Chair: Ramesh Kumar Nadarajah

Meeting started at 10:13 Malaysia time (GMT+8)

Participant:
.au: Chris Disspain
.cn: Leo Yu
.jp: Ohashi Yumi
.kr: Lee Young-Eum
.my: Ramesh Nadarajah,
.nz: Peter Dengate Thrush,
.tw: Joanna Tso, Anthony Lee,
.vn: Bach Vu Xuan

Secretariat: Ian Chiang

Agenda:

1. Response to Second Interim Implementation Report
2. Response to FAQ on access to zone files
3. Extension of ICANN's MoU
4. Others
1. **Response to Second Interim Implementation Report**

1.1 Dr. Lee suggested to start discussions by listing some of the points made in the report that we want to address.

1.2 Peter agreed to prepare a draft APTLD response to the ICANN 2nd Interim Report. Responses are requested before 25 Sept, but can be later. Peter assumed many will be digesting the MoU extension and associated doc.s. The portion of the report dealing with the ccSO was covered in Malaysia -we went through and largely endorsed the ccTLD response from Bucharest. The other issues are mainly the Nominating Committee, non-voting liaisons and the increased role for the GAC.

1.3 Peter also noted that China and Vietnam also expressed views previously about the role of At Large, ” are they satisfied that this is being properly dealt with?”

1.4 Dr. Lee start discussions from ICANN Structure.

1.4.1 “The Blueprint describes a 15-member Board of Directors (with five non-voting liaisons); three Supporting Organizations… We have
decided to recommend the creation of such an At Large Advisory Committee, thus increasing the number of Advisory Committees to five… In addition, the Blueprint calls for a Nominating Committee, charged with selecting eight members of the ICANN Board and certain members of other ICANN bodies…”

1.4.2 The Voting Members of the Board of Directors: ERC
“concluded that the Blueprint recommendation for a Board consisting of 15 voting members remains sound… Issues of geographical and functional diversity, critical to an effective ICANN Board, are better dealt with through the Nominating Committee process, rather than by expanding the number of Board seats selected by the Supporting Organizations.”

1.4.3 The Sources of Nominating Committee Members: “The Blueprint called for a Nominating Committee (NomCom) of 19 delegates, a non-voting Chair appointed by the Board, and two non-voting liaisons …”
“With some exceptions, delegates to the NomCom will be named by various ICANN constituencies, as detailed in the Blueprint and amplified here… “
“Detailed discussion of how the ccNSO (see discussion below on this name) delegate is selected should probably await the further efforts of the Assistance Group we intend to create on the subject of structuring the proposed Country-Code Names Supporting Organization. In general, however, the ccNSO delegate to the NomCom should be drawn from the community of ccTLD managers who participate in ICANN. “

“…academic and other public entities…”

“If these recommendations were accepted, the NomCom would be composed of 18 voting delegates selected by the following groups:

- gTLD registries (1) (selected by the gTLD Constituency)
- gTLD registrars (1) (selected by the gTLD Registrar Constituency)
- ccTLD registries (1) (to be determined)
- Address registries (1) (selected by the ASO Council)”

1.4.4 Yumi thought the paragraph starting with "Detailed discussion of how the ccNSO...." should be discussed more.

1.5 Peter believed we should continue to oppose the concept of a Nominating Committee, and that it should appoint more than half the
ICANN board (8 out of 15). He wondered whether we should as ccTLDs accept a place on it at all.

1.5.1 Chris suggested that we need 2 positions. But question is how it should be constituted.

1.5.2 Dr. Lee especially considered the fact that ccTLDs have only one representative, and that geographical diversity is going to be addressed by the 5 regional AL members.

1.5.3 Ramesh agreed with Chris. “We should firstly make a strong statement about NomCom not being relevant to ccTLDs (diversity in all senses of the word applies already).” He suggested to think of an alternate for NomCom constitution.

1.5.4 Peter believed that “a NomCom has no "electorate" to report home to. It has no reason to exist, other than to make this appointment, then disappears, with no questions, no accountability...Its primarily designed to deal with At large -every other component in the mix has a separate and clearly defined identity, rules, members, etc. It has great power, and if it were capturable would do great damage without any real control.”
1.5.5 Ramesh suggested At Large to replace the NomCom's role, but Peter doubted the room for alternatives, “the response time to the earlier ERC papers, and the Board's adoption has passed.” Peter also added “the AL will be a standing committee, which gets to appoint 5 members to the Nominating Committee…”

