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BARCELONA – Joint Meeting: ICANN Board and NCSG  
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MATTHEW SHEARS: Hello, everybody. If you could take your seats, we'll start in a minute or so.

Thanks.

Good morning, everyone.

Welcome to the meeting of the ICANN Board with the NCSG, NCUC, NPOC.

We're going to -- we have a number of questions to get through, and I think the way we're going to do this is just ask Farzaneh if she has any opening comments she wants to make and then perhaps if she can give us a quick overview of the 2019 priorities. It was a question from the Board. And then we'll leave the discussion on the multistakeholder review issue till the end, and then for a more open discussion.

So, Farzaneh, over to you.

FARZANEH BADI: Thank you, Matt. Farzaneh Badii speaking.

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So first of all, I would like to mention that the Board received a letter from us a week -- I think around a week ago, and answered very promptly. Broke the record. And we appreciate that.

I just wanted to clarify something, and we can move on from this subject. We did not have the intention, implied or stated, that ICANN org is not being truthful. And we just want to clarify that, and we can now move on.

So about our -- And I have another announcement to make. Maybe I should have made it at the end.

Would you like to speak?

GORAN MARBY:

Could I also? Thank you. You know I appreciate working with you a lot, and I hope we can continue to do that in an open and fruitful manner. You're important to me, and you know that.

Thank you.

FARZANEH BADII:

Thank you, Goran.

So my announcement was exactly about my position. I am -- So my term is going to finish at the end of this AGM. And Stephanie Perrin is going to be the NCSG chair, and we look forward to working with you, Goran and the Board, with Stephanie at the helm of NCSG.

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So you asked us about our priorities multiple times. And the nature of ICANN is that issues just emerge during the year. We never knew we were going to have an EPDP, and we cannot, like, plan and strategize well ahead of that.

So I can give you some overarching topics that we work on, and I looked at your priorities. And I think -- I think what you are going to do is to continue our effort to bring privacy to WHOIS and be GDPR compliant, but also -- we also believe that there -- there should be access to data, but we think it should be accountable access.

The other priority is that -- which is based on a value. We don't want ICANN to be a content regulator, so the efforts that might put ICANN in risk, we are going to look at them. We are going to focus on them and prevent ICANN to engage with content regulation. I'm not in saying that it has the intention. I'm just saying if it moves towards there, then we would like to stop that.

And -- yeah. That's about it.

STEPHANIE PERRIN:

Stephanie Perrin, for the record.

Just to note that one of our ongoing priorities is always human rights and that human-right focus includes due process, freedom of expression. So that when you sometimes see us all over the map when we talk about data protection, the GDPR doesn't explicitly protect human rights and groups that are discriminated against. We try to do that. It's a charter right, not a GDPR right.

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Just clarifying.

MATTHEW SHEARS: Thanks, Stephanie, for that reminder. And Farzaneh, thank you. We'll miss you at the head of the table. And, Stephanie, we look forward to welcome you to that role.

Maybe we should proceed to the questions. We'll take your questions.

Cherine, yeah.

CHERINE CHALABY: Sorry. I -- I just want to also to echo what Goran said about the spirit with which we all should work together as a community in a collaborative, trusting and transparent way. And I think that's very important, and I thank you for the comments you made earlier.

With that in mind, you said one of the priorities is to stop ICANN, prevent ICANN not becoming a content regulator. Do you feel that ICANN is trying to become a content regulator?

FARZANEH BADI: Thank you, Cherine. I specifically said that I'm not -- we are not implying or even stating that ICANN has that intention. We just think that there are risks, and we would like to prevent ICANN to be a content regulator. And this has been in our -- one of purposes and aims that NCSG has pursued, to preserve. And I'm not saying that the Board has

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any intention to do that. I'm just saying there might be some risk. Some projects might have that effect, and we would just want to prevent that.

CHERINE CHALABY: Avri's...

AVRI DORIA: Yeah. If I understand, when you say there are risks, you mean that the slippery slope can lead us there. It's that kind of risk you're seeing. It's slippery slope type of risks.

CHERINE CHALABY: But I do, sorry, want to push it for clarity. Is there currently a project where there's a slippery slope where you see that there's a risk? And point us in that direction so that we're clear.

STEPHANIE PERRIN: Stephanie Perrin for the record.

Well -- and this certainly isn't on our priority list right now, but you may recall that EFF came, I can't remember his name, to present on the prospect of shadow regulation with respect to the PICs that were being engaged and the oversight that was being -- I think it was Donuts was using MPAA to manage their policing of those PICs. That is what they call at EFF shadow regulation, and it does, in our view -- you know, we welcomed them to one of our meetings because that's the kind of slippery slope that we are concerned with.

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And there -- I think there are elements in the ICANN community that would like some of these difficult problems to be brought somewhere, and ICANN is in the case. So why not try and bring it there?

I think it's always a risk.

MATTHEW SHEARS: Okay. This question has generated quite some interest.

