the CCWG does create this members body, then certainly that is another way to gather. But what is missing - or perhaps it's not missing. But what I certainly believe was missing from going directly from SO super majority to the special IFR was indeed that level of community input.

So I think if we take the board out, we need to consider whether we need some other mechanism in there to register that. Thanks.

Jonathan Robinson: Thanks Avri. That's clear. Go ahead Alan.

Alan Greenberg: Thank you very much Jonathan. I raised my hand when you were talking about a director said these things are - reviews aren't board initiated - they're bylaw initiated. Perhaps this is the right time to use the term weasel words. Reviews - regular reviews are in fact carried out or initiated then through the structural improvements part of the board - a committee of the board which makes recommendations to the board.

The board has the right to initiate changes of bylaws. And in fact we're right now in a public comment initiated by the board saying maybe we need to

rethink the interval of things. So the distinction between the board doing something and the bylaws doing something is a rather poor distinction if you're trying to put the blame on someone else. Thank you.

Jonathan Robinson: Thanks Alan. I just put a clarifying point in the Chat saying that the reviews are bylaw mandated, and therefore the board must do it as opposed to board initiated.

Alan Greenberg: Unless the board changes - decides to change it.

Jonathan Robinson: Yes. But that depends on how well structured and firm the bylaws are.  
Donna?

Donna Austin: Thanks Jonathan. I have a question in relation to the timeframe for how long a separation review would take. I notice it definitely says the IANA function review would take in the order of nine months. I ask the question about the separation review and timing and whether that's been scoped out because if you get to a point where you actually want to start a separation review, things are probably in a pretty bad shape.

So there has to be the ability to be reasonably expedient I think on conducting the separation review and getting to the end game which I assume is a different operator. So I just wondered if there's been any discussion around how long it would take to conduct the separation review, and how that would fit in with the process. Thanks.

Jonathan Robinson: That's a good question Donna. And of course it's possibly a hard one to answer given, you know, our own experience of time in this particular process, and given some of the analogies that have been made to a separation

review and this particular piece of work. But I think if you wanted probably as good as an indicator as any, it would be the time we've taken to do this work.

Alan, go ahead.

Alan Greenberg: I'm sorry - it's an old hand.

Jonathan Robinson: Okay. So then there are some issues here. Certainly there's this point about initiation. And I think there's a note of caution about bylaw initiated reviews, and just that they would have to be community consultation if there was any element of that change. But that's - let's leave that aside for the moment because in many ways that's an issue of the effectiveness of the legal drafting.

What I think is at question here is the issue of the initiation of a special review. Now some have spoken to that initiation of the special review not having to go through a board approval process. Avri spoke to it not necessarily having to go through a board approval process, but being the subject of some form of community consultation. And in a sense the board approval was a device.

I think it's a question of can we live with the board approval having had that explanation, and is that going to put an unnecessary time or barrier in the way? That seems to be the open question here. And then there's a couple of others around composition that I think we're going to have to come back to and try and resolve.

Go ahead Avri.

Avri Doria: Thank you. I - this is Avri speaking. I understand the desire to do this quickly. I also think we have to understand that in presenting a solution to the NTIA, we have to be able to show that any further transition is - of the ISO is going to be something that is taken deliberately, and that we're not just going to be, you know, pulling a fast one and doing something like that - but that it takes serious consideration with serious process, and as others have indicated, a chance for the globe to comment.

Otherwise, you know, we can - and taking the highest of the helicopter, perhaps this is one of those radar ships up in the sky - view of this, and looking at the political environment and Congress and NTIA in terms of how quickly can what we are doing be undone? We really do need a deliberate process here with the proper checks and balances.

So finding the balance between getting it done quick because things are in a mess, and the fact that we let it get to that mess is also problematic. That's why we can have a review with other remediation steps at earlier points. So hopefully we won't get to this mess.

But to be able to say yes, we have to be able to move quickly, but we have to move deliberately and not look like, you know, just making it too easy to change the conditions once we get out of the NKA contract. Thanks.

Jonathan Robinson: So that's a really good lens on the whole thing as well - the perceptions and reality of the perceived stability of the structures that we are creating. And if you remember, one of the board public comments is how will these meet the NTIA criteria? So this would give us a very good argument to say that and in the event of any potential separation, we envision the process would closely mimic that undertaken to date, and therefore by ergo it's reasonable.

