

# Session 1 -- Update on CWG (RFP 3B + synchronizing timelines) & Finalizing list of contingencies

## Attendees:

**Members:** Alan Greenberg, Alice Munyua, Athina Fragkouli, Becky Burr, Bruce Tonkin, Cheryl Langdon-Orr, Eberhard Lisse, Fiona Asonga, Izumi Okutani, James Bladel, Jordan Carter, Julia Wolman, Leon Sanchez, Mathieu Weill, Olga Cavalli, Robin Gross, Roelof Meijer, Steve DelBianco, Suzanne Radell, Thomas Rickert, Tijani Ben Jemaa, Samantha Eisner

**Participants:** Arun Sukumar, Avri Doria, David McAuley, Edward Morris, Finn Petersen, Greg Shatan, Guru Acharya, Kavouss Arasteh, Keith Drazek, Malcolm Hutt, Mark Carvell, Markus Kummer, Martin Boyle, Maura Gambassi, Oanh Nguyen Thi, Seun Ojedeji, Sivasubramanian Muthusamy, Thomas Schneider, Wolf Ludwig, Wolfgang Kleinwachter

**Staff:** Theresa Swinehart, Adam Peake, Alice Jansen, Grace Abuhamad, Josh Baulsch, Marika Konings, Glen de Saint Gery, Jim Trengrove, Bart Boswinkel, Berry Cobb,

## Apologies:

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

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## Transcript

[Transcript CCWG ACCT #1 19 Jan.doc](#)

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## Recording

The Adobe Connect recording is available here: <https://icann.adobeconnect.com/p7lpc643kw5/>

The audio recording is available here: <https://icann.box.com/shared/static/1znnzblhewki7gz7z6jruzo4fs9fxj20.mp3>

## Notes & Action Items

### Introductory comments

- Must agree on WS1 vs WS2 categories.
- Conclude the inventory of contingencies
- Ask colleagues to agree to the ICANN standards of behavior
- Please state names before speaking
- Wish to be as inclusive as possible, all colleagues contribute. All all to speak, provide substantive and not repetitive interventions.
- Asking everyone to use the adobe chat to raise hands etc to make contributions

### Comments by Theresa Swinehart

- Thank you to colleagues for the work the group has done.
- Challenge to strengthen and improve existing account ability mechanisms.
- Building consensus over 2 busy and important days.

### Update on CWG (RFP 3B + synchronizing timelines)

Avri Doria

Review of the CWG working weekend (jan 10-11). Sense that the group is approaching some consensus. MRT needs further development on scope. On Contract Co and various alternate approaches, a new group has started to find and alt approach.

Independent review.

Questions remain whether the IRP and even MRT, should they be attach to the IFO (Contract Co) or to the IANA operator.

Snapshot of CW-Stewardship Accountability dependencies, URL for the shared document sent to the list. <[https://docs.google.com/document/d/1c4Eab\\_fZMCQeeYvhy8OcE6f\\_PqhGza2qW4-UgFn8Pvc/edit?usp=sharing](https://docs.google.com/document/d/1c4Eab_fZMCQeeYvhy8OcE6f_PqhGza2qW4-UgFn8Pvc/edit?usp=sharing)> This is a working document.

(1) Budget Accountability and Transparency.

What does IANA costs, how much is spent on serving other communities, is unclear to the CWG.

Under an external solution less need to understand the IANA budget, but essential for internal

(2) Accountability for (re)delegations

How are (re)delegation decisions made, have they been made properly and how can they be appealed if there's a problem.

(3) Independent Review of Board Actions

(4) Independent Appeals Panel

Specifics are ongoing, function is to deal with contested changes to the Root Zone or its WHOIS Database. Some sense the CWG is still waiting on the CCWG, potential "deadly embrace" of the two groups.

(5) Control over ICANN Board decisions.

New section of the document.

Jonathan Robinson CWG co-chairs:

Work coordination between the CWG/CCWG, weekly meeting of the 2 groups co-chairs, exchange of documents.

Flow chart of the potential work flow of the CWG and CCWG: [https://community.icann.org/download/attachments/49352017/Link%20with%20CCWG%20Accountability\\_Flowchart.pdf?api=v2](https://community.icann.org/download/attachments/49352017/Link%20with%20CCWG%20Accountability_Flowchart.pdf?api=v2)

Eventual proposal coming from the CWG will contain "conditional accountability", that is conditions that must be met to maintain the violability of the CWG proposal.

Steve DelBianco

WA2 - map the 5 topics of the CWG-Stewardship accountability dependencies with the inventory. These may satisfy some or all of the CWG dependencies.

Three issues requested by the CWG early communication, independent review being considered by CCWG may address some of the CWG's 3 issues. Suggests further discussion.

