
MONTREAL – Joint Meeting ICANN Board and NCSG
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MATTHEW SHEARS: Good morning, everybody. Welcome to the meeting -- the joint meeting of the ICANN Board with NCSG, NCUC, and NPOC.

We're going to just do -- we don't have a mic out in the audience. But we're just going to do a quick tour of the table just so everybody can introduce themselves. And then we are going to go straight into the question from the Board and looking forward to all your contributions to that particular topic. And then we will go to the questions from the community.

Milton, could we start with you just to introduce yourself.

MILTON MUELLER: Good morning. I'm Milton Mueller at the Georgia Institute of Technology and the Internet Governance Project.

KATHRYN KLEIMAN: Hi, Matthew. Kathy Kleiman, American University, Washington College of Law.

RAPHAEL BEAUREGARD-LACROIX: Hi. Raphael Beauregard-Lacroix. I'm a J.D. student at University of Michigan Law school.

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UNKNOWN SPEAKER: Hi, Ayden Ferdeline.

BECKY BURR: Becky Burr, ICANN Board.

STEPHANIE PERRIN: Stephanie Perrin, NCSG chair.

BRUNA SANTOS: Bruna Santos, NCUC chair.

TATIANA TROPINA: Tatiana Tropina, University of Holland, NCSG member.

RAFIK DAMMAK: Rafik Dammak NCSG representative to the GNSO Council.

MAARTEN BOTTERMAN: Maarten Botterman, ICANN Board.

LEON SANCHEZ: Leon Sanchez ICANN Board.

GORAN MARBY: Goran Marby, ICANN org.

JUAN MANUEL ROJAS: Juan Manuel Rojas, NPOC.

SARAH DEUTSCH: Sarah Deutsch, ICANN Board.

CHRIS DISSPAIN: Chris Disspain, ICANN Board.

AVRI DORIA: Avri Doria, ICANN Board.

MATTHEW SHEARS: Thanks, everyone. I really would like this to be a conversation. So really expecting for contributions from those of you who are not at the table. Apologize we can't accommodate you all. But please do raise your hand and indicate if you wish to ask a question.

Welcome, Cherine.

Becky, do you want to introduce the question from the Board.

BECKY BURR: Yes, thank you. As you all know, we have adopted a five-year strategic plan for fiscal year '21 through ' which goes into effect on July 1st of 2020 and along with that operating and financial plans for those fiscal years.

In addition, of course, there is ongoing work to improve the effectiveness of ICANN's multistakeholder model. And we'll be talking about that in detail at several opportunities this week. Those three plans, four plans, work together and they are really our roadmap of our work together over the next several years.

The Board has spent a lot of time talking about whether we have the building blocks in place that we need to effectively execute on those plans. And we came to the community in Marrakech to talk about what we thought the relative responsibilities for the success of the plans are relative to what the Board's role is in making -- in implementing the strat plan and associated plans, what org's responsibilities are, and what the community's responsibilities are.

I can say in all cases there is a significant focus on aligning the work to the strategic plan and self-consciously checking ourselves to see if our work is aligned.

We wanted to just have an open discussion with you all this morning and we are going to be talking with all of the constituencies, SOs and ACs, in the course of Constituency Day to generate a conversation about what we have put forward as the proposed responsibilities for org, for Board, and for the community.

Cherine, did you have anything you wanted to add to that?

CHERINE CHALABY: I think it would be helpful to go through some of these suggested things. Were you going to do that, or would you like me to do it? I'm very happy either way.

BECKY BARR: I don't think we have the slides. If you wanted to quickly talk through them, that's fine.

CHERINE CHALABY: Yes? Okay. So thank you very much.

Basically we started this conversation back in Kobe and we asked every constituency when we met, give us some ideas. So we've synthesized those ideas.

And I think we've sent them to you by email. I don't know if you got them all.

But, nevertheless, they come down to about four or five ideas per Board, per ICANN org, and per community.

And those are your suggestions really, and we just want to play them back to you and say "do you agree" and how do we make those happen and how do we commit all of us.

So I will take you briefly -- it will only take me about three minutes -- three or four minutes. And then we can open it up for discussion. Is that okay? Okay.

So your suggestion regarding getting ready to implement these plans and making sure that once we begin implementing them they are successfully implemented, you said there are five actions the Board needs to take. The first action is the Board needs to demonstrate and champion this new ICANN vision because we've all put in the strategic plan and we approved this, that our new vision is to be the champion of the open and global Internet and the steward of unique identifiers.

What are you, Board, going to do in championing that? Right? You can't just leave it just to all of us. You have to demonstrate that you are championing that.

The second thing, as Becky said, the strategic plan has five strategic objectives around governance, security, unique identifiers, financials, and geopolitics. What are you going to do, Board, about aligning your work with those five strategic objectives?

Becky will tell you from her role of BGC, we've instructed all of the committees that we have on the Board to make sure that every work they do is aligned with that. So we began that process.

The next thing is you said it is our responsibility as a Board to engage everyone, Board, community, org, in getting ready for successful implementation. Hence, why we're having these sessions because you told us you want us to engage you in those sessions.

