

2020-November-17: Minutes NRO EC Teleconference

Date: Tuesday, 17 November October 2020, 11 am UTC.

Attendees

Executive Council:

Oscar Robles (OR)	LACNIC	Chair
Paul Wilson (PW)	APNIC	Treasurer
Eddy Kayihura (EK)	AFRINIC	
Hans Petter Holen (HPH)	RIPE NCC	

Observers:

Subramanian Moonesamy (SM)	AFRINIC
Sanjaya Sanjaya (SS)	APNIC
Pablo Hinojosa (PH)	APNIC
Richard Jimmerson (RJ)	ARIN
Ernesto Majo (EM)	LACNIC

Secretariat:

German Valdez (GV)	NRO Secretariat
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Agenda

1. Welcome
2. Agenda Review
3. Framework for NRO MoU 2020 Fourth Draft.
4. Cooperation with ICANN
5. Reverse DNS service in the IANA SLA
6. Timeline NRO strategic planning Process
7. Open Actions Review

8. Minutes Review
 1. 2020-October-13: Minutes NRO EC Teleconference- DRAFT (Pending, AFRINIC, ARIN, LACNIC)
 2. 2020-September-22: Minutes NRO EC Teleconference- DRAFT (Pending, ARIN, LACNIC)
9. Next Meetings
 1. Tuesday 8 December 2020
 2. Tuesday 19 January 2021 (NRO EC to confirm availability)
 3. Tuesday 16 February 2021
10. AOB
11. Adjourn

Resolutions

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New Action Items

The following action Items were assigned during this meeting:

New Action Item 20201117-1: OR to send MoU 0.3 version sent by PW on 17 November to the legal team for review and ask for their feedback.

New Action Item 20201117-2: OR to work with GV to produce a new version of the Timeline for the NRO Strategic Review Planning Process, considering a shorter timeframe that could be completed in the first half of 2021.

Minutes

0. Welcome

OR welcomed everybody and opened the NRO EC meeting at 11:05 AM UTC

RJ observed that, as JC had indicated previously, JC was on vacation, so RJ was standing in for him.

1. Agenda Review

OR asked if there were any new items or proposed changes to the agenda.

2. NRO MoU 2020

OR mentioned that he had seen a third version of the document earlier in the day and asked PW if he could comment on the new version.

PW replied that it had been merely an edit, an attempt to polish some commitments and other improvements such as reducing repetition. PW observed that JC had already said he was happy to move on to the next stage. PW added that it would be time to put it to a legal review before the next stage.

OR asked PW to summarize the most significant changes included in the new version, to which PW replied that OR had done a great work, the he'd just felt it needed a bit of polish, reordering, regrouping, concluding that this was mostly a polish, as he didn't have any particular concerns about the content.

OR asked PW whether his suggestion was to move to a review by the lawyers, and PW confirmed this.

He said they had studied OR's reasoning on the restructuring, but that they might have to think about the purpose and structure of the MoU.

HPH said he was fine with sending the document to the legal team and then the EC could have a look at the legal team's comments.

EK said he had also had some internal discussions and noted that in the cleaner version of the document there were some elements that are assumed and that it now had a different structure. He shared that one question that was raised internally was that AFRINIC had joined the NRO under the terms of the original MoU, where Section 8 states that "Additional RIRs to the founding RIRs shall acquire the same legal status as the founding RIRs...", adding that this meant that AFRINIC has the same status as the founding members, but that this was not written in the MoU. He observed that perhaps instead of simply making assumptions this might also be written somewhere. He added that they had also noticed some missing sections but agreed that, if the new version was sent for legal review, then the legal team could make sure there were no references to sections that were not there.

OR suggested that if EK had any specific suggestions, e.g., where they wanted AFRINIC to be explicitly included in this section, then he could propose text for that part, as it would help the lawyers suggest specific wording.

RJ said that ARIN did not have any issues with the document being sent for legal review, as the lawyers could bring a unique perspective. He said that any concerns JC might have he could take up during the legal review and that they could all continue to post edits to the list while the document was in legal review.

OR confirmed that they were then ready to send the document to the legal team and ask for their review.

OR asked the others if they had any specific request for what they'd like their lawyers to do, e.g. review, comment, accept the changes and leave only those that they had a strong comment against, or simply provide a general overview.

