MARRAKECH – GNSO - NCSG Open Meeting
Wednesday, June 26, 2019 – 15:15 to 18:30 WET
ICANN65 | Marrakech, Morocco

UNIDENTIFIED FEMALE: Did you say a few people? Just a few?

UNIDENTIFIED MALE: We don't care. Ayden and I, we can just do the whole session by ourselves. We can tell each other [inaudible].

[AYDEN FERDELINE]:   And I am happy to appoint myself acting chair in Stephanie's absence.

UNIDENTIFIED MALE: Stephanie will by actually completely okay with that.

[AYDEN FERDELINE]:   But just in case there is anyone online remotely, we're just tracking down where everyone else is.

UNIDENTIFIED MALE: Even if those two chairs are not here, where's the rest of the constituency?

[AYDEN FERDELINE]:   We just have to announce the results of elections. Who cares?

UNIDENTIFIED MALE: That would be Ayden. He said it first. He was the shotgun on chair.

AYDEN FERDELINE: Hi, everyone. We're going to get started in a few moments. We're just waiting for a few more people to join us. This is Ayden. I'm just very transparent, I'll tell you what the situation is at the moment.

So, from what I understand, Stephanie who is going to be chairing this meeting is currently meeting with Goran and that meeting started at 3:00 PM so she might be delayed by a few minutes just while she's making her way over to join us now.

In terms of what we have on the agenda, we just had welcomes and a round of introductions, so if we want, we can go around the table and we can just note who is here. I'm going to defer the next item, which is results of the elections, until Stephanie joins us. Then we can hand over to Martin who can give us an update on RPMs, if that sounds okay with everyone. I'm not seeing any objections. Maybe, David, if you want to start the round of introductions.

DAVID CAKE: My name is David Cake, currently outgoing NCUC and NPOC Executive Committee. And NPOC policy chair.

JAMES GANNON: James Gannon. I have a number of hats at ICANN. Most importantly, I'm the GNSO liaison to the Customer Standing Committee, amongst other things.

RAPHAEL BEAUREGARD-LACROIX: Hi. Raphael Beauregard-Lacroix. I'm on the NCSG EC.

THOMAS: Thomas [inaudible], NCSG member.

JOAN KERR: Joan Kerr, NPOC chair.

MARTIN SILVA: Martin Silva. I'm a councilor on behalf of NCSG at the GNSO Council. I'm also working … I just finished my work as co-chair in the sub-group in the Rights Protections Mechanisms.

MARYAM BAKOSHI: I'm Maryam Bakoshi, ICANN Org supporting NCSG, NCUC, and NPOC. Please remember to say your name before speaking. That's it. Thank you.

KATHY KLEIMAN: Kathy Kleiman, co-founder of the Non-Commercial Users Constituency, NCSG co-chair, if you want to know anything about rights protection mechanisms, and also unfortunately subsequent procedures.

STEPHANIE PERRIN: I'm Stephanie Perrin, current chair of the Non-Commercial Stakeholders Group. I apologize for being late but you know what it's like upstairs in the coffee queue.

ANTONELLA PERINI: Antonella Perini, LAC representative at NCUC EC.

AMR ELSADR: I'm Amr Elsadr. I have no official title.

AYDEN FERDELINE: Okay. With that, now that Stephanie is back in the room, I'm going to hand the meeting back over to her to lead. Thanks.

STEPHANIE PERRIN: Thank you very much. I wonder if we could do something that I always forget to do and that is circulate one of these sign-up sheets with the email addresses for those who wish to remain in touch. Maybe we could wait a few minutes because people will be coming in late, I suspect. We're still missing a few people. Tatiana and Milton, do you want to identify yourselves?

TATIANA TROPINA: Tatiana Tropina, [inaudible] through Germany. NCUC and NCSG member and GNSO Council elected by NCSG. Thank you.

MILTON MUELLER: Milton Mueller. Georgia Institute of Technology. Internet Governance project. NCUC member and one of our representatives on the EPDP.

STEPHANIE PERRIN: Okay. Go for it, Joan.

JOAN KERR: No, just that there's some guests if they wanted to introduce themselves. I don't know.

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STEPHANIE PERRIN: Anybody in the back rows wish to identify themselves? Don't feel any pressure. You're allowed to sit there anonymously.

UNIDENTIFIED FEMALE: We don't believe in privacy.

STEPHANIE PERRIN: Oh, come on. [inaudible]. No, that's not fair. That's it. Unauthorized disclosure. Okay. I now have the meeting agenda up. So, we've done the welcome and introductions. Maryam, do you want to talk briefly about the elections? In other words, just in case somebody hasn't seen it or they're not on our mailing list, what happened? I'll just say, while Maryam collects the data, we had to move the elections up to accommodate ICANN's expanded length of time they want prior to the next face-to-face meeting in order for travel. So, that meant having next year's elections here in May-June, which was, I have to say, it's a bit odd and I feel for everybody because you don't quite know what to do if you're in one of the new incoming and you're going to be hanging around for five months. It's a great chance to get up to speed but …

MARYAM BAKOSHI: Yes. Elections happened. On Monday, the results were announced. We have Stephanie Perrin, of course, coming back. Farrell Folly, [Farzaneh Badii], Tatiana Tropina are coming back

as … Well, Tatiana is the only one coming back as a GNSO councilor and [Farzaneh] and Farrell are new GNSO councilors.

STEPHANIE PERRIN: Right. Thanks very much. Now, in the process of going through this election and figuring out the ballots, it occurred to me that we don't have adequate election procedures. So, we had a little discussion at the NCSG Executive Committee this morning and we had various other members who came to that meeting and we reached the conclusion that possibly some more explicit procedures, particularly having to do with the ballot, the position of Mr. Abstain who was running against me and numerous other council members. Every year we argue about how we do this and what it looks like on the ballot. As I said this morning, heaven forbid anything should happen to Maryam because we'd be lost between elections. We'd be going, "Oh dear, anybody got last year's election ballot left that we can look at?"

So, we're going to be drafting those procedures. We'll be sending them out to the list. One of the things I want to introduce is the concept of an election monitor because, unfortunately, if you're the chair and you're on a one-year term, inevitably, there will be an election for chair every single year and it is the job of the chair to police community standards in terms of behavior, so that in the event that behavior becomes a little frenetic during an election

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and people are calling each other names or whatever, it's awkward for the chair to call that out. This year, I only had to argue with my opponent, Mr. Abstain, but any other year there could be four candidates and it could be very awkward. So, I really feel we need an independent monitor. So, we're going to work on how to do that along with the procedures and then look for people who might be willing to be independent monitors. Does that all sound reasonable?

Also, we got a little sub-committee going and looking at these things, but if anyone knows of a good model for election procedures, ballots and monitoring and everything, if there's a stakeholder group who does it well – I'm staring at Malcolm hoping he'll pop up his head and say, "I know the best." We'd like to get a hold of those because there's no point in writing our own if somebody else has done it better. Anybody got any comments on that particular topic? I don't want to spend too much time on it but it'll be ongoing for the next little while.

Well, we are already ahead of schedule. So, without further ado, over to Martin first.

UNIDENTIFIED FEMALE: Can we do quick some of the rights protection mechanisms and then we'll go into SubPro. Is that okay? We're waiting for Bruna.

UNIDENTIFIED MALE: Yes. Either way is fine. I just prepared 30 seconds ago a slide. The first two are on [inaudible]. It's just what the policy brief explains about the group. The other ones are about RPMs. Just a quick intro. The review of all rights protections mechanisms working group at ICANN is reviewing all mechanisms to protect trademark rights.

We divided the group in two phases. The first one to address the mechanisms towards new gTLDs. The second phase, [inaudible] famous UDRP which is the mechanisms that was working—

KATHY KLEIMAN: Sorry. We're talking about rights protection mechanisms but the slide up is subsequent procedures.

UNIDENTIFIED MALE: Yes. Go one lower. So, we divided the group in two phases. Phase one for mechanisms that address the new gTLDs, phase two for the UDRP which is the classic way of resolving a dispute over trademarks and uses of the domains.

We started with phase one because we wanted to be ready for the new gTLD round and that's what we are aiming at. There we reviewed things like the Trademark Clearinghouse, which is a

registry where you can register your trademark, and that gives you some sort of advantage or privilege towards the new gTLDs process. And the URS which is like the UDRP. It's a process that helps you to protect your trademark if there was some sort of abuse but in a more rapid and cost-effective process.

Right now, we already reviewed the UDRP. We are reviewing now the Trademark Clearinghouse. We are finishing that. We just divided in two sub-groups and those sub-groups are finishing this meeting [inaudible]. So, rejoining the full working group to be able to have a final report. I think launching for public comment around December this year and we're supposed to be having a final report after public comment around April 2020 in order to be ready to have the mechanisms of the new gTLDs for the second round of new gTLDs. I think that's the basic debate around it.

NCSG has, or [inaudible], has been around protecting the non-commercial interest in these things which is basically the balance against trademarks. These mechanisms are there to protect trademark laws and trademark rights. We are the balance of the limits of that protection, trying not to let them create mechanisms that can be abused or that are just too strong towards trademarks in compared to other uses and legitimate interests.

I think that's my basic tour. Thanks.

KATHY KLEIMAN: I want to thank Martin. As I mentioned, for those who didn't hear, I'm the co-chair of the Rights Protection Mechanism Working Group but occasionally we work in parallel and we divide into sub-teams, particularly to review and analyze data, and Martin has just finished – just finished yesterday – as a sub-team co-chair for the last six months which wasn't what I promised him. I said it would just be two or three months.

So, I really want to thank him and leadership, and just say that leadership in the working groups is very important for non-commercial stakeholders, whether it's NPOC or NCUC or NCSG. It's very important that we both be voices and leaders. Just because when you help organize the agenda, then you know what's coming up. You're even more prepared. And Martin has been terrific.

Martin, I apologize. I did not show you the subsequent procedures slides. I've been asked to share – vent. Vent about subsequent procedures.

So, in Kobe, you'll remember we had a discussion about a wall of gardens. So, here we are. We're going to revisit the Non-Commercial Stakeholder Group comments and positions and concerns and rants about the Subsequent Procedures Policy Development Process Working Group. Next slide, please.

So, in Kobe, we talked about that this working group created the rules for applying for new generic top-level domains. Who's seen the Applicant Guidebook? The guidebook for applying for new gTLDs in 2012. I know Milton has. We're creating the rules not just for the next round, but probably upcoming rounds, and there are actually a number of applicants who would like to see a first come, first serve at a certain point, then we go into an ongoing round. But that's not going to be the case. We voted them down for the time being. We will have rounds coming, at least in the foreseeable future. So, we're talking about the rules for these new generic top-level domains. Next slide, please.

We created extensive comments – Bruna, Elsa, Farzi, Robin, myself, others – on both process and substantive matters. Next slide.

And you'll remember that our comments – we talked about this in Kobe – that our comments had to do with things like, as a community, we are part of the reviewers. How many gTLD applications can we review at a time? 1,000, 2,000, 20,000? We raised a number of objections and concerns. So did the intellectual property community. So did the GAC. But as a community, how many can we review at a time? How many new top-level domains should we be adding to the root per year? What's the pre-approval process for backends? I don't know if anyone is thinking about becoming an applicant for a new top-

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level domain, but you'll probably be relying on backends. There's going to be a published list of RSPs which will be the backend service providers. And they'll be pre-approved. But what if someone gets into technical trouble and they're no longer pre-approved? I've got to tell you people don't want to pull anyone off the list. How do you not pull somebody off the list for technical violations?

Then, really, really big things about the global public interest, about concerns for censorship, over-protection of intellectual property, take-downs without due process. Just incredible. So, I have a link to our comments. Next slide, please.

I need to tell you that in the Subsequent Procedures Working Group – and I was hoping Bruna would be here, but I know that she is with Goran right now – we are being not just shouted down. There's a new rule. Consensus doesn't matter. It's what the majority of commenters said. Anybody want to guess who the majority of commenters are in the Subsequent Procedures Working Group?

So, in the past, when we've been negotiating policies, we've occasionally said most of it is okay, but in order to be fair and balanced, you have to make the following changes. That's how we got rights for registrants in UDRP and that's how we got balances to the uniform rapid suspension and a number of

changes to the rights protection mechanism. We've said that on about seven key issues for subsequent procedures and there's no interest in actually having consensus policy. There's an interest in what the majority of stakeholders want and they are registries and potential applicants.