CCWG aware of need to take care of the different needs of ccTLD and gTLD worlds.

- What is the relevant authority to challenge a (re)delegation.

- There are concerns about decisions being made inside the local Internet community, some concern that government may be able to mandate a (re) delegation. - Or the decision may be made outside of the local community. Should there be an IANA specific accountability mechanism.

Suggestion: presentation on difference in delegation - re-delegation. Maybe more relevant for CWG. ccNOS Framework of Interpretation contains clarification around delegation and re-delegation of ccTLDs

Some ccTLDs are very concerned about redress mechanism, however it was noted it may be needed when ICANN/IAAN does NOT make a decision when required.

Not clear why Board is involved.

Not clear, how and when Board got involved. Involvement of Board has evolved over time. Current involvement: looking at IANA report and checking whether process has been followed. Reviewing whether IANA has followed policy

Board process almost similar to what NTIA is doing, looking whether process has followed policy.

Steve del Bianco: Local community should be enabled to request reconsideration.

Issue when Local Internet community is not checked, end-users are not consulted.

Jonathan Robinson ( co-chair CWG): CWG may need to follow different paths for ccTLD and gTLDs, differences are subtle and need to be taken into account.

Relation between CWG and CCWG. What is relation between CWG and CCWG?

Co-chair CWG: Boundary not clear, however both focus at Stewardship Transition

CWG recognizes that there are different frameworks. Not resolved, but this is recognized.

CWG has a strong ccTLD membership and input.

Bruce Tonkin: update on timelines and expectations and dependencies from the board.

Expected before the ICG sends its proposals to NTAI, to ensure there are accountability in place.

Should be available for public comment and final board review but the time of ICANN 53. Identify the top 5 (or some limited number) by June.

A joint statement from the co-chairs of CWG and CCWG by end of this week on conditional accountability. A statement that provides clarity on the interaction between the two groups.

The proposal of the CWG will be reliant on certain accountability being put in place, and that proposal going forward will rely on them being in place.

Action: ask Steve DelBianco questions and seek clarity

Action: task of CCWG to ask where the demarcation exists between (re)delegation

Finalizing list of contingencies

Reference to the CCWG charter on how its proposals will provide an adequate reliance to continuous stress tests) for each work stream. Demonstrate ICANN accountability and be resilient to adverse events in the future. 21 scenarios. Can we keep all, or do we narrow the focus and on what basis can they be merged?

1. Covered by existing mechanisms?
2. Relevant to the transition, if so, how? example: cancellation of the AoC
3. Of particular concern to stakeholders?
4. If not adequately addressed, next step (tweak to an existing mechanism, or a new mechanism)

Emphasis on stress tests, giving confidence that mechanisms in place would allow the transition to proceed.

Leverage concept.

Next steps for the group? propose to focus on some contingencies, identify the most critical. And suggest that narrowed it items for WS1. But a question for the group?

Question: Is going through the 4 questions and 21 contingencies something for the full group or for a sub-group?

A committee of the whole, or a subgroup?

Central to the work of the CCWG, but suggested initial work by small groups with specific skills to address specific contingencies (skills on financial matters, relegation, for example). Contingency analysis.

Note, pre-agreed working method not to take decision in a single meeting.

Not totally closing the list of contingencies, allowing flexibility and future suggestions.

Suggestion to take the temperature of the room: comfortable with the 21, or are there missing issues?

James Bladel-GNSO: Additional Scenario: ICANN delegates or subcontracts its obligations under a future IANA agreement to a 3rd party. Or merges with /allows acquisition by a 3rd party.

Suggestion to grade the severity of the threat, may modify question 3.

Contingency that addresses the potential failure of the MS model?

Note: analysis of the contingencies yet to be done. List derived from public comment earlier in the process.

## Actions:

- review list on the agenda of the weekly call
- add the suggestions from James Bladel and Eberhard Lisse
- co-chairs, define threads in contingencies and engage with colleagues with subject expertise to initiate triage of contingencies (anyone can join), clarify work to be done about eh sub groups
- announcement to gather broader feedback on the contingency list, a call for input. and possible discussion topic for discussion in Singapore and appearance on the list does not suggest priority

ask Steve DelBianco questions and seek clarity

task of CCWG to ask where the demarcation exists between (re)delegation

## Documents Presented

[CWG-Stewardshipaccountabilityissues-150118-1.pdf](#)

[20150108 CCWG Accountability - Scenarios -WS4coord-MWE-SDB.docx](#)

[20150108 CCWG Accountability - Scenarios -WS4coord-MWE-SDB2.pdf](#)

## Chat Transcript

Yasuichi Kitamura (At-Large):hi, all.