Leon, you had your -- do you want to? And then we'll go to Sarah and Ram.

LEON SANCHEZ: Yeah, I had my flag up but Cherine just asked the question I was going to ask, a concrete example of where they see we might be deviating. And this gentleman's name is Jeremy Malcolm. He's the one that spoke about shadow regulation.

STEPHANIE PERRIN: Actually -- But it wasn't Jeremy that presented. It was -- Mitch, yeah.

LEON SANCHEZ: Then my bad.

FARZANEH BADI: Actually, so NCSG also has organized sessions and looks at the issues, the issue of content regulation or private ordering in ICANN and content

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regulation. So, yes. And there is the DNS abuse project which called DAAR. That worries us immensely.

And I -- when we go to their sessions, when they present, and we just ask clarifying questions so that that does not -- the project does not lead to content regulation for -- you know, for -- with good intention, but...

And I think that Tatiana has.

TATIANA TROPINA:

Thank you very much. Tatiana Tropina for the record.

Can I clarify a bit? So we actually welcome the main abuse reporting initiatives because ICANN is in the position to collect data to see the vectors of attacks, to see security threats, because this is the reason ICANN mission. But what we see during these sessions and negotiations is that sometimes there are voices which say that registries or registrars should also react. And there is a fair amount of due process that should be between these two, reporting and reaction. And this is where ICANN -- if ICANN will try to coordinate reaction, like taking down of the content or work sites or domain names. This is where the slippery slope is.

And I want to be crystal clear here, I do believe that ICANN is on the position to collect this reporting and to see the trends. But registries and registrars, they are in the position to take down the domain names or websites if they want to, if they want to react. It's their business. But

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ICANN as a coordinator has a slippery slope here not to overstep what is within the mission.

Thank you.

MATTHEW SHEARS: Thanks, Tatiana.

Sarah and then Ron, and then -- You want -- yep. Go ahead, Goran.

GORAN MARBY: Thank you. First of all, I appreciate your support for the DAAR project. I -- I accept your, you know, looking out that we don't go down a slippery slope when it comes to coordinating, taking down things. ICANN cannot do that. We are not in a position to tell anyone to do that, so we don't have the power to do that. But, you know, you should always ask the questions.

I don't have, you know, a button in my office where I can sort of close down things. And I'm very happy that I don't.

So we will continue to work with the DAAR project, and the intent is actually for the sort of end users to be able to -- other people could see, for instance, if there are bad actors.

I also -- In the relationship with the contracted parties, many of them are also appreciative of this initiative because sometimes there are a lot of legends about how -- which are the bad actors and how does it work.



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By providing the statistic, you can see how the market actually functions.

But the whole intention is really about the security and stability of the DNS. So I can confirm and I can also give the promise, we have no intention of taking it further from that. If we -- and we cannot do that physically. We don't have the machines or the opportunity to do that anyway.

Thank you.

MATTHEW SHEARS:

Sarah.

SARAH DEUTSCH:

Hi. I just -- Sarah Deutsch. I just wanted to thank you for keeping your eye on the shadow regulation point. As none EFF board member, this is a project that's really important.

And I would also like to ask that, you know, you let us know when you see things that look like actual regulation that are not in the shadows. For example, there's a draft regulation in Europe to take down terrorist content in one hour, and behind that regulation there are other takedown desires that would follow as part of that slippery slope, and that could involve ICANN. So having your eyes and ears on these issues is really helpful. Thanks.

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MATTHEW SHEARS: Ron.

RON DA SILVA: Thank you. I'm glad to see a lot of interest in this topic because I think it's a really important topic. Trying to -- There's, you know, I think a spectrum when you talk about content regulation, and we touched on some of the issues that are of interest, but, you know, there's certainly a whole other half of the spectrum that I don't think anybody in the community would be interested in touching. You know, the right to free speech and being able to express yourself and having any type of regulation there.

But when we start hitting on spammers and criminal activities or theft of intellectual property, you know, these topics become very special when you want to weigh that against our mission to have a secure Internet. And I think that's probably the harder area of how do you -- how do you address those and not then create a precedent that can be abused for broader content regulation. So it's a really good topic and I think we've got a lot of work still to make sure that balance is struck well.

MATTHEW SHEARS: Thanks, Ron.

Anyone else on this issue?

One last comment. Collin.

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COLLIN KURRE:

Sure, Collin Kurre. Good morning, everyone. I just wanted to point out one other thing that for me kind of signified this slippery slope, which was in the context of the EPDP and -- the GDPR debate. And I understand it's been corrected for the record since then, but when -- in an ICANN communication, when they cited the need to detect fake news as a potential purpose for the WHOIS database, that for me set off all kinds of bells and whistles because it did seem like that would be the kind of thing that would touch on freedom of expression.

So when we see these kinds of communications, we are trying to think two steps ahead and anticipate what we will need to do and what our strategy should be to protect the interest of our stakeholders. So I just wanted to point to that.

Thanks.