And everything is being decided in favor of what the majority of commenters want. I don't know if that answers your question, Amr. Does that answer it?

This is a key slide because I'm very concerned about this process and I'm not sure how we fix it or how much time we want to spend thinking about it.

AMR ELSADR: Thanks. Yeah, it does answer my question but I think it's really strange, because at the end of the day, the PDP working group is going to have recommendations without full consensus of the working group members and that will be an issue for the group. It has to be moving forward. It was an issue, for example, with EPDP phase one because there were recommendations where there was divergence and it was a problem. But again, the EPDP was dealing with an issue that was very time-sensitive which kind of pushed it through even though there was actual divergence on at least one recommendation. But on something like SubPro, this could be problematic at a council and board level. So I find it

strange that the registries are not trying to achieve consensus of the working group members. I think it's unfortunate, as well. Thanks.

KATHY KLEIMAN: I can tell you they're not and it's really sad. But also there's a sense of also urgency that we have to introduce the new round and don't stand in the way of the train.

I just want to add Martin has recently joined the Subsequent Procedures Working Group as part of my shout for help which I appreciate. Do you want to share what you're thinking as well as whatever your question was?

MARTIN SILVA: Just a quick answer to, or not an answer, just to work on Amr's comment. I think that they are trying to build consensus. It's just a different understanding. I think they're [forcing] a little bit what consensus is in the sense of if they feel that – they said that they're not using the majority rule. They say that they are using or they are going to use a qualification analysis, not quantitative analysis, towards what consensus means. But I think, in the end, when they saw, for instance, NCSG's comment being the only one consistently against what they want, as long as we are the only ones, that means we are a minority and if we really oppose too

much, we are just being disruptive and that just means that consensus is there, it's just that we are being noisy with no sense. That's my feeling when I approach SubPro, that they are very confident and they have consensus enough for what they're doing.

So, I think that it's not that they are saying that they're not going for consensus or majority. They are actually, in their speech, it's not they're going for consensus. But for us, when we see that process, we are not giving consensus, so how can you have it? That's I think part of the things that when I jumped in I looked at. I don't know if that's real, if it's something we should have to evaluate and see the story of the working group because I really haven't been there. It's just my sensation. They will say they're having consensus and I have the feeling that that's not exactly what I was looking when I joined.

KATHY KLEIMAN: Also, unfortunately, these meetings take 1.5 hours and now they're going to two a week which is just overly burdensome. With only about three or four people talking on each call, even though there's supposed to be over 100 members. I just wanted to share that often after a discussion, Jeff will end the call with, "While the majority of commenters said …" Martin may be right. But they will label it consensus.

AMR ELSADR: I think this is concerning, and unfortunate for sure, especially that over the years we've worked closely with both the registries and registrars on a number of PDPs and IRTS and right now we're actually coordinating with them a lot more closely than we ever have on the issue of the EPDP. Was it Kobe or Barcelona? I think it was in Kobe we had this joint meeting with them where we even discussed how to step up or coordination efforts. I'm just wondering is this something we can try to handle outside of the working group meetings? Is this something we can talk to them about and try to work out some sort of solution or would you like for an attempt at that? Okay. We can talk about it more later. If you think it would help, we can definitely try. Thanks.

MILTON SILVA: Whatever we do, I would like to literally say this, that we should not move a piece unless we have the full history. We bring everyone that works at SubPro – David, Robin, Elsa, Bruna, Farzi, everyone that touched that group – to fully understand what the [inaudible] was, if it was any … If we address registries to go with a coherent and full scope of the problem and what could be a solution, to be very [practical] in that sense and just jump forward of the problem and not just be passively waiting or complaining.

AMR ELSADR: I'm definitely not proposing that we end this meeting and go talk to them. Obviously, we have to talk more about this amongst ourselves first. In principle, if you think this might be helpful, then we can try to work something out.

KATHY KLEIMAN: But for what it's worth, on EPDP, we're on the same side of the law because they're the ones on the financial line if they give up data, personal data. On this side, we're on opposite economic sides. This is about their making money.

AMR ELSADR: But we're still they're customers, right? Aren't we?

STEPHANIE PERRIN: And do they care?

KATHY KLEIMAN: Thanks to Stephanie for the time. I'll just share my motto, that comments don't defend themselves and you really have to go into the working group to defend even the best comments. And by the way, our comments aren't alone. They're separate comments by the Electronic Frontier Foundation, signed on with other public interest groups and clinics around the world that support exactly what we said and even amplify it. So, we're not

alone here. It's that the concerns we're raising we are the voice for, as we've been so many other times. These are important concerns and they have a lot to do with diversity, the global south. If you guys could help, because this is key. The expansion of the root, new gTLDs. I would think this is bread and butter for why we're here at ICANN. If it's not, let me know privately because it seems …

Once you know these rules, by the way, there's a payoff. Once you know these rules, you'll be advising clients in the future on how to apply for new applications, how to be good customers, what these policies are. You'll be at the forefront of what the rules are going to be for the future rounds. I very much care that they be fair and balanced.

DAVID CAKE: I just really would like a little … Can we work out this exactly when they started moving to this the majority of comments kind of issue? Because I think that really is a policy process breaking. It breaks the policy process to make that consideration. It's clearly no longer consensus.

I understand in times chairs may want to resort to an understanding where the objection lies and if it really is just … But a minority objection still needs to be addressed in the process and still needs to be fully addressed. I know that we don't work

on the same model as the IETF, but there's an excellent IETF document written by a guy names Pete Resnick that talks about the principles of consensus. And while I don't think [inaudible] same, I think they're related and that talks very much about if there's one person … If we have 99 people in the working group and one person who's wrong, one person who disagrees, you still don't have consensus if their argument has not been addressed. I mean, the majority can say, "We've listened to your argument and here is our reason, counterargument, and let's move on." That's one thing. But if it's, "Oh, well, it's a minority view, so we just moved on," is not consensus. There's a really crucial distinction there.

In fact, that document also talks about how you can have 99 people dissenting and one person – and it can still be consensus because if the 99 people are just repeating an argument that clearly has already been addressed and clearly does not seem to hold water, then you can say, "Well, we've discussed that and we've moved on." You can keep telling us something we've already dismissed. It's easier to do that in a strictly technical thing. But if 99 people say, "No, no, two plus two might be five," and you go, "No, we've worked it out, we've done the math," consensus is not about … It's no argument unaddressed can be one of the things. And if it is a minority viewpoint and it has not been addressed, it's still not …

So, we need to be … Really clarify about what do they mean by a qualitative analysis. There are certainly times when numbers do matter. You can go, well … In PPSA, we literally had tens of thousands of people who were willing to go, "No, no. This problem is a real issue. Stop telling me it's not."

KATHY KLEIMAN: PPA, by the way, that's proxy-privacy accreditation.

DAVID CAKE: Yes. But you get [inaudible]. If it is a qualitative analysis, not a simple quantitative one, then those minority opinions need to be noted, addressed. You can say, "We looked at them and decided to move on," but you have to have a very clear statement of that or it simply is not our process.

KATHY KLEIMAN: I agree, not our process. Bruna, you just walked in. I apologize. As you know, we're talking about subsequent procedures and I'm sorry we were doing it while you were gone. I mentioned you'd be coming back. Is there anything that you want to say to the group, having really championed and led our comments?

BRUNA SANTOS: I don't think so. As we were talking about it, I think it's the moment for us to actually start strategizing and developing ways into working into this working group, apart from … Because every single meeting we try and try and try to get people to the working group and then now it's maybe the moment to start sharing common strategy around it, and maybe even try to do the collective document for PDPs that we were trying to do. So, I don't know.

KATHY KLEIMAN: Any other thoughts or questions? I do want to thank Martin again for showing up in answer to a call. James, go ahead.

JAMES GANNON: Having not been involved in this at all, just two comments from the technical side. Number one, I think in the next round we will see very, very few instances of the use of RSPs and with the release of Nomulus as an open source registry backend. I can [spin up] a registry backend in ten minutes. I think that's one thing to take account when we're formulating our comments on anything to do with RSPs.

Also, as we heard from the SSAC and the RSSAC as well this morning by proxy. Again, the topic of the technical scaling of the root is not something I would focus our comments on because

we've shown that the root is scalable, and also with the increasing adoption, like the rate of adoption of Anycast instances within the root zone is increasing at a massive rate and the root zone scalability I think is now proven to be worked. Unless we're literally talking about hundreds of thousands which is probably not likely within the next 10-15 years in evolution of the root zone anyway. Again, it's just not a topic area I think we'd focus on for our comments.

KATHY KLEIMAN: Well, it also has to do with what we can handle as a community. After our discussion, SSAC came back to me. Certain people came back and said that they're still wedded to the 1,000 a year. That's still their discussion point.

JAMES GANNON: But that's an administrative restriction. It is not a technical restriction.

STEPHANIE PERRIN: Are we done on this one do you think? We had discussed in passing. We had a little conversation with four of our board members this morning over breakfast. This is a routine regular meeting between leadership, council members, executives, and the particular board members who are interested in meeting with

us. Usually, that's Avri, Matthew Shears, sometimes Sarah Deutch, and sometimes Becky Burr. We've had Maarten Botterman. We've had – I'm going to mangle his name. We've had various board members express an interest in meeting with us and I think we're getting to better and better discussions with this practice.

Anyway, we had a brief discussion with them about our problems in basically onboarding and getting people up to speed to participate in the PDP process, combined with the burnout level in those who are busy on the PDPs and working on comments.

So, we just had a 30-second exchange on mentoring and how well that was working. Kathy suggested maybe we could have a little conversation about the mentoring process, whether it was working, whether it wasn't working, some tips. Does that sound like a reasonable plan? I think it'll feed into our survey that we did on engagement and onboarding. So, Kathy, over to you. I'm tossing it to Kathy because, A, this was her slot and, B, she's been doing the mentoring.

KATHY KLEIMAN: And I'm going to toss it to Louise because we have … Here's the big picture. Lots of people come in through … Who's come in through NextGen? Just wondering. NextGen and Fellows. Okay, this is awesome. The overall question is … And then Louise and I

and Ayden and others were part of something called community onboarding which is a form of mentoring. The question is: what works to have people come in and become leaders? So, for the people who come in as Fellows, NextGen, mentors – and again I'll toss it first to Louise and then maybe to Amr and then to Martin. What happened that was right? I think Bruna also. What happened that was right that gave you what you needed to become more involved? Because we see so many people come through that don't become part of the process that part seem to be interested in ICANN. But how do we find more people? Some of us have to retire at some point, I'm just letting you know. How do we make sure you have … How do we bring more people in to help you in the next generation of ICANN? Then, I will ask the gentleman sitting next to you what he needs in order to become one of our comment writers. Okay, Louise, you first.

LOUISE MARIE HUREL: Okay. I think that, for me, the main thing that really brought me into ICANN and made me decide to stay was really the mentoring approach. That, for me, worked very well. Some people worked through another … They were more engaged in and they react in different ways. But, for me, the mentoring program and being able to work with you and with Ayden, to work with a person that was not that long ago starting out at ICANN but also onboarded really quickly and had an amazing experience. Getting engaged in

the policy process was also very inspiring. For me, to be working in this particular setting with you [inaudible] experience since the foundation of NCUC and Ayden.

So, I think the composition was very unique. The setting and the environment within the onboarding program was very unique, but I do think that we have all that we can to replicate the same environment. Not necessarily obviously with the face-to-face, but we can do that. We can work better with what we have.

And I think one of the things that we could work, just because we opened the box of the onboarding program, is to [re-echo] our documents. I know that documents are the main piece of communication outside from mailing lists over here at ICANN but I do think it's one essential piece. We could definitely do better in bringing just that backup. I don't think we circulate it as much as we could.

KATHY KLEIMAN: I believe the document that you're talking about is the one we wrote together called—

LOUISE MARIE HURAL: Yes. Exactly.

KATHY KLEIMAN: "NCSG in Bite-Sized Pieces."

