IANA CWG Meeting #17 (11 January 17:00 - 19:00 UTC)

Attendees:

**Members:** Lisa Fuhr, Jonathan Robinson, Seun Ojediji, Fatima Cambronerro, Eduardo Diaz, Erick Iriarte, Elise Lindeberg, Wanawit Ahkuputra, Greg Shatan, Graeme Bunton, Avri Doria, Donna Austin, Robert Guerra; Olivier Crepin Leblond; Staffan Jonson

**Participants:** Alan Greenberg, Sivasubramanian Muthusamy, Gary Campbell, Mary Uduma, Matthew Shears, Chuck Gomes, Martin Boyle, Wale Bakare, Allan MacGillivray, Guru Acharya, Cheryl Langdon-Orr, Steve Crocker, Bertrand de La Chapelle, Lars-Erik Forsberg, Stephanie Duchesneau, Robin Gross; Maarten Simon; Suzanne Woolf; Tomohiro Fujisaki

**Staff:** Bernard Turcotte, Berry Cobb, Grace Abuhamad, Marika Konings, Theresa Swinehart

**Apologies:** Avri Doria; Leon Sanchez; Brenden Kuerbis (Staff: Brenda Brewer; Bart Boswinkel)

**Please let Brenda know if your name has been left off the list (attendees or apologies).**

Notes #4

1. **Roll Call**

Will be taken from Adobe Connect attendance

On phone only: none

2. **Welcome - objective of call #4**

Review accountability issues and linkage with CCWG

3. **Review Survey 2 - Accountability**

**Accountability - Green items (convergence)**

- Ideally, the CWG would have begun its work following the adoption of recommendations by the CCWG-Accountability (question 3)
- Ideally, the CCWG-Accountability would have begun its work before or at the same time as the CWG-IANA, so that the groups could work in parallel (question 4)
- ICANN should formally link the CWG and CCWG processes to ensure that the work moving forward takes into account equities from both processes so that in the end the community, ICANN and NTIA have two well informed and robust plans to ensure the Internet's continued growth and evolution. (question 6)
- Enhanced accountability (regardless of who the IANA Functions Operator is) must be in place prior to the IANA Stewardship Transition (question 7)
- Following the publication of the CCWG's draft recommendations, an assessment should be conducted by the CWG to determine whether the outcome of the Accountability Process provides a satisfactory appeals mechanism (question 9)
- A placeholder should be included in the CWG-IANA proposal that is submitted to the ICG to allow for further evaluation and work as needed after the CCWG track 1 recommendations are finalized (question 10)

4. **Operational accountability**

NTIA transition comes with oversight of operations and oversight of ICANN's broader accountability and governance. What is work of this group and what is linked to the work of the CCWG. CWG must provide accountability mechanisms for operational aspects (ensuring continuous improvements / SLAs, rebidding if operational agreements are not met). Operational accountability to be supervised by the CSC and MRT. But also factor in how CSC and MRT are accountable themselves. Solve issues at the 'lowest' level possible (principle of subsidiarity) - See also notes from yesterday's meetings regarding CSC and MRT. Consider reviewing SAC69 for applicable principles. Possible accountability steps (as suggested by Bertrand): 1) transparency, 2) direct request to the IANA operator by the entity concerned, 3) complaint to the CSC; 4) appeals; 5) annual review by (CSC or MRT).

5. **Broader accountability / Linkage with CCWG-Accountability**

- It is still possible for CWG to provide input to the scope of the CCWG
- What, if any, components of CWG proposal are conditional on the CCWG's work - needs to be communicated to the CCWG

Review CCWG-Accountability High Level Statements / Conditionality components

- Response to request from CWG identifying three specific items and requesting feedback and input for the intensive working weekend. CCWG responded that it is not in a position yet to provide any work results yet and provided some high level statements. Consider what needs to be communicated back to the CCWG.
- How can CWG steer the work of the CCWG?
- What conditions of CWG proposal may be conditional on the outcome of the CCWG and what is the feedback loop? Consider giving them specific items to address, for example, the ability for a registry operator to appeal a delegation decision (which happens before it gets to IANA in the case of gTLDs). Consider pulling out items from this weekend's work to build a list of items to be provided to the CCWG. What is the dividing line between the accountability issues that need to be dealt with by CWG and what issues have to be dealt with by the CCWG before a transition can
occur. List could be divided into issues related to internal and external option. Consider also whether general statements should be communicated to CCWG - in cases where it is not clear whether an issue should be dealt with in ws 1 or 2, put it in ws 1 to be on the same safe; consider creating a ws 3, needs to be a guarantee that a recommendation needs to be implemented, but does not need to be finalised by date of transition. Possible poll questions: should the CWG recommend that the CCWG exercise caution when placing items in WS1 and WS2, and in case of doubt err on the side of caution and put in WS1. The CWG recommends that the CCWG consider a sub-workstream to ws 1 that would include issues that need to have implementation guaranteed before the transition but that can be implemented after the transition (this may also be relevant for RFP4).