Izumi Okutani (ASO):Hello everyone

Yasuichi Kitamura (At-Large):I'm going to go to Bangkok. when the boarding starts, I will leave. :p

Lise Fuhr:Good morning

Mathieu Weill, ccNSO, co-chair:Morning everyone

Jonathan Robinson:Good morning.

Jonathan Robinson:Do we have 2-way audio in Adobe or do we need to dial in for that?

Lise Fuhr:I have dialed in - but still no audio

Josh Baulch:you will have two way audio

Jonathan Robinson:Thank-you.

Leon Sanchez (Co-Chair-ALAC):Hello everyone

Mathieu Weill, ccNSO, co-chair:We are about to kick it off

Eberhard Lisse [NA ccTLD Manager]:The reason why there is no audio is there is nothing being said. We are late as usual

Greg Shatan:Is this true of Participants as well as Members (that one is assumed to be speaking on behalf of one's organization)?

Eberhard Lisse [NA ccTLD Manager]:Don't worry, first time I get the floor this is going down onto it :-)-O

Jonathan Robinson:Thomas, I am willing to introduce before Avri if helpful?

Grace Abuhamad:CWG Accountability Document:

<[https://docs.google.com/document/d/1c4Eab\\_fZMCQeeYvhy8OcE6f\\_PqhGza2qW4-UgFn8Pvc/edit?usp=sharing](https://docs.google.com/document/d/1c4Eab_fZMCQeeYvhy8OcE6f_PqhGza2qW4-UgFn8Pvc/edit?usp=sharing)>

Thomas Rickert (co-chair, m, GNSO Council, eco Association):Jonathan, I

will get to you afterwards.

Bruce Tonkin: On the IANA budget topic. I know the staff is working on providing a response. It is relatively easy to get direct costs - ie costs of full-time costs on IANA - but it is always a little more difficult to estimate the share of shared costs - e.g how much of Fadi's time gets included, how much of the shared IT supports costs, etc.

Mathieu Weill, ccNSO, co-chair: @Bruce : this input would be very valuable to the discussion for both groups. There is experience at this kind of topic from the ccNSO Finance WG as well (I was part of it, and it was not easy)

Guru Acharya: @Bruce: I don't think it's about one-time information about the IANA budget. It's about institutionalising a process for the future as well.

Eberhard Lisse [NA ccTLD Manager]: Bruce, with all due respect, the IANA Function can be managed like any small Register, and putting Mr Chehade's time into consideration will be understood as a joke.

Eberhard Lisse [NA ccTLD Manager]: My understanding in any case is that they must be self-contained, so costing this is not an issue.

Eberhard Lisse [NA ccTLD Manager]: Let me clarify this, I do not mind Mr Chehade's time, but so far, it's not worth a penny of ccTLD money. And I doubt that this will ever change.

Mathieu Weill, ccNSO, co-chair: very good audio Jonathan

Bruce Tonkin: In terms of institutionalizing the budget - it is a matter of setting up the accounting system properly and also ensuring that staff document the time they spend on different topics. The financial report can be transparent in the sense of "direct" costs and any share of shared costs.

Josh Baulch: Please mute your computers if you are on the phone or using computer audio, thank you!

Roelof Meijer (ccNSO): Re IANA costs: the FY15 budget mentions 9.5M USD for delivering "core internet functions", part of which is 2.6M for "IANA functions" and 1.7M "Root system"...

Jonathan Robinson: @Thomas & CCWG Co-Chairs & Colleagues. Thank-you for the opportunity to provide CWG input to your work

Leon Sanchez (Co-Chair-ALAC): Thank you @Jonathan :-)

Grace Abuhamad: Link to WA2 document:

<https://community.icann.org/download/attachments/51414327/WA2%20Inventory%2015-Jan-2015.pdf?version=1&modificationDate=1421377727000&api=v2>

Izumi Okutani (ASO): I am not sure if 2. Accountability for (re) delegations is an area of ICANN Accountability CCWG. This looks related to

the IANA operation. If we start discussing about government role on this in our CCWG on accountability, I want to be clear on where we draw the line with CWG

Izumi Okutani (ASO):to avoid overlaps in the area to be covered in the two working groups

Grace Abuhamad: @Izumi -- Do you want to raise your hand to speak? I can also read your comment outloud if you would like

Grace Abuhamad:This goes for all participants

Izumi Okutani (ASO):It would be helpful if you could read it out Grace thanks

Grace Abuhamad:Ok Izumi. I'm in the queue for you.

Grace Abuhamad:All -- if you have a comment and you are not able to come on to audio, please flag it for us to read outloud on your behalf by noting "COMMENT" or "QUESTION" in the chat

Lise Fuhr: @ccwg I have to leave this call, have a productive meeting, bye

Mathieu Weill, ccNSO, co-chair:thanks Lise

Cheryl Langdon-Orr (ALAC-AP Region): bye Lise

Izumi Okutani (ASO): @Grace, no need to read out my comment.

