

Summary of ICG Charter Comments

August 19, 2014

Jari Arkko

INTRODUCTION

This is an analysis of comments submitted about the charter of the ICG [1]. Feedback on the charter was asked on August 8, 2014 [2], but the charter has been visible to the global community since July 18, 2014, after the completion of the first physical meeting of the ICG [3]. Furthermore, the entire process for the transition and the set-up for the ICG has been under discussion and public review since April, 2014 [4].

This analysis has been performed by me in my individual capacity, and provided for the ICG as a hopefully helpful summary of the input. I have also provided recommendations on what to do with the suggestions. Both the summaries and the recommendations are mine, and at the moment they do not have any kind of ICG or IETF or other kind of formal backing.

The following sources of comments have been included:

- ICG website feedback [5]
- ICG mailing list posts [6]
- ianatransition mailing list posts [7]
- IETF ianaplan and internetgovtech mailing list posts [8,9]

As [2] notes, the goal of the commentary period was "to determine if there are any major objections to the current draft that the ICG has not already taken into account". In other words, the goal is not spending a lot of time finetuning the text, but to identify major obstacles for the ICG to do its work based on this charter.

This note lists all comments that we have received in the above sources, and classifies those comments as (a) editorial or minor marked as EDITORIAL, (b) major objections marked as MAJOR, and (c) topics outside the scope of the ICG charter marked as OUTSIDE.

The editorial comments may lead to editorial changes of the charter if doing so is convenient. The out of scope comments will be dealt elsewhere. As an example, comments pertaining to the specific transition solutions relate to further work, and should not have an effect in the charter text. Finally, the major objections require serious consideration. Some major objections may turn to be misunderstandings or matters that have already been considered; others may require edits for the charter. The latter type of major objections can be resolved through clarifications or other edits of the charter.

LINKS

[1] <https://www.icann.org/en/system/files/files/draft-charter-coordination-group-17jun14-en.pdf>

[2] <https://www.icann.org/news/announcement-2014-08-08-en>

[3] <https://www.icann.org/resources/pages/coordination-group-resources-2014-07-18-en>

[4] <https://www.icann.org/resources/pages/draft-proposal-2014-04-08-en>

[5] <http://forum.icann.org/lists/icg-forum/>

[6] <http://mm.icann.org/pipermail/internal-cg/2014-August/date.html#start>

[7] <http://mm.icann.org/pipermail/ianatransition/2014/date.html>

[8] <http://www.iab.org/mail-archive/web/ianaplan/current/maillist.html>

[9] <http://www.iab.org/mail-archive/web/internetgovtech/current/maillist.html>

COMMENTS

Richard Hill

<http://forum.icann.org/lists/icg-forum/pdfZ1BeKdE3L3.pdf>

<http://www.iab.org/mail-archive/web/ianaplan/current/msg00063.html>

- Use the term "global multistakeholder community" instead of "Internet community" (EDITORIAL)
- Say in the charter that the proposal needs to go forward even if there is no consensus (EDITORIAL)
- Add a statement to indicate that input is sought from other communities and stakeholders (MAJOR)
- Add a new item under (i) to require the ICG to compile a summary of current proposals (MAJOR)
- Under the assessment task, add a requirement for the ICG to summarise also the input from outside the operational communities (MAJOR)
- Require dissenting views to be documented (MAJOR)
- If the ICG can not reach consensus, it should not make any decisions (MAJOR)
- If the ICG can not reach consensus, it should still be able to submit a proposal to the NTIA, as long as dissenting views are documented (MAJOR)
- There are also responses from
 - o S Moonesamy (<http://www.iab.org/mail-archive/web/ianaplan/current/msg00064.html>), questioning the comment's distinction to Internet and multistakeholder communities
 - o Russ Housley (<http://www.iab.org/mail-archive/web/ianaplan/current/msg00065.html>), asking for clarification, given that the comment first agrees to there being one deliverable but then proposes another one

- Richard Hill (<http://www.iab.org/mail-archive/web/ianaplan/current/msg00066.html>), response to Russ, indicating that the final report is merely the cover letter plus the actual proposal