HPH suggested that the legal team got a broad mandate and should feel free to raise any issues they find at this stage, rather than at a later stage. At this point we should ask them to review the MoU, saying that any feedback would be welcome.

PW agreed.

OR thanked everyone for their contribution and noted the action item below.

New Action Item 20201117-1: OR to send MoU 0.3 version sent by PW on 17 November to the legal team for review and ask for their feedback.

3. Cooperation with ICANN

OR presented the topic, He invited the others to share their views or suggestions that might help them converge.

RJ said that ARIN stood on one extreme end and that he couldn't come off of the position already stated by JC on the list.

RJ said at this point, the CEOs probably just needed a face-to-face meeting to chat with Göran off of email, to reassert some of their concerns and find out whether things have changed significantly enough on the ICANN side that they really do want to push change with the RIRs, as this would allow them to know what they're dealing with and we can decide where they want to go from there.

He shared that ARIN was a bit concerned about this, that they should talk to ICANN, bring it out of email as the next step.

HPH agreed that a conversation would be better than an exchange of formal letters as a next step.

Regarding a mutual agreement with information both ways, HPH said his concern was that it would be difficult to formalize this procedure.

HPH concluded by saying that this was a complex matter and that perhaps face-to-face might be the best way to move forward.

OR thanked everyone for their input and proceeded to give his own view on the topic.

OR then said that another problem was that they had never agreed on reciprocity, that while it was probably unbalanced, this was not the way to ask for reciprocity, i.e. either you adhere to your work and request a change to the agreement, but you don't fail to comply and then request reciprocity.

PW share that, on a purely rational level, they'd sent an email saying "Dear ICANN, You may think that you've consulted enough. We don't believe that you have, we would ask you, please, when you're doing work in the area of our agreement, to be sure to contact the NRO with that at an organizational level with a reasonable short notice period."

PW noted that it all came back to what he believed the original intent was: not to claim a deliberate breach of the agreement, but to say that this had been done in a way that was not really what the NRO EC expected and they would like it done differently.

RJ observed that there might be some danger in leaving things as they were. He added that ARIN believes that, if the NRO EC does not reply to the email, they should at least address this when the group has a face-to-face meeting with ICANN or Göran, as ARIN is concerned about what might come next. He then concluded by saying that ARIN would support what the group decides.

OR thanked everyone for their comments and said they were now ready to leave the topic as PW had suggested. They also agreed that they would revisit the issue at a face-to-face meeting as soon as it is possible in the future.

OR noted that the start of a new year might be a good opportunity for a fresh start with the new NRO EC leadership.

4. Reverse DNS service in the IANA SLA

OR presented the topic by saying that EK, JC and OR had reviewed the IANA review to these proposed changes and that he had shared that document with Kim Davies last week. He noted that their position was pretty much self-explanatory in the document and asked if anyone had any question on this. No comments were heard.

OR explained that they hadn't received many comments from the Engineering Coordination Group and that they were moving ahead with this document. He added that, so far, the review had been only technical, that the lawyers would review it at the end, and that if they received any additional comments or review, he would let the EC know.

5. Timeline NRO strategic planning Process

OR reminded the others that their idea had been to have this Strategic Planning Workshop sometime this year, that then they'd had a proposal who were open to facilitate the Strategic Planning Process, and finally, they had decided that this group might be one of the providers for requesting a proposal, but that they first needed to define the process.

He then noted that GV had prepared a document and asked others to share their expectations for the timeline.

He noted that this timeline was based on the assumption that they were not in a rush, but that now they were already defining some strategic documents (NRO MoU, IANA SLA, ASO MoU). He explained that, when they had this strategic conversation back in May, he had had the sense that they wanted to have this strategic planning workshop first in order to trigger these definitions, i.e. first have an in-depth conversation, then come up with these documents.

OR noted that when they started to work on the documents it had appeared to him that they had good definitions, but that now, after listening to HPH and EK, he felt it was probably important to have those conversations first. He then asked for the others' thoughts and expectations for this timeline, perhaps have a quicker process and have this strategic session as soon as possible in order to have the strategic documents ready as soon as possible.

