

2022-August-16: Minutes NRO EC Teleconference

Date: Tuesday, 16 August 2022, 11:00 AM UTC

Attendees

Executive Council:

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

Observers:

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|------------------------|--------|
| Pablo Hinojosa (PH) | APNIC |
| Nathan Harvey (NH) | APNIC |
| Ernesto Majó (EM) | LACNIC |
| Esteban Lescano (EL) | LACNIC |
| Richard Jimmerson (RJ) | ARIN |

Secretariat:

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| German Valdez (GV) | NRO Secretariat |
| Laureana Pavón (LP) | Minutes |

Agenda

1.- Welcome

2.- Agenda Review

3.- NRO Joint Stability Fund

4.- NRO Strategy Update

5.- PTI Engagement for Fiscal Year 2024

6.- NRO 2023 Officeholder Rotation

7.- ICANN 75 Participation

8.- NRO Comment mailing list

9.- RIR CEO Updates

10.- Open Actions Review

11.- Minutes Review

- 2022-July-26: Minutes NRO EC Teleconference - DRAFT (Pending: AFRINIC, ARIN)

12.- Next Meetings

- a) Next NRO EC f2f Meeting.
- b) Tuesday 20 September 2022 Teleconference
- c) Tuesday 18 October 2022 Teleconference
- d) Tuesday 15 November 2022 Teleconference

13.- AOB

14. Adjourn

New and Updated Action Items

New Action Item 220816-1: PW to follow up with Glenn Price regarding suggestions for further work by LeaderShape now that the second stage of their work on the Strategy Review is complete.

New Action Item 220816-2: All to send to JC/OR a list of requirements so they can put together a statement of requirements of what the NRO would like to accomplish through incorporation (e.g., program managers, home for the RIR Stability Fund, etc.).

New Action Item 220816-3: PW to respond to Kim Davies' message regarding PTI Engagement for Fiscal Year 2024 based on the suggestions sent by PW to the EC list on 15 August.

New Action Item 220816-4: PW to draft a brief speech about NRO strategic planning, joint priorities, and any other suggestions he may receive from the other CEOs to present at the ICANN 75 Opening Session.

New Action Item 220816-5: JC to share the latest version of the NRO MoU to the list (replaces Action Item 220726-1).

New Resolutions

R-20220816-1: In 2023, NRO EC roles will be distributed as follows: JC, Chair; PW, Vice-Chair/Secretary; OR, Treasurer.

Minutes

1.- Welcome

PW welcomed and opened at 11:04.

2.- Agenda Review

The agenda was approved as written.

3.- NRO Joint Stability Fund

PW invited NH to speak to his Draft Discussion Paper on the NRO Joint RIR Stability Fund.

While sharing his screen NH spoke to his PPT presentation titled “Joint RIR Stability Fund Discussion.” He noted that the document has done the rounds with the CFOs, that the content has been through the community, that the CFOs will meet later this year and the NRO Joint Stability Fund will be up for discussion, so it would be useful to have some guidance from the NRO EC.

Noting that the presentation included information taken from the NRO website as well as comments/recommendations, NH explained the background that led to the establishment of the Joint RIR Stability Fund; its governance (the fund is currently documented only via the public notice on the NRO website, there is no legally binding instrument between the RIRs); its funding and activation; and the use of funds. To conclude, under Stability Fund Structure, he presented four options that the CFOs have identified: 1) maintaining the existing structure, 2) establishing stand-alone intermediary accounts to assist an RIR in distress, 3) establishing a third-party trust arrangement, and 4) establishing an RIR stability fund within an incorporated entity.

OR thanked NH for his presentation and asked whether the CFOs had had the chance to evaluate those options and decide which is better from an operational point of view.

NH replied that, at this stage, the CFOs haven't proceeded much further as they were looking for feedback from the EC.