Tamer Rizk

<http://forum.icann.org/lists/icg-forum/pdfUmRC2PSmG.pdf>

<http://mm.icann.org/pipermail/ianatransition/2014/001696.html>

<http://mm.icann.org/pipermail/ianatransition/2014/001700.html>

- Charter should at least include a link to where parallel discussions on accountability are going on (EDITORIAL)
- Charter precludes participation of NGOs due to three communities being in a privileged status (MAJOR)
- Requirements for the transition regarding root zone maintenance (OUTSIDE)
- There are also responses from
 - Carlton Samuels (<http://mm.icann.org/pipermail/ianatransition/2014/001697.html>), supports parallel contracts and questions the root zone maintenance being in scope.
 - Mike Roberts (<http://mm.icann.org/pipermail/ianatransition/2014/001698.html>, <http://mm.icann.org/pipermail/ianatransition/2014/001701.html>), saying that the post does not belong to this list, does not agree with the suggestion, suggests that accountability solutions are not near, and suggests that accountability work should be pursued separately.
 - Miles Fidelman (<http://mm.icann.org/pipermail/ianatransition/2014/001699.html>, <http://mm.icann.org/pipermail/ianatransition/2014/001703.html>), opposing Mike's point of accountability solutions being near.
 - John Curran (<http://mm.icann.org/pipermail/ianatransition/2014/001705.html>, <http://mm.icann.org/pipermail/ianatransition/2014/001707.html>, <http://mm.icann.org/pipermail/ianatransition/2014/001710.html>, <http://mm.icann.org/pipermail/ianatransition/2014/001712.html>), pointing out that we have to discuss accountability in a context, as policy process and IANA accountability are very different, and gives examples of how accountability and contracts are organised in the IETF case.
 - Miles fidelman (<http://mm.icann.org/pipermail/ianatransition/2014/001706.html>, <http://mm.icann.org/pipermail/ianatransition/2014/001711.html>), continues discussion with John.
 - Richard Hill (<http://mm.icann.org/pipermail/ianatransition/2014/001709.html>), continues the discussion with John.
 - Jari Arkko (<http://mm.icann.org/pipermail/ianatransition/2014/001713.html>), also continues the discussion with John.

Seun Ojedeji

<http://forum.icann.org/lists/icg-forum/msg00001.html>

- Reword the call for everyone's input (EDITORIAL)
- Add a clarification that the scope is what the scope document contains (MAJOR)
- If a community needs to update its proposal, the update should be re-presented to the global community (MAJOR)
- Information sharing ought to be a "will" not a "should" (EDITORIAL)
- ICG website should be required to be open (EDITORIAL)

DotConnectAfrica

<http://forum.icann.org/lists/icg-forum/pdfkVQsK5aZxX.pdf>

- Require open and constant communication, transparency, independence, and a calendar of events (MAJOR)
- ccTLDs and gTLDs should produce a joint plan (OUTSIDE)
- Step (ii) is important, and differences and similarities should be communicated early (MAJOR)

.SE

<http://forum.icann.org/lists/icg-forum/pdflpJieXGoFM.pdf>

- Be more specific about the relationship of accountability and transition work (MAJOR)
- Develop common principles for all three registries (MAJOR)
- ICG needs to develop working principles beforehand (MAJOR)
- Competing, alternative proposals should reach the ICG (MAJOR)
- Provide ample time for community review of proposals (OUTSIDE)

Vinay Kesari

<http://forum.icann.org/lists/icg-forum/msg00005.html>

- The ICG should make a firmer commitment to soliciting input beyond the operational parties (MAJOR)
- Clarify the meaning of compatibility in the assessment phase (EDITORIAL)

Roberto Gaetano

<http://forum.icann.org/lists/icg-forum/msg00006.html>

- It is unclear how pieces are brought together (EDITORIAL)
- The ICG is created to represent the multistakeholder community, where does it add value? (MAJOR)
- What is the effect of participating in multiple communities? (EDITORIAL)
- Single large container vs. silos (MAJOR)
- What guarantees that the relevant communities work with fair processes (MAJOR)
- Approach to dealing with accountability lacks detail (MAJOR)
- Accountability should not be towards ICANN/IANA from operational communities but rather the other way around (MAJOR)

