

2024-February-15: Minutes NRO EC Teleconference

FINAL

Date: Thursday, 15 February 2024, 11:00 UTC

Attendees

Executive Council:

John Curran (JC)	ARIN	Chair
Paul Wilson (PW)	APNIC	Vice-Chair
Oscar Robles (OR)	LACNIC	Treasurer
Hans Petter Holen (HPH)	RIPE NCCC	Member

Observers:

Nirmal Manic (NM)	AFRINIC
Benjamin Eshun (BE)	AFRINIC
Richard Jimmerson (RJ)	ARIN
Michael Abejuela (MA)	ARIN
Pablo Hinojosa (PH)	APNIC
Jeremy Harrison (JH)	APNIC
Eduardo Jimenez (EJ)	LACNIC
Athina Fragkouli (AF)	RIPE NCC

Secretariat:

German Valdez (GV)	NRO Secretariat
Laureana Pavon	Minutes

New and Updated Action Items

New Action Item 240115-1: The EC to think whether there are any questions we would like the ICANN Board to answer during the Joint ICANN Board/ASO Joint Meeting at ICANN 70 and share them via the mailing list so we can submit our questions by 21 February.

New Action Item 240115-2: OR to reply to the invitation to meet with Tripti Sinha during ICANN 79 saying that, given that not all the CEOs will be present in San Juan, the EC will skip the opportunity to meet with Tripti.

New Action Item 240115-3: GV to prepare a set of the 15 February 2024 minutes that the CEOs can docusign and can serve as documentation for audit purposes (these minutes include R-20240215-1).

New Action Item 240115-4: GV to draft a reply to Kim Davies re the Revised RIR - SLA Amendment Signing (the RIRs can provide the four signatures now so ICANN can operate under the new responsibilities, with the fifth signature pending). OR to sign this in person in San Juan or virtually and send it to Kim Davies.

New Action Item 240115-5: GV to circulate the document (IETF - Consent to Assign) so that each of the four CEOs can share it with their legal departments and individually sign the consent to assign the IETF Trust Contract.

New Action Item 240115-6: GV to prepare a Doodle poll to decide a date for a meeting with the Interplanetary Chapter of the Internet Society.

New Resolutions

R-20240215-1: The NRO EC resolves to approve the 2023 NRO Expenses Report.

Agenda

1.- Welcome

2.- Agenda Review

3.- AFRINIC Update

Outline

- Update from last events in AFRINIC

4.- ICP-2

Outline

- Update on Montevideo Meeting by Legal Team

- NRO EC Review input from the ASO AC to ICP-2 Implementation Procedures

5.- ICANN 79 Activities

Outline

NRO EC to review activities during ICANN 79:

- Session with ICANN Board (Wed 6 March 4:15 PM Local Time).
 - Questions sent by ICANN Board:
 - ICP-2 update: The recognition of new RIRs by ICANN was governed by the ICP-2 document, which dates back to the year 2001. It does not contemplate changes to existing RIRs, only the addition of new RIRs. How would you suggest that the procedure be updated?
 - Backup/escrow of RIR data: What systems exist or are planned for backup or escrow of registration data held by RIRs, for use in disaster recovery? How can ICANN help?
 - NRO EC to prepare question to the ICANN Board (if any) by **21 February 2024**
- Session with Tripti, do we need it?
- How it Works Session on RIR System (Sunday 3 March at 11:00 AM Local Time Led by Leslie Nobile)
- ASO and GAC Joint Session
 - Role of RIRs and the allocation of IP Addresses (Saturday 2 March 1:15 PM Local Time)
 - Current IPV4 transfer policy and the policy measures in promoting IPv6 (Sunday 3 March 11:15 AM Local Time)

6.- 2023 NRO Expenses Report

Outline

- 2023 Expense report by NRO Secretariat

7.- Revised RIR - SLA Amendment Signing

Outline

- NRO EC to review Kim Davies comments as shared by Secretariat to the CEOs on 9 February's email.