MATTHEW SHEARS:

Thanks for that.

Let's move to NCSG's questions. We can put that slide up, please.

CHERINE CHALABY:

Just one -- So I really appreciate that discussion and I really appreciate the answers you give to the question. And that's exactly the spirit we want to engage with you, because we don't want to be in content regulation. We all agree that. And thank you for keeping an eye on that. And if you see any slippery slope, please raise the alarm bells and we really appreciate that. So thank you very much.

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MATTHEW SHEARS: Farzaneh, do you want to -- or do you have specific people or anybody you want to introduce the first question?

FARZANEH BADI: So -- Well, the first question is about whether the Board actually keeps track of the issues that have been finalized but the Board re-opens them for the community to work on it again. There have been a lot of talks about how volunteers don't have time to get fully engaged, and it's kind of like a strain on the -- on the community if the Board keeps re-opening issues that have been finalized.

So we would like to know, do you actually keep track of the issues that you re-open? And what is your approach not overburdening the community with tasks that were final?

Now, I have specific -- this might be vague so I have specific examples. For example, there's like the working group that has been working -- that has worked and finalized the -- an issue, and GAC advises you to re-open the issue and you just go ahead with that. Or there was -- there was a public comment about ATRT review, specifically about the long-term and the short-term review, and then you decided to re-open it because you thought that there was no consensus -- you did not receive enough public comments, which we go there in the other question. So these are, like, the examples. We would like to know whether -- what is your approach in not overburdening the question by re-opening an issue?

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MATTHEW SHEARS: Thanks. That's a great question. Just a quick comment and I'm going to ask Chris to respond.

I think there was absolutely no intention, and we're very cognizant of the burden that the community is shouldering in terms of the workload and the related issues of fatigue. So that's certainly not in any way our desire to see that increased. So I think, yes, this is an issue that we need to continue to talk about and continue to ensure that we're not doing that across the community. But on the specific -- just the specific issues that you raise, maybe, Chris, if you wouldn't mind.

CHRIS DISSPAIN: Yeah. Sorry. Excuse me.

This is the first I've used my voice this morning so it's only just waking up.

There's a challenge, often, that -- I mean, we all know how the system works; right? So you get -- and you specifically mentioned GAC advice conflicting with other things. And there are processes in place that deal with that; right? So if we don't accept GAC advice, there's a process that we -- that we go through. We have sometimes -- There is a roundabout way to getting to the specifics, but we have sometimes, with the GAC said to them we are minded to reject this advice. Can we talk about it so we don't have to reject it? So we can figure out a way of implementing it that is acceptable to us, and so on.

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And the same thing applies with a different set of -- with a different set of bylaw requirements with stuff that comes up from the GNSO, for example, as policy. And in respect to, for example, the Red Cross, we asked -- we went back to the GNSO and said, "Will you please reconsider?" And there is a -- there is a -- a thing in the GNSO bylaws that allows them to do that.

If you end up in a situation where we have conflicting advice and policy recommendations, which can happen and may well happen, our position is that we either have to -- I mean, there's a series of things we could do. You know, accept one, reject the other; reject one, so on. But our position is, I think, that our preference would always be to get everyone together and say can we please sort -- see if we can find a way through this. That involves more work. It does involve reengaging, if you will, the working groups and the committees.

So it does happen, and -- but I think usually for quite good reason. But I'm happy to take any -- you know.

FARZANEH BADI: I made an example just to make it clear. It was not --

CHRIS DISSPAIN: No, I understand that. That's why I used it.

FARZANEH BADI: If Board can think about you must have some mechanisms or ways to look at how -- how many issues you reopen -- and, of course, it is better

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for an issue, if there is conflict, that it goes back to the community so that community has the say. But this is, like, in general reopening issues, should be done by -- like, with care and with good reason. And, of course, I'm not saying that to not have good reason when you reopen. I'm just saying keep track of it. Thank you.

CHRIS DISSPAIN:

So I agree, and I think that's a very valid point. I know it's not an example -- but just for clarity again, with the Red Cross, we asked the GNSO to reopen it. So it was actually the GNSO that reopened it.

But nonetheless, I take your point and I think it's important that we don't do this just as a matter of course.

MATTHEW SHEARS:

Cherine.

CHERINE CHALABY:

So I -- I understand your concerns, and I support what Chris has said. And if you look at the -- the Board doesn't have the authority to reopen a PDP, for example. All we could say is -- raise the concern to the GNSO and ask how can they deal with it.

If you look at the number of cases that happened recently, I think they are very limited, in my view. And they stem mostly from the round of new gTLDs that took place, whether it's curative rights or Red Cross.

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And I think one of the lessons learned is that we want to avoid finding ourself in that position in the future. Whereas, the GNSO completes a PDP and then we get a GAC advice afterwards or vice versa.

