

2023-February-21: Minutes NRO EC Teleconference

FINAL

Date: Tuesday, 21 February 2023, 11:00 UTC

Attendees

Executive Council:

John Curran (JC)	ARIN	Chair
Paul Wilson (PW)	APNIC	Vice-Chair
Hans Petter Holen (HPH)	RIPE NCC	
Ernesto Majo	LACNIC	Treasurer - Acting in Full Capacity on Behalf of LACNIC.

Apologies:

Oscar Robles (OR), LACNIC

Observers:

Kenny Huang (KH)	APNIC
Nirmal Manic (NM)	AFRINIC
Richard Jimmerson (RJ)	ARIN
Bill Sanford (BS)	ARIN
Michael Abejuela (MA)	ARIN
Christ Buckridge (CB)	RIPE NCC
Athina Fragkouli (AF)	RIPE NCC
Remco van Mook (RVM)	RIPE NCC

Glenn Deen (GD)	Chair of the IETF Trust
Glenn Price (GP)	LeaderShape Consulting

Secretariat:

German Valdez (GV)	NRO Secretariat
Laureana Pavon	Minutes

1.- Welcome

2.- Agenda Review

3.- Joint Session with IETF Trustee Board

4.- NRO Strategy Update.

5.- RIR Legal Team Consultation

6.- AFRINIC Update

7.- AFRINIC Council of Elders (CoE) and the Board seek NRO's advice and support

8.- Classification of Unallocated Address Space

9.- 2022 NRO Expenses

10.- NRO Distribution Formula

11.- 2023 NRO Budget

12.- NRO EC f2f Meeting in Cancun Mexico Preparation.

13.- RIR CEO Updates

14.- Open Actions Review

15.- Minutes Review

- 2022-January-17: Minutes NRO EC Teleconference - DRAFT (Pending: APNIC, ARIN, LACNIC, RIPE NCC)
- 2022-December-20: Minutes NRO EC Teleconference - DRAFT (Pending: ARIN, LACNIC, RIPE NCC)

- 2022-November-15: Minutes NRO EC Teleconference - DRAFT (Pending: ARIN, LACNIC, RIPE NCC)

16.- Next Meetings

- a) Tuesday 21 March 2023 Teleconference
- b) Tuesday 18 April 2023 Teleconference
- c) Tuesday 16 May 2023 Teleconference

17.- AOB

18.- Adjourn

New and Updated Action Items

New Action Item 230221-1 JC and Secrerariat to follow-up with Glenn Deen on the confirmation that the in-addr.arpa and the ipv6.arpa are part of the protected intellectual property transferred from IANA to IETF Trust

New Action Item 230221-2 JC to draft a response letter to AFRINIC Council of Elders regarding the AFRINIC situation. JC to share draft letter first with the NRO EC

New Action Item 230221-3 JC to draft a response letter to Tanzania Internet Association regarding the AFRINIC situation. JC to share draft letter first with the NRO EC

New Action Item 230221-4 All RIR CEOs. To instruct their Registration Services Managers to coordinate through the RSCG to contact MANRS for a more detailed information and scope of their requested work regarding the classification and state of unallocated address space in the RIRs.

New Resolutions

R-20230221-1: The NRO EC resolves to approve the 2022 NRO Expenses Report. Subejct to Legal Team confirmation that there are no legal issues on the decision.

R-20230221-2: The NRO EC resolves to approve the 2022 Distribution Formula. Subejct to Legal Team confirmation that there are no legal issues on the decision.

Minutes

1.- Welcome

JC welcomed everyone and opened the meeting at 11:02 UTC.

2.- Agenda Review

The agenda was shown on screen and accepted as written.

3.- Joint Session with IETF Trustee Board

GD spoke to a series of slides he shared on screen. He presented the IETF Trustees, explained the purpose of the IETF Trust (i.e., to manage IP assets to enable and protect ownership), and provided an update on the IETF Trust restructuring from a Virginia trust to a Delaware not-for-profit corporation. He then opened the floor to questions.

JC inquired about the IETF Trust's source of funding.