The next thing you said, it's not good enough that we start implementing it, you, the Board, have to have the responsibility of

overseeing the implementation of these three plans, right? We task you with that responsibility.

Finally, you have to ensure that the new strategic plan is a living document that is not forgotten in a drawer and that you find a way and a mechanism to work with the community so that at regular interval the community can engage and make adjustment to the strategic plan, if necessary.

And those are the five things you've asked for the Board. The things you've asked from ICANN org, very clearly you said, "We want ICANN org to be the implementation manager," full stop, right? Because it's like a big project. It needs a manager to make sure that things are implemented. So ICANN org is the implementation manager.

You asked under that point that org develops detailed plans, org demonstrates that its work is aligned with the strategic plan, CEO has to provide the right management leadership required, and so on.

Second thing you asked is that given one of the strategic objectives is to maintain ICANN financial sustainability, you want ICANN org to tightly control operating expenses to ensure that long-term financial stability.

The other thing you said ICANN org must engage, must engage, with appropriate partners like the RIRs, the root servers, and the IETF to achieve one of the common goals within the strategic plan, particularly the one addressing security issues because you recognize it's not something we can do on our own.

Number four, you said ICANN org has to provide the resources necessary to anticipate, understand, and respond to changes in the global, regulatory, and legislative environment. You said to us we don't want to begin late like we did with GDPR and continue to be catching up. We must anticipate. And what are you going to do, Goran, in terms of putting resources together or creating a department or doing something to anticipate all of this?

Five, you said -- and there's only two more. Five, make sure that your yearly budget is a subset of the five-year strategic plan and financial budget. You can't have a budget that is not totally a subset.

And, finally, number six, which I think is very good, you asked ICANN org to provide to the community and everybody a progress report on a regular basis of how the implementation of the three plans are taking place. You are the manager. You provide progress reports. You provide the resources and you do it, all right?

And then from the community, your suggested actions are as follows. One -- this is you talking to yourselves. You are saying this to yourselves: We must ensure as a community that there is a wide buy-in of the new vision and the new strategic plan. And the reason for that is the large strategic plan was frankly developed, put in a drawer and forgotten about. And if I asked anyone in the room here, Does anybody remember the five objectives or six objectives in the last strategic plan, no one does, right? And if I ask you tomorrow or in a week's time, Do you remember the five objectives on this strategic plan which are here, security, governance, you probably all forget, right? Maybe not. But if

we don't do anything about it, if we don't walk the talk, if we don't all speak the same vision and the same language, we forget about it. So this is something you've tasked yourself to make sure that we walk the talk.

The second thing is you said, We need as a community, each SOs and AC, each constituency to also align its work with the five strategic objectives. They are on the screen.

Three, commit to successfully and execute the work plan for improving the effectiveness of our multistakeholder model. This one will have quite a bit of resistance because people feel there's a change to our DNA possibly. People don't like changes to DNAs. So at this stage, we're not developing solutions. We're just saying we need an approach that will eventually lead to a solution.

The resistance -- there is resistance even in doing that at the moment, let alone later on trying to find the solution and implementing it. So we either believe our model needs to evolve and we commit to it, right, which is one of the premises of the transition. We committed -- we committed as part of the transition that we will evolve our multistakeholder model and enhance it.

Here's an opportunity to do it. What are we doing about it? But you recognize it as a community and said, yes, we will do so.

Number five is you need to be current with all the trends and external forces affecting ICANN. And the reason for that is that if we are really serious about keeping the strategic plan live document and reviewing

it on a periodical basis, you as a community have to provide input. And your input is essential in terms of being knowledgeable about the external forces are going to change the direction where ICANN is going.

And, finally, we need as a community to be more productive, for example, so that we can do our work. I haven't mentioned prioritization, but obviously prioritization is important. Increasing the pool of volunteers, important. Delivering timely and effective recommendation and fostering awareness that ICANN resources are limited and we must have an efficient way of using them.

So that's everything you told us and they're actually a very powerful statement, all of them, in their own right.

I'm going to stop here and then open it up.

Becky, back to you.

BECKY BARR:

I think that what we want to do is we want to hear from you, whether we've heard you correctly, we've synthesized what the inputs are and begin a dialogue on how we can together -- work together to implement these.

MATTHEW SHEARS:

Thanks, Becky. I'm going to turn to Stephanie, if you want to introduce, make some comments first before we open it up for discussion. Thanks.

STEPHANIE PERRIN:

Thank you very much. Stephanie Perrin for the record.

And I apologize for my sneezing. I've got my usual ICANN cold with no excuse this time because I drove here, so I can't blame it on the plane. So I don't know. Somebody is spreading germs around. That's all I can say.

We are doing our best to basically mimic the behaviors that you are doing in assuming this manager role and ensuring accountability. So I think one of the things that we will be discussing at our meeting this afternoon is a proposed ethics code which people haven't seen yet, but I want to have a discussion about the elements of that.

We have a charter that is very clear -- thank goodness -- about what our role is as the Non-Commercial Stakeholders Group. We are here to represent noncommercial stakeholders. We go through quite a vetting process to find out who is applying for membership. Not enough followup, in my view. That falls under your continuous management category.