So I think -- I can see improvement where the silos are breaking down between the various stakeholder groups. And I think the early involvement and engaging from the very beginning would help a lot because I think the last thing you want is really everybody to do their work and say, "We haven't spoken to each other. Now it's your problem, the Board sort it out." So it is not a good position to be in.

So the earlier the community engage and the earlier the silos are broken down and people work together, the better it is for all of us. And it is not our intention and we don't want to do it because we understand not only community fatigue, Board fatigue. I mean, we have to follow up on all of these things. And, you know, we have a lot of things on our plate as well. And the last thing we want to do is reopen something that has been closed. So thank you for the point. And we really take it on board. Thank you.

MATTHEW SHEARS:

Any other comments?

Yes, Stephanie.



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STEPHANIE PERRIN: I'm not sure this is the point to bring this up in terms of these failing PDPs. Are we going to talk about the efficiency of that process in another question, or would now be the time?

MATTHEW SHEARS: We can take it in the last section which is a discussion about efficiency and reviews and governance.

STEPHANIE PERRIN: Yeah.

MATTHEW SHEARS: Farzi, second question.

FARZANEH BADII: Yes, of course, I am going to this question as well because this is the last time I am chairing. So I need our time.

So the second question is that -- so we want to know because we have seen in various places that it has been said that the community asked for a unified access model for -- to have access to registrant's personal information in WHOIS. And it is very important for us to specify that it is access to personal information in WHOIS.

So we wanted to know if -- so why is this being called a community that asked for it? The ICANN community as a whole did not ask for a unified access model.

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So I'd like to know -- we'd like to know: What is the Board approach in gauging in consensus in community? This is mainly about unified access model that has concerned us but also about other things. We are not clear how you gauge consensus among the community and say, "Okay, so there is consensus, community requested it." Thank you.

MATTHEW SHEARS:

Thanks, Farzi. I am going to turn this one to Becky, but I suspect that Goran might want to have a comment or two as well.

BECKY BURR:

Thank you, Goran.

So in the work that preceded the temporary specification, we did hear from significant parts of the community, not a unanimous call for some kind of predictable, consistent approach to this.

And in the temp spec, we identified that as an issue that needed further work, not as an issue that had consensus support.

And that is the question of whether there is -- whether the policy will contain some provision for unified access is really -- that is up to the community. It's policy that the community develops.

We do think that it's worth understanding whether -- whether that would even be legal under GDPR, whether it would be consistent. And the work that ICANN has been -- ICANN org has been doing has been designed to get more information on whether and, if so, under what circumstances something like that might be permitted.

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But the Board does not have a -- has not concluded and it's not the Board's job to conclude what the community wants. They will tell us that through the EPDP.

MATTHEW SHEARS: Anybody else like to comment on that?

FARZANEH BADI: Yes, I would like to comment.

So would it be possible in the communications and blog posts and other materials that the org or the Board issues not to specify that community requested unified access model? Because we at NCSG, we are not sure what is the right approach. And we believe that there should be access, but it should be accountable. But we are not -- Stephanie is the expert. We're looking at how it should be done, but we did not request a unified access model.

So when you say "community" -- in your communications, when you say the community -- the ICANN community has asked for this, we feel like we are not a part of that. We did not request it.

And let me be clear here because there's some very -- there are impressions that NCSG is against access. We are not against access. We are against disproportionate access and unaccountable access to personal information. We do want to look at the ways that access can happen, and we are not against that.

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Actually, Stephanie is looking into that and working on it. And we want to help the community to come up with -- it is important for us because that is the way to protect the data of the domain name registrants.

Yeah, please. Stephanie, go ahead.

STEPHANIE PERRIN:

Stephanie Perrin for the record. And I don't want to drag us down into legal details here. I just really wanted to raise the point that we also care a lot about costs because we are fighting for a free and open Internet where everybody can afford to have their own domain name and we consider that a right. That's the way we want the Internet to continue to function. Anything that adds undue cost raises our antenna and causes us to pay attention. One of the things that will raise costs is privacy proxy services. For instance, that's the incident I wanted to raise a minute ago. There's a failed PDP in many ways. It took two years to get the PDP out. Now we have got an IRT out. The IRT has been put on hold now. The commercial side aren't happy because they wanted controls and unaccreditation of privacy proxy services. We're not happy because I firmly believe that it's been priced out of existence and that operators will not be offering this service because it's too expensive and there's too much of a burden.

That concerns us. We regulate something. We accredit it. We want accountability. But if it becomes such a burden that nobody offers it, then who suffers? People in states that don't have data protection law that would have been relying on privacy proxy services.

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So the unfortunate thing is you're going to see us come in on the end on a cost issue because we haven't been able to -- we've objected. I've objected all the way along and said this isn't right, that isn't right. But we continue to chug on and now we're going to have to hit it at the very end of the IRT comments.

So this isn't an efficient and probably not a very welcome way for us to participate. But we're stuck with it, you know? We're not going to give up on this one.

So just raising that whole issue of cost because it's going to be important in the EPDP as well.

