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PANAMA – RSSAC Review: Presentation of Draft Final Report

Tuesday, June 26, 2018 – 09:00 to 10:15 EST

ICANN62 | Panama City, Panama

LARS HOFFMANN: My name is Lars Hoffmann. I work for the MSSl team for the ICANN organization. If you don't mind, I suggest we quickly go around the room just to introduce ourselves, also for the record. That's useful. Then I will pass it over to Lyman, I believe, for the presentation on the report. Then, as I said, we from MSSl will briefly talk about the process, final submission or final report at the end of the meeting. And obviously, any questions, raise your hand at any time. Thanks.

DUANE WESSELS: Duane Wessels from Verisign representing the root zone maintainer on RSSAC.

LYMAN CHAPIN: Lyman Chapin with Interisle Consulting Group and we are the independent examiner for the review.

MARIO ALEMAN: Hello. My name is Mario Aleman. I'm ICANN staff.

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

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JENNIFER BRYCE: Hi, Jennifer Bryce. ICANN staff.

ANGIE GRAVES: Angie Graves, MSSI for ICANN.

FRED BAKER: Fred Baker, IFC.

JEFF OSBORN: Jeff Osborn, IFC.

JENN WOLFE: Jenn Wolfe, RSSAC alternative rep for [inaudible].

WES HARDAKER: Wes Hardaker, USC, ISI.

KEN RENARD: Ken Renard, alternate rep for H Root at Omni Research Lab.

KAVEH RANJBAR: Kaveh Ranjbar, RIPE NCC.

AKINORI MAEMURA: Akinori Maemura, ICANN Board, Technical Committee.

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UNIDENTIFIED MALE: [inaudible], RIPE NCC.

DANIEL MIGAULT: Daniel Migault, RSSAC-IAB liaison.

NAELA SARRAS: Naela Sarras, ICANN staff and IANA functions liaison to the RSSAC.

LARS-JOHAN LIMAN: Lars-Johan Liman, Netnod representative to the RSSAC.

HIRO HOTTA: Hiro Hotta from WIDE and JPRS.

UNIDENTIFIED MALE: [inaudible], one of the independent examiners.

RYAN STEPHENSON: Ryan Stephenson, alternate for DOD.

TERRY MANDERSON: Good morning. Terry Manderson, ICANN Org, ICANN [inaudible] root server.

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TRIPTI SINHA: Tripti Sinha, University of Maryland, co-chair of RSSAC.

BRAD VERD: Brad Verd, Verisign, co-chair of RSSAC.

LYMANCHAPIN : Okay, thank you. I appreciate everyone turning out today for another presentation of the results of the review. Before I start, I want to point out that there's a lot of stuff packed into 27 slides in this deck. It's a little overwhelming if you try to read all of it.

Three things. First, the slide deck will be published to the Wiki, so you can refer to it later. Second, I will try to hit the highlights as we go through. And third, encourage people if you need to stop at any point because I'm going too quickly through material that is a little bit dense, feel free to do that. There will be another opportunity for questions and discussions at the end. But, feel free to stop me if I'm going too fast or if you need to have something explained as we go along.

So, here's where we are. We're almost to the end. We started in September of last year. We've published the draft final report. It was published on the first of May. We conducted a webinar. The public comment period closed on June 10<sup>th</sup>. A couple of

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comments were submitted on the 11<sup>th</sup>. That's fine. Anyone who did that should not be worried that we're not going to pay attention to their comments.

We're now at the point of presenting the draft final report and the next step will be for us to finish the incorporation of public comments into the final report which is an ongoing process right now, and it will be ready to be published by the MSSSI folks and by ICANN on the 2<sup>nd</sup> of July. So, we're almost there. When I say we're almost there, obviously for the RSSAC folks, this is the start of another process which is the consideration of implementation options and so forth. So, you folks aren't finished, but the independent examiners work will be finished on the 2<sup>nd</sup> of July.

So, just to recap, I think everyone is familiar by this time with the purpose of the review, and in addition to the statutory purposes which are laid out in the bylaws, the three points here, the review also assesses – because it's not the first review, it assesses the effectiveness of the improvements that resulted from the previous review, which was conducted back in 2008.