So it feels to me like we - there's discussion around movement from where the proposal is at. But as I see it currently, there's not a - so I guess the key point really to potentially focus attention on is the effectiveness and speed with which the SCWG could work. Because the process to getting that - you've gone through your special review. Your special review has made the recommendation to invoke a separation cross community working group. And then the question is how rapidly could that group work?

I want to return us back to this point of composition because we did discuss earlier - and it would be great if we could settle on this - perspective changes - and granted we may not be able to - to the composition of either the IFR and the prospective change to that or the SCWG. You've had some time to think about it.

Is there any strength of views in either direction as to whether the - because currently I'll remind you they mimic one another. And I've suggested - and I hope we will add consideration to the skillsets of those groups so that notwithstanding the origination of the members of each group and the constituencies from which they derive, they will have particular fit for purpose skillsets.

So hopefully we've got them. It is in the note there on the right hand side of your screen. So the question to the group now is how do you feel given that the conversation we had about some recommendations on geographic diversity, some recommendations on skillsets for those groups - how do you feel about the necessary changes to composition of either of those groups? Or do we stick with the slightly simplistic but in some ways structurally elegant solution of them being composed and derived of the same composition?

We've got 15 minutes, and it would be great to get some strength of views in either direction to see if we can't resolve this. Hey I realize you're all probably a little tired and so on. But it would great if you could come back with some thoughts on composition, and provide that contribution.

Chuck Gomes: Jonathan, can you hear me? This is Chuck.

Jonathan Robinson: Yes. I hear Chuck, and then will be followed by Martin. I didn't see either of your hands - apologize. But go ahead Chuck, and then we'll hear from Martin.

Chuck Gomes: Sorry about that Jonathan. This is Chuck. But I don't seem to be able to raise my hand right now or enter anything into the Chat. What I tried there in the Chat was I support some expansion of the SCWG. And that's really all I wanted to say - just don't seem to be able to use the tool right now.

Jonathan Robinson: Thanks Chuck. Could you clarify if that expansion is CCG? We've had proposals for CC expansion, G expansion. I guess it was CC or both was what I heard earlier. So could you just speak to whether you have a view on either of those, or it's just in general receptive to expansion?

Chuck Gomes: Well it was originally in general. But specific - but I think I do support specifically expansion of the CC and G participation in that, and balancing those two because both sides - Cs and Gs - are directly impacted. So I support the - some of the concerns expressed with regard to the IFRT expressed by the CCs earlier.

But I think in this case that keeping the two balanced as direct customers is important, while at the same time allowing full participation of the broader community.

Jonathan Robinson: So sorry about the hand raising difficulties. Hopefully that's now fixed, and you'll be able to join in the group by raising your hand. So that's a suggestion to accommodate expansion of the SCWG by proportionate expansion of both C and G participation.

Grace, you wanted to come in? I'll just - before we go back to the queue?

Grace Abuhamad: Hi Jonathan, yes. So I think we had an issue with Adobe. And it seems like a few people were frozen and had to reenter the room. So I'm wondering if we could maybe pause for a minute just to make sure that everyone gets back.

Jonathan Robinson: Okay. We'll let everyone - thanks Grace. We'll let everyone back. And I'll just do a very mini recap. We've come back to - we didn't really get a resolution other than status quo on the mechanisms for how the review gets commissioned and the cross community working group gets commissioned. So that more or less stays as status quo.

And I've brought us back to dealing with composition issues on IFR and SCWG, noting that we added the component - that we added a geographic diversity recommendation and some wording around that. We also added some wording around insuring that participants in either of those groups were fit for purpose - in other words for the task being carried out by the groups.

And then we had the contribution from Chuck saying he was receptive to expansion of the SCWG with both CC and G expansion, given the specifics of the task at hand. And so I'll then go to Martin. Go ahead Martin.

Martin Boyle: Thanks Jonathan. Yes, well I think I was the person who had most of the problems with the IFRT. And I think I would have a certain degree of comfort

from the idea of having specific reference to skillsets that are being brought into play in the various reviews. So yes, I still think that CCs are going to be under represented on the IFRT. But yes, I think I could live with increasing the number of ccNSO members on that to two from the current one.

But more importantly - well actually quite fundamentally - and I think we just need to make sure that we are saying it loud and clear in the final draft that the IFRT isn't a body that goes into a little room all by itself, shuts the door and then comes out, you know, a little bit like the selection of a Pope, and saying here you are - this is it. But rather that it is engaging quite actively with the wider community.

