

June 15, 2021

RE: Current Status and Next Steps of the Root Server System Governance Working

Maarten Botterman

Chair

ICANN Board

Dear Maarten,

Thank you for your letter of June 10, 2021. I have forwarded the letter to the RSS GWG, so that they are aware of its contents, and I have consulted the group in preparing this reply.

I appreciate your expression of thanks to the group for its efforts to date and your expression of support for the ongoing work.

In reference to the role of RSSAC037 and RSSAC038, the RSS GWG accepted them as key input documents in April of 2020; the full list of documents includes RSSAC042, SSAC106, and the Concept Paper (cf <https://community.icann.org/display/soacabout/Resources>).

As you note, the RSS GWG is still in the process of refining the documents which embody its proposal, based on these key input documents, its own discussions, and the interactions with stakeholder communities to date. As part of that process, the RSS GWG made its working documents available for review by the RSOs in March of this year, via the RSO representatives on the RSS GWG. Some of the responses have come in the form of comments on a copy of the documents; others have come through the representatives. The picture emerging from that set of comments has not been entirely clear, though there have been some concerns raised.

In order to get a better view of whether those concerns represent a lack of clarity in part of the current drafts, substantive issues with specific parts, or a general disagreement with the approach, the RSS GWG has invited the RSOs to its next meeting, to be held on Thursday, 17 June 2021 at 22:00 UTC. Since gathering that data seemed critical to informing the Board and RSSAC of our next steps, the group decided at its most recent meeting to delay the joint meetings scheduled for ICANN 71 until after the discussion with the RSOs had taken place and discussions on how to proceed had concluded. We look forward to providing a full update as soon as possible after those discussions.

Lastly, I thank the Board for its commitment to transparency in the matters related to the RSS GWG. As you know, the mailing list for the RSS GWG has a public archive, the meetings of the group are recorded and made available for review, and the constituent members have been encouraged to report back frequently to their communities. There has been one exception to this in recent procedures, which have been the drafting meetings of the author teams. As these were small group meetings initially focused on fairly detailed wording questions, these were not recorded; instead the outputs were confirmed in reviews by the whole of the RSS GWG at its regular meetings.

I asked for the recent executive session of the RSS GWG because of a concern that these had changed character to become a conduit for feedback that was not coming in similar strength or form via one of the more public means available. As understanding that change required discussing the behavior of specific individuals within the RSS GWG and its stakeholder groups, it was my judgement as chair that this discussion would or might have the character of a personnel discussion. Discussions with that character are typically held in executive sessions. While this particular discussion did widen a bit, all of the decisions made were confirmed after the group went back into an open session. They will therefore be part of the recording, minutes, and other public records.

The only other executive sessions by the RSS GWG have also been related to personnel discussions, e.g. discussion of the selection of an intermediary to request certain financial estimates from the RSOs. I do not anticipate the executive sessions being used more broadly, and the RSS GWG is happy to have the participation of both the Board Liaisons and those contributing from IANA and the Root Zone Maintainer; each has brought valuable perspectives to the discussions.

Separately, I have recommended to the group that we adopt the principle that any meeting supported by ICANN staff and processes should be recorded and minuted, even if it is a small group meeting or drafting session. If this recommendation is adopted, I anticipate it will include any feedback sessions with external groups such as the RSOs, whether those include the full RSS GWG or a smaller set of members.

I look forward to continuing to work together,

Best regards,

Ted Hardie

CC

RSS-GWG

Lito Ibarra, ICANN Board Alternate Liaison to the GWG

Göran Marby, ICANN org President and CEO

David Olive, ICANN org Senior Vice President, Policy Development Support

Tripti Sinha, ICANN Board Liaison to the GWG

RSOs via Fred Baker, RSSAC Chair, and Brad Verd, RSSAC Vice Chair