To recap again, the scope of the review was defined by a combination of the review work party – the RSSAC review work party – and the board's organizational effectiveness committee before any work [inaudible] be done. So, long before. I don't

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know how long before, but certainly before we as independent examiners came on in September.

I laid it out here primarily for reference because one of the trickiest things in conducting the review has been to carefully observe the distinctions among the three pieces, if you will, of the puzzle here which are the root server system, the Root Server System Advisory Committee (the RSSAC), the people sitting here, and then the root server operators who are the organizations that actually cause the root to be published. They're closely related, but what we've tried to do with the review is to look at the two non-RSSAC pieces, the RSS and the RSOs, only within the scope of what's relevant to understanding the role that RSSAC plays both within ICANN and within the larger community and its obligations under its mission and charter.

Again, this is mostly for reference. You've all seen this before. This is just a diagram of the root server system. I found it helps to have these diagrams, even though people have seen them before, for reference, particularly with respect to terminology, so that people have a way to refer back to a diagram when they're trying to figure out what a term means.

Similarly, if you look at the organization of the RSSAC, obviously its membership is reps and alternates from the root server

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operators, it has non-voting liaisons, and it has non-voting members. Then it provides advice concerning the root server system to both the ICANN board which is statutory, and the ICANN community which is a more general obligation to inform people about how the root server system is operating.

So, we divided our review into two parts, an assessment part which was focused on findings which is gathering data from all the various sources at our disposal and those findings were then published back in February in the assessment report for public consultation, and we've had a couple of presentations on that.

We'll go through the findings fairly quickly. The first one is probably the most salient, which is that there was a remarkable improvement in both the tangible operation of the RSSAC and the way in which its effectiveness was perceived by the rest of the ICANN community, following what we have been calling the reformation of the committee back in 2013 that came about as a result of some work that was done by a loosely formed working group after the last review, which consisted of some board members and some RSSAC folks and some outside observers.

The improvements were dramatic. They completely changed the way in which the RSSAC operated and were widely considered to have been extremely effective. I would love to think that that's all entirely because of the good work that the independent

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examiner did, but of course it's really the work that the RSSAC folks did to follow-up on what the IE did. If even a fraction of that kind of beneficial effect ensues from the work that we've done as independent examiners in this case, I'll be enormously grateful and gratified.

The RSSAC has definitely become more open, transparent, and accessible since the review, but that aspect of its operation is still not widely recognized outside the group, and this may or may not be a problem. It's simply a finding. We found that although it was obvious to us when we looked closely at the situation that these dimensions had improved dramatically, there's still a sense that RSSAC speaks only to the small technical audience of DNS experts. So, it is still perceived to be closed and secretive.

The RSSAC has I think a unique problem within the ICANN infrastructure which is that, on the one hand, its role is not to be the association of root server operators that comes to ICANN and sits as if it were a collection of RSOs, but it's the only visible interface between ICANN and the root server operators and the root server system. As such, it gets overloaded with a ton of expectations and assumptions that are not appropriate with respect to its charter, but which persist pretty much across the board. The people we talked to were people who were in positions where it actually mattered whether they understood



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this or not and they typically did not understand it. This is, again, a finding. We'll take this up later when we get to recommendations.

We also observed, as you all have heard before, that even within the RSSAC itself, what we call a persistent legacy of distrust is a complication.

If you think of RSSAC as potentially this shared space for communication and cooperation between ICANN and the RSOs, the opportunity to use RSSAC as a place to have those kinds of interactions is made – I use the word complicated. I think that's probably good enough for these purposes. It's made complicated by this legacy of "We don't trust ICANN. We don't trust ICANN to do the right thing and ICANN has no business telling the RSOs what to do."

Again, just as a finding, this is pretty obvious the current RSSAC membership model does not include any non-RSO participants. When we look at the ... One of the objectives of the review, which is to look at the continuing purpose of the organization in the ICANN structure, we found that that continuing purpose could potentially include serving as the focal point for issues that concern both ICANN and the RSO. That would include, just as examples, operational and funding scenarios for serving the root.

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RSSAC members, certainly this confusion is much more widespread outside the group, but even within the group, we found that members of the committee don't agree on who its stakeholders should be. I want to emphasize that we're talking about the stakeholders of RSSAC, not the stakeholders of the root server system. The RSOs have their own stakeholders. RSSAC has stakeholders that are more precisely defined by its charter.