And the question is, Are we -- what are our metrics to ensure that we are adhering to those charter principles for fighting for privacy? I don't think -- we're doing okay in that because we've got a good team on the EPDP; fighting for freedom of expression; and looking after human rights and the affordability of domain names for everybody, you know, making it a free and open and accessible Internet.

So what are our metrics for that? Well, we don't have metrics at the moment. We have a kind of free-for-all approach once people join and

once people get elected to office. So bringing in metrics, I'm not saying -- I've been talking about it all last year, but it's coming folks. We need to agree what those metrics might be.

This ethics code that I am proposing -- and people have said, Why do you need that? You have got standards of behavior. We actually have no means as managers -- and I see myself as the leader as being in some respects supposed to be a manager, supposed to be accountable for the resources that have been generously given to the NCSG for travel, for spots, for staff support. But I have no mechanisms to come down on people who are wasting our resources.

If somebody is at the beach -- okay, well, maybe not at the beach in Montreal but touring Montreal when they should be at the policy committee tomorrow morning, I have no means of disciplining them or even saying it's a bad thing because it's not in our procedures. That's a gap that I hope to rectify over the next few months, if we can get agreement. I don't think there's any solid grounds for disagreement.

If you are not doing this, what actually are you doing? If you are not coming to participate in the GNSO and contribute and do the work, I'm not saying we have to hit every single comment that comes by. But that's what our mission is. And so those are the metrics we're looking for. It's taking a while. That's at least my vision for how we hope to match your suggested actions. And that's a priority. We'll get to the other ones later.

So open it up for anybody else to comment on this.

Farzi, good.

FARZANEH BADI:

I'm Farzaneh Badii, law school NCSG member. So I wanted to generally talk about the approach how you came up with this strategic plan and then framing it as a community and what we told you, what we told the Board as community comments.

My criticism about the approach is that we are in our silos of NCSG, Commercial Stakeholder Group. You went to these different stakeholder groups and community -- advisory committee and asked them what they thought. This was not something that all the community agreed on every aspect of it and then send it to you.

So the synthesis, I think, it's a cohesive synthesis. You haven't missed anything. But it doesn't mean that all of us agree -- all the community members agree on a certain actions you want to take or whatever has been told you.

So basically some parts of the community wanted, I think we need to work on our effectiveness of the multistakeholder model. And some of us think that it's actually working but we need to just improve it.

So I think -- I don't have a comment on your strategic plan, but what I think should be clear and I hope that we can improve on the approach of how you actually get comment from the community because if you talk to them in their silos and just synthesize everything, if they're in contradictory things, I don't know how you're going to resolve that.

And, also, you can't call it a cohesive community comment and what the community asked you because we didn't agree among ourselves. So that was just my comment. Thanks.

CHERINE CHALABY:

So thank you very much for your comments. Really appreciate it.

Two things. I want to put the strategic plan on one side and this topic, which is readiness to implement the strategic plan because you mentioned both of them. And we received comments on both of them.

So on the strategic plan, that was an exercise conducted over a year open with the community and was put for public comments several times and we received comments and then public session and so on. So that I think the community overall participated.

On this one, you are quite right. The discussion happened in different constituencies and people submitted different comments. So we've synthesized them. The reason we're back again to say to you guys, right, we heard from different people. These are not our suggestions. These are the suggestion coming from the community and coming from other stakeholders, so all them put together, What do you think? That's why we're engaging at this stage.

So your point is absolutely taken, and that's why we hope that you give us some comments on these and say, This is right, this is wrong, this is not what we want, this is what we want, and so on so we work on that and enhance it even more.

This is not the last stop because basically you are saying all of these plans have to be effective 1st of July next year. So we have something in the order of eight months to all of us prepare, and this can be a continuous dialogue for all of us to get ready and hear each other and what we need to do. Thank you so much.

MATTHEW SHEARS:

Farzi, if I can just add to that. I think it's a great point. And we have an opportunity to look again through the process when we review the strategic plan. We'll take that and work on that. Thank you.

TATIANA TROPINA:

Thank you very much. Tatiana Tropina. I want to ask two questions. The first one, Cherine, I would like to clarify what do you mean when you say the change in DNA? Are you talking about silos? AC/SOs? What kind of DNA are you talking? Are you talking about structures or more about people's perception? Because when I hear about fundamental changes in DNA, to me it might also mean the slippery slope of affecting the current structures and to review them at the end. And ICANN right now -- ICANN multistakeholder model is based on those very same structures. It's the legitimacy of this model.

And the second one I want to talk about -- to make a comment about is the project on the multistakeholder model. I am still very much struggling to understand why it was needed and why it is being treated like something revolutionary because once you slice and dice it, you will see that it is either something that has already been covered by various

efforts which community was striving to make over the last years and which we were very much unhappy to see being replaced with the effectiveness multistakeholder model efforts. It is the climb or the path which allowed some of the stakeholders and constituencies to reopen the issues to put salt on the old wounds to try to rearrange the fundamentals of multistakeholder model which we agreed before.