FARZANEH BADI:

Just for the NCSG members sitting in the room, you are -- if you want to speak, please speak up. You are allowed. You don't have to sit at the table.

MATTHEW SHEARS:

Yes, absolutely. Thanks. And thanks, Stephanie. And, also, thank you for your comments on the UAM that you submitted recently.

Okay. No other comments on this? We'll move to the third question.

We invited Sally to comment on this, but maybe you can read the question and just give a bit of context. And then we'll ask Sally to make a couple of comments next.

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COLLIN KURRE:

Collin Kurre again. So this question is regarding ICANN org's human rights impact assessment. I was very excited to hear that mentioned in the introductory remarks yesterday. And I think we as a stakeholder group really welcome and support this kind of engagement from ICANN org on its human rights impact assessment -- on its human rights impact. You see, I can't stop saying it.

So this question has two purposes. So the first reason why we were interested in releasing the specific assessment methodology and then the kind of raw advice that was given by Loning was to be able to have a look, you know, review it for the purposes of transparency.

But the second reason is because within the NCSG, we operate the cross-community working party on ICANN and human rights. And this is kind of a forum or I like to think of it like a think tank within ICANN. We don't have any bound deliverables, which is why it's this kind of weird animal of a cross-community working party.

So we all come together and we try to think about ways that are new mechanisms or methodologies to try to help the ICANN community be able to identify and ultimately mitigate its -- or enhance positive impacts and mitigate negative impacts.

So within the context of Work Stream 2, I think that some of us, namely, me, were very optimistic about the time line. And we thought that Work Stream 2 and the recommendations would be coming any time now. So we've been trying to work on ways and methodologies to have this percolate down into the community, namely, how different SOs and

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ACs can uphold the core value to respect internationally recognized human rights as required by applicable law.

So one of the most salient methodologies that has been put forth was trying to devise new human rights impact assessment methodologies for the community. And I've got to say, it's really hard. It's a big challenge. And we've been talking to experts and human rights practitioners and looking kind of across the landscape, not even within -- within and beyond ICANN. We're actually having an IGF session that's exclusively dedicated to the work that's been going to try to do this in Paris.

So I'm -- I think that we're curious. In addition to transparency and corroboration in this, we really want to see this methodology to get some inspiration and see how this can help us devise new mechanisms for deployment within the community. So that's the context. Thanks.

MATTHEW SHEARS:

Thanks, Collin. And I must say that I was very pleased to see this question on the list because having worked on human rights issues as part of the transition. So thank you for that.

Sally, if you wouldn't mind.

SALLY COSTERTON:

Thank you, Matthew.

Thank you for the question. Yes. The answer to your question is yes and yes, put very simply.

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So thank you for your support. I think -- obviously I don't know from the community's perspective the degree to which, you know, when you see that you're going to say, "Oh, this is really useful" or, "It's still very complicated." And it's just slightly less complicated. You are quite right, these are not easy things. That's for sure.

It's not easy even in the context of an organization, you know, with, say, 400 people in it, let alone a very large and diverse volunteer community. But, yes, as we've said, the report is being assessed now internally for implementation so that we can identify how we're going to implement the recommendations. It will be published by learning in due course. We'll let you know when, and those will be contained in it. So I hope that answers your question.

MATTHEW SHEARS:

So can I -- just before I come to you, Milton, Sally, can you be a little bit more specific on the time line?

SALLY COSTERTON:

I can't give you a date. What I can say is that we are reasonably far through the assessment at the executive team level, and we really need to now finalize the implementation plan to make sure obviously there's no point in publishing this unless we can be clear about how we're going to implement the recommendations.

So that I think -- I'm looking to Goran. But I don't think -- we haven't made a final decision about exactly when that will be published. But



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the assessment is fairly far advanced. So I would feel pretty confident that it shouldn't be too far off.

COLLIN KURRE:

Actually, if I could just butt in here, because Ergys and Betsy from the public responsibility office joined our meeting yesterday and they gave us quite a lot of updates.

And I think that they said -- I knew the answer to this question actually. But I think that they -- they said that they are shooting to have it presented by Kobe and that Marcus Loning, who was the leader of the team that carried it out, might actually join as well to be able to field questions from the community.

SALLY COSTERTON:

That's the aspiration, yeah, that's right. I don't think -- I think we have to be careful that we don't set a deadline that we then don't meet. There is no particular reason why we shouldn't meet that deadline, which is why he said that to you. I'm very comfortable with him putting it in that kind of time frame. We just have to go through some final stages on the implementation side so that we're very confident. To your point about transparency is an important one. We don't want to be publishing something that's half finished where we can't really answer detailed questions about how things are going to be implemented. We need to make sure that that is done in a way that we can all feel very confident in the next steps.

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MATTHEW SHEARS: Thanks, Sally.

Milton.

MILTON MUELLER: It's not very complicated. You just hand me the microphone. Thank you.