JC thanked NH. He observed that having a stability fund had been a great idea, that it was put together fairly quickly without much thought on these matters, and that revisiting the fund would be timely. Regarding the fact that one of the options on the list was handling the fund through an incorporated entity, he said that the EC had recently discussed doing program management within an incorporated entity, that the NRO now has a significant list of things that would be simplified by incorporation, and that a decision to incorporate would significantly influence what we do with the stability fund.

HPH thanked NH for his good work. He noted that the NRO at least needs to create firmer procedures, so having the CFOs work this out — getting proper tax and legal advice without changing any legal structure — is a good idea. Formal incorporation might help, but we should also consider whether the Stability Fund is a different nature and should be kept separate from the NRO, as this may require a different decision-making structure than the program managers. However, before we get there, we need some documents signed by four or five CEOs to have the mechanics in place. He added that the CFOs might see the benefit of working with the lawyers.

NH replied that the legal team will join the CFO December meeting, so no decisions will be made without taking into account their legal ramifications.

PW asked whether JC suggested holding the analysis of the options for the Stability Fund structure until the decision regarding incorporation was made.

JC replied that refining what we have under the current structure is worthwhile, but that doing further work on the options might be premature given that the NRO is also actively looking at incorporation.

PW agreed that there's still some work that can be done before the final decision on incorporation is made and suggested that perhaps the CFOs can continue to work without that decision.

NH agreed with PW, noting that some things need to come into play whether it is through an incorporated entity or within the current structure.

PW asked NH if there was anything else that would be helpful to the CFOs.

NH replied that the CFOs have some process improvements they can continue to work on but until receiving some guidance regarding incorporation and so on, that's as far as the CFOs can go.

PW thanked NH for his report and NH left the meeting at this time.

4.- NRO Strategy Update

GV explained that there is a set of open action items related to the strategy update which they could discuss either now or under the open actions review. He added that he proposed two

specific topics be discussed under this agenda item: NRO Program Implementation and the extension of LeaderShape's services.

In relation to the RPKI action item, JC shared that the group has not progressed because they believe that the program manager was the highest priority. The RPKI group needs to have a meeting to complete the program manager job description and then the CEOs have to decide how we will go about hiring them.

PW said that Glenn Price has completed the second stage of his work and will come back with suggestions for further work.

New Action Item 220816-1: PW to follow up with Glenn Price regarding suggestions for further work by LeaderShape now that the second stage of their work on the Strategy Review is complete.

JC said that the CEOs have pondered incorporation in the past and have a draft of incorporation papers. If restarting this process, he wants to make sure the CEOs are all on the same page, i.e., get a simple statement of requirements of what we'd like to accomplish by incorporation (e.g., program managers). If the NRO is incorporated, it should be done in a way that allows hiring program managers, serving as the home for the stability fund, and so on. JC would like to get these requirements on paper. He suggested that they each send the things they would like to achieve with the incorporation of the NRO to either JC or OR after this call.

OR agreed with this approach.

JC added that we need to figure out things we might potentially want to have the NRO do so that the option wouldn't be precluded by a choice we make, for instance, the NRO might want to be a dispute resolution entity among the RIRs and this would affect the choice of location, or the NRO might want to serve as a repository for the RIRs, which would also change the requirements of where the NRO is located and how it is governed.

New Action Item 220816-2: All to send to JC/OR a list of requirements so they can put together a statement of requirements of what the NRO would like to accomplish through incorporation (e.g., program managers, home for the RIR Stability Fund, etc.).

5.- PTI Engagement for Fiscal Year 2024

JC explained that Kim Davies sent a message in the third week of July saying that the PTI is doing some planning for future activities including a short list of what they intend to be doing, and that he asked us for feedback on whether this is suitable for the numbering portions of the PTI. He added that he personally found the list quite suitable. Kim Davies was looking for feedback from the RIRs saying "Yes, this is a good list of activities" or additions and changes the RIRs need.

PW said he sent to the EC list some brief notes in response.