And, please, my passion here is not about, you know, trying to accuse you of anything. But my passion here is a bit of a struggle because I do value this model and I think that on the metalevel, it might be a good idea to analyze and improve its effectiveness. But I'm not a strong believer in this climb in this way. I wish I would be convinced, but I'm not yet. Thank you.

CHERINE CHALABY:

Thank you very much, Tatiana. So this is not about changing our model. So this model, as I said -- and I said it yesterday -- has served us well over the last 21 years, something that we believe in and something that gives us legitimacy. And it isn't about changing it. In fact, we should stick to it, support it, because we need it and it works fantastically well for us.

The point that not just ourselves but the community is saying is that over time we need to make it more efficient in certain areas. And the community has identified six areas that said, well, we need to work on those to get them a little bit better. One of them is: How do you get consensus? And how do you get representation, for example, in working groups? And how do you ensure inclusivity at the same time?

And we know, for example, that the GNSO is working on some of these aspects. So very importantly, we cannot duplicate work. But this has been identified as one of the issues to think about and try and improve, right?

Another one was prioritization of our work. They said, at the moment, we have a lot of work. Everybody's overburdened. There's fatigue. There's no prioritization. There is a limited pool of resources, whether it's volunteers, ICANN staff, or money. And we're saying we have to find a more efficient way of prioritizing our work. No one has actually in the past collectively sat together and said, Well, here's a way of doing it.

So you as a community identified and you keep on telling us: What are you going to do about it? We can't do something about it on our own. That's why this is partly a community-driven initiative to look at prioritization.

The third one is about, for example, precision in our work. There is something that came through the community identified that sometimes we launch work without being very precise about the timing, the deliverable, the cost, the resources needed, and so on and so forth. And perhaps we ought to be more precise and perhaps we ought to put some time limit on the duration of an initiative or review or something like that. So that is another thing.

So these are the kind of examples, and I think there are six in all -- six issues, not 20, not 25. They're not talking about revolutionary. They're not talking about changing the model. They're talking about how do

we make some changes in order to improve the efficient way we work together. That's the objective.

And the reason I mention DNA, by the way, Tatiana, is because I said some people think it is change to our DNA. It isn't. It is not. It's just the opposite. It is not at all. Thank you.

MATTHEW SHEARS: I have got two fingers from Tatiana. I have Milton, Stephanie, Kathy.

TATIANA TROPINA: Thank you very much.

Just as a follow-up, I'm very happy to hear that it is not the change of DNA and structures. But I want to warn again that structures in this way then should serve as a matrix against which comments might be checked.

What I mean is that some of the old -- very old fights can be reopened under the flag of inclusivity, resource allocation, and whatsoever. And this might change the structure.

This is what we want to preserve. We do want to preserve, for example, GNSO as a home for policy making and so on and so forth as just one of the examples.

And this is what I mean, that some people can use this exact plan to change this DNA or to try to blur it a bit and then fundamentals of this multistakeholder model would be destroyed. And this would all be

community effort. This would all be community comments. This would all be listening to the community. This is why I want to take these structures, this matrix, as DNA and check everything against them because they are the basis. Thank you.

MATTHEW SHEARS: Thanks, Tatiana.

Milton.

MILTON MUELLER: Yeah. So, I have lightly reviewed the strategic plan and I think the five objectives there are quite good. I think they're a very good overall compilation of the strategic challenges that ICANN faces going forward.

One of them in particular jumps out at me as deserving of comments, and that is the geopolitical issues.

I don't know if you're familiar with my Internet Governance Project. But we're particularly concerned with these kinds of issues, sovereignty in cyberspace, data localization, global compatibility, and so on.

So my question for you is -- these are very profound structural issues in the international system. And I wonder if you have gotten the GAC on board with this approach.

I think there's always been a somewhat tense relationship between the role of governments in ICANN and its status as a nongovernmental

governance institution. There are governments who use ICANN structures to promote nationalistic forms of policy.

How do we -- obviously we understand you need to incorporate the advice of governments into the model. But can -- can this objective can pursued more effectively by clarifying to GAC that they are part of a bottom-up multistakeholder process, that they are here to participate in a new form of governance and not to assert the old form?

Then when it comes to issues like -- I don't know -- just to use a random example, the names of international organizations, the endless debate over that, you know, that you can't reinvent processes as you go along just for the sake of pleasing governments. You have to deal with consensus-based policy processes. How do you deal with the challenge of GAC in relation to that objective?

MAARTEN BOTTERMAN:

Yes. Thank you, Milton. Thank you. And it's clear that over time with the Internet becoming as important as it is today and will grow to be even more important in the future, governments who are responsible for their public space will step in more and more. We all know that, and it's up to us to respect that.

Within the ICANN space, the GAC very well appreciates the fact that they are a stakeholder and many in the GAC are even champions of the fact that multistakeholder model means equal footing. And I think we still benefit from amazing participation and help in that.

Sometimes it runs into problems and that's not only between the GAC and the GNSO but we need to find solutions that's also within the GNSO, that's also in other parts of the community. That's also a natural part of the multistakeholder model.