- Should have enough time time for commenting (OUTSIDE)

SUGGESTED RESOLUTIONS

Use the term "global multistakeholder community" instead of "Internet community" (Richard Hill, EDITORIAL)

I believe this is what we mean, and the subsequent text already says "broad range of stakeholders", for instance. Also, the specific comment is based on a definition of the terms that is not widely supported, as the ensuing discussion showed. Internet community is not merely the people who travel to the ICANN, IETF, and other similar meetings.

I would like to suggest no changes in this case, to keep with our approach of limiting ourselves to major issues

Say in the charter that the proposal needs to go forward even if there is no consensus (Richard Hill, EDITORIAL)

The general opinion within the ICG seems to be that this is indeed how we should operate. However, this is already noted in the charter under item (iii) where it talks about the ICG achieving rough consensus for the proposal

I would like to suggest no changes in this case, since the issue should already be clear from the rest of the text

Add a statement to indicate that input is sought from other communities and stakeholders (Richard Hill, MAJOR)

Again, I think we agree with the intent of this comment. But this seems to be already in the charter under item (i)(b), which states: "The ICG is open for input and feedback from all interested parties. While no set of formal requirements related to a transition proposal will be requested outside the operational communities, everyone's input is welcome across all topics."

My suggestion is to not make a change, as the matter should already be clear, and adding another sentence about the same thing will not help

Add a new item under (i) to require the ICG to compile a summary of current proposals (Richard Hill, MAJOR)

I think we again agree on the intent. But this is already covered under item (iv) in the charter. The ICG sees information sharing and summaries as one of its four main tasks

My suggestion is to not make a change here, as again the text already covers this

Under the assessment task, add a requirement for the ICG to summarise also the input from outside the operational communities (Richard Hill, MAJOR)

We have not discuss this at length, but since we call for input, it seems reasonable that it should also be compiled and assessed.

My suggestion is to add a statement under (ii), at the end of the second paragraph to say "The ICG should also compile the input it has received beyond the operational communities, and assess the impacts of this input."

Require dissenting views to be documented (Richard Hill, MAJOR)

I think the general opinion in the ICG is that this is reasonable. However, we are currently preparing our consensus process, which will also include this aspect.

My suggestion is to not handle this at the charter level; there are ultimately a number of documents that explain how the ICG operates, and while the charter is the main document, it can not specify the details of all aspects. The ICG is already developing a consensus document that should specify this.

If the ICG can not reach consensus, it should not make any decisions (Richard Hill, MAJOR)

We have discussed this at length during the creation of the ICG and in previous charter discussions. The group opinion seems to be that requiring full consensus is a recipe for anyone to block the transition from going forward, on any grounds. As a result, while we strive for full consensus, some form of "supermajority" or "rough consensus" decision making has to happen at the end.

My suggestion: we should not make any change here. However, see the previous comment, where we agree that dissenting views should be documented.

If the ICG can not reach consensus, it should still be able to submit a proposal to the NTIA, as long as dissenting views are documented (Richard Hill, MAJOR)

I think we agree with the general notion, as discussed above. However, this seems to be already documented in the current charter version that talks about rough consensus, albeit with different words. Also, the documentation of dissenting views is something that we agree should be done, and this will be clearly specified in an upcoming consensus process document from the ICG.

My suggestion: no change is necessary here.

Charter should at least include a link to where parallel discussions on accountability are going on (Tamer Rizk, EDITORIAL)

This would be generally useful. But it is unclear if there is a stable link to the discussions at this time, and we would like to hold the charter fixed

My suggestion is to add a pointer to the ICG web page rather than the charter.

Charter precludes participation of NGOs due to three communities being in a privileged status (Tamer Rizk, MAJOR)

The charter explicitly calls for broad input from everyone. It is true that the communities that actually set the policies (e.g., RIRs for the numbers) have a special role in that obviously their daily work has to be possible. But it does not mean that they have otherwise a privileged status.