GD thanked the NRO for having contributed. He explained that the IETF LLC is a “disregarded entity” and have set themselves up to do the fund raising for the IETF. The IETF LLC will take care of the fund raising overall and then they'll give it to the IETF Trust. We're also building up a two-year reserve of trust funds, which we didn't have before.

JC asked whether the IETF Endowment would work with the LLC to make sure that the LLC has enough resources to support their operation.

GD explained that, the Trust used to go to ISOC and say “we anticipate we need 50k to run, please consider that.” Today, we prepare a budget, we say “please contribute to us, we're a non-profit”. It's a delicate balance that works today because we have a good relationship, but we always fear that in the future things might change. When the Trust was first set up, it was IETF focused, when the IANA transition occurred, we expanded our mission, and we took on additional responsibilities outside the IETF. Our job is to take care of the crud that everybody wants someone else take care of. We do it well, you never hear from us if everything goes nice and smoothly.

JC thanked GD, adding that his presence had been very helpful. He summarized what GD had explained as follows: while the IETF Trust will accept funding, as long as the LLC is funded, it's correct to assume that the Trust will be well funded.

GD confirmed that this was correct but asked the NRO not to forget about the Trust. We have signed agreements from the IANA transition. Right now, we're good, but stay tuned, if you have some money, feel free to provide us with some funding. It could be directly to the Trust or through the IETF LLC, in which case ISOC would match your contribution two to one.

HPH said everything was clear now and asked what contracts and services the Trust provides the RIRs.

GD replied as follows: When the IANA transition happened there were a number of assets (Internet Assigned Numbers Authority domain names, IPR, trademarks) that were transferred over for management and protection by the IETF Trust.

JC thought that, when we were doing the CRISP Team for the IANA transition effort, we documented minimum requirements for intellectual property management and it was our expectation that the in-addr.arpa and the ipv6.arpa would be transferred. He asked GD if those are held by the Trust.

GD will check this and follow up with JC.

New Action Item 230221-1 JC and Secretariat to follow-up with Glenn Deen on the confirmation that the in-addr.arpa and the ipv6.arpa are part of the protected intellectual property transferred from IANA to IETF Trust

JC once again thanked GD for a very helpful update.

GD left the meeting.

4.- NRO Strategy Update

GP explained that the main reason for his jumping on this call is that we're now into Q1 and the overarching message is that the plan we put into place starting in Dubai and continuing in Florida is under way. He accepted JC's invitation to travel to the US and work with GV and RJ, he sees himself as the rudder of a boat to make sure we're going in the right direction, the wind in the sails is the team members.

RJ explained that they had the opportunity to have GV and GP at ARIN's office, where we talked about specific areas where we can make progress this year. We've identified a very specific area and will discuss who will implement that. Focus point: program managers. He thanked GP and GV for the time they shared together.

RJ spoke to a series of slides presenting some background on where we are and where we're going. He explained how we get our work done and the current role of Coordination Groups, which will not be modified this year. He said we have a new set of groups, i.e., the Steering Groups, the first of which is already established. We also have Program Managers, as well as the NRO EC and the NRO secretariat. After explaining the role of the various groups, he shared the proposed governance model.

The final slide presented the deliverables for 2023: 1) Steering Group engagement, 2) Hire Program managers, 3) Onboard Program managers. GV and RJ want to identify the individuals who would be on the Cybersecurity Steering Group and the Government Affairs Steering Group. We want to hire the PMs this year, a lot of the details have been worked out with GP and GV, we want to make sure that the EC is always up to date and will not be surprised in any way. After explaining what each involved, RJ explained that we're ready to move forward and get this done, all that is needed is the NRO EC's go ahead.

PW inquired about the status of the position descriptions.

RJ replied that we have a draft job description for the RPKI PM, adding that if the EC green lights this, he, GP and GV will put together five job descriptions (one specific to each RIR), distribute that to the CEOs for approval, and then use existing channels to publish these positions as ARIN, RIPE NCC, LACNIC, and so on. The other two job descriptions haven't been created, as we first want to have the Steering Groups set up. Depending on the individual, the same person might be able to manage two programs (cybersecurity and RPKI).