But it was hard for us to ... In the course of acting as independent examiners, it was hard for us to pursue the question of accountability because it wasn't clear. If it's not clear who your stakeholders are, it's not clear to whom you should be accountable and it's difficult to understand how accountability might be expressed under those circumstances.

We also found that, although we were looking just at the RSSAC, there are a bunch of other groups that surround the RSSAC that, in many cases, we found an overlap in either the written charter of the group with the written charter of the RSSAC or, more broadly, a perception of what those groups were supposed to be doing and where the boundaries among them were supposed to lie. Again, just a finding at this point.

I'll stop for a moment. We've already had an opportunity to go through the presentation on the assessment report, but if there

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are any questions about findings, I'm happy to take them at this point. I want to be sure I'm not flipping through this too quickly. I've done it a couple of times for most of these folks, but there may be somebody here who hasn't had a chance to think about it.

The public comment period began with the publication of the draft final report on the 1<sup>st</sup> of May, closed on the 10<sup>th</sup> of June. We received seven comments from both individuals and from people speaking on behalf of ICANN constituent organizations, SOs or ACs. Those comments are all at the URL listed up there.

There were actually eight comments. One of them was simply a response from MSSI, from Lars, to someone who asked for acknowledgement of his comment. So, there were seven substantive comments and all of these will be considered during preparation of the final report. We found some excellent suggestions in those comments, and as we prepare the final report, we'll be taking each of them into consideration. And the final report will contain a section that explains how each of the public comments was considered.

As I'm sure you all know, the most substantive comment was from the RSSAC itself. So, recommendations follow from the findings and augmented by public consultation. They were published in the draft final report on the first of May. We had a

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chance to have some back and forth with RSSAC on those. I want to emphasize that in the recommendations, the principle recommendations numbered one, two, three, and so forth are the actual recommendations from the standpoint of the obligation of examiner to make recommendations.

The letter numbers, in some cases we have additional letter-numbered suggestions for implementation. Those are at a level of detail that really don't rise to the level of you must implement this recommendation by doing this particular thing, but they're intended to illustrate the way in which we imagine a recommendation might be understood and implemented during the next phase.

It's a bit of a subtle difference. I'm not sure it's come across exactly the way we intended, but I want to encourage people to understand those 1A, 1B, 1C kinds of things as our sense of how an implementation might deal with the recommendation and not an additional recommendation at that same level.

So, the first recommendation response to the finding concerning the inaccessibility to the RSSAC proper of the skills and experience and expertise of people who are not representatives of RSOs. This recommendation suggests that the membership criteria be changed to give RSSAC the freedom to recruit people

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independent of whether they happen to be working for or representing a root server operator.

This would be clearly under the control of the RSSAC. We're not suggesting that there be a NomCom or any other forced repopulation of the committee with people from the outside. This would simply give the RSSAC the power to, if it wished, invite any qualified person to join the RSSAC as a member.

It would also, as a sub-recommendation, it might also permit the RSSAC to decide that it was not essential for every RSO to participate in RSSAC activities. So, you would be in a position to let individual RSOs decide whether or not to participate.

The second recommendation response to the finding that there is a pretty profound and widespread lack of understanding of exactly what the RSSAC's role and responsibilities are within the ICANN structure. There were both misunderstandings and what I would call frustrated expectations among people who looked at the role that ICANN is expected to play as the registry for the root zone and its inability to figure out how to relate that to the way in which the root zone is published. It's kind of a unique situation. There's certainly no other registry situation in which the provisioning side and the publication side of the registry are as separate as they are in this case.

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Our feeling is that there are some really good reasons for that to be the case, both historical and current, and that those reasons have not been well-explained, and that in many cases, the lack of understanding or the frustrated expectation arises from simple ignorance of the rationale for why there is that separation. Why are the RSOs independent, autonomous organizations and not under contract to ICANN?

So, an outside observer coming in and looking at it is just baffled by this. Our sense was that it would be extremely valuable and very helpful to the RSSAC in trying to conduct its business if the RSSAC were to document the rationale for why the root server system architecture is the way it is. Certainly, RSSAC ... I don't know if it's 037 or 038 has gone a long way towards doing that already. I know that's something that the RSSAC has been working on since long before we became involved as examiners during the review.