This is Milton Mueller from the NCSG. Soon the human rights issue, there's an important distinction that I think needs to be emphasized here. And that is the distinction between human rights within the ICANN organization and the human rights impact of your policies. And, frankly, I've never been terribly excited about ICANN's efforts to enforce human rights within the organization because I've never felt that ICANN was -- had a tendency to impose slave labor on its employees, although some of your staff members might disagree with that. But I've never felt like that was a major global issue.

I don't think that you are mining diamonds in unethical ways. I don't think that you're polluting the environment.

What I do think is that your policies have significant human rights impacts, particularly on privacy and freedom of expression.

And so when we talk about human rights assessments, I would like to see that happening at the policy level rather than the organizational level because I trust you to be human rights-respecting in your, you know, corporation.

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MATTHEW SHEARS: Thanks, Milton.

Anybody else on this issue? No? Okay. Can we come back to the second question that we asked --

GORAN MARBY: May I just ask a question.

You said "you" when you set your policies. Do you mean the board or everybody in the room? Because "you" implies that the board makes policies, which we don't. And we often talk about the fact that the policies comes from the community. So what you're actually saying is that how should the community take in human rights issues when they do policies, which is a conversation that I think is real interesting for the community.

MATTHEW SHEARS: Thanks, Goran. Can we finish with the board's second question. Yes, thank you. Very much like to have an open discussion about this point. I know that this has come up a number of times. It came up in Cherine's opening speech. We've already addressed it in the GNSO Council meeting, so very happy, I don't know, Cherine, if you want to perhaps say a couple of points on this first and then we can open it up?

CHERINE CHALABY: Yeah, with pleasure. I think the -- I just want to say why -- go back through the reason why the board is raising this question, to just set the scene for the discussion.

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So the board didn't come up with this out of the blue. This is linked to the strategic planning exercise that we were doing with the community and as I said yesterday, the community identified five trends that will have a major impact on ICANN's future. And one of those trends is to do with governance, and the way that trend was articulated is really there in front of you, that there is a concern that the model which is excellent for ICANN and that grew to fit our need, that gives us legitimacy and participation and inclusiveness, is reaching a point of maturity and it's time maybe to look at it a little bit more, do tweaks here and there, to make sure it remains effective and remains the kind of model that makes us all, you know, work in an efficient and collaborative way but at the same time balance the need of inclusivity, accountability, and transparency, on the one hand, with the need to get things done in an effective timely manner and with the efficient use of ICANN resources. So it's really an open question. And we -- the board doesn't have an answer to this question. We haven't sat down and discussed an answer at all, and I don't think we should. I think this is a question we are reflecting back to the community what we have heard through the strategic planning, and we're seeking input from the community. Our plan is to issue a consultation paper where we raise questions and ask the community for input. We're not going to put any proposed solutions or anything like that. We just want to hear and engage and hear and engage and see are there views.

So we raised that at the GNSO Council, as you rightly saw, and there were a lot of concerns that were expressed in that meeting. So we send the same question to almost every constituency and in the next day or

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two we want to hear what people have to say about that. Do you believe there's an issue? If so, what do you think the issue is? And so I don't think we are at the state of thinking of solution. We just want to frame in our mind is there an issue that needs to be addressed. And be open and transparent to either recognize there is one or there isn't one. Okay? From the discussion of the GNSO yesterday, I left with the feeling yes, there is an issue that ought to be addressed. So it would be good to have that kind of conversation here. Thank you.

FARZANEH BADI:

Okay. Thank you. So Farzaneh Badii speaking. The Policy Development Processes and working groups have issues but we need to improve them. So I think we need to be very careful in how we frame the messaging of that, whether these policy development processes are working or not because the multistakeholder model of ICANN will be under question for reasons that, you know, we might have problems in PDPs that -- but we can improve them. It does not mean that we are not doing our job or the process is not -- is never going to make it and because then, if we argue that and we say that okay, so our processes are not working, what should we do, then the messaging is very important because a lot of people like ICANN to fail in the multistakeholder model so that they -- we won't have this transnational organization that's -- is in charge and uses a multistakeholder model. So this is one point that I would -- that I wanted to put forward.

The other thing is that in the question -- and this is one of the things that one of our members raised, I don't know if he's in the room, Michael

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Karanicolas. Michael, are you here? Sorry, putting you on the spot. He's not here. Okay, so basically in this question you're asking that -- whether to balance the increasing need for inclusivity, accountability, and transparency and with the imperative of getting our work done. So we don't think that transparency is in conflict with efficiency or with getting our work done. So I think when we mention transparency, I don't think transparency is one of the problems that's -- we need to be transparent and that will not block our work.

About the other, the inclusivity and accountability and how we can do things and about the solutions, I think the GNSO Council came up with a PDP 3.0 which is they looked at -- they looked at this issue and they want to improve it, improve the PDP. So there -- there are solutions from the community are putting across to improve the work. And Rafik, do you want to comment on the work of the council?

