

2021-May-25: Minutes NRO EC Teleconference

Minutes

Date: Tuesday, 25 May 2021, 11:00 UTC.

Attendees

Executive Council:

Hans Petter Holen (HPH)	RIPE NCC	Chair
Oscar Robles (OR)	LACNIC	Vice-Chair
John Curran (JC)	ARIN	Treasurer
Paul Wilson (PW)	APNIC	
Eddy Kayihura (EK)	AFRINIC	

Observers:

Subramanian Moonesamy (SM)	AFRINIC
Ashok Radhakisson (AR)	AFRINIC
Pablo Hinojosa (PH)	APNIC
Sanjaya Sanjaya (SS)	APNIC
Richard Jimmerson (RJ)	ARIN
Michael Abejuela (MA)	ARIN
Ernesto Majó (EM)	LACNIC
Eduardo Jimenez (EJ)	LACNIC
Chris Buckridge (CB)	RIPE NCC
Athina Fragkouli (AF)	RIPE NCC

Secretariat:

German Valdez (GV)	NRO Secretariat
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Laureana Pavón	Minutes
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Agenda

1. Welcome
2. Agenda Review
3. NRO MoU Review
 1. Review of concept “RIRs Joint Registry”
4. NRO Strategy Review Plan
 1. Review of NRO Strategy Plan public consultation phases
5. Joint RIR RDAP Implementation Plan Reports
6. IGFSA Contribution
7. ICANN Seat 9 Elections Update
8. Open Actions Review
9. Minutes Review
 - 2021-April-20:Minutes NRO EC Teleconference - **DRAFT** (Pending: AFRINIC, RIPE NCC)
 - 2021-March-16:Minutes NRO EC Teleconference - **DRAFT** (Pending: AFRINIC, RIPE NCC)
 - 2021-February-16: Minutes NRO EC Teleconference - **DRAFT** (Pending: RIPE NCC)
 - 2021-January-19: Minutes NRO EC Teleconference - **DRAFT** (Pending: RIPE NCC)
 - 2020-December-8: Minutes NRO EC Teleconference - **DRAFT** (Pending: RIPE NCC)
10. Next Meetings
 - Tuesday 15 June 2021
 - Tuesday 20 July 2021
 - Tuesday 17 August 2021
11. AOB
 - ICANN Invitation to Customer Standing Committee (CSC)
 - RIPE Meeting Update
 - AFRINIC Update
 - LACNIC Strategic Planning Process Input
12. Adjourn

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Resolutions

R-20210525-1: The NRO EC resolves to contribute US\$ 50,000 to IGFSA in 2021 and encourage the IGFSA to find additional sources of funding.

New Action Items

New Action Item 210525-1: The legal team to come back with a new version of the NRO MoU, which should include the suggestions decided in the NRO EC meeting held on 25 May 2021, including the use of the term “Joint Internet Numbers Registry.”

New Action Item 210525-2: HPH to report back to the EC on the RIPE NCC’s plans for RDAP and implementation of the joint RIR RDAP profile.

New Action Item 210525-3: GV to inform the role of the ICANN due diligence review to the ASO AC so they can to make a determination on informing the winner of the ICANN Seat 9 election of the results so he has the proper motivation to obtain the documentation that might allow announcing the election results (self-declaration and/or third-party criminal check), making it clear that the NRO will reimburse any costs incurred by the winner for this check.

Minutes

1.- Welcome

HPH welcomed everybody and opened the NRO EC meeting at 11:03 AM UTC.

2.- Agenda Review

GV went over the proposed agenda and three items were added under AOB:

- Appointment of an ASO member to the ICANN Customer Standing Committee, proposed by GV.
- RIPE meeting update, proposed by JC.
- AFRINIC meeting update, proposed by EK.

3.- NRO MoU Review

a) Review of concept “RIRs Joint Registry”

AF went through the changes included in the latest version of the document while it was displayed on screen.

AF said the legal team had worked on the latest version shared by ARIN and that the legal team had not made any further changes, but that the legal team had some comments for the consideration of the NRO EC.