But I'm convinced the GAC understands its role well. The leadership understands its role well. It's very well in its bylaws, or however you call those.

For sure, we invite the GAC to help us in making this strategic plan work and pursue that. And the GAC is actually very positively helping with that. As you will note, participation to all their sessions is open and public; and they're really aiming to find their way forward how to support best.

This goes all the way from helping to understand new legislation coming on to how to best interact with the global community to make us aware of policy issues from a government perspective. So, yes, they play an important role; and, no, they're not on different footing.

As you know, the bylaws make us take GAC advice very serious. If we don't agree with it, we need to have a supermajority vote. And the same goes for if there would be policy advice that we wouldn't agree upon, which is exceptional, too. I hope that helps.

MATTHEW SHEARS: I see your two fingers on this.

CHRIS DISSPAIN:

Thanks, Matt.

So I agree with what you've just said, Maarten, but I would put a -- I might nuance in -- Sorry. Milton. I agree with what Maarten just said in the main, but I might nuance it in a slightly different way.

I think there are members of the GAC who don't actually understand or care too much about the way that it's supposed to work. I think it's right to say that the leadership completely understands and gets it and operates properly within the way that we should. But there are individual members, in the same way that there are individual members in pretty much every constituency in ICANN who would like it to operate in a different way.

I would just ask us to make sure we don't get complacent. I find myself often in the meetings with the GAC having to check and say, are you speaking as the government of the country of X or are you claiming to speak for the GAC? Because oftentimes, the individual speaking is actually speaking for the country of X, but it can be taken as if they're speaking for the GAC. So I think that there are -- I would just nuance it slightly differently to the way that Maarten said. But in the main, I agree and accept what he said.

MILTON MUELLER:

I'm less concerned about the GAC. I realize what you say is correct, that there are people in it who are totally on board with the model and others who are not. I'm more concerned about you, the board. The basic question is, have you learned how to say "no" to the GAC?

MATTHEW SHEARS: I'm not sure who would like to take that.

CHRIS DISSPAIN: I'm the one who constantly gets to say no to the GAC. I would like to say, yes, we have learned to say no to the GAC. And we do. There are processes in place to deal with it when we say no, and it's cumbersome and difficult and yes. But I actually think we do. We push back and say, no, two letters at the second level in gTLDs is an example of that where the GAC -- again, oftentimes, what we mean when we say no to the GAC is not no to advice. We have said no to advice. And there's a process for dealing with that.

It's also about saying no to what might look like the GAC is telling us, but actually what it really is is a small bunch of governments telling us. And we say no to that a lot.

MAARTEN BOTTERMAN: Yes, if I may add to that, it's rare that the GAC convey the full GAC consensus advice. That is rare. If that happens, they may be right.

MATTHEW SHEARS: Thanks, Maarten.

Stephanie.

STEPHANIE PERRIN: Stephanie Perrin. There's a real risk this will degenerate -- not degenerate from the perspective of an international scholar like Milton, but we can spend the rest of the time talking about this whole problem.

I'd like to raise a couple of points. We were all looking forward to talking to Jan Schulte and his team about the research on the multistakeholder model this afternoon at our meeting. Many of us participated. I'd just like to emphasize that the eyes of the world are on us. Multistakeholder models are -- they're our only hope to deal with issues like climate change and the failure of agricultural policies and stopping. I could go on and on. It's well beyond Internet governance. And there are very few good models out of there multistakeholderism. We are committed. We're committed to having this forum where civil society can participate and to improving it. So please don't take what we say as criticism. It's how can we get better so this actually works and is copied by other areas of influence?

And so to the extent that parallel processing is going on, such as the multistakeholder model effort -- I realize we could comment, and I think we even missed the comment, because we're completely (French word) with EPDP in my case.

But, you know, we take this very, very seriously.

Now, with respect to -- here's my second point. I'm always saying we're here to help. And we're here to advise you on privacy.

And I would just like to give you an absolutely gem, my book on the Canadian law. Please pass it on to Dan. If you have questions, consult

us. Before you send a letter that we think is going to be an embarrassment to the European Data Protection Board, if you're going to consult the GAC, then consult us, too. We've got a whole host of scholars that weren't consulted on that. We -- we're going to send you some substantive comments on how that model could have been improved with some hypotheticals that demonstrated the range of issues and the impact.

But we are failing in certain respects. And we could do better. And when we say something, we're trying to help us all do better.

So there you go.

Out of print. Cherish it. If he doesn't want it, send it back.

MATTHEW SHEARS: Thank you.

STEPHANIE PERRIN: Sorry?

CHERINE CHALABY: It's for Dan?

STEPHANIE PERRIN: It's for Dan. He needs help on the charter of rights. It's not in there, but --

MATTHEW SHEARS: Thank you, Stephanie. I think we have Kathy next. No?

Is there anyone else who wants to -- yes. We have a mic somewhere.

Or, Farzi, did you still want to ask a question?

And then we do need to get to your question.