GORAN MARBY:

Because I actually want to agree with you. I don't think there is a -- we don't think and I definitely don't think there is a contradiction between efficiency and transparency. So it's not our intention. It's definitely not my intention. It's more on how do you actually do it and in an efficient way. Because I think -- I mean, we need, as an institution, to be very, very transparent on how we do things. So I just want to say, I agree with that, strongly.

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MATTHEW SHEARS: Okay. Thanks. I see a lot of hands now. I think Kathy and then Milton and then -- actually Rafik, yeah, right.

RAFIK DAMMAK: Okay. Thanks. Rafik speaking. Yes, I mean, GNSO council, we took ownership of the issue because generally when we have a strategic meeting and we try to -- working with the community when we had this issue in San Juan to explore what are the issues from -- I mean that perceived by many and tried to set up a continuous improvement process because I think we need to explore more and we are starting with the first phase. So my feeling here is that it's -- yes, it should be the community taking the lead. And I think also the wording maybe create or how this question is framed creates some concerns because we are kind of putting like competition between the different like accountability or -- for example, how we -- we define effectiveness and efficiency here. There is a feeling that just we -- we need to finish things quickly, but I don't think that works in a PDP when you are trying to create policy with competing interests. And also about efficient utilization of the ICANN resources, I think there is maybe a necessity to shift from some area to do more policy. Personally, I am seeing what -- how the PD -- I'm seeing like for the current PDP and the workload there, we need more resources. So it's a question for us to shift what is used in other area to -- for the core business of ICANN which is policymaking.

MATTHEW SHEARS: Thanks, Rafik. I think you wanted to comment, Cherine.

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CHERINE CHALABY: Yes. So this question, although very pertinent to the GNSO, particularly with the view of PDP 3.0 and we mentioned that yesterday, this is wider than just the policy development process. So a lot of the things we heard applies across the whole spectrum of our activities, not just for policy developmental. It also applies to things like ineffective involvement of the technical community, talk about the inefficient reviews, need to look at the reviews, how we do it, right? Concerns about volunteer shortage and fatigue. We heard things like large, expensive, and cluttered ICANN meetings where people have difficulty going from one session to another. So it's more than just a policy. But I understand that with regards to the GNSO and probably this meeting you might want to focus a discussion on the policy development process, and that's fine. But I just wanted to make the point that this wasn't necessarily just aimed at the GNSO and the policy development.

MATTHEW SHEARS: Thanks, Cherine. That's an important clarification. Kathy.

KATHRYN KLEIMAN: Is the microphone on? Yes, it is. Kathy Kleiman, and I am not speaking for NCSG but I am speaking as one of the co-chairs of the big PDP working groups. And Cherine, although it is bigger than the GNSO and the PDPs, it's coming at a time -- I mean, we've talked about volunteer fatigue all the way through, so this is a really important question. But is the time for it right now. We're in the middle of two PD -- just in the



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GNSO we're in the middle of two big PDPs. The entire community is on an EPDP which takes intensive resources, not just from the people there but from the teams and the communities that they're working with. So there's a lot on our plates right now. And I fear if you go forward with this question now, you're going to miss a lot of the major voices because they're so involved in doing the work that we've asked them to do.

In about a year there's going to be a big pause as EPDP finishes, as the two PDPs finish or at least take a break as we go from phase 1 to phase 2, for example, in the rights protection mechanisms PDP.

So I would urge you to think about putting this one on hold and not doing it right now because I think we're so deep in the silos, in the trenches of our work that we're not going to be able to come out and look at the big picture, and that's what I think you're asking us to do right now. Thanks.

MATTHEW SHEARS: Thanks, Kathy. I think Milton was next.

MILTON MUELLER: Yes, to -- this is Milton Mueller. To reiterate what Kathy said, I don't speak for NCSG and I don't think the NCSG has worked out a full position on how to reform the processes that we're talking about. But I do have some opinions about that, based on my long experience with normal GNSO processes and I'm on the EPDP. So I think the real trade-off there is inclusivity versus efficiency. I don't think there's any way

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around the fact that the more inclusive your process is, the less efficient and timely they're going to be. Which is why, you know, it was a wise move, when you're dealing with the EPDP, to limit participation to designated representatives of stakeholder groups and try to keep those stakeholder groups balanced in a proper way. And I think you're going to have to move to that in the future. The other thing I can tell you from the front lines is that the most critical function here is the chairing of these committees, these working groups, that, you know, we've gone through a little bit of juggling and experimentation the EPDP, and we arrived at these professional mediators who actually are doing a very good job of focusing us on the issues. And sometimes when the chairs are -- for example, no offense to Kathy but I don't -- I think the RPM working group, one of the problems you have there is you have two or three chairs and I think that's a bad idea. The chair should be neutral and one responsible person for managing the process. And this idea that every stakeholder has to be represented in a chair position is actually asking for trouble in certain ways. Because, you know, you have a partisan divide at the very head of the thing. So the process of chairing and divining consensus or appropriate methods of deciding who supports what is -- is an art. It's very difficult and time-consuming. I don't know the precise solution to this. It may need more professionalization, it may need more reliance on community members. I'm not sure what the answer is, but I think those are the two critical points, is the -- the level of inclusivity and the chairing of these working groups, I think, would go a long way towards solving this problem.