8.- IETF Trust Contract Transfer

Outline

- NRO EC to review new agreement with IETF Trust based on their new restructure as not for profit corporation based on Delaware.

9.- Follow up Meeting re Governance of the Solar System Internet Report

Outline

- NRO EC to organize a follow up meeting with Yosuke Kaneko.

10.- RIR CEO Updates

11.- Open Actions Review

12.- Minutes Review

- 2024-January-16: Minutes NRO EC Teleconference - DRAFT (Pending: ARIN, APNIC, LACNIC, RIPE NCC)
- 2023-December-19: Minutes NRO EC Teleconference - DRAFT (Pending: ARIN, APNIC, LACNIC, RIPE NCC)
- 2023-November-14: Minutes NRO EC Teleconference - DRAFT (Pending: ARIN)
- 2023-October-23: Minutes NRO EC Teleconference - DRAFT (Pending: RIPE NCC)

13.- Next Meetings

a) Tuesday 19 March 2024 Teleconference

b) Tuesday 16 April 2024 Teleconference

c) Tuesday 21 May 2024 Teleconference

14.- AOB

15.- Adjourn

Minutes

1.- Welcome

OR opened the meeting at 11:03 UTC.

2.- Agenda Review

The proposed agenda was reviewed on screen and approved as written.

3.- AFRINIC Update

OR thanked BE and NM for joining this conversation and invited BE to provide an update.

BE replied that at this point in time he does not wish to comment in light of ongoing legal proceedings. If BE had known, he would have prepared a statement. If the EC wants an update, BE can prepare one for the next meeting.

OR noted that it doesn't have to be anything formal, but that it would be very important to hear from AFRINIC leadership. He then asked BE if he still holds a leadership position.

BE replied affirmatively. He noted that he is trying not to say anything that is not in the public domain to play it safe. We are still trying to solve the legal challenges AFRINIC has been put into. AFRINIC staff was in a better mood the last time BE visited Mauritius, better morale.

NM agreed that the morale of AFRINIC staff was better. We are just operating to the minimum; we don't have an approved budget, so we have to be very careful about spending. We are waiting to have a board to be fully operational.

OR asked what kind of decisions are still under BE's role.

BE replied that the budget is approved by the board. We are waiting for the legal team to sort out the budget issue. There are ways we can approve a minimum operational budget. BE doesn't want to go into the details, but if more information comes out in the next months he will let the EC know.

OR asked if BE would be willing to participate in this conversation next month.

BE replied affirmatively, adding that hopefully he will have some more news to share.

JC asked whether AFRINIC has any directors presently.

BE replied that there are four people currently listed as directors of AFRINIC, which is what the court ruled (currently under appeal). We have no quorum, as AFRINIC Bylaws requires five directors to form a quorum.

JC asked if he had understood correctly: AFRINIC Bylaws provides for emergency powers hinging on the CEO, but AFRINIC doesn't have a CEO and cannot solve this issue due to the lack of quorum?

BE replied that there are some clauses that allow certain options if initiated by the CEO, so it's a chicken and egg situation. We are trying to go through the Companies Act and the AFRINIC Bylaws to see if we can solve this. But we are in uncharted waters.

GV noted that the next NRO EC teleconference will take place on Tuesday, 19 March 2024.

OR shared with BE that he is welcome to attend as an observer, as is NM.

BE replied that he will make it a point to attend.

4.- ICP-2

At OR's request, EJ as a member of the legal team presented a brief update on the ASO AC meeting held in Montevideo:

- At the request of the ASO AC chair, the legal team prepared a presentation explaining the different sections of the draft procedures document and suggesting some points for discussion.
- We analyzed a comments document prepared by the ASO AC.
- The next day, we checked the notes and answered some final questions.
- Last week, we had a meeting with the ASO AC, after which they sent a letter to the EC.
- Next step: The legal team will take into account the ASO AC's suggestions and questions, incorporate them, and then send the document back to the EC for approval before sending it to ICANN.

No further comments were added.

5.- ICANN 79 Activities

At OR's request, GV walked the group through the agenda for ICANN 79 (on screen).