The second point though on this SCWG - and I think as I understood what Chuck said, I am very firmly with him on that. Again it's a skillset requirement. That role is going to be very firmly focused on developing a request for proposals, and then running the process for the selection of a new operator. And I think that really does mean that the people that are involved in that.

Again it's going to be opened to the outside world. It's not going to be going into its own little room. But very much the discussion in that room is going to be about what are the real requirements for the new operator, and making sure that those are embodied properly in the RFP.

So if that's what Chuck was guessing at, I'm with him - certainly very important to make sure that we've got a good technical representation there.  
Thank you.

Jonathan Robinson: All right. Thanks Martin. That's helpful additional comment. Avri?

Avri Doria: Thank you. This is Avri speaking. It took me a second to unmute. I think, you know, I understand the compromise we're heading to in terms of adding an extra ccNSO on the IFRT. And I have a very strong issue with it.

In terms of the SCWG - the Separation Community Working Group - I still am concerned about enlarging it, not enlarging it by that one ccNSO. That makes sense. But I'm still very concerned about alternate doubling it and such. One of the things we did mention is the addition of participants.

The issue that I have is we have sort of a contradiction between two sides of the equation, where we say we want something done fast but we want something with many, many members. So we'll have to find that particular balance. And perhaps one of those CCWG formulas that we're using - that there's one participant and up to N - I mean one member and up to N participants might be a formula that still gives us something that's small enough to move.

I want to I think get an assurance that in all of this there was an intention of complete transparency outreach as globally both to the ICANN community and beyond as possible. So anyplace where that seems to be missing, I think it's just a matter of not having been explicit enough in the wording. But there was no intention of any small group going into a room somewhere and electing a Pope. You know I - such a foreign notion that it was kind of surprising to hear it.

The idea was certainly all the way through - as transparency with maximal participation in terms of bringing in input as it happens.

Jonathan Robinson: Okay Avri, that clip - sorry Avri, your line was breaking up. I didn't want to cut across you, but the line was breaking up. But I think we got the significant gist of that.

It looks like we've got Olivier in the queue. And then I'm going to try and make this a wrap. So go ahead Olivier.

Olivier Crepin-LeBlond: Thanks Jonathan - Olivier speaking. And with regards to the selection of people to go on that SCWG and requiring skillsets, there is a precedent in creating CWGs and creating CCWGs. Where the charter has to be drafted there's always a call for volunteers, and with requirements that those people know how to draft charters obviously - so for specific tasks.

And I guess the SCWG task is the specific task. So we might wish to have a set of requirements on the people that would be on that committee, so we don't end up with "idiots" as far as the topic itself is concerned. Thank you.

Jonathan Robinson: Okay, thanks. I'm going to try and do a job to wrap this up. I've heard a pretty strong driver to try and modify compositions. We have certainly had good agreement I think on making sure we insure both of these two groups are fit for purpose. And in so doing that we specify skillsets and requirements in using whatever documentation process is necessary.

It feels to me like we could provisionally go with one other ccNSO rep on IFRT. That's what I thought I heard was possible. I also think I heard that there was scope to increase the SCWG, probably through additional participants of some sort, although I'm not - I'm less clear on that.

And certainly there seem to be unambiguous that the review team work - the functional review team work would be analogous to that of something like the

ATRT, and therefore conducted in a fully transparent and open way, and of course noting that there must be adequate place in both groups for non-ccNSO, ccTLD registries regardless of their appointment mechanism.

So we haven't yet dealt with separation costs. We'll probably have to pick that up at the beginning of the next call. But that does seem to give us some helpful movement and refinement in the right direction. So that was a content rich and productive conversation to move us forward on all of this. And I think to help very, very strongly by the preparation of the groups coming into this, including Stephanie and other's last - very recent preparation to link their most recent work with the public comments - so great work, very productive call.

And noting an important point made by Donna which we may need to give some more thought to, which is that currently we are undertaking a transition with an operator that we are broadly happy with and satisfied with. Yet that may not be the case in the past. And that was clearly part of the motivator for prepacking the separate PTI entity rather than doing it in a crisis. So Donna, to that extent we've taken that step in that direction. But I'll take your point. It's not - it's a factor to bear in mind when considering this.

Thanks everyone. We'll see you in all in a couple of hours' time, and hope to progress as much of this to a final conclusion as we can, or at least get it closer to wrapped up. Thanks very much.

Avri Doria: Thank you very much.

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