The third recommendation responds to the finding that the things that the RSSAC is responsible for are limited by its charter to providing advice to the board and the community. It has no power to turn around and compel the RSOs to do anything. It has no power to unilaterally change the way the root server system works and so forth.

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Our sense was that it would be very constructive, and again, helpful to the RSSAC in doing its work if it would formalize its interaction with the board by preparing and periodically revising a work plan that would ensure that the board would, at every stage, understand what it was that the RSSAC had been asked to do and the RSSAC would understand what its obligations to the board were with respect to providing specific advice.

There would inevitably be a lot of stuff that the RSSAC would be involved in that would not be captured in such a work plan, but that would, in our view, help to redress the current situation in which many of the board members that we talked to, perhaps because it was not something that they had looked at in a while, couldn't come up with any coherent explanation of what it was, how they would as a board go about obtaining advice concerning the root server system. We were as surprised by that as I'm sure many of the RSSAC folks are to hear it, because again, if you look at the way in which the relationship is formalized in written charters, in written other very specific documents, you would not expect that to be the case. So, we thought this would be a way to essentially eliminate that disconnect between the two groups.

These are possible ways in which you might go about doing that. Again, I won't belabor each one of these because these are at a

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level of detail that you would take up during the implementation phase. It's not essential that we go through them right now.

This one is fairly straightforward. One of the reasons, one of the most important reasons, or the success of the reformation that took place back in 2013-2014, around that timeframe, was the way in which the leadership structure, and the individual leaders for that matter, of the RSSAC were able to turn the committee around and put it on a good course. It made it really obvious how important strong leadership and qualified leadership is in RSSAC, in part because the RSSAC is, by definition, a group of people who are primarily focused on operations and technical issues. They operate root servers. They're not necessarily trained in leadership skills or diplomacy or any of the other things that you typically look for when you try to find chairs and vice chairs and board liaisons and so forth.

But, it is so obvious that the effectiveness of the people who have fulfilled those roles since the reformation how important that has been to the improvements that we saw in the RSSAC that we felt that it would be, again, very valuable to have a leadership training and succession plan in place so that you could develop the skills necessary to exercise that kind of leadership and not assume that you are somehow magically going to get them from the individual RSOs that contribute reps and alternates to the group.



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This one has to do with the relationship between the RSSAC and the rest of ICANN. There certainly are many reasons for RSSAC folks to not be terribly interested in getting involved in ICANN activities that lie outside the realm of anything that has to do with the root server system. Completely understandable and we encounter this in other groups as well.

But, certainly, the RSSAC would have a better, let's call it almost a public relations profile or something within ICANN, if it were able to come up with a way to participate more regularly and more visibly and more directly in other kinds of ICANN activities. And of course, if it were to do that, it would go a long way towards dispelling this notion that the RSSAC is somehow closed and secretive.

We thought it would be a good idea also to be clear about what it is that RSSAC is supposed to be doing with respect to what other groups with either adjacent or overlapping responsibilities are doing. The obvious ones are the SSAC, the root zone evolution review committee, and the RSSAC caucus.

The pushback on this of course is obvious. Well, there are written charters for these things and they don't overlap. Well, the written charters do in fact overlap in some places and it will be good to fix that, but I think more importantly, the perception of what is this group supposed to be doing, the RSSAC could

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distinguish its role and agreement more effectively from those other groups and that would enable it to more effectively pursue its own work without somebody coming along and expecting it to be something other than what it is.

So, these are some of the suggested ways in which you might implement a recommendation like that. All of these I think probably goes without saying, all of these involve collaborations with these other groups. The RSSAC could simply say, “Here’s what we do. Here’s what our charter is. You folks all go off and figure this out for yourselves.”

We felt that probably as an implementation detail, probably it would be more effective to coordinate and collaborate and collaborate with some of these groups to come up with appropriate boundaries and even suggest ways in which there might be collaborative activities, particularly between the RSSAC and the SSAC. It’s one of the things that might be on our agenda for this afternoon.

Our next steps, we’re going to revise the draft final report. We’re going to incorporate public comments, and we’re going to have that done, ready, in time for the report to be published on July 2<sup>nd</sup>.