JC said he was looking at PW's notes and concurs with them. He added that we need to reiterate that, when the PTI gets to the execution of these actions, we expect them to be in consultation with us.

New Action Item 220816-3: PW to respond to Kim Davies' message regarding PTI Engagement for Fiscal Year 2024 based on the suggestions sent by PW to the EC list on 15 August.

6.- NRO 2023 Officeholder Rotation

PW observed that the NRO has not followed the usual rotation over the last two years.

GV explained that, given the circumstances, in November last year the NRO decided that in 2022 the positions would be as follows: Chair, APNIC; Vice-Chair/Secretary, RIPE NCC; Treasurer, ARIN. He added that, based on past rotations, the roles for 2023 might be as follows: Chair, ARIN; Vice-Chair/Secretary, APNIC; Treasurer, LACNIC. This would balance responsibilities, as we used to have an order in the rotations, but that order was broken when we had two new CEOs back at the end of 2019.

No objections were heard, so the following resolution was approved:

R-20220816-1: In 2023, NRO EC roles will be distributed as follows: JC, Chair; PW, Vice-Chair/Secretary; OR, Treasurer.

7.- ICANN 75 Participation

PW said that he will draft something around the status of our strategic planning, joint priorities would be interesting to talk about in a brief speech (absent anything from EK), and that he is happy to hear additional suggestions.

New Action Item 220816-4: PW to draft a brief speech about NRO strategic planning, joint priorities and any other suggestions he may receive from the other CEOs to present at the ICANN 75 Opening Session.

8.- NRO Comment mailing list

PW explained that this is on the agenda after his suggestion to adopt this list as an agreed place for AFRINIC-related public discussion, for those community members interested to follow them. This would also avoid spamming members who are not interested in this topic.

JC said that he had initially replied that ARIN would have no objection. Upon further thought, however, the ARIN region has a Public Policy mailing list (which is also used for other things and moderated as necessary), a Consultations list, and a Members Discuss list (which is very quiet). We don't have a non-member discussion list. We conducted a consultation and there were mixed views on whether ARIN should have one. I'm wondering: do we want a list like this for the NRO? Or do we want to have consultations when we seek comments on a topic?

In HPH's opinion, if we want to have a list like this, we need to decide exactly how we want to use it and how the NRO will respond in a timely manner.

PW observed that there are fragmented discussions happening on different RIR lists, and naturally we answer the questions we can answer as CEOs in our respective forums. But when questions are asked from the NRO, how do we respond?

PW summarized by saying that there is clearly no appetite for using the NRO comments mailing list and we can continue to respond on our own mailing lists.

JC observed that, at present, the only thing we have done jointly is the joint NRO statement of support of AFRINIC. He is careful to make sure that ARIN distinguishes between what the NRO does and what each RIR does, even if it is in a coordinated manner. He sees the letter signed by the four RIRs as an ARIN thing, we have an interest in Internet stability and don't hesitate to talk to any government. To the extent that it does come up, he is happy to share anything ARIN sends out.

9.- RIR CEO Updates

RIPE NCC update by HPH: Chris Kaufmann is not running for reelection to the RIPE NCC Executive Board. He will take seat on the ICANN Board at the upcoming ICANN meeting. Ondřej Filip will take over as chair of the RIPE NCC Executive Board as of September 1st. HPH then updated the others on upcoming RIPE NCC events, including the RIPE meeting that will be held in Serbia in October. The ASO AC has decided to meet there, and the RIPE NCC is happy to facilitate this.

ARIN update by JC: ARIN is busy looking at a number of interesting changes re transfers at ARIN and facilitators. We have a number of facilitators/brokers, and we are looking to see how we can make these more helpful to our members.

LACNIC update by OR: LACNIC just received the Ministry of Foreign Affairs' formal approval of the changes to the Bylaws that were approved in May. The Ministry checked that LACNIC does not depart from the Uruguayan concept of international organization, we need to do this every time we change our bylaws, so that's good news. LACNIC will be having our next meeting in Santa Cruz, Bolivia, in the first week of October. A suggestion from the LACNIC Board: it would be a good practice for NRO EC to share information about board members attending RIR meetings.