AF noted that the legal team had found some consistency issues throughout the document, e.g. the use of the terms “sections”, “provisions”, “articles” which should perhaps be aligned.

She said that a change that might raise questions was in article 5.1, which was changed from "The Executive Council shall ratify or reject proposed global IP number resource policies. Such decisions shall be based on open and transparent procedures which are ratified by the regional address policy fora" to "The Executive Council shall be solely empowered to: [...] ratify or reject proposed global IP number resource policies." She added that the basis for the power to ratify or reject has been removed from the text and that the legal team had not been able to find the power of the EC to ratify or reject proposals elsewhere.

JC observed that this was not a question of authority as the authority exists, but that there was a problem with the use of the phrase “based on open and transparent procedures,” as in the ARIN region, for example, the regional policy does not have control over those procedures (procedures for how policy is developed are under the control of the member elected Board of Trustees). He added that their procedure only deals with numbers policy, so keeping this text would involve a change in ARIN’s internal procedures and that the sentence had been inaccurate for ARIN since day one.

OR wondered whether that entire sentence should be kept in the MoU.

PW recalled that this went back to the formation of the NRO, which at first it was a contentious environment and there was the idea that the NRO EC might need to be there to step in if something went wrong. He said that in his opinion the sentence should be included as it stands, or preferably deleted completely, as it does not seem appropriate for the NRO EC to be able to ratify or reject unilaterally.

HPH noted that listening to JC’s point regarding ARIN policy he had realized that this might easily also apply to the RIPE NCC. He said that if the EC decided to leave this sentence, it should be reworded to something like “such decisions shall be based on fulfillment of the global policy process.”

OR agreed with JC’s suggestion and said he understood PW’s explanation. He said that in his opinion the MoU should contain something of this sort, noting that in the LACNIC region they have the right to reject a proposal based on what the LACNIC Board decides. He added that LACNIC had only used this provision once in twenty years, so it had proven to be a good resource. He agreed with HPH that the wording should be adjusted to comply with the policy development process.

JC said that the ARIN region had issue with the term “transparent procedures” and that if it said “decisions based on open and transparency policy development conducted by the regional policy forum” ARIN would have no problem.

PW suggested deleting the whole bullet point, noting that the global PDP is covered by other documents.

JC agreed that removing the whole bullet was probably the best thing to do at this point.

HPH agreed, saying that the reason he could see in leaving the bullet point in the MoU is that it is what gives the NRO EC the authority to sign the MoU with ICANN. The NRO EC is fulfilling the role by delegating this to the ASO, that is the chain of authority. But he added that this was mere speculation as he was not there at the time.

OR suggested keeping the whole text of the paragraph for discussion during their strategy conversations.

JC said that if the existing text was kept, the term “procedures” should be removed and changed to “efforts/policies/proposals/mechanisms,” as the ARIN policy forum does not work on procedures.

OR cautioned against removing that sentence as it would raise some questions but agreed to replacing “procedures” with a different term.

PW said that this clause seemed completely unnecessary to him and that the NRO EC could revisit this in their planning and try to sort out the matter.

EK commented that he would also be aligned with not having the bullet point in the document.

HPH said he would prefer taking out the paragraph but was ok with leaving it and with changing the term “procedures.”

JC said that, while he thought the provision was needless, if the NRO EC decided to keep it in place the new wording might be “The NRO Executive Council shall ratify or reject proposed global IP number resource policies. Such decisions shall be based on open and transparent policy development which are ratified by the regional address policy fora.”

All agreed and AF noted that she would include this change in the latest version of the MoU.

AF then mentioned that the other change that might be considered a change in the process was in article 6.2., where the current text of the MoU is very explicit regarding the composition of the NRO NC (“One person appointed by the Board of each of the RIRs [...] Two individual members selected via an open, accessible, documented and transparent procedure by the regional policy forum of each RIR”) and the edited version says that each RIR will appoint three members by a process of its own choosing. She noted that questions regarding this change should be expected.