We can now take questions or any other kind of discussion. That’s the number of questions I expect to see. I think we should

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break with longstanding tradition and at least one person should ask a question, which has never happened before. Even if it's just to ask what I had for breakfast. Actually, I had some Corn Flakes and there was great sliced kiwi at the buffet. I had a bunch of that. That was pretty good. Coffee with milk. Okay. If there are no questions, I'll turn it back over to you, Lars.

LARS HOFFMANN:

Thank you. We're just trying to change the slide deck. Just one second. As Lyman said, the final report, just very briefly, we submitted 2<sup>nd</sup> of July. We had some internal changes with our admin team, which means that [inaudible] on the website only on the 3<sup>rd</sup>. But, we will be sure to send it to the working party on the 2<sup>nd</sup> [inaudible] receive the report. But the announcement will come a little bit later, from a logistical perspective.

While we put this slide deck up, or I can move this myself. Here we are. Just very quickly I'd like to talk about the timeline which is really about the time after the submission of the final report. I'm afraid there's a little bit of work yet left for the RSSAC working party.

We are at the open session right now at ICANN 62. The report delivered, as we said, 2<sup>nd</sup> of July. Then, the important thing here is the FAIP, the Feasibility Assessment and Initial Implementation Plan. I'm going to kind of just very briefly, I

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talked about this I believe before to the other [inaudible]. It's basically a document that the organization under review produces in response to the final report, so that [inaudible] gets understanding, the Organizational Effectiveness Committee of the board who oversees reviews gets understanding of what did the independent examiner find and recommend and how is that perceived by the organization under review? Then, based on both of those documents, the OEC will make its recommendation to the board what should be implemented and how implementation process should take place.

This document is something, as I said, that the review working party is asked to put together. To put it quite simply, essentially, the RSSAC will be asked to say this finding we agree with, we don't agree with. It's basically a decision tree. If we don't agree with it, why? Then you move on the recommendation that comes from that finding, we agree with, yes or no. If we do not, here's why we don't agree with this, and then we propose an alternative recommendation if need be where we think there shouldn't be any recommendation that needs to be implemented and here is why.

So, we had some templates. I had a brief conversation with Steve Sheng who is the team leader obviously from the policy team supporting the RSSAC. We're working together to kind of walk you through the document, explain in detail what is

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needed. As I said, we have a template and the timeframe for that is July to December.

We usually like to ... Because you have to plan. We put a time on it. We say usually six months. If you could do it in six weeks, that's great. If you take much longer than six months, we would just ask you to let us know that it will take a bit longer so that we can communicate with the board at the OEC to set the expectations. But December is certainly not a hard deadline. It's just something we roughly anticipate.

Then, once that document is completed, it will be forwarded to the OEC early 2019, roughly, together with the final report. We would ask the independent examiner and the review working party to briefly present their respective documents to the OEC and they will then, based on those presentations, and obviously the documents, make their recommendations to the board who will then make the decision based on experience at the next board meeting or the one thereafter, so one to two months after that presentation. Then, implementation will start, depending on what the board obviously decides.

Are there any questions on this? I would suggest that maybe once the final report is submitted we meet again with the other [inaudible]. We walk you through the templates to really explain what is needed. We can even show you a filled-in template on

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the different review to ... It looks a little bit more daunting maybe than it is right now. I think it should be relatively straightforward. Then hopefully the review is successfully concluded.

Any questions on this or the process? Yes, please?

PETER KOCH:

Peter Koch, DENIC. I have one question regarding the consideration of the final report and the public comments. Is that the public comments of the draft report or will the feasibility study and the implementation plan be subject to another round of public comments?

LARS HOFFMANN:

Thank you, Peter. No, it's the public comments made on the draft report, so the [need] of those two documents by any extraordinary circumstances that have never occurred in the past will not go out for public comment again. So, this is just public input through the public comment and other means throughout the review up until the final report. Thanks.

There is, from our end, no any other business. So, if there's no questions over to the independent examiner, or to MSSI or

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anybody else in the room, then we can conclude early. Very early, in fact. 24 minutes left. Time for a second breakfast. Maybe some more Corn Flakes. And coffee, that's right. Thank you very much. We can end the recording.

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