Action item: Alan Greenberg to develop first draft of list of possible items for CCWG consideration (with idea to finalize list during next meeting on Thursday)

6. Wrap up / Moving forward

- Chairs Statement following the weekend meeting communication critical points as well as links with CCWG, timeline
- Timeline - initial objective was to have sufficient input coming out of this meeting to prepare a final proposal during next week. This timing needs to be reviewed - what remains a realistic timeframe considering where the CWG is in its process. Revised timeline needs to be conditional on obtaining legal advice, achieving community support for proposal in the event there is no further public comment forum, obtaining approval from SO/ACs in timeline set (consider asking chartering organizations how much time they need). Need to identify dependencies. Chairs will need to have a dialogue with ICG on these possible changes to the timeline as it also affects their timeline.
- Legal advice - important component both for internal as well external to ICANN solution, will also have an impact on timeline. Immediate priority.
- Singapore meeting - need to be able to show where progress has been made and what areas are still open.

7. Confirm next meeting

- Thursday 15 January at 14.00 UTC. Other meetings to be confirmed shortly after this meeting.

Transcript

Transcript CWG #17 IANA 11 Jan.pdf
Transcript CWG #17 IANA 11 Jan.doc

Recording

The Adobe Connect recording is available here: https://icann.adobeconnect.com/p4t188p38n7/
The audio recording is available here: https://icann.box.com/shared/static/w23gd6kzyhxan07gs3p.mp3

Chat Transcript

Marika Konings:Welcome to meeting #4 of the IANA Stewardship Transition CWG Intensive Work Weekend on 11 January 2015
Grace Abuhamad:Connecting audio-- Then I will add mics for all
Robert Guerra:hi all
jaap akkerhuis (SSAC):hi again
Bernard Turcotte - staff support:hi all
Fatima Cambronero:hello everyone
Erick Iriarte Ahon:hi
Bernard Turcotte - staff support:working on audio
Chuck Gomes:Those of us in D.C. are waiting for an operator.
Seun Ojedeji:awaiting dial-out
Staffan Jonson:Hi all
Marika Konings:@Seun, you should get connected shortly.
Mary Uduma:Hello Everyone
Matthew Shears:seem to be unable to connect with PC audio - only gives dial in option
Martin Boyle, Nominet, ICG:Hi all
Marika Konings:We are connecting the audio to the AC now
Bernard Turcotte - staff support:please mute your mikes
Staffan Jonson: Someone playing Doodle Jump?
Staffan Jonson: By the sound
Olivier Crepin-Leblond: what is this?
Greg Shatan: Good afternoon, good evening and good night, all.
Marika Konings: Please mute your microphones when not speaking
Grace Abuhamad: Seun, we dialed you. Will try again now
Greg Shatan: Staffan -- very good!
Staffan Jonson: :-)
Mary Uduma: I am sorry for my inability to attend the 3rd meeting due to earlier engagements.
Steve Crocker: Hello, everyone
Cheryl Langdon-Orr 2: Hi Steve
Mary Uduma: That you Marika for the meeting notes circulated. I got the update
Robin Gross: Hello
Mary Uduma: Thank*
Matthew Shears: + 1 Greg - we should assume it is WS 1
Robin Gross: agreed
Matthew Shears: Q 9 and 10 point to the need to have the time and ability to review the Accountability recommendations as a whole and to see how our proposal accounts for / accommodates them
Donna Austin, RySG: @Matthew: agreed
Robin Gross: does this relate to oversight of enforcement of the recommendations?
Donna Austin, RySG: @Gret: in my mind this review is a 'must' not a should.
Matthew Shears: audio cutting in and out
Cheryl Langdon-Orr 2: audio OK for me
Stephanie Perrin: cutting in and out here
Alan Greenberg: Is the cutting in and out on the phone bridge or adobe?
Cheryl Langdon-Orr 2: must be the AC
Alan Greenberg: Phone bridge is working for me.
Steve Crocker: What keeps the rebidding decision being used as leverage on ICANN unrelated to IANA?
Seun Ojedeji: I should note that I am also getting the cutting in and out... which is not helping me follow the statement flow
Donna Austin, RySG: @Steve: one the requirements recommended by the RySG is that rebidding can only occur as a result of poor IANA performance
Stephanie Perrin: Surely this question of the survival of the conditions is one of the reasons to have an organization constituted in such a way as to have those conditions part of their charter/incorporation.
Matthew Shears: Great question - do we have issues with NTIA's criteria longer term? They probably should be considered for the long term
Steve Crocker: In extremis, suppose the decision process goes outside of its charter? What brings the process back into line? This is one example of the slippery slope of creating new structures. Each new structure requires dealing with its governance.
Alan Greenberg: Acct of CSC, MRT in the ContractCo model is equivalent to acct of ICANN in the internal model
Matthew Shears: +1 Greg
Paul Kane: You raise a good point Steve, I just wish we could get back to the Frankfurt simplified approach - what is now being discussed is far too complicated and IMHO out of scope for a simple IANA technical function
Donna Austin, RySG: @Greg: I don't agree with the working group analogy.
Seun Ojedeji: I am not sure I agree with Greg because I don't see the distinction there. It seem Greg is implying that there is more/less accountability on CSC/MRT depending on whether its contract co/internal...? I think the charter of the CSC/MRT is what is most important source of their accountability
Matthew Shears: Steve seems to be referring to the notion in Q 1 related to a supervisory Board that we really haven't talked about yet