JC noted that in the ARIN region NRO NC appointees are elected by a procedure adopted by the Board of Trustees elected by ARIN members. He added that the legal ability of the ARIN policy forum to get involved in this election was very unclear and that his primary concern was having procedures developed by the policy forums and that he had attempted to reduce it to the simplest form.

JC mentioned another option: striking “regional policy forum of each RIR” and replacing it with something along the lines of “an open accessible document and transparent procedure adopted by each RIR.”

HPH said that he would actually prefer this change for slightly different reasons than JC, but that it made sense to potentially simplify the procedures based on what each reason wants.

OR observed that the text proposed by JC was clearer. EK agreed.

The NRO EC agreed to keep the text considering the change suggested by JC.

Next, AF mentioned the changes to the article on further joint commitments.

JC said that the NRO EC has the ability to make additions to the MoU, that he was not sure what the purpose of a statement to that effect was, and that he’d like to remove extraneous, unnecessary items that are unnecessary.

AF explained that it might create some legal basis for extra joint commitments, a provision in the MoU that would allow the NRO EC to add an annex to the MoU (as an alternative to separate joint commitments). She added that if, there were any further commitments, it might be faster and easier to add them as annexes.

JC said he had no strong feelings either way, but that the advantage of an annex is that all RIRs sign it and this allows a good record.

HPH observed that if text was added to this effect, he would prefer to add it in section 12 rather than in the middle of the document.

HPH summed up the discussion of this change by saying that nobody was speaking in favor of going back to the previous text.

AF brought up a final change: an article about the Global Policy development process (advisory appeals process) had been entirely removed and she wanted to make sure that this had been deliberate.

Nobody spoke in favor of putting the article back into the MoU.

JC reminded the others that OR had mentioned that the NRO EC should move ahead with the revision of the NRO MoU regardless of whether this occurs before or after the strategy review. All agreed with this approach.

As for the concept “RIRs joint registry,” HPH mentioned that the NRO EC had concluded this topic on the mailing list and agreed on using the term “Joint Internet Numbers Registry.”

To conclude, HPH proposed the following action item:

New Action Item 210525-1: The legal team to come back with a new version of the NRO MoU, which should include the suggestions decided in the NRO EC meeting held on 25 May 2021, including the use of the term “Joint Internet Numbers Registry.”

4.- NRO Strategy Review Plan

a) Review of NRO Strategy Plan public consultation phases

HPH asked GV where the NRO EC was at and what GV needed from the NRO EC.

GV said that at this stage the NRO EC needed a point of clarification regarding the phases included in the RFP, to discuss this to make sure everybody is on the same page.

JC said he was all for the consultation with the community, but a consultation without a document, of consulting with a community that is unbriefed presented a challenge, as the NRO EC might end up with feedback on incorrect assumptions.

PW said his suggestion had been to have a consultation either before or after or both, adding that it was probably more important to have a consultation after a document was ready so we have something concrete that people can comment on.

All agreed and it was decided that the NRO strategy plan would include a public consultation with the community once the document was finalized.

As the next step, GV said he would adjust the timeline accordingly and asked whether the NRO EC would you like some more time for comments or he should go ahead and publish the RFP.

All agreed that it was ready to be published with the changes discussed above.

5.- Joint RIR RDAP Implementation Plan Reports

Re Action Item 210420-7, each NRO EC member gave a brief report on the status of their plans for RDAP and implementation of the joint RIR RDAP profile:

JC said that ARIN was very aware of the RDAP profile, that they are half way there and will be compliant with the RDAP profile by the end of the year.

PW said that APNIC does not have it on the plan for this year. He added that if there was consensus among the five RIRs he could ask for this to be done by the end of the year, but that if the consensus is to wait until 2022, he would go with that.

OR mentioned that the report from the LACNIC engineering staff was that they have plans to review their RDAP service in the last quarter of the year and that, once they've identified the gap in the profile, they will schedule the work which will probably be completed in Q4 2021 or Q1 2022.