LOUSE MARIE HURAL: Yes, Exactly. It's different from a fellowship program because a fellowship program gives you the process view. It gives you a very dry view sometimes of ICANN. It's the purpose of the program and that's okay. So, what is the differential that we bring to the table? I think with these types of documents, we can bring something more which is how do we engage in policy? How do we see our engagements in policy? I think many of the people that are new to be it our constituency or stakeholder group, they actually don't know the differences. They actually don't have any kind of clarity sometimes as to how and what we advocate for. That should be clear from the start but I don't think it actually is. So, I'll stop there. Thank you.

KATHY KLEIMAN: That's a really good point, that we did … By going through the history of our documents, pivotal documents, we worked it through together. Milton, I'm adding you to the queue, to the end of the queue, as a mentor, clearly not … What works? I just wanted to give you a head's up on that? Amr, go. What works?

AMR ELSADR: Every time I'm asked this question I end up making everybody really angry. I'm going to try to keep a smile on my face while I do it this time because in Barcelona I kind of lost it.

I have a really grim outlook on what works. You're asking me. I'm going to be honest. I don't think any of the onboarding or mentoring or any of that stuff will ever, ever work unless you find people who are able and willing to dedicate a whole ton of time to policy development in the GNSO. You could build capacities as much as you like, you can mentor as much as you like. You can onboard them. I'm not sure what that means. But unless you find someone who's willing to get on calls for 90-180 minutes a week, read 40 to possibly 100 emails per week, and a few of them, read a whole bunch of documents that are being drafted, engage in drafting them as well because we're drafting these documents with other stakeholder groups and constituencies where we have conflicting interests, argue, make friends, make enemies. Unless we find people who are willing, and able, to do all this, nothing else is really worth it.

KATHY KLEIMAN: One of the things that we had, that I had as a rule before somebody came in as my mentee, was you had to join one of the working groups I was part of. There was a choice. Louise did it. Ayden did it. That way, A, we were working on something in

common. B, it helped save me time even though I was spending time with mentoring, by doing the first draft of documents, reading a few papers and letting me know what was going on or helping with the … We could work together.

So, my first mentee actually was very into accountability and I wasn't. So, she had a million questions about accountability. That's when I realized you really need to partner people up with people who are interested in the same things they are. So, Ayden and Louise, you both joined RDS, I think, which was looking at the next generation of registry directory services privacy. It worked out. So, I could help you, as we move forward in the same direction on a working group.

So, Amr, I think you're absolutely right. These guys jumped in with both feet into the deep end of a working group.

AMR ELSADR: That's exactly what I did as well back in 2012 on thick WHOIS. What you're saying is exactly what Rafik told me at the time. I had already been a member of NCSG for a couple of years by then but I wasn't getting anywhere. That's what he said. He said, "Get into a PDP working group." By coincidence, that one was starting. I had no idea what WHOIS was at the time. Well, I had a feint idea. I joined it. I was one of two NCSG members who joined it and we

were both pretty green. None of knew what was going on but we got on and it was a learning experience for sure.

It's not just about joining that working group. That's just the first step. You joined that first working group, you get experience, and then what do you do once it's done? Do you join the IRT? Do you build on it by moving on to the next working group where you have more experience and you know more about the context and history and your contributions will be even more significant? Ideally, it would be a long-term investment. It's understandable that people can't make that sort of commitment. There's no way to blame someone for not being able to do it.

But if we can find and identify people who are willing and able, that would be fantastic. I think that would be the key thing we need to achieve.

KATHY KLEIMAN: Fantastic. I understand that we have to stop the conversation now and move on to our next agenda item, so you're off the hook, Milton. Sorry.

STEPHANIE PERRIN: Not really. We'll grab you when we do discuss our survey that came up because that's what we were trying to look at. The

survey was how we're meeting the needs of the community for this onboarding. So, stay tuned on that one. Thank you.

I'd now like to turn the podium over to Brian Cute who has come to tell us about the multi-stakeholder model. I have to say it is a much nicer room today than the one we listened to you in yesterday. My hat is off to you. I was dying in the back row. Not your fault. Kudos to you for soldiering on in that heat in whatever that room is called.

BRIAN CUTE: Thank you. It was the end of the day. Frankly, I had gotten a little bug of the fever here. I didn't have a lot of energy, either, to try to help lift us all through that. So, thanks for that. It was a bit of a slog.

I hope that in what I share now I can put a little bit more focus on exactly where we are in this process and exactly what the next steps are and that's my aim in this discussion. So, thank you for inviting me in. Let me just start at the top. I just have three slides. I'm going to try to be as clear as I can and then hit me with any questions you have.

So, this work, evolving ICANN's multi-stakeholder model, to go back to the top, is part of the strategic plan for 2021-2025. What you have in front of you is a little bit of a work plan or workflow

chart that starts with the strategic plan. So, there were five elements of the strategic plan. This is element number two. Then, within the plan, there were strategic goals that were developed for each of those elements.

Number two on governance, how do we evolve the multistakeholder model so that it's more effective and more efficient? Has three specific goals within it. Those have been defined by you, the community, working with the board and working with org.

So, the next step is to develop inputs to the five-year operating plan. Not just for this one, for all five. I've been tasked to facilitate the work to develop the work plan that becomes part of the operating plan for strategic objective number two. So, how do you develop that? How do we develop that? In a very simple way, we need to identify the projects that need to be done over the course of the five years, done and delivered, so that the strategic plan is delivered itself, the goals are satisfied.

So, really, we're at the point in the process of defining what projects we're going to take on to deliver on strategic objective number two. So, the first step in that process was developing the issues list, which we've done as a community. We developed an issues list. What are the issues that we believe we need to address, that we need to develop solutions for, so that the multi-

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stakeholder model operates more effectively and efficiently? So, those issues have been identified by the community.

UNIDENTIFIED FEMALE: [inaudible].

BRIAN CUTE: That's not in the slide deck. I'll pull it in a moment. What we need to do, as step two, is develop a work plan. So, just think of a basic project in our organization. You've got a project. You need to identify who's going to take on that task. Who's going to deliver and by when? And what resources are they going to need? It's really simple project planning.

So, the work plan part of it – and if you can go to the next slide. This is the work plan that we started to work on. So, the issues – and I promise I'll pull up the issue list. We may have to go online to do that but I'll pull it up.

The issues will go in column – on the left. The next step in developed any project plan is to identify who owns that task. We have to develop a solution for this issue. Who owns that task? Once we identify who owns the task, we ask them, "When can you deliver by?" In this case, within the five years of the strategic plan. We then ask them, "What resources do you need to deliver that or

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develop that solution?" So, that's where we are. We're beginning this part of the process.

And where we started focusing the discussion yesterday was: who owns this issue? Who's going to take on this task. Again, this is about improving the effectiveness and efficiency of the multi-stakeholder model, how we develop policies, how we make decisions, how we deliver our work. So, if we can go to the next slide …

This is the example I want to walk you through and then open for questions and I'll dig up the issues list. The first issue on the issues list was prioritization of work. It was noted by the community through comment and input that prioritization of the work is an issue here. At ICANN, it's a challenge. There's a quote here from among the many comments on this. "Without prioritization, ICANN Org and the ICANN community will continue to try to do everything all at once, each valued with the same sense of urgency. This is not sustainable."

So, the comment from the community defined the problem as we have two many workstreams, we don't have enough resources, people are stretched too thin, we keep creating work streams. And without prioritization, this is not sustainable.

So, it is true that each of the stakeholder groups, each of the SOs and ACs here, go about the business of organizing your work, of

prioritizing your work. And that's appropriate for the respective entities and stakeholder groups who do that.

What about the question of the totality of the work here at ICANN? Not just PDPs, cross-community working groups, review teams, and other work streams. It's the totality of the work that is stretching the resources too thin. It's the totality of the work that's taking members from respective stakeholder groups and assigning them and depleting resources from your own work. That's the problem as defined.

So, yesterday in our conversation, by way of example, if the question is who owns this issue, who is going to take on developing a solution or an approach to propose to the community on how we prioritize the work?

The suggestion yesterday was, well, it can't be the board. The board should not prioritize the work here. It should be the community. And if it's the community, then who within the community might take on that task of developing a solution?

What surfaced yesterday was it could be the AC and SO chairs as a group. That could be who takes on the task of developing a solution, delivering it within the five-year strategic plan timeframe, proposing that. And then they would say, "These are the resources we're going to need to be able to deliver that solution."

So, I wanted to walk you through that example, that where we are in the process right now is beginning to fill in the work plan issue by issue. Identifying the owner is the first step. Who's accountable to develop a solution? Then, once we have the owner identified, working with them so they can project a delivery date within the five-year strategic plan and tell us what resources they're going to need to develop that solution.

So, first of all, I hope that was clear enough by way of example, and if not, any questions you have.

STEPHANIE PERRIN: Thanks, Brian. Let me drag you through my very favorite worst example that drives me nuts. As a member of the EPDP which has been slogging on and the RDS before that and the EWG before that – and I'm leaving out a few. Anyway, we had last year, for the last two years actually, the RDS Review 2. The board, Goran, attempted to kill that by doing an [inaudible] around it and going to the GNSO and there was a fuss raised at the GNSO basically about process. It was a top-down, seemed to be coming from the board and it was not up to the board to discuss priorities.

However, there we were in the middle of a massive effort to finally look after the WHOIS through EPDP and the temp spec and all these really big operations going on and we were reviewing the old umpteen-year-old recommendations – I'm sitting beside one

of the co-chairs of the RDS Review 1. So, it's not that maybe that report needed to be reviewed but not while we're doing GDPR compliance. And there was a big budget attached to that. To Alan Greenberg's credit, he didn't go ahead and blow it all. But it was a lot of work for something that wasn't to be particularly relevant and we couldn't – I tried. I couldn't kill that thing with a club, partly because of the way the board had attempted to kill it and partly because a couple of players wanted.

I don't see how the community will not be facing the same problem in setting priorities all the way through. So, I hope you've got an answer for that one. What do you think?

BRIAN CUTE: Thank you, Stephanie. What you described is a symptom that came through loud and clear through the totality of community input, the nature of the problem. Too many workstreams, workstreams that go on forever, that don't retire. There's not enough people. There are changes made mid-stream. There's [inaudible] precision and scoping that works. So, what you just described is a symptom that came through loud and clear. And it's not for me to determine how this gets solved. It's really for the community through this effort in the strategies plan.

Using yesterday's example, if – and this is just using this as an example. If the SO and AC chairs were tasked to develop a

solution on how the work gets prioritized here, that could be one of the things they strive to address, the dynamic you just described.

Now, to be clear – and this came out in discussion yesterday – if the SO and AC chairs were the group to take on the task of developing and proposing a solution, it would necessarily require coordination and engagement with ICANN Org.

The board won't set priorities here but it would involve coordination with the board because the board in its role also has oversight over resources. There's a limited set of resources. So, there would have to be some coordination that I think could get at the problem you just described and that would be for the AC and SO chairs to take on develop as part of a solution. I hope that answered your question.

STEPHANIE PERRIN: Well, I could talk for an hour on this but Tatiana has her hand up as well, so others have a chance. And Milton, too.

TATIANA TROPINA: I'm really sorry. I want to see the list of issues, so I'm not going to give up on this. Maybe you can just read them if they cannot pull up. But I think this is important for our conversation.

MILTON MUELLER: I'm going to raise larger issues, so maybe if you can answer Tatiana's question, I'll defer.

STEPHANIE PERRIN: Maybe we could go to Amr while we wait. Amr?

AMR ELSADR: Okay. It's a general question, I guess, or maybe two of them. I'm not following this process very closely. I'm sure others in our stakeholder group are. But this isn't the first attempt at improving efficiency and effectiveness at ICANN. We do this all the time in GNSO. We've had a couple of GNSO reviews. We've got another one coming up at some point. We had the PDP 2.0. We had the PDP 3.0 which is being implemented now.

I found that, although sometimes it's necessary and we don't know how it's going to turn out, but seeking the improvement of effectiveness and efficiency often has other repercussions and mainly openness and inclusivity.

Traditionally, GNSO has developed policy – this is as an example. The GNSO has developed policy through open working groups where anyone could join them and all you need to do is really fill out an SOI. You don't even need to belong to an ICANN SO or AC

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to join one. This is changing. We see the EPDP team right now and then PDP 3.0 is going to standardize this. It's always been an option in the GNSO operating procedures and the PDP manual, but the council has always opted to have this open working group format.