JC said that OR's was a great suggestion and that ARIN has members of its board attending ICANN and also the APNIC meeting.

APNIC update by PW: The next APNIC meeting will be in Singapore. It's great that some of your board members are coming. There have been some major increases in travel costs, so we've

had to increase our travel budget, along with some slowdown in growth that we're seeing (but which seems to be recovering in recent months), so the budget is in deficit for this year.

Regarding budget, OR said LACNIC had a review in July and it will be red for the first time in 20 years. Losses are not too bad (less than 1%). The global situation is a good reason for having a loss, so that's a good use of our reserves. Of course, we don't want to have the same situation next year.

JC said that ARIN is also seeing the resurgence of travel and that we're going to be tight on the budget. We'll be prioritizing trips. It will be very close because we aim on coming in on budget, but there will be some prioritization.

HPH said that the RIPE NCC is better on the travel budget, 75% of what we had before covid. On the total budget there are several interesting factors: a rather large influx of incoming members, we are selling places on the waiting list, we're closing down LIRs. We have not been collecting revenue from Ukraine and Russia. The end prognosis for the year is a 1.5 million surplus, which is also the risk.

PW said that APNIC's operating result is expected to be in the red (1.5 million). APNIC's investment fund has also lost value this year, which will increase expenses further. This is the first deficit budget we've had.

10.- Open Actions Review

GV took participants through the open actions

Action Item 220726-1: JC to take the opportunity simplify the language and refine the language of the NRO MoU prior to its signing. SUPERSEDED

After some discussion, it was decided to replace this action item with the following:

New Action Item 220816-5: JC to share the latest version of the NRO MoU to the list (replaces Action Item 220726-1).

Action Item 220726-2: JC and OR to investigate pros and cons of incorporation, the steps and timing, risks and other considerations involved and prepare a strawman by December, with a check-in in late September or early October to see whether that path is still valid. (replaces action Item 220624-4). ONGOING

Action Item 220726-3: PW and GP to propose in a one page document the new approach with the NRO CGs. How they will complement the role of program managers and how they'll continue their roles in the future. (replaces action item 220624-5) OPEN

Action Item 220726-4: HPH will share with the EC draft output of the RIPE NCC'S recommended approaches to crisis response once this output is ready (2022 Q4). CLOSED

HPH shared that he had edited the language in the minutes of the July 26 meeting earlier today.

Action Item 220726-5: GP will work with PW (NRO Chair) to put together a very small team with limited time to work on a recommended approach to defining a crisis response plan (which is not a critical item). OPEN

Action Item 220726-6: PW to send a note to Kim Davies saying that we are happy with the proposed amendments to the IANA SLA submitted by ICANN and are ready to sign the SLA, asking how ICANN would like to proceed, and indicating a preference for remote signing. CLOSED

Action Item 220624-1: OR to draft a message to John Levine of the IETF Trust and share it to the mailing list. Themes for the message: the RIRs will provide the requested support but we'd like you to use the rest of the ecosystem; the RIRs are just hearing from the IETF Trust now; it would be good for the IETF Trust to come to the RIRs more often so we can hear how you are benefitting our community. ONGOING

OR sent the draft to the list in July but has not received any comments.

JC suggested that they should all review that draft

GV will send the draft to the list once again.

11.- Minutes Review

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12.- Next Meetings

a) Next NRO EC f2f Meeting.

There are no plans yet for the next EC f2f meeting.

b) Tuesday 20 September 2022 Teleconference

c) Tuesday 18 October 2022 Teleconference

d) Tuesday 15 November 2022 Teleconference

No objections to the proposed dates were heard.

13.- AOB

No further topics were proposed for discussion.

14. Adjourn

There being no further business to discuss, the meeting was adjourned at 13:51 UTC.