GV read the questions the ICANN Board has provided in advance of the Joint Session between the ICANN Board and the ASO:

- ICP-2 update: The recognition of new RIRs by ICANN was governed by the ICP-2 document, which dates back to the year 2001. It does not contemplate changes to existing RIRs, only the addition of new RIRs. How would you suggest that the procedure be updated?
- Backup/escrow of RIR data: What systems exist or are planned for backup or escrow of registration data held by RIRs, for use in disaster recovery? How can ICANN help?

GV added that the NRO EC should now send any questions the EC would like to discuss to the ICANN board before 21 February.

HPH observed that it might be interesting to hear the total picture among all the RIRs regarding RIR backups, including whether ICANN should be the depository of the data, or it should be the RIRs.

OR agreed that the role of ICANN in these processes should be in one of the questions.

OR then proposed and HPH agreed to the following action item:

New Action Item 240115-1: The EC to think whether there are any questions we would like the ICANN Board to answer during the Joint ICANN Board/ASO Joint Meeting at ICANN 70 and share them via the mailing list so we can submit our questions by 21 February.

Re the questions for / sent in by the ICANN Board, JC noted that given that both BE and NM are on the call. If we have their input, we can take this input from AFRINIC to the session. He then asked NM and BE if they had any questions for the Board. For instance, the status of operational data backup. Has there been any progress or movement on that? Is there any operational data backup anywhere?

BE replied that within AFRINIC there is, but he believes not with other RIRs

JC explained that at ICANN 79 the NRO will have to characterize the nature of registration data escrow for all the RIRs, but he doesn't know the status of escrow registration data for AFRINIC. Any input in this sense would be helpful when we are standing before the ICANN Board.

BE noted this question and said he would provide the EC with an answer by the middle of next week.

JC then noted that the first question from ICANN about the recognition of new RIRs governed by ICP-2, which dates back to 2001, doesn't contemplate changes, only additions. We should share with them that work is being done to have implementation procedures for the existing document.

BE noted that this document as it stands now does not have any input from AFRINIC.

JC replied that that is probably the case right now, so it would be good for AFRINIC to appoint someone to the NRO EC as soon as possible.

OR further explained that, even if AFRINIC has no formal board, the document has been reviewed in conversations where we had input from AFRINIC staff and many of the considerations were taken into account. If BE wants to make sure that his comments are included in this live document (the document has not been finalized), as JC said, AFRINIC would need to appoint someone to the NRO EC ASAP.

HPH clarified the following: ICP-2 is a document that dates back to 2001 (it predates AFRINIC). The question ICANN raises here is how to update the document. That is a longer process which will be conducted with community participation.

EJ confirmed that members of the AFRINIC staff participated in the discussions, as did Kishna Dhondee, AFRINIC's lawyer.

OR confirmed that all relevant comments from the community were considered by the ASO AC.

GV then moved on to the next topic for ICANN 79: Will the EC need a session with Tripti?

OR said that he will not be there and asked if the others are willing to have this conversation, which he feels would be good to have.

After some discussion, the following action item was decided:

New Action Item 240115-2: OR to reply to the invitation to meet with Tripti Sinha during ICANN 79 saying that, given that not all the CEOs will be present in San Juan, the EC will skip the opportunity to meet with Tripti.

The group then discussed preparations for the two activities with the GAC: 1) the GAC Capacity Development Workshop to be held on Saturday 2 March, and 2) The “How it Works” session to be held on Sunday, 3 March.

GV explained that the “How it Works: All About Numbers” session is being organized by Adiel, that the intended audience are newcomers, fellows, and that it’s an introductory session. GV and Leslie have been talking about this and preparing a slide deck considering input from HPH and OR. Leslie (who will be at the session) will share the slides with the EC later today. GV noted that this session is clashing with a session we have with GAC on Sunday (transfer policy, promotion of ipv6), so times might change.

HPH explained that he will be at the How it Works and the capacity-building sessions. The majority of GAC members have no idea how things work because of their high turnover, so we need to go back and explain the basics: how the RIR system works, how the ASO works, how our policy process works, how governments can participate in our processes, and so on.