FARZANEH BADII: It's not a question. I just wanted to -- going back to the GAC topic, I just -- I heard that Chris mentioned that they -- you do say no to GAC. But from a cursory review of your resolutions, I see that you adopt a lot of their advice in communicate.

Now, I might be wrong and it might be just a couple that I came across. But this is on our mind.

And we just want -- I just wanted to kind of relay the concern.

And the other thing that is one of my concerns and Tatiana has been also emphasizing upon is, the multistakeholder -- the changes, the evolution of the multistakeholder model should be done in a multistakeholder manner. And we shouldn't be just providing feedback; we should be involved with the process, however you want to change it.

Thank you.

MATTHEW SHEARS: Thanks, Farzi.

David.

DAVID:

I just wanted to comment on this issue about the evolution of the multistakeholder model.

I kind of would like to thank the board for starting it with a sort of data-gathering phase. And I hope -- I'm sure the board does actually understand that while it can initiate data gathering, and that's great, it will need to have a lot of community input as we work out how to go.

But there is a danger of reopening old sort of battles. And that has to be very carefully managed. But a lot of what we have in our current structures is effectively scar tissue. It's the result of old battles.

They -- a lot of -- I mean, the way the noncommercial are structured in particular has to do with a whole bunch of arguments that we had in 2009 or so. That's, like -- that's a decade ago.

The board, the noncommercial group, the structure of both have changed hugely. That's just what the noncommercial is about, which I can speak with a little authority, as much as anyone, because I was there.

I know that there are other parts of the current structures that go back even further. And, you know, as a -- results of arguments people had with Milton in 1999.

We need to take a real careful look at it and think about how -- how much of it is like the -- is scar tissue, basically. And it's so inefficient.

I go to a meeting -- every single ICANN, I go to at least two meetings which largely consist of young people from civil society organizations wandering in and people explaining that they need to understand the complicated interrelationships of at least four different internal ICANN bodies before they can do anything. And they get wildly confused and leave.

This is -- I know the noncommercial because I work -- I'm sure it's just as bad for many other parts of the community. We really are overdue for a slow change. And I just would like to say that. But we have to be (indiscernible) about reopening old battles, but at the same time, we don't need to be keeping things around as a memorial to the battles we had -- keep structures as memorials to battles we've had in the past. We've really seen that, you know, things are -- things are -- there are definite -- there are problems that are very entrenched and that make things unnecessarily complicated. And they are kind of the missing stair thing of the ICANN community. We are so used to stepping over it, we are so used to having a session or two every single meeting which largely consists of explaining whether your organization that has just turned up should be in NPOC or NCUC, or just NCSG or should do it by ALAC or all four. And it confuses everybody massively and wastes an enormous amount of our time and effort. And that's just explaining it, let alone actually trying to get policy done.

Please carry on. Please do -- I mean, obviously, do it with caution. But thank you for doing it. And I would really like to know where you think -- within five years, if you have some ideas of the -- you know, where we

will be in two or three years with this sort of process, though I understand that will be community-led.

MATTHEW SHEARS: Thanks, David.

Maarten. And then the other question.

MAARTEN BOTTERMAN: Thank you, David.

You are actually demonstrating it is very true. There are things to be tackled. And also, back to what Farzi describes in terms of the process, the only way we can facilitate this well is by bringing things together and feeding it back on a plenary platform and have it discussed there and move on like that.

Staying away from all battles entirely may not be avoided at some point during the five years to come. But if you want this model to continue to serve us, we all appreciate that these two evolve. And I think the flow is us trying to assist the community by asking for opinions, feeding it back, not only to the silos, but to the entire community. And in this flow, I think we need to progress. And that's the plan to move ahead.

So thanks for your support for that as well.

MATTHEW SHEARS: Thanks, Maarten.

I've not been very good at time-keeping because we don't have a huge amount of time for your question, Stephanie.

But could we have the question for the board on the screens, please.

And, Stephanie, would you like to introduce it.

Yes, thanks.

STEPHANIE PERRIN:

Yes. Thank you very much. And we were very brief here. I touched on it lightly in what I was just saying, but Tatiana is going to discuss this -- will kick this issue off for us. Thanks.

TATIANA TROPINA:

Thanks very much. Tatiana, for the record.

I would like to start not with this question, but with some meta level, because I believe this question belongs to the meta level of accountability and engagement.

And first of all, I would like to say that I have been in ICANN for maybe five years or so, and it makes me extremely happy how we actually engage with the board and with individual board members in the last two or three years. It is -- it's really great that we can get together, discuss the problems, and channel our concerns.

I would like also to say that from this meta level, you know, that I am this accountability Work Stream 2 person who has been like this Roman senator who said that "carthago delenda est." I was talking about

accountability, accountability, accountability for the last two ICANN meetings. And I would like to thank you again for bringing it on the top of the agenda. I was -- we were very happy and pleased to hear the news about the approval.

This question we are asking actually relates to a broader dialogue on accountability on mutual engagement, on accountability of us to each other, on accountability of ICANN to a broader community, on the responsibility of us and ICANN to keep ourselves accountable.