1.5.6 Dr. Lee suggested to address the deficiencies of the NomCom, and to limit the role of the NomCom.

1.5.7 Ramesh proposed to make a very strong statement about unsuitability of NomCom, especially in the ccTLD context, and to have a fall back position about the need for re-constitution (but still not applicable to ccTLDs). Combined with the fact that the ASO does not have NomCom involvement, there are some very reasonable arguments we have. “We state that APTLD does not agree with NomCom involvement in picking our ccNSO Board for several reasons:

- Nom. Com has no "electorate" to report home to. It has no reason to exist, other than to make this appointment, then disappears, with no questions, no accountability. Its primarily designed to deal with At large.
- Every other component in the mix has a separate and clearly defined identity, rules, members, etc. It has great power, and if it were capturable would do great damage without any real control. [Peter's earlier statements]

- Diversity already built into ccNSO - why no NomCom for ASO considering that like the ASO, we are also registries?

1.5.8 Chris suggested APTLD does not endorse/approve of the concept of a NomCom.

1.5.9 Peter noted what we protest are
- its existence, as above (lack of legitimacy, transparency accountability)
- its dominance in board appointments
- its ability to appoint 1/3 of the ccTLD Council? Then, because of that, refuse to take part in the appointment of a (single) ccTLD representative

and other arguments: it only relates to dot com registrants -ccTLD registrants are represented by ccTLD manager, responding to LIC, and hence through representative structures, APTLD/CENTR etc to International Council and to Board.
1.5.10 Ramesh agreed with the general feeling but thought that we should remain silent on refusing to take part in the NomCom. It may end up as a matter to be negotiated with rest of ICANN as we go along. "Better to be in the tent" argument.

1.5.11 Yumi suggested adding one thought about NomCom ccNSO delegate in the statement. She explained, “the report says the ccNSO NomCom delegates should be from ccTLDs "who participate in ICANN". The meaning of participate is unclear, and if it is about signing the contract with ICANN, the choice of NomCom delegate will be very limited.” Peter followed Yumi’s point and continued, “The limits in the Blueprint are about who is a member of the ccSO - and is capable of being broadly read, as Chris notes. The second point is the appointment process of a ccSO nominee to the NonCom - this is left as " to be determined" in the 2nd Implementation Report.”

1.5.12 Chris suggested to make a strong statement that we don't agree with the concept and then move on to make some constructive suggestions about how it could work if it remains in place, for example that we want only 25% of ccNSO members appointed by Nom Com; a vote on nominations; 2 or 3 members on the nom com and so on.
1.5.13 Peter considered the nominees from "outside", and he said, “because the powers and duties of the ccSO join cctlds in relation to the narrow range of global naming issues that ICANN is responsible for - see the agreed Mission Statement for ICANN... "coordination" of technical parameters, not governance. To the extent that further input to that is required, we will set up whatever liaison is required to achieve a sound result. Which have done with the DNSO liaison group and the GAC... I would be ready to consider nominees from "outside" if some could explain what need they fulfilled. The only reason I can detect is to influence policy making... why else would they be there? And if they are not a ccTLD, what right have they to take part in ccTLD policy making?”

1.5.14 Understanding that there is determination that there will be outside representation on the ccNSO, Chris suggested set out minds to negotiating who such representatives might be or where they might come from. The problem with waiting for the “why” is that this means all we can do is comment by saying we don’t approve and then asking the question “why”. Surely we should consider also making some suggestions on the “who” and how otherwise we risk being...
sidelined in the discussions while we wait for the answer to our why question.

1.5.15 Ramesh agreed Peter’s suggestion to make a strong statement on non-agreement with NomCom supported by reasons. If they have reasons that make better sense, we can talk about "how” and "who".

1.5.16 Dr. Lee proposed to generally adopt to strongly oppose the nominating concept, as Peter suggested, that the "why" hasn't been addressed. We can use the composition and the number of ccTLD representations as additional examples that doesn't make sense.

1.5.17 Dr. Lee suggested to continue to record our opposition to the NomCom in the whole of ICANN structure (reasons above) then say until those concerns are met, we prefer to minimise the implementation steps associated with NomCom. As far as we are concerned this means we will not be supporting the appointment of a (single) cc rep to the NomCom, nor acceptance (of the 1/3 of the) nominees on our council, but we are happy to continue the debate.
1.6 Ramesh raised another issue on Non-voting liaisons, and he doubted the its present in the ccTLD Council after APTLD-GAC dialogues has launched.

1.6.1 Dr. Lee addressed that the liaison concept has been actively endorsed by the ccSO concept, but in a much more flexible manner.