GV said that the content he and Leslie developed could be customized for a GAC audience. That would be for the Saturday session. The question is who will be taking care of this.

HPH said he would prioritize this.

After some further discussion of when each member of the EC would be arriving in San Juan and available to participate in both/either session, GV summarized some points as follows:

- The time for the Sunday session may change (How it Works).
- GV will confirm both sessions (Saturday and Sunday) with the GAC.
- Discussions about the content will continue via email.

6.- 2023 NRO Expenses Report

OR noted that GV had already shared the 2023 NRO Expenses Report.

GV explained that all the values had been validated by the CFOs and went over some of the numbers. Last year we did not contribute the 50k we usually contribute to the IGFSAs.

HPH said that he has no problem supporting the IGF in general. He believes that the EC should discuss for next year whether contributing 50k to the IGFSAs is the best way to spend this money, as some of that money goes into overhead, while the rest of it goes to sponsorship for national events, which is also sponsored by us individually. Yet the IGFSAs get brand recognition for that. So why are we doing this individually and giving the credit to the IGFSAs rather than supporting them directly and getting the recognition for the RIRs or the NRO? In addition, for

the IGF meeting in December, he hopes that we are really aligned with our level of engagement with the IGF and have some sort of equal share of the burdens for our activities there.

GV then shared the contribution expected from each RIR based on the 2022 distribution formula that applied to 2023 and considering distribution among 4 or 5 RIRs. This spreadsheet has been reviewed by the CFOs.

HPH moved to approve the 2023 NRO Expenses Report and for GV to prepare a separate set of minutes for this that we can docuSign so that can serve as documentation for the auditors.

JC, PW, and OR were in favor and the motion carried.

R-20240215-1: The NRO EC resolves to approve the 2023 NRO Expenses Report.

New Action Item 240115-3: GV to prepare a set of the 15 February 2024 minutes that the CEOs can docuSign and can serve as documentation for audit purposes (these minutes include R-20240215-1).

GV said he had also shared the budget for 2024 but has some comments he would like to discuss a bit further with the CFOs before bringing it up for NRO EC approval.

PW expressed concern about 2023 budget being excess to actual expenses. Considering the financial situation of APNIC—and he knows some other RIRs are also feeling the squeeze—he would suggest taking 2023 as a baseline and adding items as specifically needed. This should give us a lower bottom line.

HPH noted that, in principle, he is fine with the decision, but does not like the idea of delaying the approval of a budget.

OR said he is ready to approve this budget as written, but is open to seeing any input from the CEOs.

JC added that he agrees with the budget as written, but that it's a good idea to allow one more cycle for GV to meet with the CFOs.

7.- Revised RIR - SLA Amendment Signing

OR introduced the topic by saying that we have been talking about this for five years.

GV said that the message from Kim Davies was that if we are taking into consideration that the SLA Amendment will be signed by only four RIRs.

OR explained that, rather than input, Kim Davies had mentioned the signing. In Hamburg, we mentioned that the SLA does not apply any obligations to the RIRs, but we receive the benefits of the SLA. AFRINIC would also receive these new changes.

JC added that we're talking about an SLA amendment that assigns additional responsibility and

clarity to ICANN, that's been well-considered (we are five years into this process). He understands that Kim Davies has said that ICANN is willing to operate under those new responsibilities, but that the ICANN legal team notes that the document would eventually have to be signed by five RIRs. In the meantime, we should provide the four signatures we can, pending the fifth signature.

HPH agreed. He would also like to remind ICANN that we've discussed this with them at least three times and always said the same thing. He doesn't see the need to make this a big legal issue.

New Action Item 240115-4: GV to draft a reply to Kim Davies re the Revised RIR - SLA Amendment Signing (the RIRs can provide the four signatures now so ICANN can operate under the new responsibilities, with the fifth signature pending). OR to sign this in person in San Juan or virtually and send it to Kim Davies.