EK noted that AFRINIC had identified their discrepancies with other profiles and that his team expects they should be ready this year or in early 2022.

HPH said he had misunderstood the action item and would come back to the EC with a report on RDAP in the RIPE NCC

New Action Item 210525-2: HPH to report back to the EC on the RIPE NCC's plans for RDAP and implementation of the joint RIR RDAP profile.

PW observed that it was incumbent on the EC to set a timeline for this.

JC strongly recommended committing to a joint profile, adding that it would surely be a work in progress, but that the NRO EC should at least commit to always strive for a single RDAP profile.

HPH agreed, adding that the NRO EC should also commit to a timeline.

PW said that they could each agree to let their teams know that the NRO EC was looking for a deployment in Q1 2022. However, he said there is a bigger strategic planning issue: the importance the NRO EC places on the consistency of the global registry, having some agreement and committing to a level of importance and priority.

HPH proposed confirming with their engineering teams if Q1 2022 is possible and, if so, they could come back and commit to that timeline, as that would be the prudent thing to do.

HPH wondered whether they would each also like to discuss with their engineering teams whether, in the future, if the NRO EC agrees on a better profile, the teams can commit to a date on which they can all update the profile.

JC suggested asking the engineering teams that when they want to modify the RDAP profile they should go back to the EC and brief us, then the EC would agree to the new profile.

PW observed that this has to come from the strategic meeting, that the NRO EC should make it clear that there will be certain expectations on a certain way of proposing and making changes to the RDAP profile. He said that the NRO EC has decided that RDAP is an important service so it should come up with some expectations that will allow each of the RIRs to rely on the others, and not have one or more RIRs slowing things down and demotivating the whole process.

JC fully agreed with PW that this is a strategic discussion that the NRO EC needs to have, adding that how the NRO EC is perceived is highly dependent on how we go about acting as a single registry. He suggested that, from now on and until the end of the strategic planning process, the NRO EC should provide the following guidance to their engineering teams “please don’t decide you’re adopting this as the engineering team, but instead bring it to the EC so we can talk about it.”

All agreed.

6.- IGFSa Contribution

PW said he seemed to recall that the NRO EC had a pending decision about what their contribution was going to be.

GV explained that during the NRO EC's last discussion on this matter it had appeared like the NRO was practically the only contributor to the IGFSa and would be contacting Markus Kummer to ask him look for more contributors. He said that the IGFSa had inquired about the NRO's contribution (US\$50,000) and that was the last status of the conversation. He added that the NRO still needs to contact Markus to see if the IGFSa is looking for additional contributors.

GV explained that the NRO EC had discussed this matter in February and decided to hold off on a decision until having more information.

HPH noted that he did have a call with CB and Markus and that they had discussed the matter. He added that he had mentioned that the NRO EC was seriously concerned with being the single source of funding and that Markus had taken the point. He said that he'd also discussed different possibilities with Markus, such as NRO contributions conditional on IGFSa obtaining other matching contributions, that Markus had said he would take that back to the Council but that he had not heard back from him.

PW mentioned that the NRO is not the only but the major funder. HPH replied that the NRO's contribution represented more than 90%, as acknowledged by Markus.

CB commented that ICANN would be coming back into the fold this year.

PW said he recalled a sense of not wanting to pull the plug or adding new requirements on IGFSa this year, but instead the NRO would provide the funding as agreed, and at the same time, state our expectations for the future.

HPH said he would be open to approve the contribution like last year or to adding some conditions, but strongly encouraging the IGFSa to find other sources of funding.

GV mentioned that this year the NRO had budgeted US\$50,000 for the IGFSa, the same contribution as in previous years.

OR said that for him it was enough to raise this point with Markus, as it was not up to the NRO to have more providers for this fund. He added that he would be OK with making the contribution this year but would announce that next year the contribution would be contingent on additional contributions.

HPH proposed a motion to approve a contribution of US\$50,000 now and encourage IGFSa to find other sources of funding, work on the wording on whether there will be some conditions for 2021 or 2022.