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And I have to agree with Farzi very strongly that there are people, you know, circling, waiting for us to fail, and I think we have to do as well as we can to avoid that.

MATTHEW SHEARS: Thanks, Milton. Stephanie and then Collin, and then I think we're going to have to draw it to a close after that.

STEPHANIE PERRIN: Stephanie Perrin for the record, and this is a subject that is very near and dear to my heart because I've worked on quite a few WHOIS exercises, including the review which is separate and, in my view, rather superfluous at the moment given what's going on with the EPDP and there are more resources on the review than there are on the EPDP but the review, in my view, will be somewhat irrelevant by the time we're through. So watching the absolute allocation of resources including, you know, face-to-face meetings and staff and documentation and Adobe privileges and, I mean, these are nitty-gritty little things but that's what we're talking about, costing that down and making them efficient. That needs to be examined on an ongoing basis. And I do think that we have to solve this because we can't have four-year processes. We lose people. When we lose people, we lose continuity. We lose expertise.

One solid point that we could implement is NCSG for a number of years has recommended a librarian, an archivist, so we could find the documentations more easily. That's money well spent. But they come

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cheap, you know? And if we did that, we've had one and they went away. They come -- maybe they're coming back. That's what we need. We really, with the complexity of our teams now, we need the equivalent of a congressional research service or a parliamentary service. We have staff, but staff are overloaded. I don't know how the policy staff manage to achieve what they do. We can't load more of that onto them. Anyway, as you can tell, I could go on for hours. But I think we should really focus on this.

One particular problem that chairs have to face with all the other hats they're wearing, they have to perform a kind of Speaker of the House role. Anybody listen to the British Parliament or the Canadian Parliament? If you didn't have a speaker in there policing that like you would police a classroom of grade 4, all hell would break loose. And that's what's happening in the PDPs that I've been on recently. Because the chairs feel they have to be inclusive, they can't discriminate, they have to treat every intervention as valuable as the other guy. You don't see it in a courtroom and you don't see it in a Parliament. So we need another entity to pick up and police the interventions and keep them down to a reasonable size. And tell somebody when they're wasting everybody's time. It's time management 101 is respect for the other guy's time, so I'll stop now.

MATTHEW SHEARS:

Stephanie, thanks. I know Goran wanted a quick comment.

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GORAN MARBY:

On the librarian function, I would feel very sorry for that librarian because we have currently about 150,000 documents in seven languages distributed over 23 websites. And I don't include the website studies sort of outside ICANN org, for instance your own website for the documentary system. So what we are doing is building what we call the ITI, which is an investment up to \$8 million where we now is building a taxonomy for all documentations that we have. And I think we have a session here in -- where are we? Barcelona, where we're going through and actually do something that is quite incredible. It's -- I think I called it a very small step for mankind but a large one for ICANN. The first -- the first searchable ICANN web ever, yes. And it's so simple and so ugly, but we are there. The problem is that we have to -- to go through 100 and whatever thousands of documents that we have and put them in the (indiscernible) taxonomy is not an easy work. If you want to have more information go to that seminar or speak to David Conrad who is blessed to be the person who handles that one. Thank you.

MATTHEW SHEARS:

Goran, thank you. We've got Collin, very briefly and then the last word to Cherine.

COLLIN KURRE:

Very briefly. Great. I wanted to build on Milton's comment. I think that it -- I do think that restricted participation in the EPDP to ensure balance was probably a good move. But if moving forward that became the modis operandi, then you might lose the ability for newcomers or for people who aren't already established with enough of a footing in the

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community to be able to engage in policy development, which is really the best way to become more knowledgeable and to -- to be able to develop that expertise and kind of the new fresh blood and reinforcements that we need in the community. Just wanted to point that out.

MATTHEW SHEARS: Cherine, and then Farzaneh.

CHERINE CHALABY: So, I just want to say that this has been very useful because you've given us four or five pointers regarding the question. So, for example, Milton talked about it's inclusivity versus inefficiency rather than the other -- this is the balance. Talk about the role of the chairs of the committee. We talked about the level of participation, is it big or is it smaller. We talked about how to handle interventions that Stephanie has mentioned. You mentioned management 101 which is good. And Kathy mentioned, you know, we are so busy at the moment sort of try and give us some space and not burden us with more -- more things. So we hear all of that. So this was very, very useful, and we thank you for that.

MATTHEW SHEARS: Farzaneh.

FARZANEH BADII: I just wanted to say goodbye. Thank you. It was a pleasure working with you. I'm done.

MATTHEW SHEARS: Thank you so much.

[ Applause ]

Thank you, everyone. That's a wrap.

**[END OF TRANSCRIPTION]**