The community and staff have reached a conclusion that it makes these working groups extremely difficult to manage and you get PDPs that drag on for years with no one being happy with the outcomes. Sometimes, that's a sign of building consensus. But that's not the point.

The point is that the proposed solution is let's keep these groups tight. Let's have different ACs and the different stakeholder groups and constituencies in the GNSO appoint a few members and not open it up. That way, you'll have 30 members on a PDP instead of 200. That should make it easier for them to reach consensus because you've got fewer issues being represented, basically. It's also going to be easier for staff to manage the workload. Hopefully, it will get done quicker as well.

But there's a tradeoff here and we don't know whether it's a good one or a bad one because the GNSO has always prided itself on being open. One of the things that gave the GNSO legitimacy to manage gTLD policy development is that it's open and it's transparent. This is not going to be the same moving forward.

So, I'm just wondering, in the course of your work, are you planning on taking note of that where there may be some sort of tradeoff and whether it's going to be worth it or not? At least acknowledge that there might be. I don't know if there will be. I'm just wondering if this is something that's in your plan or not.

Another question, which is totally unrelated, I was wondering if you considered bringing in maybe anthropologists or ethnographers to something like this? You were taka a five-year plan, right? These folks are usually really helpful in mapping out a work culture and especially if there are recommendations that [change it]. They have experience in this sort of thing. So, I was wondering if you were talking about bringing someone in, if this idea had been toyed with at all. It might be helpful to have a sort of academic ethnographic or anthropologic study of ICANN going on while this work is going and maybe help inform what you're doing. Thanks.

BRIAN CUTE: Thank you very much. If you can scroll up just a bit, I think there's a listing of the issues. I'm not sure if it's … Ah, okay, it's [inaudible] like that. We'll scroll through that in a moment. If you hold right there, actually. One down. We'll go through the whole thing.

So, to your point, representativeness and inclusiveness have been identified. Not just identified, but through community input,

going back to Barcelona and then in the Kobe session and then webinars that we held. Then the public comment period that just closed – identified as so closely related that they should be addressed together in developing a solution or an approach or a methodology. So, yes.

And yes, much of the comment spoke to the issue you were talking about in terms of openness and how many people attend. Yes. My role, to be clear, is a facilitator of this work. This is not my work. I am not directing this. I am not putting my thumb on the scale. My role is to engage in a conversation with the community and facilitate that in a way that you are … I am a mirror. I am reflecting back to you your inputs and reflecting back what you are saying the issues are. That's my role. Culture is on this list. Along with culture, trust and silos combined. So, your suggestion about an anthropologist is well-taken. Culture is critical. Trust is critical. Right?

So, yes, those issues are there. And the question will be if representativeness and inclusiveness are issues that someone needs to pick up and develop a solution or approach to deliver within the five-year strategic plan period, so that the plan can be fulfilled and we can improve, then who is that? Who is the appropriate? Is it a single AC? Is it a single SO? Is it the community as a whole, like the example of prioritization of the work could be? Is it the org? Is it the board? This is the step of the process we're

in. That's exactly where we are. Everything you've said has been validated. The questions you've raised have been validated by the input of the community.

MILTON MUELLER: I just don't have good feelings about this whole effort, Brian. Number one, when you have a process – a good process – policy processes, you have a very clear understanding of a problem. So, I'm not sure what problem you're trying to solve in a clear way that really is specified in a way that it can actually be solved. When you talk about evolving the multi-stakeholder model, you're posing this as a very broad thing that could mean almost anything.

The main problem I have with this is that it is not … It is a top-down initiative. It's coming from Org, is it not? Is that correct?

BRIAN CUTE: This is the strategic plan that was developed in consultation with the community through the normal process. This is strategic plan 2021-2025.

MILTON MUELLER: So, in the strategic plan, it says we should have Brian Cute leading an evolution of the multi-stakeholder process?

BRIAN CUTE: No, no. There's a strategic objective number two that is on governance and that gets to the – under culture, work processes, and working methods. That's what this is about. This is not about structural change.

MILTON MUELLER: But here's the deal. Fundamentally, this committee has been created by the Org and it's been superimposed on a bunch of other processes. This is what keeps happening. So, we're working on GDPR compliance and suddenly there's a technical study group that's created out of the blue by the Org. I could probably come up with ten other examples going back to the time of Fadi. There's Presidents Commission on this and the Presidents Commission on that and you say, oh, we're not prioritizing things. Well, we're getting thrown stuff at us from top-down initiatives. How can we prioritize stuff?

It seems to me that we have organs in place. The GNSO Council is perfectly capable of setting its own priorities. But when they go through the normal process on almost anything, like from curative rights on forward, they get hijacked. They get sidelined in various ways and they have to do the work all over again. It's very frustrating. It's simply a matter of if you want prioritization, now what I see happening is that you're talking about further

centralizing a power in the hands of committees that are further removed from the bottom-up process and possibly very directly influenced or initiatives taken by the Org. It seems to me that this whole thing is very potentially dangerous.

I understand the distinction between structure and process but if a process – there's a famous American politician who said, "I don't care about ideas or anything, just give me control of the procedure and I'll control the policy." That was a fact that that's how political processes work. If you can control the procedure, if you set the priorities, if you set the agenda, you control the outcome. That's a very broad expression of frustration. Not really directed at you. It's just we feel blindsided again.

BRIAN CUTE: And I've heard that and I fully appreciate that. I understand this is another thing and the strategic plan is a priority itself. You heard Cherine say that this is the first time that we're going to have an operating plan, a five-year plan, that's fully costed to support the priority that the plan is in delivering on the goals of the plan. So, that's the impetus.

I hear the frustration and I get it. What I'm striving to do in my role is to make this as lightweight as it can be. I very purposely chosen the concept of a conversation which we began to have in Kobe

and really try to create an environment of conversation because I believe a lot of things can be resolved that way.

And while calling for public comment, because that's an important piece [and that's work], I understand that. This is priority work for the community. And the most telling thing to me in getting all of the community input so far is that no matter what stakeholder group is speaking, you're all describing the same pain points in the system the same way, regardless of advocacy point of view, regardless of stakeholder group.

That means two things. There really are issues here that are creating inefficiencies and ineffectiveness and everyone's feeling the pain. It means we have an opportunity. If this is viewed as a forward-planning opportunity to reduce inefficiencies and make the processes more effective while minding the equities which will have to be addressed along the way, then there's something to gain here.

STEPHANIE PERRIN: Sorry to interrupt but we have five minutes and four people – five people – in the queue I think. I'd like to take Farzi who is online and who has been waiting a while and then Tatiana, Theresa, and James.

UNIDENTIFIED FEMALE: You can take me out of the queue.

STEPHANIE PERRIN: Okay, over to you, Farzaneh. Can you hear us?

FARZANEH BADII: Yes. I can hear you. Can you hear me?

STEPHANIE PERRIN: Yes.

FARZANEH BADII: I just wanted to clarify a couple of things because during this ICANN strategy planning, I was the chair of NCSG and this is not a community consensus document. ICANN went to every group in the community, the non-commercial, the commercial and they said, "What do you want? What do you want?"

Basically, this is not something that we all gathered together and agreed on that these are the problems. The problem with the process that you are just getting these inputs separately and we have not come to consensus to actually say, "This is the problem that everyone agrees."

So, no, this is not a community document. The strategy is not a community document. The mere fact that we just get comments

from the community in their silos doesn't make it a community document.

Then, remember that the efficiency and effectiveness of the process and how do we overcome the problems were the board's question to the community. If you remember, a couple of meetings, we had the board. The board kept asking: how do we sort out the problem with efficiency and effectiveness? We were kind of like, "Well, we are working on it at the GNSO." There's the PDP 3.3 and stuff like that and we responded. But the board kept telling us that we are not efficient, we are not effective.

So, this is definitely a top-down process and we cannot really work with it in silos. We need to have a group of people that would also waste our time, again. I'm just making the point that this is totally board plan. It's ICANN Org. It's board. It's not a community process that we are all engaged and agree on things all together. Thank you.

BRIAN CUTE: Thank you.

STEPHANIE PERRIN: Tatiana?

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TATIANA TROPINA: Thank you very much. I have several concerns about overlapping the work, and I think, Brian, I said this on the GNSO call when you were there. I'm sorry that I asked you to pull out this document. I should have saw it. It's from the 12th of June. So, I did see this document. I just want to flag some of the issues.

I do appreciate that you say that some of the issues, like transparency and accountability, are indeed covered in the work stream 2 and you want to avoid the duplications. But I think what gets lots here totally is that some of the issues are also covered by already adopted but not yet implemented work of different parts of the community. For example, PDP 3.0 of the GNSO.

And when I go through the list of issues, I see where the clear overlap is. Scoping of the work, covered in PDP 3.0. Representative and inclusiveness, covered. Consensus, covered. What I see here, I see the danger that those parts of the community, especially who are not a part of GNSO, for example, would be unhappy with the result of PDP 3.0 and would try to reopen the issue on a meta scale on the ICANN scale, while this is clearly not their home.

So, if we are going to continue with this process, I would like to flag again what Milton said. Some of the parts of the community are perfectly, perfectly able and fit to scope their own work, to prioritize their own work and it wouldn't be always the same for

the entire community. We all have our own priorities and this is already covered in different documents. And I believe that this duplicates the efforts or delays the implementation of what we already have.

Then, while you want to avoid the duplication of the work stream 2 accountability, I still see some of the issues – for example, terms. I believe that was covered somewhere in AC/SO accountability.

So, I'm wondering if there's any chance to put together the group of people who were involved in the work stream 2 or PDP 3.0 together with ICANN staff and just map the issues that are already covered and just strike them out because there are three dangers. We are delaying the implementation of what is already there. We are duplicating the efforts. We might come up with contradictory conclusions and recommendations. Thirdly, where I see the big danger, that people who are not happy with the outcome of either work stream 2 accountability or PDP 3.0 or any other process will try to reopen the issue on the meta level and I already see this going on. Honestly, I wouldn't welcome this. Thank you.

BRIAN CUTE: Thank you for that and I agree with you. I think if there are tools that have been developed or approaches that have been developed, if there are solutions that are in the process of being

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developed, we don't want to duplicate work unnecessarily. So, we need to take note of that. We can take things off the table.

Again, the next step in this process, which this will be put out for public comment. We had a discussion to begin the conversation about who should own or be accountable for developing a solution here. That will be put out for public comment and that comment is an opportunity, to your point, Tatiana, to identify if there's other tools that exist, if there are other processes that are being developed that could be solutions that benefit not just maybe a particular stakeholder group, but perhaps the entire community. Let's identify them and be efficient about what we do here.

STEPHANIE PERRIN: Thanks very much. I'm going to note that down as an action item for us to go ahead and see if we can strike that group to identify those issues. I would add a fourth to your list, Tat, in that forum shopping leads to a lack of trust. Over to James who has been patiently waiting in the queue. Thank you.

JAMES GANNON: I'll keep it very, very brief because I agree in substance with a lot of the comments. Number one, if we look at the actual wording in the strategic plan, there was never an indicator for the

community during our comments or feedback process that an immediate kickoff of a work plan session on centralized manner … Even if it's going to be done by the community, a centralized process to manage the evolution of ICANN's model, it just wasn't there in true honesty and I engage deeply in the strategic planning process. It was never brought up as a possibility. So, that's a slight concern in that point.

Also, in terms of just optics on this. I think that the conversation is good. I think having the conversation, having somebody to facilitate the conversation is a good concept. However, I'm very concerned about timing. Given that we have still work to do to complete the transition, we still have work stream 2 coming along. Having these conversations now, even if they are just initial conversations, from an optics point of view does not necessarily mesh very well with the community. For the community to see a continuing process on still not getting to even board management and board implementation of the work stream 2 accountability measures while reopening what appears to be a board-driven or a board-initiated conversation about evolving a model that we haven't even finished implementing yet, it fosters some distrust in the community and I'm sure you're seeing that through some of the comments that you're going to get back.