GP added that PW had suggested a job description, we got one from ARIN, one from APNIC, also from the Steering Group, all the RIRs contributed, and all these contributions have been merged into a draft version, which is 90% complete, but still needs to go to legal and requires the approval of the EC.

HPH fully supported this way forward and is looking forward to the delivery.

JC said that ARIN is also in support of this.

EM agreed that we need to go forward with this proposal. He asked whether RJ or GP had received any feedback from the LACNIC HR team.

GP replied that not yet, but ARIN's CHRO suggested that the best thing to do would be to put the job description together and then get it to the HR departments of each RIR. There will then be feedback.

RJ said that he, GV and GP will work together to get a final version of the job description ready. What comes to the EC will have been touched by all of us. He committed that the EC will be informed all the way through. RJ concluded by saying that he believes that the PMs can be hired in 2023.

All agreed that RJ should proceed, and GP left the call at this time.

5.- RIR Legal Team Consultation

MA said that he and the others on the legal team had initially thought that they would work on some ideas for incorporation, but given the current circumstances, he would like to ask for some additional time. All the efforts that are going forward are not dependent on incorporation. The other efforts can still move forward. The legal team is asking for a new extension, as there are a lot of issues that need to be played out.

JC said that there have been some learning experiences over the last 120-90 days, we are going to have more insight and potentially conceptually different views of what an incorporated NRO could be doing for the stability of the RIR system. Until we make some high-level decisions on this, JC does not see how the legal team can proceed with this.

HPH said that, on the one hand, he thinks “yes, let’s postpone”. On the other, we should consider that perhaps incorporation is now more important than ever.

PW agreed that more information might be needed, but something specific might be needed quite urgently. Not being ready right now doesn’t mean we should shelf it. He hopes we stay very alert to this set of moving targets and are prepared to move very quickly when needed.

JC agreed with the potential need to move very quickly on an incorporated NRO.

HPH mentioned that perhaps a single legal entity for the NRO might not be the best option, perhaps what we need right now is a legal entity where we each contribute a sum of money which can be used when needed.

EM understands the need for more time to analyze the proposal, but it is still a priority, we need the best information possible to make a decision in a moment. We need to know the recommended jurisdiction, the model we can follow, and the circumstances affecting the project, but we need to continue to work on this.

JC agreed that there are range of options: move ahead or change to a different purpose (RIR rescue), have the legal team continue to work as they are doing, or put it down for 90 days, etc.

RVM said that, while they seem similar in nature, these are two parallel activities — setting up a rescue fund can be done quickly, while incorporation requires quite a bit more work. In his opinion, setting up a rescue structure would be a good idea.

MA explained that the legal team’s concern was setting expectations. Is the expectation to have a full analysis for incorporation by next month? If there is something that needs to be done in short order, is there something that could be done? Could we do that in the state that we are now? Or would we need a rescue structure? The rescue structure might be something very simple, but we would still need to talk about where that would be incorporated and how it would be managed, etc.

AF thanked everyone for their input and encouraged everyone to let the legal team know of any urgent concerns. The NRO incorporation might indeed solve some of the urgent matters, but it might be best to define what the urgent matters are and work on those. If we incorporate in a “non-perfect” way, that might be difficult to modify later.

JC suggested breaking things down into two tasks: 1) the NRO EC would like guidance from the legal team as to the NRO EC’s ability to operate and execute its functions in our current status; and 2) there is an NRO incorporation effort that should be set aside for the time being, as the RIR CEOs are discussing various contingency planning that might require some other vehicle.

MA thanked the CEOs for their input.

6.- AFRINIC Update

NM Provided a brief update on AFRINIC's situation.

After some discussion, PW asked NM if he would be willing to send an email with factual information of what has happened and the critical payments that have not been made, as this would be very helpful.

NM replied that he will check whether he can share with the other RIRs information re staffing and overdue payments.

JC mentioned that the NRO EC's ability to provide support will depend on how much information we have.

EM asked whether the CoE had replied.