Athina/Fiona will comment from the floor as needed.

Grace Abuhamad: @Izumi Ok noted

Grace Abuhamad: @Olga -- Welcome!

Olga Cavalli:Hi Grace

Grace Abuhamad:We are discussing this CWG Accountability Document:

[https://docs.google.com/document/d/1c4Eab\\_fZMCQeeYvhy8OcE6f\\_PqhGza2qW4-UgFn8Pvc/edit?usp=sharing](https://docs.google.com/document/d/1c4Eab_fZMCQeeYvhy8OcE6f_PqhGza2qW4-UgFn8Pvc/edit?usp=sharing)

Grace Abuhamad:Drafted by CWG-Stewardship and directed at CCWG-Accountability

Olga Cavalli:thanks grace

Bruce Tonkin:Yes - the main weakness the Board has found in ccTLD delegation requests is verifying the support of the local community.

If a Government or ccTLD manager asserts that a change has the local community support - is there any role of ICANA to do due diligence and investigate the level of this support - e.g contacting others in that community etc.

Bruce Tonkin:Personally I would like to see a stronger role for some form of public comment process that may unearth any concerns in a local community .

Keith Drazek (Participant and ICG Liaison):As I understand it, the term "conditional accountability" refers to the need for a syncing up of the

Transition and Accountability tracks. It is not intended to suggest that there will be ICANN accountability mechanisms or reforms that are in of themselves conditional.

Keith Drazek (Participant and ICG Liaison): The CWG is currently developing recommendations that may be somewhat dependent upon the work of the Accountability CCWG, so there's a need to ensure that the CWG Transition recommendation is appropriately informed by the work of the Accountability CCWG. And importantly, not duplicative or in conflict.

Josh Baulch: Please mute computer audio if you have it open

Grace Abuhamad: Document is available here:

<https://community.icann.org/download/attachments/50823981/20140116%20CCWG%20Accountability%20-%20problem%20definition%20-%20strawman%20-wip.pdf?version=1&modificationDate=1421441110029&api=v2>

Sivasubramanian M: Is there a link to an editable / commentable document online?

Grace Abuhamad: Not in a Google doc format @Siva

Grace Abuhamad: There is a Word doc that I can post the link to

Grace Abuhamad: Here is the Word format:

<https://community.icann.org/download/attachments/50823981/20140116%20CCWG%20Accountability%20-%20problem%20definition%20-%20strawman%20-wip.docx?version=1&modificationDate=1421441166406&api=v2>

Sivasubramanian M: Thank you Grace

Bruce Tonkin: Note that the key elements from the AoC of interest to the CCWG can be incorporated into the bylaws prior to the transition. They aim would be to ensure that the commitments of the AoC are to the global public - not just the US Government. ICNAn would not likely withdraw from the AoC unless the USG felt that it was no longer necessary given that the key elements are in the bylaws.

Bruce Tonkin: So I would suggest that this group identify what elements for the AoC should be incorporated into the bylaws.

James Bladel-GNSO: @Bruce: Good call. Item 1 would need to be Review Teams & schedule

Steve DelBianco [GNSO - CSG]: Agree, Bruce. See page 1 of Work Area 2 Inventory, where we have 2 changes to Affirmation Reviews as we bring them into the Bylaws

Cheryl Langdon-Orr (ALAC-AP Region): the review of the stress tests should in my view be an activity for the full WG

Steve DelBianco [GNSO - CSG]: +1 @Cheryl

Cheryl Langdon-Orr (ALAC-AP Region): @James I think we should add your scenario to the stress tests... I do not think it is covered in the 21

Leon Sanchez (Co-Chair-ALAC):@James could you please send this to the list?

James Bladel-GNSO:Additional Scenario: ICANN delegates or subcontracts its obligations under a future IANA agreement to a 3rd party. Or merges with/allows acquisition by a 3rd party.

James Bladel-GNSO:@Leon - Yes, will do.

Leon Sanchez (Co-Chair-ALAC):Thanks @James :-)

Cheryl Langdon-Orr (ALAC-AP Region):thanks @james

Mathieu Weill, ccNSO, co-chair:@James : how would you describe (adverse) consequence

Mathieu Weill, ccNSO, co-chair:?

Eberhard Lisse [.NA ccTLD Manager]:Nr 21 needs to be put in line with Fol.

Mathieu Weill, ccNSO, co-chair:@eberahard : can you do that please ?

Cheryl Langdon-Orr (ALAC-AP Region):agree @eberhard

Eberhard Lisse [.NA ccTLD Manager]:Yes, will do,

Eberhard Lisse [.NA ccTLD Manager]:Can we have coffee now?