My suggestion is that no change is needed here.

Requirements for the transition regarding root zone maintenance (Tamer Rizk, OUTSIDE)

My suggestion is that we should deal with these during the design of names proposal

Reword the call for everyone's input (Seun Ojedeji, EDITORIAL)

Personally, I believe the text already calls for everyone's input and adding words will not make it clearer. However, see the comment from Richard Hill where he wanted to clarify the role of ICG in compiling and assessing this input, which I think we should add. Hopefully this will add some clarity.

My suggestion is to not make this change, as we only called for major objections, not editorial changes.

Add a clarification that the scope is what the scope document contains (Seun Ojedeji, MAJOR)

This is a natural request, and limiting scope is very useful in order to achieve a timely end result. I personally believe this is challenging, however, for two reasons. First reason is that there has been some controversy about the scoping document. The second reason is that some communities will likely provide a complete transition solution that has components that are both needed and which may (at least according to some reading) go beyond the scoping document. For instance, a part of the IETF's transition solution is RFCs 2850 and 6220, which provide the IAB and IAOC an ability to select the registry operator. This is something that would obviously only be invoked in dire circumstances, situations that would be highly unlikely based on current track record. However, someone could see this as going beyond the limits of the scoping document. Although my personal read of the scoping document is that it only puts the NTIA's role into question, whereas existing roles, such as the role of ICANN, IAB, or IAOC are where they were before.

My suggestion is to leave the current text as is, and leave it to the collective wisdom of the ICG to evaluate the completeness of the proposals.

If a community needs to update its proposal, the update should be re-presented to the global community (Seun Ojedeji, MAJOR)

This may be a mistake in the current charter. Of course we should assess and review, and present for review both the initial proposals as well as their updates. Some additional time may be consumed, but I do not think this can be avoided.

Suggest adding the following sentence under item (iii) in the charter: Updates are also subject to the same verification, review, and consensus processes as the initial proposals are.

Information sharing ought to be a "will" not a "should" (Seun Ojedeji, EDITORIAL)

I think we agree with the sentiment, as information sharing is not an optional task

My suggestion is to make a change, as the edits are simple

ICG website should be required to be open (Seun Ojedeji, EDITORIAL)

This seems reasonable, although I think everyone has been assuming this anyway. But an edit seems easy and reasonable.

My suggestion is to add the words "publicly accessible and open" to the front of the word "website".

Require open and constant communication, transparency, independence, and a calendar of events (DotConnectAfrica, MAJOR)

I think the ICG agrees.

There is no suggested edit or action, but the ICG should make a note of this and agree to the principles. In addition, the ICANN document that created the ICG outlines a number of important principles for our work.

ccTLDs and gTLDs should produce a joint plan (DotConnectAfrica, OUTSIDE)

I think the ICG largely agrees, and certainly hopes this will be the case

There is no specific suggested action or edit

Step (ii) is important, and differences and similarities should be communicated early (DotConnectAfrica, MAJOR)

Again, the ICG certainly agrees with this, and this is a part of our plan for the communication and information sharing effort

Suggestion: I personally do not believe we need to specify this level of detail in the charter document, hence I would suggest no change

Be more specific about the relationship of accountability and transition work (.SE, MAJOR)

Accountability has come up in several comments. I believe the ICG in general agrees that accountability is important, and that those parts there are necessary for the IANA work must be completed.

My suggestion would be to add the following text under item (iii): The whole also needs to include sufficient accountability mechanisms for running the IANA function.

Develop common principles for all three registries (.SE, MAJOR)

The current text already says "ensure that its proposals support the security and stability of the IANA functions". The three systems are somewhat different, so it is unclear how much beyond the current text we can usefully go.

My suggestion is that the development of principles and their sufficient alignment between the different parts is a part of the task ahead for the communities and the ICG, and adding specific text about it is unnecessary

ICG needs to develop working principles beforehand (.SE, MAJOR)

The ICG is working on this separately.