All agreed and the motion carried.

R-20210525-1: The NRO EC resolves to contribute US\$ 50,000 to IGfSA in 2021 and encourage the IGfSA to find additional sources of funding.

GV said he would follow up on this and work with ARIN staff to transfer the resources.

7.- ICANN Seat 9 Elections Update

GV presented an update on the status of the ICANN Seat 9 Election.

New Action Item 210525-3: GV to inform the role of the ICANN due diligence review to the ASO AC so they can to make a determination on informing the winner of the ICANN Seat 9 election of the results so he has the proper motivation to obtain the documentation that might allow announcing the election results (self-declaration and/or third-party criminal check), making it clear that the NRO will reimburse any costs incurred by the winner for this check.

No more specific actions were suggested, so it was decided that HPH will work with GV and KB on this topic.

8.- Open Actions Review

Considering that the meeting had already run for nearly two hours, HPH said he would look into his own actions and they can all discuss these on the list.

9. Minutes Review

It was decided that they would also be reviewed individually by each NRO EC member.

10. Next Meetings

a) Tuesday 15 June 2021

b) Tuesday 20 July 2021

c) Tuesday 17 August 2021

No issues were brought up in relation to the three upcoming meeting dates.

11. AOB

a) Appointment of an ASO member to the ICANN Customer Standing Committee, proposed by GV.

GV mentioned that they had received a request from ICANN to participate in the Customer Standing Committee (CSC), a committee that monitors performance on the naming services. He added that the last time the NRO had gracefully declined and asked whether they would decline once again this year.

All agreed to decline once again the invitation to appoint members to ICANN CSC.

b) Update on AFRINIC meeting

EK commented that AFRINIC would be holding its event online next week, that they had had some issues with the policy development process which have been addressed, that they now have an interim committee, an interesting situation which should be sorted after the meeting.

HPH thanked EK for his update and wished him luck with the AFRINIC meeting next week.

c) Update on RIPE 82

HPH commented that the RIPE NCC has a new board member, Job Snijders, who's active in RPKI, so there will probably be a much higher focus on RPKI.

HPH then mentioned the move to the cloud, saying that the RIPE NCC created a cloud-first strategy which has been a concern to the community, who are not sure what this means. There were several presentations at the RIPE meeting and the board will discuss the concerns during our June meeting.

HPH then said that any ideas or comments would be highly welcome.

JC said they were going through something similar, using cloud companies for some of their services and that some customers were quite adamant that ARIN shouldn't do it or do it only if ARIN has extensive contingency planning.

PW then brought up a related issue, saying that the NRO has other pending discussions, including where the RIRs should go with their backup and redundancy strategies. He said it would be nice to have someone such as the ECG chair who is in a position to do so to talk with the RIRs and conduct a thorough investigation into what each RIR does and come up with something really informative for the EC and for the staff concerned. He added that this would take a substantial amount of time and suggested that perhaps the strategic planning process might include hiring someone to do this sort of thing.

JC agreed with the idea but mentioned his concern regarding the amount of work this would involve, adding that it would have to be a formal process and require resources from the NRO. He said that was a big strategy question for the NRO.

HPH noted that finding a person to do this and hiring them would be a tall order.

PW agreed and said that the task would probably require more than one person and that, so far, the NRO has been reluctant to hire any staff at all.

HPH observed that finding someone who understands compliance and engineering is a real challenge.

To conclude, HPH said they would keep PW's proposal to hire someone in mind and discussing it in the future.

d) LACNIC Strategic Planning Process Input

OR thanked the CEOs for their input to the LACNIC strategic planning process, noting that LACNIC had really appreciated it. He added that some of the CEOs had provided general thoughts and expectations for a regional registry which he found very interesting. He said that those CEOs might want to know the others' expectations and suggested that this exercise might be repeated for our own strategic process.

12. Adjourn

There being no further business to discuss, JC proposed a motion to adjourn, EK seconded the motion, no objections were heard, and the motion carried.

The meeting was adjourned at 11:27 UTC.