NM said that they had replied, he is hopeful that they will come back to us today or tomorrow, the CoE have acknowledged and understand the situation we're in.

JC thanked NM for joining the call and for everything he does.

7.- AFRINIC Council of Elders (CoE) and the Board seek NRO's advice and support

JC explained the issue, referring to the email he sent to the mailing list on 14 February.

JC said he would draft a positive message to the CoE saying that we want to help but are concerned about the legal approach and wonder if they've considered alternatives.

All agreed,

JC added that there is also a related message that was received regarding the Tanzania Internet Association and their request for support for a legal team to look at options for them as registered members to get involved.

JC will check with ARIN's lawyers in Mauritius and then prepare a draft reply to Tanzania Internet Association and share it with the list.

New Action Item 230221-2 JC to draft a response letter to AFRINIC Council of Elders regarding the AFRINIC situation. JC to share draft letter first with the NRO EC

New Action Item 230221-3 JC to draft a response letter to Tanzania Internet Association regarding the AFRINIC situation. JC to share draft letter first with the NRO EC

8.- Classification of Unallocated Address Space

JC introduced the topic: MANRS is requesting the Regional Internet Registries, coordinated by the NRO, to establish precise and shared definitions of the terms used to describe the various states that a number resource can be in.

He then explained that this is difficult because it goes to our internal procedures, but we might be able to get a common baseline. In his opinion, it would be worthwhile.

EM said he believes LACNIC will not change its internal procedures, but maybe we can ask the RSCG to take a look at this to have some more coordinated information.

HPH said he has nothing against sending this to the RSCG, but perhaps we can go back to MANRS and ask them to be more specific, this is very high level.

JC agreed that we should ask the RSCG to engage with MANRS and ask them what differences they are seeing and see if we can smooth them out. The RSCG is fairly well-functioning, so JC suggests we give it to the RSCG and we each task our own registration services team to work on this problem.

New Action Item 230221-4 All RIR CEOs. To instruct their Registration Services Managers to coordinate through the RSCG to contact MANRS for a more detailed information and scope of their requested work regarding the classification and state of unallocated address space in the RIRs.

All agreed.

9.- 2022 NRO Expenses

GV explained that there are three operational documents for which he is seeking approval. He already presented this a preliminary 2022 NRO Expenses report in December. The versions here are the final numbers, very similar to what he presented in December, but the matter may be moot until we have the reply from the legal team.

HPH noted an issue with postponing the approval of the NRO expenses reports: having a resolution would make closing the books smoother in our RIRs. So, approving the expenses would be good (having written and signed minutes that the CFOs can put in their files).

Presuming there's no legal issue, JC moved to adopt the 2022 NRO Distribution Formula and 2022 Expenses Report, HPH seconded the motion, no objections were heard, and the motion carried.

R-20230221-1: The NRO EC resolves to approve the 2022 NRO Expenses Report. Subject to Legal Team confirmation that there are no legal issues on the decision.

11.- 2023 NRO Budget

Discussion of this agenda item was deferred until the next NRO EC meeting.

12.- NRO EC f2f Meeting in Cancun Mexico Preparation.

There is a Doodle poll that some people have yet to complete.

PW suggested that the NRO EC should try to meet with ICANN as well.

JC agreed, adding that they should do so at least in two capacities: 1) an NRO EC meeting with the ICANN Board, and 2) a meeting with a smaller group, ICANN legal.

HPH agreed.

13.- RIR CEO Updates

No RIR updates were presented.

14.- Open Actions Review

Discussion of this agenda item was deferred until the next NRO EC meeting.

15.- Minutes Review

Due to lack of time, this topic was not discussed.

16.- Next Meetings

a) Tuesday 21 March 2023 Teleconference

b) Tuesday 18 April 2023 Teleconference

c) Tuesday 16 May 2023 Teleconference

No issues were brought up with these dates at this time.

17.- AOB

No further business was brought up for discussion.

18. Adjourn

There being no further business to discuss, JC moved to adjourn, EM seconded the motion, no objections were heard so the meeting ended at 13:17 UTC.