Seun Ojedeji: @Matthew actually I don't know how that can be possible (I mean supervisory board) what does that mean?

Matthew Shears: Operational accountability is for CSC/MRT I would have thought

Alan Greenberg: So they are only accountable to themselves??

Greg Shatan: Seun, I am not thinking about the Contract Co issue, just that creating accountability for the MRT and CSC, as limited organizations created by the stakeholders is easier than enhancing ICANN accountability.

Greg Shatan: @Alan, no they are accountable to the organizations they represent and the MS community.

Steve Crocker: Greg wrote: no they are accountable to the organizations they represent and the MS community... And I ask, as politely as possible, isn't ICANN in exactly the same position?

Greg Shatan: Alan, we may be muddling conversations on ICANN's accountability for operational performance and CSC/MRT accountability for their own performance.

Greg Shatan: Steve, on one level, yes. However, if ICANN were already accountable to the MS organizations and community to the satisfaction of all, there would be no CCWG Accountability.

Cheryl Langdon-Orr 2: Hell yes @ Chuck

Bertrand de La Chapelle: @chuck, yes, that was my second point. I may not have been clear

Greg Shatan: Steve, also, changing/enhancing accountability for an existing, complex, multifunctional organization like ICANN is a much more complex task than creating accountability mechanisms for a newly-formed, limited-purpose entity, IMHO.

Alan Greenberg: @Greg, I can't speak for you, but I am talking about acct of their own performance in both cases.

Robin Gross: I don't think anything thinks the same pressures and forces in the community won't exist in a new group. But it may be more about creating checks and balances

Steve Crocker: It's not binary. ICANN already has a lot accountability mechanisms and processes. Evidently, some people think more (or different) are required

Stephanie Perrin: requirement to exhaust administrative remedies prior to appeal

Robert Guerra: The Principle of Subsidiarity came up yesterday - matters ought to be handled by the smallest, lowest level possible

Greg Shatan: The evidence would point to that, yes..

Alan Greenberg: The issues can be viewed differently because we have a long history with ICANN and know some of its (perceived) problems. We have no such track record with the new intitiles.


Cheryl Langdon-Orr 2: Indeed agreed @chuck re SAC69

Bertrand de La Chapelle: 1) transparency, 2) direct request to the IANA operator by the entity concerned, 3) complaint to the CSC; 4) appeals; 5) annual review by (CSC or MRT):

Alan Greenberg: Yes, SSAC doc is wholly consistent with what all work of CWG is doing (I think)

Greg Shatan: @Alan, should they then not exist?

Chuck Gomes: Looks good to me Bertrand.

Alan Greenberg: @Greg Which "they"?

Seun Ojedeji: If it were possible I would have asked that a SSAC like setup carry out the role of CSC going forward.... :-(

Matthew Shears: +1 Bertrand

Fatima Cambronero: +1 @Bertrand

Grace Abuhamad: You all have scroll control

Mary Uduma: +1 Bertrand

Cheryl Langdon-Orr 2: There will be much more able to be said from CCWG after their F2F meeting at the beginning of next week

Bernard Turcotte - staff support: +1

Matthew Shears: Yes the FF meeting will be key

Alan Greenberg: Yes, we will have more then. But to put this in perspective, we were not prepared to publish our final results a week after our Frankfurt meeting.
Matthew Shears: What is our timeline vis-à-vis the ICG

Cheryl Langdon-Orr 2: of course not @Alan

Lise Fuhr: @Matthew we will discuss this under item 6

Seun Ojedeji: @Matthew i think that is item 6 on the Agenda

Matthew Shears: thanks!