As a proposal, I doubt it will happen. I would love to see this information gathering happen, and then maybe as part of the

work planning piece, maybe look at a deferment for maybe 12 months, 18 months, until really the work on work stream 2 is being finished. Your first item that I think you probably heard most about is volunteer burnout. Here we have another very, very important heavy piece of work that's going to be put in front of the community when, at the end of the day, the community has not asked for this – yet.

STEPHANIE PERRIN: Sorry to cut you off, James. Can we have one quick comment from Kathy? Because we're stealing time from the ATRT.

KATHY KLEIMAN: I was actually going to echo what James said, which is that tabling this for a year – and I understand you're not the proper person to talk to about that because you've been assigned to do it, but we have board members here and we raised it. It came up. It arose as a solution – a possible solution - this morning in a board breakfast with NCSG with some board members.

In addition to what James said, we also have an EPDP going through as well as two major PDPs, all of which should be largely completed by next year. If we table this for a year, you will have much more attention. So, I raise that to the board members here. Thank you.

STEPHANIE PERRIN: I don't know whether you want to say anything, Brian. You're probably going to say—

BRIAN CUTE: No, and I noted the comments to that effect. By the way, you were very clear on that point and others have been as well. Thank you.

STEPHANIE PERRIN: I wouldn't blame you if you insisted on having further meetings in over-heated rooms because we were a lot quieter yesterday afternoon.

BRIAN CUTE: Indeed, much more comfortable, believe me.

STEPHANIE PERRIN: Thank you very much. We have not actually got a comment into you. We hope you'll read it when it comes because it is sooner or later going to emerge. That's a testimony to the overwork we feel we're under under the moment.

BRIAN CUTE: I will. Thank you, Stephanie. Thank you, all.

STEPHANIE PERRIN: Thank you very much. Now, I'm sorry to have stolen some time from ATRT-3 Leaders Briefing. We have Cheryl Langdon-Orr and Pat Kane.

CHERYL LANGDON-ORR: Thank you very much, Stephanie. It's a real pleasure on behalf of the Accountability and Transparency Review Team (that's the ATRT part) iteration number 3. In other words, we're the third time that we've done accountability and transparency review teams. Now, I've said that in full. You will know now when I say ATRT-3 what we mean from now on.

What I'd like to do is if I can get the members of the Accountability and Transparency Review Team to stick their hand up now and go, "Here I am." Daniel, don't hide. Come to where people can see you. Come and sit next to me. Come on. Seating on either side of me. I won't bit, at least not in public. I just do it to upset Kathy. She loves it when I [inaudible].

So, look around. Have a look at those people. These are obviously people that you can link to at any point. Sebastien, why don't you step forward to the table? At any time on matter of accountability and transparency.

That said, what we have been asked for is a brief update and that's what we're going to do. What we've been doing with other people, other parts of the community while we're here however, is not so much as a brief update but we had posed these questions and you can see those on the screen. Now, these are exactly the same questions as we have posed to every other group we have met with. So, keep these. If we don't get through them in the time allocated, that's fine, because we are open for data gathering and we want to hear your joint, your agreed, your bifurcated and your individual thoughts on any of these issues, and indeed anything else on accountability and transparency. But these just might get us started.

We are also going to be sending out a survey. It will be probably coming out in the late July, August timeline and there will be much more specific information sorts. So, if you can find an un-burnt-out volunteer or three, which might be a challenge at this point, to perhaps start thinking about matters that you might want to share, raise, or interact with us, that would be great.

Before we go to these questions, I'm going to ask Pat – and just to make clear, Pat and I are the co-chairs. Each of the component parts of ICANN have sent us members on the review team. Maarten is our designated board member, somewhat similar to having a designated driver at a barbeque, but much easier to work with. And we have five people from the GNSO. You may as

well put your hands up now, including Pat. We have four people from the ALAC. Put your hands up now, including me and Sebastien. We have SSAC. We have the GAC at the far corner. I don't think I've missed anybody, other than our fabulous staff who are always overworked and under-recognized. What am I doing? ccNSO! You're hiding! Demi, I am going to get you to sit at top table eventually. My personal objective is to get Demi to sit at top table by the end of this process.

So, we've worked in four work parties. Many people are in several work parties. Our work parties are in four general topics and there are two co-leads, pretty much all of which, although I don't see [inaudible] in the room – for each of those work parties. There is a work party on all things board. There is a work party on all things GAC. There is a work party on community. And seeing as you might have some things you want to talk about in terms of community and effectiveness of policy development and things like that, having just listened to some of your last meeting, I'm going to get Michael and Erika to put their hands up again because they're the leads on that one, just so you know. Community. There's even – and this one always cracks me up – a work party on reviewing reviews. I just find that amusing.

That said, have I missed anything? Pat, you want to tell them what we've done, where we've been or leave that to the end? I'm totally open. Leave that to the end? Fantastic. And if you don't know

what we've been doing and where we're going, we put out blogs. Read them.

So, first off, I'm going to ask Vanda – and why am I asking Vanda and Lou? To add some depth and color to the first question is they are the co-leads for the GAC work party. So, Vanda and then perhaps, Lou, if you wanted to add anything. Over to you, very [brief].

VANDA SCARTEZINI: Okay, thank you, first of all, to have us here. Our expectation here is to learn from you how are your interactions with the GAC, and if you're satisfied, if there's something to be improved? Do you have suggestions for this improvement if it is [inaudible]? So, it's just that. Just an idea, the previous idea, and how the group is really working with GAC, interacting, get some feedback or how they can help each other. How can they help each other? If you see something that could be improved from that. That's from GAC perspective group. That's it. Thank you.

CHERYL LANGDON-ORR: Stephanie, I'm assuming you'll handle any queue if it comes up, or do you want us to go through all questions and then open the floor to all? Up to you.

STEPHANIE PERRIN: What do you think would work best? We have about another 18 minutes or something like that.

CHERYL LANGDON-ORR: I was running for 15, but yeah.

STEPHANIE PERRIN: Well, we still have a few from you.

CHERYL LANGDON-ORR: Yeah. I was trying to bring it home on time, but that's okay. I'm perfectly happy to take them all through and add any depth and color for each of the questions and then open up in general.

STEPHANIE PERRIN: I think that might be better, easier to manage, make sure we get through them all.

CHERYL LANGDON-ORR: Perfect. So, in that case, we're going to toss it to it looks like Michael, because he's raising his eyebrows at me.

MICHAEL KARANICOLAS: Hi. My name is Michael Karanicolas. The second question that you see is about perceptions of transparency as well as accountability

within policy development processes. But I do want to encourage you in addition to the questions that are on there, if there are particular issues that we've missed or particular issues of really community prioritization that you want to discuss that you shouldn't be shy about throwing those out as well. The one that we have here on the community side is about perceptions of transparency and/or accountability challenges connected to PDPs.

CHERYL LANGDON-ORR: I might just suggest that the last one should be blatantly obvious an self-evident but if there is anything else you wish to share from your perspective, personal or otherwise, about accountability and transparency in ICANN, or indeed in your own entity or the GNSO whatever subcomponents you want to discuss, then there's a place for that. But we certainly would expect you might want to follow through on some of that after some further conversation. So, Stephanie, back to you of queue management.

STEPHANIE PERRIN: Right. At the moment, I don't have a queue. Milton?

MILTON MUELLER: With respect to the GAC, I think at least within the EPDP which I've been involved in recently, the working relationships with the GAC

members has been good but I think that kind of overlooks the main problem with the GAC which is not our relationship as a stakeholder group to them. It is the structural problem of the way they are able to essentially hijack a process and hold the board hostage, either because the board is afraid of governments, of displeasing governments, or because of the time delays involved in this process of negotiation which is part of the bylaws.

So, we just have so many examples of processes in which the GNSO has made a policy and the GAC simply doesn't like it. Then we are confronted with an endless string of renegotiations with the policy which then maybe take four or five years. I guess the most recent one would be dot-amazon in which there was really nothing out of bounds about the application but the GAC decided to change the rules that would be applied, and then said they didn't like it and then we went through five years of negotiation about the TLD. Seven years, depending on where you count. But yes, I'll take seven if you want.

So, that, to us, is the problem with the GAC. We always feel like we can be – the ground can be cut from underneath us. It's very hard to know what the result of a policy process will be. Again, when you get the GAC members participating directly in a multi-stakeholder committee or working group, it's actually much better than it was a long time ago. But the GAC, as an entity, is still problematic.

STEPHANIE PERRIN: Thanks. Who's next? Maryam, I can't see Farzaneh. She's not there anymore? Okay. Over to Kathy then next.

KATHY KLEIMAN: Great. Thank you to people who serve on review teams because it's a gift to the community and extra time that you're spending – incredible amounts of extra time, so thank you.

I'm going to follow-up to Milton briefly and then go on to a question that links us to the last session. So, IGO-INGO. When you're looking at GAC, please let that endless cycle of we negotiate a policy, it gets kicked out, we negotiate it again, it gets kicked out. It's coming back in for at least the third time on the [inaudible]. Let's not do that.

Subsequent procedures, we would love to see GAC members participating. We could use them. We could use them now in creating the rules for new gTLDs, something they should be involved in and they should be very interested in. They don't want to second-guess that process later and they may not be able to. It's much better if they could be involved now.

So, I don't know how we let them know when there's a PDP going on that, even without the consensus of the GAC, their individual knowledge and expertise could be extremely valuable and they

could make really substantive contributions as we try to talk about diversity, global south, IDNs, internationalized domain names could be immensely valuable and not controversial.

So, linking back to the last session, how do we not do this again? It's a question really not for community members but for the board. How do you prevent sending something back, sending something down, like what Brian has that appears to be duplicative, ambiguous, overburdening and ill-timed. How can we stop it and then not do it again? Or stop it, delay it, until it's the right time? But not do this again. This has happened before. PDPs have come down from the board when we were already overburden. So, how do we not do that. I'm glad you were here for the end of that discussion, even though it ran over a little bit. Thanks.

STEPHANIE PERRIN: I don't see anyone else with their hand up around the table, so that means I get to put myself in the queue. I must say that, as a former government person, I have some sympathy for my government colleagues in the GAC but I'm sort of dismayed that an organization that is as mature as ICANN is hasn't got a higher maturity level, as it were, in terms of how we run these things.

Now, the GAC is a particularly peculiar creature here at ICANN. I understand that. But I don't see how they function at all with 100

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new members coming in in one year without a stable secretariat that has funding arrangements. Even the data commissioner sorted that one out and figured out how they would run their permanent secretariat and they're under-funded.

So, I don't mean that as criticism of my government colleagues, but I think that seems to me to be such a priority because they can't work effectively. No wonder they're coming in chasing behind the train after we finish a PDP if they're not appropriately resourced, structured, set up, all those kinds of things. So, I think that need some attention rather quickly. Some of these governments at least are operating back home on math and [inaudible] maturity models and they should be able to map that out to how it works at ICANN, in my view. And if they need help, we'll form a sub-team and help them. So, that would be my comment on the GAC.

In terms of transparency and accountability – and we nag the board on a regular basis on this one, so I'll just bring it up again – it seems to me a no-brainer that ICANN is accountable for the documentation that it has amassed over the last, what, 20 years? And we don't have a librarian. We don't have an archivist. We're constantly having new "let's fix the website". I mean, I am old. I don't do Wikis. There's a new "oh, we're going to spice up the website, we're going to tweet". No. Let's manage the documents. Let's get someone who can help our new members who come in,

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including those 100 new GAC members, to find things, to track the history. A research librarian. They're cheap. They don't cost as much as the IT guys do. I don't understand it. So, please. We're going to keep nagging you forever on that one and that's a no-brainer. Thank you. I think that's probably enough out of me.

CHERYL LANGDON-ORR: I've just got to say well-noted to that. Maarten, go ahead.

MAARTEN BOTTERMAN: Just saying that in our deliberations we considered this. Also, like transparency of GAC. I was fortunate to be able to point at the website where it was clear that the transparency has greatly enhanced and people weren't aware. So, please make also note of those things you appreciate and say, "We want more of that."

For instance, if you look to the GAC Communique, an excellent track of what's been said, what responses were, how to follow-up with, and I think we're really moving in the right direction. So, rather than just smiling about what still doesn't work, please point at that as well.