1.6.2 Chris noted that the GAC is not overly enthusiastic about this idea, so he saw no problem in putting forward our more flexible suggestions for liaison.

1.6.3 Dr. Lee was asked to elaborate on the "more flexible manner", “Not as an inflexible "standing member of council", but more flexible in terms of the selection, role, etc., in such a manner that will allow an active and robust relationship with the various constituencies.”

1.6.4 Peter presented few points regarding Non voting liaisons-GAC

- Not an effective way of liaising. Regional meeting liaison more likely to be useful, and is developing.

- Outsiders should not be present while members are thinking out loud and developing policies. Once the policy is developed,
by the usual political compromises, then it should be explained
to the community.

- The whole debate suffers from the absence of agreed idea
  about what policy is going to be developed in the ccSO. The IP
  lawyers want a single place to impose IP laws on us all -the
  Business community want to harmonise business practices, and
  the g-registries want us bound by US competition laws, etc. This
  should be the first job -a lot a clarity and agreement will flow,
  once the narrow limits of applicable policy is understood. Or, if
  the possible breadth of policy that could be made binding on
  ccTLDs is understood, the importance of resisting this will
  become clearer to the ccTLDs.

1.6.5 Ramesh summarise Peter’s above reasons apply on why we
don't need a liaison on the Council. But the job intended to be
fulfilled by the liaison can be done through issue-based meetings, ad-
hoc working groups and dialogues.

1.6.6 Peter added that “I guess my principal objection is to
membership of the council - I have no problem with having liaison
officers appointed to the SO, nor in keeping them informed, or having
them on mailing lists working groups etc.... An in answer to the query
- yes -my approach has been to work on specific liaison when required -like the DNSO liaison group -which has been looking at how our two SO's would work on policy that might affect us both.”

1.7 Dr. Lee suggested including Dr. Chon's comments on geographical diversity in the comments on the 2nd Interim Implementation Report:

(1) NomCom selected Board Directors (8 voting directors are to be selected by NomCom) -- "NomCom shall select the Bd. Directors such that, at all times, there is at least one, but not more than two, director(s) from each of the ICANN-defined regions."

(2) SO selected Board Directors (2 voting directors are to be selected by each of the 3 SOs) -- "Each SO shall select the Board Directors such that, at all times, both Directors are NOT from the same ICANN-defined region."

1.7.1 Peter suggested "any directors from other than the SO's..." etc.

2. Response to FAQ on access to zone files

2.1 Ramesh refer to the paper prepared by Azmah Abd. Malik from .my which was circulated to all members.
2.2 Vincent raised few points:

- about question 10, "How IANA can guarantee ZONE-file data just provided to maintaining DNS performance and stability? How IANA can be trusted by TLD managers if no any concert mechanisms to support this guarantee? It is quite possible that allowing this transfers might create a security hole. Even if transmission could be done in a completely secure way, it would be very hard for ICANN to provide a guarantee that the storage of the zone files in its servers would not be vulnerable to the frequent attacks that those servers suffer. "]

- about question 13, will those written assurances be included in the ICANN model contract and also include in the revised version of ICP-1 document?

- question 14, “The IANA has developed special procedures to ensure that these requests are addressed promptly”. But we strongly reject IANA's policy of delaying urgent technical updates until it gets access to the zone file. There is no rule anywhere that says that IANA is forbidden to process changes of TLD name servers unless the zone file is available to it.

2.3 Peter suggested that Karl Auerbach is also very interested in this issue, and you will have seen the joint message signed by Stuart and
Vint on the ga (to the Names Council) that they are thinking of referring this to the Security committee.

2.4 Vincent noted his overall comments, “We believe that the tests that IANA needs to perform to ensure the DNS operational stability and performance may be done without the requirement of zone file transfers.”

2.5 Ramesh suggested, “If anybody needs time to go through the .my proposed response and come back with comments, please do so. Would appreciate it if all comments can be sent to me and azmah@mimos.my by noon (malaysian time +8GMT) tomorrow. We will collate and distribute a final version for approval.” He also asked secretariat to send out my invitation for comments on the FAQ response by e-mail.

3. Extension of ICANN's MoU

3.1 Chris suggested, “as a final comment I think we should express our approval that the MOU has been extended.”

3.2 Ramesh expressed .my's only concern is the increased involvement of DoC as mentioned in the MoU.

3.3 Ramesh suggested, “possibly the best option at the moment may be to remain silent until we can figure out the issues.”
4. Others

Meeting called to close at 12:16 Malaysia time (GMT+8)

Rapporteur: Ian Chiang