My recommendation is to keep this work separate.

Competing, alternative proposals should reach the ICG (.SE, MAJOR)

The ICG has discussed this already for some time. Having the ICG select on behalf of the communities is problematic at least for some of the communities. And selecting a transition solution that a particular community has reached a consensus to NOT pick would appear to cause an eventual failure to complete the transition, as the NTIA requires broad support for the plan. Finally, per the current charter, the ICG is in any case open for all input.

My suggestion is that that no change be made here.

Provide ample time for community review of proposals (.SE, OUTSIDE)

The ICG I think agrees, although we are also aware of the overall timeline pressures as well. In any case, the ICG is working on separately for making a timeline and request for proposals for the communities

My recommendation is to keep this separate, and out of the charter.

The ICG should make a firmer commitment to soliciting input beyond the operational parties (Vinay Kesari, MAJOR)

Per comments from Richard Hill, we are revising the text to make it clearer that the ICG also needs to assess and evaluate other input

My suggestion is that no further change is necessary.

Clarify the meaning of compatibility in the assessment phase (Vinay Kesari, EDITORIAL)

The current language is "... assess their compatibility and interoperability with the proposals of the other communities".

My personal suggestion is that this already is clear with respect to referring to the compatibility/interoperability to the other proposals, rather than to specific external criteria.

It is unclear how pieces are brought together (Roberto Gaetano, EDITORIAL)

Step (iii) clearly outlines how the pieces are brought together, along with communication in step (iv).

My suggestion is to not make a change here.

The ICG is created to represent the multistakeholder community, where does it add value? (Roberto Gaetano, MAJOR)

The ICG is not the only entity that represents the multistakeholder community, and indeed, for specific communities, those communities prefer to represent themselves.

There are certainly a number of areas where the names, numbers, and protocols overlap. Such as special use addresses. The communities and the ICG will have to work hard to cover those cases, and make sure that we have the right solutions. However, the ICG has no magical power or expertise to make this happen, it will have to be joint work. The ICG will help identify missing parts and overlap between the different component proposals, however.

Finally, changing the financing of the overall ecosystem is not within the scope of the transition effort, and an attempt to do so would probably prolong the effort significantly. Moreover, the system runs today, so there is no clear reason to making a change.

I would propose not making a change here

What is the effect of participating in multiple communities? (Roberto Gaetano, EDITORIAL)

The rules for participating in the different communities are not changed due to the IANA transition effort.

I would propose that no change is needed here.

Single large container vs. silos (Roberto Gaetano, MAJOR)

Roberto sees problems with both approaches, and certainly most ICG members would agree that having the ICG run the entire process would be a bad approach. But the silos approach is obviously not good either, as Roberto notes. However, as described, the ICG approach is a combination of coordination, communication, and the community "silos". We hope that this is a good compromise to attack a problem that both has focused communities who deeply care about specific parts, as well as many interconnections between those parts.

My suggestion would be to make no change here

What guarantees that the relevant communities work with fair processes (Roberto Gaetano, MAJOR)

The relevant communities have existed for 15-30 years, and developed their processes. There is really no guarantee that those processes are perfect, or that no bad things could happen. However, there is obviously no guarantee that any new setup would have no issues, either. Experience seems to indicate that employing existing structures that have worked for a long time have at least some chance of success, perhaps more so than in other arrangements.

My suggestion would be to make no change here

Approach to dealing with accountability lacks detail (Roberto Gaetano, MAJOR)

This is true, and per the comments from .SE we are adding more detail with respect to accountability and the assembled proposal

My suggestion is that the other change is sufficient and no further changes are needed

Accountability should not be towards ICANN/IANA from operational communities but rather the other way around (Roberto Gaetano, MAJOR)

As has been pointed out by John Curran in discussion, there are several types of accountability. We are not embarking in the design of a new model where NTIA no longer has the role in oversight, and those aspects of accountability that depend on it need other solutions. Some of the communities run IANA accountability mechanisms where both sides are bound by rules and contracts. So perhaps both directions are necessary, ultimately.