CHERYL LANGDON-ORR: So, with that, I see Lou and Vanda. Am I allowed to let them know something about the case studies you and your team are looking

at? Just a little bit. I'm not asking you to do it, Vanda. I'm just going to give them a little tease and say you happened to have mentioned as issues to focus on. What just happens to be the case studies that the GAC work party have chosen. So, hopefully, you'll be happy with the fact we're doing an analysis on the exact two issues you raised and that is … Let's hope. We're not sure we can give solutions but we'll certainly be looking at the data and seeing what the problems might be.

So that I'm very aware of all of your time, and I'm certainly aware that our team has had a long day as well, but I think we've learned some new things in this room and I'm pretty confident that, seeing as we've left every other room saying, "Gee, that was really valuable," we'll be saying exactly the same thing to each other again. I'm just going to ask Pat if he's got anything he wants to wrap-up with.

PAT KANE: Since we got a couple of minutes, I'll just tell you where we are in the process. So, ATRT is unique in that we have a one-year mission. We started the first week in April. We intend to be done by the end of March 2020. Right now we've finished our TOR. We submitted that to the board for review. We expect to get some feedback on that. It would be great if you'd take a look at that. It will show the goals that we're going to take a look at and then

we'll go through the data collection. We'll do data analysis and we'll have our first rough document probably by the end of September with the objective to publish before Montreal the first initial document to the public. So, we've got a lot to do in a short period of time, so hopefully we can reach out if we have other questions and we'll see the survey. I just wanted to say thank you on behalf of the team for your time today. Thank you.

STEPHANIE PERRIN: Marvelous. Thank you very much. If we think of other things other than – thank you, Maarten for reminding us that we should throw the flowers when we see the improvements. Certainly, sitting on the GNSO and we know that that document has improved immensely and it really has been great. So, thank you. But we will send these comments through to you as we gather them. Thanks.

CHERYL LANGDON-ORR: Thank you one and all. We look forward to it. Bye for now.

STEPHANIE PERRIN: There has been a call for a five-minute bathroom break. Who am I to stand in the way of human nature? So, back in five, please. According to my clock, that would be ten past. Thank you.

Thanks very much. This is Stephanie Perrin. Maybe we could start rolling again. Okay, bathroom break is over, folks. So, we're moving on to the next topic which is metrics and accountability. You may have noticed … You know, they give you a plastic bottle so you can't go ding-ding-ding-ding. I could. Thank you.

Back at the meeting in Kobe, we had that on the agenda. We were going to start talking about metrics and accountability because I had said in my original intentions last year when I ran for chair that I wanted to get some metrics into our work, partly because, as you can see from some of the reactions to us complaining, we need data. Data-driven policy. Data-driven complaints. Right?

So, really, I would like to measure just how much effort we're putting into things. EPDP has been an interesting experiment in terms of tracking time and how many meetings and how many hours and how long it all takes. I'd like as much as possible to do that with the other PDPs.

In terms of our own membership, who's actually joining? Who is showing up and contributing? Who's speaking? How effective? Do they feel effective? How do you measure your output? We all have those days when we feel like we're banging our heads against the wall – and thank God there's an emoji for that. It is good occasionally to measure, "Okay, did we make a difference on this PDP? And if so, what were the strategies that actually worked?"

So, this is not just a quantitative measurement of how much time are we putting in, how many new recruits are we getting, how are we training, that sort of thing, but it's also qualitative. What's the success rate?

So, we put together – and when I say we, it was largely Bruna and Lou who did this, who put together that little survey on engagement to say, "Okay, how are we doing?" We bring people in, we get new members, we process them, but do we know what we're doing? Are they learning? Are they feeling frustrated? How was your first year with us? I don't think we asked that question, but that's the kind of thing we were aiming for. And they're going to speak about that in a minute and I'll lose Zoom. I have to say I hate Zoom. I'm a klutz and I need to go for the full training course because every time I look at the agenda again, I lose it.

So, 5:30, we'll move on to that topic. I am asking people to keep track of the time they're putting in. How much time are we spending on calls? When the EPDP was proposed, I said people will need to put in 30 hours a week. I'm sure many people are putting in way more than 30 hours a week.

By the time you go to all the calls, by the time you read the root documents, by the time you respond to the emails, make some points, confer with your buddies, agree on the papers, it's amazing how it adds up. I think the more we document that, the

more we can push back on some of the procedures that we think are unnecessary such as the one we were just discussing an hour ago. Any comments on what I have to say so far? Anybody got any suggestions? Nope. Everybody think this is a crazy idea, counting our work and measuring it? For the record, this Milton Meuller.

MILTON MUELLER: The record can go … Itself. Mr. Record, you hear that? So, it seems a little bit self-pitying. I'm not sure. "Oh, we spent 37.6 hours a week on …" And then is it going down or is it going up? I think, in some ways, it's good for us for our own selves to know what we're committing and to have some more objective metric of that. But how do you plan to use it?

STEPHANIE PERRIN: I think the most important thing … I'm not measuring so that we can whine better. I'm measuring so that we can say, "Okay. Collectively …" Well, let's take the EPDP. Collectively, we have spent in the past six months X hours working on this. And what good did it do? Or what have we achieved? And we need to measure what the outputs are. Did we actually win any battles? Did we actually make progress?

So, it's not just that we need numbers to push back on new projects that are demanding our time. We need effectiveness

measures. And they're a lot harder. The qualitative stuff is a lot harder, right?

So, same thing with some of the other understaffed meetings. In one sense, the EPDP is pretty well-organized. We've got six guys, we've got three alternates. We're never less than six. We collaborate well together. We've got a couple of lists going. We're cooperating with our colleagues in the contracted parties, which quite frankly, how often does that happen on a PDP? We're even having meetings with public safety, which is a great improvement, so we can not be talking past each other in terms of our goals and aspirations for this. So, that's what I'm aiming for.

I hear a lot of … What's the polite word? Back-chatter about how somebody will say they were on a group and somebody else will say, "Oh yeah? I never saw him on that group, never heard him open his mouth." Him/her/it. So, if we had a way of measuring participation, I think that's important so that we will not be doing this kind of snipping.

As Kathy said earlier, on the mentoring, if when you take on a new person as a mentor-mentee relationship, if you have a covenant between you that you're going to help them, they're going to join your PDP and you're going to tutor them, that's something we want to measure. Did it work? How often does it work? What's our

success rate, percentage-wise? How many fellows do we scare away to another stakeholder group because we're too hardworking or we're too, I don't know, whatever? Those are all things that need to be measured rather than just going with [inaudible] data. Am I sounding too nerdy on this? We've been complaining … Yes, okay. For the record, Milton Mueller says I'm being too nerdy.

MILTON MUELLER: I said you're being nerdy. I didn't say too nerdy.

STEPHANIE PERRIN: Ah, okay. In the six years I've been here, we have complained about burnout. And the only guy that I've really heard come up to the mic and talk about stats was Mikey O'Conner and that was – the stats he was quoting was from the last ATRT review.

I have to say if I had a brain in my head, I would have run screaming from ICANN because it was shocking how few people were doing the work on the PDPs. And Mikey had all the stats there. I'd like to see if our efforts to get more people engaged is going to improve those numbers. So, that's kind of what I'm on about. Anybody got any comments? And if you have metrics experience, please come and join the team.

KATHY KLEIMAN: So, a whole lot of who, what, where, and why. Maybe not the why. I think we've got that one. So, I did keep track. I was in a law firm before I turned over to academia and I actually kept track off every quarter hour I worked on this stuff. It was enormous. Does infinity … Is there a place for infinity on your list?

So, how do you want the tracking? How do you do it, is one thing. Literally, how does one report? What kinds of protections are there? Maybe people want this anonymized before it comes out. You don't want to say Kathy spent 30 hours on RPMs. We have to keep track of leadership positions because I could spend that because we're going into recommendations, and as co-chair, I'm reading every dot and comma.

But measuring participation, now that's hard, because you are going to have people who are on a call for 1.5 hours and maybe they've spoken zero times, maybe they've spoken ten times. That's going to be much harder to track. Just wanted to let you know that now.

STEPHANIE PERRIN: I totally agree and we do not want to dissuade people from just listening in on the calls if that's what they want to do. But by the same token, a lot of people who I find are keen and we get them on the calls, they're lost, and they don't want to interrupt somebody. I can't send them all to Amr, although I do do that a

lot. But somebody has to hold their hand. So, we need to find out who's doing the mentoring and we need to maybe see how many resources we need to put into that.

We have had people on the call walk off and leave their phone on or something and the dog is barking in the background and we've had to abandon a call. We have people who complain that they don't know what's going on but they never show up for the policy call which is monthly. Quite frankly, everything policy-wise gets focused on the policy call. Or if they don't want to listen to the GNSO call, which the council is only once a month, that's not a killer. You can just listen to the transcript because you're not going to be able to talk anyway if you're an auditor. So, you can listen to that while you've got insomnia. That's an hour-and-a-half.

Those are the kinds of things that those stats might be useful. Is anybody at all listening to the GNSO Council? I know Robin does. Well, Rafik sits on council. You have to, Rafik. You don't get any brownie points for that one. Oh, that's cute. Okay, fine. Over to you, Rafik.

RAFIK DAMMAK: Okay, no brownies for me. Just a few questions here, Stephanie. It's fine to have metrics. It's okay. Make time to define them and also we need to be careful how to set them because it might

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sometimes create the wrong incentive or don't give us really useful information. We can check that later.

So, one of my questions. Who will manage this? Who will do this, getting this data and ensure that we have them? Because also you need to think about the overhead. I think the problem here, defining the outcome, I don't think we can quantify. You can have those metrics, the stats, but [inaudible] KPI. What will be your KPI? How will you quantify it? That's really difficult.

You said, for example, if win something in the PDP, I think it's really hard because what we get is it's in the long run. It's not just because, oh, [inaudible] this we want this or the other day we lost something. It's really at the end when finished the work. We are kind of satisfied not that – and happy with the outcome. The oldest question. But really, first, how you will do this monitoring, the tracking to get those data.

Last thing. About the time. At work, and working for a Japanese company, they like the [inaudible]. But the reality, because the nature of my work doesn't make sense. It doesn't make sense [inaudible] spend for this task ten hours or five hours because many times we have to spend a lot of time enforcing things because we lose a lot of time because the meetings or [non-decisions] that were made and so on, or changing the course because the manager changed his opinion three times per day.

The question here is I just want to be cautious about anything related to time. I understand, as a volunteer, what we are spending but it's not all … I would say it's of the same nature. Attending the call, that's an easy thing to do. Spending to do the homework is different, of different types. I have more questions. I'm not sure how it will be set up. So, looking forward to trying to understand how you think it will be implemented.

STEPHANIE PERRIN:	Thanks, Rafik. I think you're raising very valid points and it's not going to be easy. If it were easy, we already would have it, no doubt. I'm going to answer in a minute. Bruna?

BRUNA SANTOS:	I hear you, Rafik, on how hard it is to maybe quantify it, but I guess the whole metrics conversation started out with us – Stephanie, [Louise] and I – trying to set a bar for … Leadership positions. What else does it take for us to be there? What are the expectations? What is the actual definition of the job?

So, if you're looking to engage with policy work, what you are supposed to do? As I said, entering the calls, just saying it's two calls a week – one hour, two hours. It's not enough.

So, if we were try to measure something, maybe to understand the intricacies and how way more than just joining the calls is. Just a thought.

RAFIK DAMMAK: Another comment here. You take specific examples. I guess before maybe … The metric [inaudible]. So, the question here, you need to – we need to start setting the goals that you want to track or monitor. For example, we talk about leadership. You have some goals or expectations and you want to monitor them. At the end, the metrics are a proxy. When you start quantifying, it's a proxy. And when you use a proxy, you need to be careful [inaudible] try to simplify and it's not really close to the reality, but that's the only way you think can monitor.

So, I guess the question here, I can understand the metric. That's a tool. But then we need to agree on the goals or the expectation. For the leadership, I am fine. Even being a counselor, I don't see the problem here. I understand what we are trying … I am being silenced.

I think we can have this conversation and start really to think about this maybe being more concrete and so to see how it can be translated to metrics and then KPI, whatever they want to …

STEPHANIE PERRIN: Yes, Remmy?