You know that we are a very diverse group. We comprise, like, hundreds of members. And we can have diverse opinions here. But accountability, privacy, human rights are in our DNA, maybe not in the same sense as DNA was mentioned here. And we are trying to champion them so ICANN can champion its own values, processes, and mission.

And this question relates to some particular discussion on mutual accountability and mutual engagement.

So from this introduction to meta level, I will give it back to Stephanie if she wants to say something else about particularities of this question.

STEPHANIE PERRIN:

As I mentioned, the deadline was coming for our proposed discussion. And my original proposal was really how we're going to try and improve our own accountability, because I see it as fundamental to -- to the success of the multistakeholder model. And given the failure in political processes all over, in particular, to engage civil society on these very complex issues, you know, we have to make this work.

So this -- this was a frustrating instances that arrived the week before the meeting. My argument -- and I made it rather forcefully, perhaps a little grumpily, to the EPDP, was, if you've got time to consult the G7, you've got time to consult the EPDP on a document that reflects a model that we haven't agreed on. And I think we could have really helped refine that question so that you get an answer that would be useful. We suspect you're not going to get a useful answer. And if you do get a useful answer, you are likely -- and we move forward with something that follows that answer, you may well have appeals happening.

We are trying to channel civil society through here in a productive way. I keep saying, work with us or you're going to be sued and end up in court. I can't say that often enough, apparently, or people think I'm putting up paper scarecrows or something, you know.

We are trying very hard to bring people who have the kind of reputation that they will be respected outside to here and to work with you in a collaborative way, in a multistakeholder way. And we kind of expect a bit more respect.

Now, moving on from that, I'm just going to say one more time, I really appreciate the work that's going on on the -- on the renovation of the Web site. When I'm in Quebec, I kind of speak half French. (Speaking French). But, you know, this is because federal bureaucrats go back and forth between the two languages, as you noted yesterday in the opening.

Anyway, we are going to keep pestering you to hire a research librarian, because our problems in onboarding and bringing people up to speed to the level where they can actually feel confident in participating and where we don't have to keep relying on folks who have been here for 20 years and who are possibly full of scar tissue that David described a while ago, we can't bring these guys up to the level that we need without better onboarding and better help navigating the rich amount of data that you have to master here -- data, policy, procedure, everything -- to be useful. So we need that help. And as I keep saying, librarians are cheap. Give us a research librarian so that I don't have to walk them through the Web site myself.

Thank you.

MATTHEW SHEARS:

Thanks, Stephanie.

I think Goran wants to touch on a couple of those issues. And Becky as well.

GORAN MARBY:

Yes. For the record, and Stephanie has already thanked me about this, is that when we started the process about GDPR back in what we called the Calzone process, we actually -- at that time, there were several parts of the community who openly said this should not be part of the PDP. It was to be dealt with as a compliance issue, only discussed between our compliance function and the contracted parties.

The board and myself decided that that was not the case, so we actually invented a process to make that happen.

I did a lot of outreach also to the civil society part of ICANN and personally asked them to help me to create a process that ultimately led up to the temp spec that led into the -- the place where we are today, with the phase 2 of the expedited PDP. So I think that that clearly shows the board's and the org's commitment that everybody should participate in this process. And I know that you appreciate that.

So for us, then, there is no reason to suddenly turn that over and decide that we don't want to listen to the civil society parts of this discussion. That would sort of contradict our whole idea about the multistakeholder model and the bottom-up process around this.

We already said that we -- there are legal questions that have to be answered. And the PDP seems to reach the same conclusion with the letter they sent to the board that actually contains some of the questions that we actually sent to the PDP -- to the DPAs. It's Tuesday morning, and I have a lot of acronyms in my head, so sorry.

So we are in the sort of same place where we're trying to figure out some of the -- the answers to some of those questions, because they're not easy to answer.

And as you know, we asked the European Commission, the actual legislature, to help us to finalize those answers.

As we also said, we have no intention whatsoever to create a parallel process, because it's not. The board cannot and the org cannot create its own policy.

I've said on other occasions that my job right now is sort of done when it comes to this. We have sent the information over to the DPAs. Reminding you also that when we were actually able to get advice last time as well, which we were probably the only one who actually got any advice, which created the opportunity to have a WHOIS system with a disclosed part. Before that, that was actually legally quite uncertain.

We hope that this information will be -- we hope, first of all, that we actually get an answer back. From my sort of perspective, it doesn't matter to me if it's a sort of a yes or a no, because both of those answers, we go back to the expedited PDP. And then it's up to the community for that process to create that policy.

I hope that cleared things up. Thank you.

MATTHEW SHEARS:

Becky.

BECKY BURR:

So I just want to echo what I've already said and what you guys have heard, that, obviously, the policy development process is owned by the community, and under the bylaws, cannot be usurped by the board or by org.

I do take the point that having, you know, models out there complicate the process. At the same -- complicate the -- some aspects of the process. At the same time, it really was necessary to get some answers to some questions. And so I view this very much as a sort of chicken-and-egg process, not perfect, intended to get answers that help us move forward with the best of intentions. But I don't want to just ignore the concern that's being expressed that, you know, having something out there does have an effect on the discussion.