RJ agreed that, as a group, they needed to get together and discuss what they're doing strategically as the NRO, as they might basically be doing that through the creation of multiple documents and actions without having sat down to have a proper conversation about those items. He added that, while he was the number two in the organization, he believed that JC would agree that it would be great for the five of them to get together and come to an agreement on the strategic direction of the NRO going forward.

PW then mentioned that he had assumed a greater sense of urgency and that they were going to do this quite early in the terms of HPH and EK, which would have been during the course of this year or early next year. He noted that the current timeline did not have the NRO actually producing a plan until about this time next year and that he would much prefer to see it done earlier.

PW mentioned that he realized there were circumstances involved – the travel, the willingness and the interest of everyone else – but also the pre-planning and that one of the things that had driven his earlier proposal was that he had thought that a more urgent and expedient timeframe would have made it hard to get the work scoped and to get it really underway. He added, however, that he would now prefer a more expedient timeline by whatever means because he believes this is important.

EK asked whether this would be their first strategic planning workshop, and OR replied that their last strategic planning workshop had been in 2013 in Mauritius.

OR added that they had wanted to have a strategic retreat this year because it had been a while since they had one, but then the pandemic happened and they didn't have the strategic

conversations, simply some in-depth conversations, no definitions, and that now they were waiting to have face-to-face meetings, first the NRO retreat now that HPH and EK are on board.

EK observed that the lack of face-to-face meetings had been an issue this year, that there's no telling if travel will be possible soon, so perhaps should plan for something online.

HPH noted that what he had initially seen it as simply collecting documents in a new MoU, moving existing text to a new structure, had turned into something that involved adding and rewriting. He added that he understood that, while it might be necessary, they were now touching strategy, and that it would be a good idea to have some kind of virtual retreat sooner rather than later to discuss that. He suggested doing this in the first half of the year and that if they were going to select a vendor they really needed to speed up. He concluded by saying that it was very important to take the time to propose and find a common direction.

OR then asked the others what the best way would be to consider the uncertainty of face-to-face meetings and whether they should plan for an online strategic workshop and include this in the new version of the timeline.

RJ what HPH said that it was probably the right thing to do, start planning for a virtual workshop and put it on the calendar, but with the understanding that it might change to an in-person meeting if the pandemic restrictions are lifted.

OR asked PW if the first half of 2021 would satisfy his expectation for the conclusion of this timeline, to which PW replied that it would be great if feasible.

OR concluded by saying that he would work with GV to prepare a new version of the timeline.

New Action Item 20201117-2: OR to work with GV to produce a new version of the Timeline for the NRO Strategic Review Planning Process, considering a shorter timeframe that could be completed in the first half of 2021.

6. Open Actions Review

OR asked for GV's help in reviewing the open actions.

GV replied that there was not much to report about the open actions, mentioning as the only highlight the actions related to the meeting with the legal team and the two action items assigned to this team.

Legal Team Action Item 20200922-1. Legal Team to advise the NRO EC the mechanism for internal coordination with the RSCG to handle inter RIR fraud cases.	OPEN
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Legal Team Action Item 20200921-2 – The legal team to update the table included in their document prepared on the implementation of ASO Recommendations 1-17, also adding a summary of the status of recommendations 6 and 18 for public consume	OPEN
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GV noted that the legal team was aware of these actions, that he'd sent them the minutes as well as a reminder, and would follow up with them and see if they could present something for the December meeting.

OR asked what the legal team's answer to this reminder had been and GV replied that they hadn't replied, so he would send a new reminder this week.

GV also noted that all other action items had been completed.

7. Minutes Review

- 2020-October-13: Minutes NRO EC Teleconference- DRAFT (Pending, AFRINIC, ARIN, LACNIC)
- 2020-September-22: Minutes NRO EC Teleconference- DRAFT (Pending, AFRINIC, APNIC, ARIN, LACNIC, RIPE NCC)

OR asked everyone to review the pending minutes at their earliest convenience so they can be published.

8. Next Meetings

a) Tuesday 8 December 2020

Everyone confirmed their participation.

b) Tuesday 19 January 2021 (NRO EC to confirm availability)

No objections to this date were heard at this time.

c) Tuesday 16 February 2021

All agreed that it was too soon to confirm the date for their January meeting.

9. AOB

10. Adjourn

There being no further topics to discuss, OR thanked all participants and adjourned the meeting at 12:20 UTC