REMMY NWEKE: Thank you, Madam Chair. I think if [inaudible] on this, it's also important that we take into [inaudible] that data also plays a very, very important role when it comes to trying to do the metrics, because very often if you look at the African [setting], for instance, it [inaudible] with their data, access to data [inaudible]. So, many times, even if you are [inaudible], by the time you try to log in, one or two other items that require maybe a decision to be made may have come and gone and there's nothing you can do about it because it has been accepted or rejected by the meeting or stakeholder, so to say. So, it's a very dicey situation, especially for those coming from the African and [inaudible].

RAPHAEL BEAUREGARD-LACROIX: I was thinking maybe the best way to proceed, rather than going straight for Google sheets with people logging hours and things like that, which is daunting and, as a lot of people said, when you are on the call, what do you do? You're just sitting on the call. Or how many times you speak. Maybe the most important point – at least the one that I see as the most important, and it kind of plays back a bit into what Kathy was talking about, the whole onboarding thing, is just to have an idea, basically, who is where and really display that first and foremost.

When you join, when you're a new member, rather than your first experience being I'm receiving a flood of emails in my inbox all of a sudden, these are the people that we have who have leadership positions who are involved in those PDPs and maybe just having a general idea I think is good to say if you want to do this kind of thing, it's going to take you this many hours per week. So that if they actually want to reach out, they have the opportunity to do it because I think right now sometimes when you join you start receiving a lot of emails and then you basically get lost rather than knowing … I mean, just making a difference between having a public comment, drafting a comment, or driving a PDP [inaudible] clear for everyone.

I think just very basic data which is not very … It's almost already public to some extent, who is on which PDP, but if we have a whole directory of that and we display this on our website somewhere clearly, so that this is the thing that we're featuring already, I think it would help on onboarding and it would help us as well just try to track participation.

STEPHANIE PERRIN: I totally agree with you and that's one of the things I had in mind. Yes, please, from the back. Please state your name for the record.

UNIDENTIFIED MALE: [Akirim] for the record. So, this is my face. [inaudible] to the discussion about the metrics and accountability, actually there are some things that looking at the nature of the environments that we work in, there are some things that if you try to measure, it will scare some people away and reduce the participation of some people. Maybe the first thing we need to do is first agree on what to measure.

The question I have in my mind is to ask Stephanie what kind of things that we want to measure and what's a strategy that you have? Maybe you should [reverse] because we don't want to be just drifting on different kinds of things. If you can [reverse], what your thought is and what those things are, then we can take it [inaudible]. Thank you.

STEPHANIE PERRIN: Thank you very much. That's very helpful. Joan?

JOAN KERR: Adding to that, who is this document for? Is it for us? Is it for ICANN? What does it want to achieve?

STEPHANIE PERRIN: It's for us to measure ourselves and start us on the road to continuous improvement. Now, I want to pick up on something

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that Rafik said and that's goal-setting. We don't actually set goals. I don't have a set of common goals that we had agreed on for this meeting. We kind of – and it's partly a factor of being overloaded and barely getting things done. Ask Maryam. I never show up for our one-on-ones that we're supposed to have on a regular basis. Thank goodness she reminds me of the tasks that I have to complete or it wouldn't happen.

But we are, I would say, a little bit chaotic and out of control and if we don't set goals, then we're not going to know what we've achieved. So, I'm trying to get this organized, at least for myself, as your fearless leader, before my last meeting this year which is in Montreal and see how we do. Yeah, I know but it's a year. Yearly basis. Then I'll do self-reflection on whether you should have voted for abstain because I completely failed in all my goals. I want these metrics to start going.

What Raphael identified, I can't look anywhere and find a handy dandy little sheet of who is working on what. I can't even remember who is the vice chair of SubPro. Is it that one or is it RPMs? Because I hate to say it, I've got myself full up to here with the things I'm doing, so I don't look at SubPro and RPMs and I'm totally reliant on you guys. That's off my radar.

Now, everybody knows that you can go on the GNSO website and see the active PDPs and what's on the calendar. That's a relatively

new innovation and it's really great and it's very helpful and if you feel like – had I an idle moment to find out what's going on in SubPro, I could pop in for an afternoon.

KATHY KLEIMAN: How about a lifetime?

STEPHANIE PERRIN: No, no. I know I only want an afternoon of Subpro. I can tell. So, that's kind of what I'm doing. Who are these stats for? Definitely not for ICANN, except insofar as we can come up with comprehensive stats and use them in our arguments.

In terms of are they going to be identified, I mean if people want their work to be counted, fine. If they don't want their work to be counted, also fine. I'm supposed to be the privacy person here. I'm not going to start tracking people with surveillance beacons to find out whether they're making it to the meetings or not. But I think it's an opportunity to at least figure out what's involved in taking on a leadership position.

The other thing that we're really bad at – and I am the worst – is delegating. Finding tasks that people who are relatively new can do without feeling completely over their heads. Helping us with stats like this, that's something somebody can do. Coming up with something for the website, that's something somebody can

do, in terms of who's on first, who's on second, who's on third. Does that help? Because I think we're almost ready to transition into the next … Yeah, we're five minutes over.

KATHY KLEIMAN: I think you've got Joan and then me in the queue.

STEPHANIE PERRIN: Right.

JOAN KERR: I just wanted to say that I've spoken to a lot of people who … When ICANN promotes to become part of ICANN, they say come and do what you can. Just come and learn. I've spoken to a lot of developing countries and they will go on the calls and not say anything and listen to learn. That's not counted because they haven't said anything.

But then the other part of it is that they'd say people who are participating, they repeat what the other person says before in a slightly different way. This whole thing of measuring … For me anyway, if I'm on a call and someone says something that I was going to say or ask and it's already asked, I just don't bother asking it. I just say, "Oh, okay," and I write down the answer

because that's what I was looking for, so I don't say anything. How do you measure that?

STEPHANIE PERRIN: As I said, the qualitative part of this is the hardest part.

KATHY KLEIMAN: I think some of this is going to write itself, so let me tell you what I percolating up. If we can create a spreadsheet that has the name of the working group or task force or review team or whatever, who's involved? What their start date was. So, did you start at the beginning or did you join in the middle? Could be relevant.

Number of meetings per week, how long the meetings last. What's the approximate number of emails that you're seeing? At the beginning, you won't know this but it's something we can fill in as you go. Approximate number of emails per week, approximate number of documents. Do we have a team lead? Because one of the things that happens [inaudible] is amplification. So, if we have three people, if we have three people on a call and I say something or Martin says something and Louise does a plus-one, then at least there's a sense that we're not speaking by ourselves and you begin to amplify. Because one person speaking alone, nothing.

But if we create a spreadsheet that has this overall material on it, Stephanie, then we begin the process of keeping track and letting other people know what might be involved.

STEPHANIE PERRIN: Yes. Believe me, I don't want us to turn into a bunch of bookkeepers charting. I'm well aware we don't have enough people volunteering. But I don't see how we move on and help improve the onboarding and how we share out the tasks and get people feeling like they're contributing, because if you don't have a job to do, then you eventually people just wander off going, "Oh, well, they don't need me. Nobody is paying any attention. Why am I here?" So, it's very important that people feel included and get a task and feel a sense of accomplishment. Yes, Rafik?

RAFIK DAMMAK: Thanks, Stephanie. I think I asked before the question but it didn't get answered. It's good to do all this in terms of monitoring but there is overhead. Who is going to do it? Who is going to field all this information? I heard from Kathy [inaudible] information together but who will do it on a regular basis? Otherwise, we can start at the beginning. But if you don't keep it, it won't make any sense. So, do you have some ideas or some proposal already?

STEPHANIE PERRIN: I'm certainly looking for volunteers. I'm certainly not looking at you because I am well aware that you have a full-time job herding everybody to complete the comments that we do. I would not ask you to take that task on, so don't worry.

RAFIK DAMMAK: To be clear, I was not worried. But seriously I was asking because many … I don't want to be cynical here but many times we start projects and ideas but we need to be sure who will be the focal point or the person to do it. It's good to volunteer but we need something sustainable and so on. I was not going to volunteer in any way. I was not worried it would be me. I was just asking if you started this and you want to use it, you need to keep it and to ensure that information [inaudible].

Why am I saying this? Because it's not the first time we tried it. We had this. If you can check on the Wiki, there was a page about checking the participation working group and things. But after a while, there was no update. So, just to avoid the same fate for such initiative.

STEPHANIE PERRIN: Please, rescue me.

[AKIRAMI]:   I think for us to be able to track the progress, we need to first define what we need to do because if we don't define it, then it will be hard for us to see volunteers that would take up the role. I'd be happy to assist, but actually I will need to understand actually what we need to measure, what we need to track. Without that, then maybe we will be taking seats at the back. Thank you.

STEPHANIE PERRIN: That's wonderful. Thank you. Supposing we set up a little volunteer group, let me know your names after this meeting and we see what we can do. We'll start out with modest goals and see how we do, and if it dies within a couple of months, well, Rafik was right. But I must turn the microphone over to Louise and Bruna to talk about our survey project Thanks.

[AKIRAME]:   My name is [Tai Woo Pitza Kerami] in case.

BRUNA SANTOS: I don't know, Lou, I'm not seeing you so I don't know if you are …

UNIDENTIFIED FEMALE: Feel free to start out.

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BRUNA SANTOS: As Stephanie mentioned, the idea was for us to set up some metrics and understand what were the mistakes or what were we failing while we're onboarding our members and how is this somehow not working?

This has been idea that was in the back of our minds both, at least [inaudible] for a while now. This has been discussed with the NCUC to understand how we could better engage members in the regional list [inaudible] working or, to some extent, how this could be actually effective.

So, we issued the survey, which everybody might have seen. I think we didn't get many answers to that considering the amount of members we have but I think it's a start.

Then, we just have basic things, very basic things – ICANN knowledge, how long have you been here, when you joined. Are you a member of NCUC, NPOC, or NCSG and so on? I'm going to pass it to Lou just so she can also help me on other data that we started collecting with the answers.

LOUISE MARIE HURAL: Hello. I'm not going to bore you with just going question by question, but I just wanted to make it clear that obviously we're not talking about a statistically significant sample of answers. But the idea here is not necessarily … I think we have been talking

about a lot of things for quite some time. We're building … We're doing buddy mentor program. We're doing capacity building program. Do we actually know the impact and the effectiveness of these processes? Are people actually aware that they exist? And we do have our hunches as a community. We do have our hunches as a constituency or stakeholder group. But I think this engagement survey was more for us to just reach out to the members to make sure that they have the opportunity to chime in, to bring their concerns and if it actually validates our hunches, okay, we're on the right path – or at least we have the right hunches and we have the concerns that we thought that were relevant they actually are.

As I said, we had a small pool of respondents which is a bit sad. I think we can work better in reaching out and just doing what Rafik does very well in terms of please reply, please reply, please reply. We were there. Rafik, I have to take off the hat for you. Really. It's an effort.

So, I just wanted to go through a couple of the answers. Nothing is a huge difference from what we expected. But I do think that, just to situate this conversation, this discussion came a lot from also our ABR process because we were writing the ABRs and we thought to ourselves – and actually I had a conversation with Rafik about this. How do we actually say that what we have been doing in terms of capacity building has actually had some impact

in our membership? Has it actually improved and stimulated our members to actually engage in policy processes? Because we still have the same lack. We have a lack of engagement in policy development processes.

So, just to go over very quickly. This is what we decided to do. So, let's just do a survey and we can do it periodically or not. But just to give you an idea, we had just 35 responses. And I'm taking here the [inaudible]. This is a survey that comes from the NCSG level. We had a specific section on NCUC but I'm just presenting because we talk about this a little bit more.

So, it was 35 total responses. We had 20 members from NCSG, 30 from NCUC, and 11 from NPOC. Obviously, we have multiple members in different parts, so obviously that is why the number is bigger. But 17 were from the African region, 5 from the Asia-Pacific, 5 from Europe, 4 from North America, and 4 from Latin America. So, that is absolutely skewed in some ways.

But what I think is relevant to bring to you here today is just that, in terms of dedication of hours, we were looking – have you ever participated in drafting a public comment? 26 of the people that responded said that they were involved at a certain point drafting or helping out in some ways. Then we asked, so if you're actually engaged in a public comment, how do you see your participation in this public comment? And they said that they were mostly

supporting the public comment, so providing some kind of data or just commenting. So, it's not active in the sense of writing. That has a lot to say about the symptoms, even though obviously we're talking about 35 people here.