8.- IETF Trust Contract Transfer

JC explained that the IETF Trust holds the domains/trademarks to keep the internet running. They are restructuring the Trust and are seeking to re-execute the contract. This is something we all signed and there is no way for this to proceed if only four RIRs sign. JC suggested replying something along the lines of "We don't believe this can proceed, it will have to be pending until AFRINIC has a body to sign documents." The NRO cannot update the trust documents, the documents must be signed by the five RIRs.

HPH added that all we can do is ask them to send the documents for us to sign, pending AFRINIC having someone to sign them. The Trust can decide how to proceed themselves. It's their problem, not our problem

After some further discussion, the following action item was agreed:

New Action Item 240115-5: GV to circulate the document (IETF - Consent to Assign) so that each of the four CEOs can share it with their legal departments and individually sign the consent to assign the IETF Trust Contract.

9.- Follow up Meeting re Governance of the Solar System Internet Report

OR explained that we received a communication from Yosuke Kaneko, we replied in a very positive way and let them know that we are considering their suggestions and are open to have a conversation. They accepted this offer, so OR wondered who is able to have this conversation with them.

New Action Item 240115-6: GV to prepare a Doodle poll to decide a date for a meeting with the Interplanetary Chapter of the Internet Society.

10.- RIR CEO Updates

JC said there were no substantial updates from ARIN.

OR mentioned two topics:

- At the LACNIC general assembly (May), we are suggesting a review of the LACNIC membership fees, hopefully this will be the year the general assembly agrees on the increase with inflation.
- Supporting or not supporting NetMundial. LACNIC has reviewed this situation and will support this idea/event.

HPH RIPE NCC will be participating in a round table one with the EU governments. Sanctions and cybersecurity will be on the agenda. Another round table will be in Middle East together with MENOG in Jordan Aman this autumn. HPH will also be in Washington for RSSGWG meeting after ICANN and planning to visit the ARIN meeting.

Finally, PW noted that the APNIC strategic plan has been launched, with a restructure from 1 Jan, and that the meeting with APRICOT is coming up next week, including elections for the APNIC Executive Council.

11.- Open Actions Review

GV said he had already updated the action items based on the latest events and asked OR if it would be ok to go over only the open and ongoing actions. OR agreed.

Action Item 240116-6: OR to reply to Sally Costerton's offer to provide coordination for a meeting in San Juan saying that he will not be able to attend ICANN 79 and suggesting they set up a virtual meeting. CLOSED

Action Item 240116-7: OR to follow up on NetMundial, the statement the NRO is being asked to sign, and the implications/ pros and cons of signing this statement as the NRO. OPEN

OR said that he does not remember receiving any official communication from NetMundial and asked if we check this action item.

Action Item 231114-1: GV to send an execution copy (PDF) of the Proposed Amendments to the SLA for the IANA Numbering Services to the members of the NRO EC so that each can add their signature and then send it to Kim Davies. OVERTAKEN BY NEW ACTION ITEM

Action Item 20231024-2: JC to draft a reply to the message received on 29 September 2023 from Yosuke Kaneko, President of the Interplanetary Chapter of the Internet Society. CLOSED

12.- Minutes Review

- 2024-January-16: Minutes NRO EC Teleconference - DRAFT (Pending: ARIN, APNIC, LACNIC, RIPE NCC)
- 2023-December-19: Minutes NRO EC Teleconference - DRAFT (Pending: ARIN, APNIC, LACNIC, RIPE NCC)

- 2023-November-14: Minutes NRO EC Teleconference - DRAFT (Pending: ARIN)
- 2023-October-23: Minutes NRO EC Teleconference - DRAFT (Pending: RIPE NCC)

HPH noted that he had not approved the 23 October minutes as some action items were missing, but that now he is ready to sign them.

13.- Next Meetings

No issues were brought up regarding the 19 March and 16 April Teleconferences

c) Tuesday 21 May 2024 Teleconference

The May meeting was moved to the 14th.

14.- AOB

15.- Adjourn

There being no further business to discuss, the meeting was adjourned at 12:32 UTC.