MATTHEW SHEARS: Thanks, Becky.

Is there anyone else who wants to -- yes, Kathy.

Anyone else? Are you in the queue?

KATHY KLEIMAN: First, I wanted to see if Stephanie had any responses on that.

STEPHANIE PERRIN: Stephanie Perrin.

I don't really want to beat this dead horse any longer. It'll -- we'll -- we're continuing along. You'll get some material from us shortly. And doubtless, we haven't seen the end of it.

I'll be surprised if we get a useful answer. But no point in belaboring this.

Just to reiterate that we're really, really committed to participating and consulting, and we're here to help. Call us.

I think Kathy would like to say something on a -- now for something totally different?

KATHY KLEIMAN:

(Off mic.)

So in terms of parallel processes, I wanted to follow up on the EPDP parallel process with the fact that contracting is a parallel process as well. And listening to Becky say the PDP is owned by the community and cannot be owned or usurped by the board or by org, that's true, and it should be true. But in the .ORG renewal, we extended -- ICANN org extended arbitrary intellectual property protections through the .ORG contract.

Questions that are actually currently in front of my PDP working group -- I'm co-chair of the rights protection working group -- and we're trying to decide whether the rights protection mechanisms created for new gTLDs in the current -- in the environment we expected of chaos with the introduction of many new gTLDs, that we expressly did not extend to legacy TLDs, whether they should go to legacy TLDs. And this was done by fiat in the contract for the .ORG renewal.

One of our members, the Electronic Frontier Foundation, has filed a petition for reconsideration.

And I just want to quote Milton, actually, in his blog.

"It appears that ICANN's contracting process provides ICANN and its contracting parties a way to completely bypass ICANN's policy development process. As such, it undermines the whole purpose of having ICANN in the first place."

So question about EFF's petition for reconsideration on the .ORG renewal and the extension of rights protection mechanisms, but also a question on behalf of our members that I wrote to the chair -- the previous chair of the Board Accountability Committee and the current chair of the Board Accountability Committee to talk with the Electronic Frontier Foundation, one of the leading digital rights groups. And we, you know, got a basic acknowledgment, but we weren't able to set up that meeting. And I think it would have been -- it's still a very good idea to talk to our member. These are complicated issues, and you're hearing from ICANN org, I'm sure you're hearing from Cyrus. I think it would be very fair to hear from our member, the Electronic Frontier Foundation.

And it is a parallel process that's going on. Thank you.

MATTHEW SHEARS: Would anybody like to take that?

CHRIS DISSPAIN: Let me respond briefly. And, Kathy, I know that you understand that there's only so much that one can -- I can sit here and listen to you. There's only so much I can say in response.

Contracting is a -- an org issue. It's -- it's a legal issue. It's -- it brings in all sorts of challenges around the way that the gTLDs -- gTLD registries and registrars operate and with respect to the picket fence and all sorts of things. And we also have currently live reconsideration requests running in respect to it. So I'm not going to deal with a specific issue.

What I would like to say, however, is that we're -- you writing to us and asking us to have a conversation has certainly led to me having some thoughts about how we -- how we actually deal with stuff. 'Cause what happens right now is we get formal reconsideration requests through the door and then there's a process through which we deal with them. And I'm purely speaking for myself, but I wonder whether we should think about whether there's a way of adding a piece to our general way of dealing with these things that enables us to have a conversation with other -- with the parties involved rather than simply throwing everything into a formal funnel that doesn't allow for that to happen.

So I want to just acknowledge that in the round, as opposed to specifically, and say I think that's actually worth -- something that we should be looking at.

Thanks.

MATTHEW SHEARS:

Thanks, Chris.

Any comment or question from those of you out there beyond the lights?

No? Okay.

Stephanie, do you want to make any last quick comments, as we are, unfortunately, at time.

STEPHANIE PERRIN:

I don't think so. I think this is a good discussion. I'd appreciate any follow-up if you'd like to engage with us further on this. It's sort of trailing off into, you know, a measurement of dissatisfaction, and I don't want to leave you with that impression. We -- I think the dialogue with the board has improved so much lately, and we can have these frank discussions without -- without -- with a view to finding solutions, you know?

Thanks.

GORAN MARBY:

Can I actually comment on that and say, yes, Stephanie. Thank you very much. I think also the relationship with my organization has improved a lot. And we like to disagree, but we disagree in a much funnier manner than we did before. Thank you.

STEPHANIE PERRIN:

I should add to that, Goran, that if you think we disagree with you, you should come to some of our meetings and see how much we disagree with each other. So we're toning this down to a level of civility that is truly remarkable.

GORAN MARBY: I have a feeling I will see that on Thursday night; won't I? Thank you.

STEPHANIE PERRIN: You might, yeah.

MATTHEW SHEARS: Stephanie, I would just like to say also, and also to all of you here, thank you very much for extending your offer of help and conversation and everything else. And that's very much reciprocated. We're here to listen as well, and to engage. So don't hesitate as well.

And with that, I think we'll bring this session to a close.

Thank you very much, everyone.

[END OF TRANSCRIPTION]