My suggestion is that this is a comment on the transition solutions rather than the ICG, and therefore no charter change is recommended

Should have enough time time for commenting (Roberto Gaetano, OUTSIDE)

As discussed in other comments, this is important. The charter comment period (one week) does not represent a good example, but as noted before, the charter has been out since July 18th, and the overall setup has been discussed even longer. In any case, the ICG is working on a suggested timeline separately, and whether that is sufficient for the communities needs to be a discussed with those communities.

My suggestion is that no charter changes are necessary. A separate document is already underway for this.

SUMMARY OF SUGGESTED CHANGES

The changes that I am suggesting we should at least do are the following:

Under the assessment task, add a requirement for the ICG to summarise also the input from outside the operational communities (Richard Hill, MAJOR)

My suggestion is to add a statement under (ii), at the end of the second paragraph to say "The ICG should also compile the input it has received beyond the operational communities, and assess the impacts of this input."

Require dissenting views to be documented (Richard Hill, MAJOR)

My suggestion is to not handle this at the charter level; there are ultimately a number of documents that explain how the ICG operates, and while the charter is the main document, it can not specify the details of all aspects. The ICG is already developing a consensus document that should specify this.

Charter should at least include a link to where parallel discussions on accountability are going on (Tamer Rizk, EDITORIAL)

My suggestion is to add a pointer to the ICG web page rather than the charter.

If a community needs to update its proposal, the update should be re-presented to the global community (Seun Ojedeji, MAJOR)

Suggest adding the following sentence under item (iii) in the charter: Updates are also subject to the same verification, review, and consensus processes as the initial proposals are.

Information sharing ought to be a "will" not a "should" (Seun Ojedeji, EDITORIAL)

My suggestion is to make a change, as the edits are simple

ICG website should be required to be open (Seun Ojedeji, EDITORIAL)

My suggestion is to add the words "publicly accessible and open" to the front of the word "website".

Be more specific about the relationship of accountability and transition work (.SE, MAJOR)

Approach to dealing with accountability lacks detail (Roberto Gaetano, MAJOR)

My suggestion would be to add the following text under item (iii): The whole also needs to include sufficient accountability mechanisms for running the IANA function.

Should have enough time time for commenting (Roberto Gaetano, OUTSIDE)

Provide ample time for community review of proposals (.SE, OUTSIDE)

My suggestion is that no charter changes are necessary. A separate document is already underway for this.

OTHER POTENTIALLY BIG TOPICS TO DISCUSS

I recommended against doing changes here, but wanted to highlight these items:

Add a statement to indicate that input is sought from other communities and stakeholders (Richard Hill, MAJOR)

My suggestion is to not make a change, as the matter should already be clear, and adding another sentence about the same thing will not help

Charter precludes participation of NGOs due to three communities being in a privileged status (Tamer Rizk, MAJOR)

My suggestion is that no change is needed here.

Add a clarification that the scope is what the scope document contains (Seun Ojedeji, MAJOR)

My suggestion is to leave the current text as is, and leave it to the collective wisdom of the ICG to evaluate the completeness of the proposals.

Require open and constant communication, transparency, independence, and a calendar of events (DotConnectAfrica, MAJOR)

There is no suggested edit or action, but the ICG should make a note of this and agree to the principles. In addition, the ICANN document that created the ICG outlines a number of important principles for our work.

Develop common principles for all three registries (.SE, MAJOR)

The current text already says "ensure that its proposals support the security and stability of the IANA functions".

My suggestion is that the development of principles and their sufficient alignment between the different parts is a part of the task ahead for the communities and the ICG, and adding specific text about it is unnecessary

Single large container vs. silos (Roberto Gaetano, MAJOR)

Roberto sees problems with both approaches, and certainly most ICG members would agree that having the ICG run the entire process would be a bad approach. But the silos approach is obviously not good either, as Roberto notes. However, as described, the ICG approach is a combination of coordination, communication, and the community "silos". We hope that this is a good compromise to attack a problem that both has focused communities who deeply care about specific parts, as well as many interconnections between those parts.

My suggestion would be to make no change here