Matthew Shears: It's probably important that we communicate to the the direction of our work - a summary of the work of this weekend would be good guidance

Matthew Shears: and what other works items are underway

Cheryl Langdon-Orr 2: Yes indeed @Chuck send what we have identified as relevant from this weekend to the CCWG ASAP

Matthew Shears: +1 Chuck

Steve Crocker: Chuck just used the phrasing, "delegation decisions that cannot be resolved satisfactorily." Does this mean that whomever is unhappy with the results of the full set of appeals and reviews should be able to go through yet another path to achieve his goals?

Cheryl Langdon-Orr 2: Good plan @Alan

Greg Shatan: I think there would be a lot of commonalities between the 2 lists. Indeed, I think they would be mostly the same.

Chuck Gomes: @Steve: Yes unless existing mechanisms are changed to be binding upon a decision by an independent arbitrator/adjudicator.

Bernard Turcotte - staff support: test

Alan Greenberg: @ Bertrand, strengthening CSC/MRT in an internal sol'n does not help if the Board (and potentially a future out-of-control Board).

Alan Greenberg: ... can over-rule CSC/MRT

Matthew Shears: I don't think that the model foresees the ICANN Board over-ruling the CSC or MRT - indeed there would be little if any role for the ICANN Board in that context I would have thought

Erick Iriarte Ahon: my friends i must leave. see you.

Chuck Gomes: Am I correct the ccTLD delegations go to the Board and gTLDs do not?

Alan Greenberg: Yes, but that is the oversight of CSC/MRT

Bertrand de La Chapelle: @ chuck, that's what I understand

Alan Greenberg: Oops - wrong chat.

Bertrand de La Chapelle: @ matthew, exactly. so the accountability of the Board in the "validation" is - and will be even more - limited, if existent at all.

Bertrand de La Chapelle: @ alan,

Bertrand de La Chapelle: I was exploring getting the Board entirely out of the validation workflow in that context

Bertrand de La Chapelle: so no possibility to overrule the CSC there

Alan Greenberg: @ Bertrand, in the worst case scenario, IANA is staff reporting indirectly to the Board and they have ultimate control. Unless there is some recourse.

Alan Greenberg: Not being in the normal path does not rule that out.

Bertrand de La Chapelle: staff is reporting to board in terms of overall performance, but I am addressing the validation workflow here in substance.

Bertrand de La Chapelle: in that case, the Board would not have capacity to overrule on substantive decisions. Once again, this is a clerical function.

Martin Boyle, Nominet, ICG: Wouldn't we want to have a say?

Martin Boyle, Nominet, ICG: So we tell them which are the necessary conditions and where implementation could be delayed

Martin Boyle, Nominet, ICG:?

Matthew Shears: I think the purpose of the Frankfurt meeting is to decide what accountability measures go into which streams more fully and to determine priority so this is propitious timing

Stephanie Perrin: signing out to go to airport, will check transcript, thanks!

Robin Gross: yes that is right, Matt.

Cheryl Langdon-Orr 2: Bye Stephanie safe travels

Matthew Shears: It is important that we get this right rather than rushed
Seun Ojedeji: Sorry just to be clear, what is going to be the use of the content that we have produced since yday? I would have thought looking to see some of the aspect that does not have a green/yellow to determine what alternate is possible and whether it be closed was one of the goals of this weekend.

Seun Ojedeji: great thanks!

Robin Gross: legal advice needs to be independent and report directly to this group.

Lars Erik Forsberg, GAC: merci et bon soirée!

Staffan Jonson: Thank You all

Matthew Shears: thanks!

Donna Austin, RySG: Thanks Jonathan and team

jaap akkerhuis (SSAC): Bye all

Graeme Bunton - RrSG: Thanks all

Bertrand de La Chapelle: bye all

Seun Ojedeji: bye

Martin Boyle, Nominet, ICG: thanks all and bye

Greg Shatan: Robin that's the plan.

Fatima Cambronero: thanks all, bye

Greg Shatan: Bye, all.

Mary Uduma: Bye All

Robin Gross: thanks, Greg

Lise Fuhr: Goodbye all

Cheryl Langdon-Orr 2: Thanks everybody, Bye *for now*