So, how would you evaluate your PDP working group engagement? Most of the people at the policy development process, at the working group level, absolutely almost all of the 35 said they were just listening. Just listening to the meetings, if at all. And just to give a sense of how many hours dedicated because we were looking at that, how many hours do you dedicate to ICANN and NCSG, and NCUC, and NPOC? Most of the people said 0-5 hours per week. So, let me restate: 0-5 hours. It can be from zero. Just going from there. So, 21 of the people said that it was 0-5 hours.

For example, another thing that I think was interesting about the survey is that are you aware that the NCSG, the NCUC, and NPOC have capacity building programs? Almost all of the people said yes. But then you ask: did you ever participate in any mentorship program? They say yes. But then when you ask, "So, what can we do for you?" most of the answers were, like, we can improve the NCUC buddy mentor program or we can have a mentorship kind of program or we can get better in our mentoring.

So, in terms of where we can go with this, it's still unclear. But I do think that the value of doing this, as I said previously, is to give us some kind of feedback on whether our hunches are right and where we can better improve as we go ahead.

So, this is just was just a very first, very initial. We're still analyzing because there are a lot of questions. We're still going over the data, and hopefully, we'll be able to circulate a more – how can I say? Palatable feedback on the list for all of our members.

But I do think that we just want to take it back with us. We cannot just keep on saying, "Let's do outreach, let's do in-reach, let's apply for capacity building." We actually have to know and own what we're saying. And I do think that this kind of survey, even though it's kind of a very basic step, does help us in at least have a zero starting point, be it in terms of just starting a conversation about having more clarity as to roles and responsibilities and expectations, be it also in terms of expectations of people that are starting out at NCUC, NCSG, or NPOC. But it's just a starter. I'll end with that and perhaps open up for questions. Thank you.

STEPHANIE PERRIN: Okay. Any questions? And thank you very much.

[AKIRIMI]: Well, [inaudible] the usual then fall out in participation and policy writing. I think [inaudible] said something previously on interest. It's a key in participation in drafting a policy. On the long run, what we do, it's like we rely on the activity happening in ICANN, which some members doesn't really have technical background to function in that area.

And when it comes and you don't know what to do, you have to do some read up on some things. [inaudible] usually happens at … We talk a lot. Some people dominate and stuff like that. I don't know your name. She made mention of something. Okay, Joan. She made mention of something that [inaudible] others have said. My own, personally, when you say my view, actually, there's no need for me to restate the whole thing any longer.

Maybe what we need to do is just find a way of keeping the interest alive in writing public comments. Maybe that's what we need to do because much of the things we do, it depends on the activity going on in ICANN because we respond to public comments. Thank you.

STEPHANIE PERRIN: Maybe Bruna first I think, then Martin. Remmy was first. Sorry. Let's do Remmy, then Bruna, then Martin.

REMMY NWEKE: Thank you, Madam Chair. First of all, I want to [inaudible] for coming up with this concept, though it has some areas where we initially thought that it was NCSG project, so to say. But it's still nice that we are discussing it.

I want to find out do you intend sharing the outcome to the mailing list? That's number one. Then, secondly, looking at the results you just summarized for us, I think also it's important that we try to do a continuous engagement or mentorship on the process of PDP, then [inaudible] the likes of [inaudible]. So, alongside with [inaudible], we can actually do that [inaudible] two years to see how we are faring and then encourage more hands to get on board, because what has actually happened, some people think that you know it, then carry on. Go ahead. I can only support. So, it doesn't give encouragement to do [inaudible]. That's why we actually have problems pen-holding.

But if we continuously engage ourselves in terms of mentorship, it shouldn't be one-off [inaudible]. Then there will be reason for people to find need to, "Okay, let me try this at this point in time." Simplifying all the technicalities that [inaudible] because this is where people get to be afraid of engaging in policy process. Thank you.

BRUNA SANTOS: Following up on that, throughout the whole capacity building that we did on policy writing, we ended up finding out a very good dynamics of doing groups of penholders. So, I did it with [inaudible] two or three times for the SubPro comments. We would do it together. We would share the time. Sometimes, they way out is the way to help the other person who thinks she's not capable enough or she thinks that she has some sort of language barriers. I might have some myself at some point. I'm not also a native speaker.

We ended up finding out that working together is really, really good because if you reach a point that you're no longer able to read a comment or maybe you're just too bias with the document, you can rely on this second penholder to help you with that.

So, this was one of the dynamics we found out from the policy writing course and this has been working – at least it's a very specific example like me and [Elsa] but then maybe it's the way forward. Maybe we can keep on relying more and more and more on each other.

And even if you feel like you're not doing a good job on the comments, reach out to people. I did it a lot of times with Robin, a lot of times with Rafik, a lot of times with Avri in a few months – almost years. Time goes by really quick.

Just feel free to reach out to people. I know it sounds repetitive to keep on saying that but it does work, and you can build a partnership with these people to work on the issues. So, I don't know.

LOUISE MARIE HURAL: I just wanted to share another thing which was definitely the most intriguing parts of our survey is that in one of our questions of, "Do you consider yourself capacitated enough to join a PDP and efforts to draft public comments?" 30 out of 35 people said yes, that they feel like they are capacitated to be in these two types of engagements. That is almost like an, I don't know, [inaudible] in our thing.

But what I do think is interesting is, as Bruna was saying, I do think that we have been trying to find ways of dealing with this process of feeling more secure in engaging a policy processes. We have a very strong demand. But I think that this also kind of helps us in thinking what we can do next.

One of the things we have discussed since we started talking about public comments and pen holding, I do think that one of the things that we might consider as we go forward in terms of capacity building, and our capacity building program, is to at least have a specific pen-holding effort. Just everyone who wants to start being capacitated in pen-holding specifically, let's go

ahead and submit an ABR or something like that and just do one that is specifically about that.

So, be more targeted. We need to be more specific and more strategic in what we are actually trying to tackle. I think that goes back to the discussion we were having with Stephanie as to what our goals and how we understand the measurement of that. I don't think this is about measuring. This is just a temperature check. So, not being ambitious over here. Thank you.

STEPHANIE PERRIN: Just as I pass the microphone over here to Martin, I don't know we should be too shy. 34 out of how many members that are recent and came on in the onboarding, even if it's 10% I don't think that's too bad. It's not like we're giving them a chance to win a dream home or something for filling out the survey. Don't apologize. We did well. Martin?

MARTIN SILVA: I was also in the onboarding team at some point. I do really appreciate it. I know how hard it is to do that. I agree with Steph, especially because it's the first steps towards a data-driven decision, a strategy door [inaudible]. I do believe that just stumbling around ad hoc events is definitely not the way to use our scarce time.

My question is: what's the next step? What follows this successful survey?

BRUNA SANTOS: Answering only in the NCUC capacity, this will help us reshape the mentor buddy program because it had stopped. It's no longer working. We have discussed whether or not we're onboarding people into [entity], into policy work. So, this will help us reshape this effort and whatever other effort we can come up with.

We have also been chatting at the EC meeting of having maybe one member of the EC as a focal point for capacity building and outreach in this kind of sense, so this will help us in that way, at least for NCUC.

STEPHANIE PERRIN: Thanks very much. Personally, I would love to, along with that inventory on who's on what PDP or what process, I would love to gather a roster of skill sets. I mean, we could have real experts out here that if one of us didn't remember noticing it when they applied for membership whenever that was, we wouldn't know. And maybe they're too shy to say, "Hey, I'm an expert in …" I don't know, pick one.

So, if people feel they're ready, if 100% felt they were ready to participate in PDPs, then tell us what you feel you can do.

Now, I haven't gone to any of your onboarding exercises, but I do know that people have different expectations of what a policy document drafting exercise is, and some think that because it's a multi-stakeholder model, every comment must remain, like my comments and his comments and Bruna's comments. And that doesn't look like a good document. So, somehow we have to get people to realize that there is an editing process that goes on at the policy committee – I see Rafik has his hand up – and then usually we try to have a native English speaker give it a final edit so that we don't have any grammatical problems. Rafik, you want to respond to this. Yes?

RAFIK DAMMAK: No, this isn't a response to that. I had another comment. I think it's good to hear about what people's expectations are and how they want to get involved.

Since I guess the focus here was about the drafting comment, I can share my experience. I think we need also to recognize one constraint, that public comments are usually kind of not more than 40 days. Also, we try to have more teams of drafters. So, when it's a big team, huge number, it doesn't really work well if it's a small number of, even one person, doing the drafting because you'll find that issue who will take the lead and who can be the pen-holder to get the first draft.

So, maybe I can try to respond to what you said, Stephanie. Regarding the reviewing and improving, I think we know that. Many times I tell the team of drafters we should focus on sharing as soon as possible so we can ensure that we have the consultation of our members and we expect that with the review, with the comments, that the draft will change a lot. Nobody should feel [inaudible] many changes in the document or some comments were not accepted and so on.

We can add that step for proofreading. We try to do that at the policy committee when we get the draft. The only issue we have is when we get it. So, if you have a few days and you try to submit by the deadline, it's kind of challenging.

I take this opportunity here to remind us it's really important that the whole policy committee act on [inaudible] when we get the comments to review and to help on making it in good shape.

But I'm thinking those comments and [inaudible] what people think and see what we can improve. It's always a continuous improvement to process and see what we can do, if we can do better. Probably our focus was to get as much as possible public comment submitted and covered. I think we improved a lot in the last years. I guess now we have to improve in the way how we can get input from our members at earlier stage and to have everyone participate in that process and improving the quality, more

proofreading but also maybe having consistent format or some guidance. I have no idea, to be specific here. But to ensure that we have something consistent every time we submit a comment.

STEPHANIE PERRIN: One more and then I think I'll just close it off because Avri Doria, board member, is here talk to us about charter drafting and public interest and I don't want to keep her waiting too long. But please, go ahead.

[AKIRIM]: Thank you very much. Just wrapping my head around how we can improve membership engagement. I look at something like we should make NCSG and other constituencies to be like a home, [inaudible] improving our relationship, because if we don't have a cordial relationship, it will be hard getting our members engaging policy writing. Rafik mentioned quality of write-up, because we need to get membership engaged first before we're talking about quality. We have Rafik. We have all the members that are experienced to review some things. We don't want to scare the members away from writing a public comment because most people participating might not have English as their first language and stuff like that. Just [inaudible] tell the house we should improve our relationship, because the way I go about things and having people around these, creating a cordial

relationship with them, and from there, once that is established then we can move forward.

Why we are looking at onboarding activities, it's like we are taking mountain [inaudible] the ground or the grounds [inaudible] mountain, so let the mountain go and meet them. When there is a new member, let us [inaudible] and help them, assist them, [inaudible] speaking good English and stuff like that. I've not met him. I don't know how he is going to react to my comment and stuff like that. So, I think that is my suggestion. Thank you.

STEPHANIE PERRIN: Thanks very much. Well, we're going to move forward on this, taking in all these suggestions. I'll send a little summary out to the list and anyone who is interested in helping, please just let us know. Thank you. Now I'd like to introduce Avri Doria, long-time member of … Well, I guess you were NCSG member, weren't you? And now board member. We've asked her to come and talk a little bit about the charter because she was a principle – not the only – pen-holder for the charter that we're working with. There's been a lot of discussion about the charter recently so we thought a little information session would be useful. Thanks.

AVRI DORIA: Hi. So, the charter. I've been watching. I'm still on the NCSG list, and while I don't read it more often than maybe once a week or maybe twice a week if you're having an exciting time. Sit down and do my catch-up time on NCSG. I've allowed myself to go inactive because I didn't feel I should be voting for people for stuff while I was on the board. But I'm still somewhat of the inactive now.

I was probably the primary pen-holder at the time that the current charter everybody has been arguing about was written. And that was a long time ago, so I certainly feel no remorse that people want to change it. I understand that completely.

Ironically, in a sense, as the current chair of the OEC, I'd actually be the one that would be working with a group that would have to review the changes that were made to the charter.

So, first, let me talk about that whole sequence. The charters have to remain consistent with the bylaws. There is a board approval step, which means after you guys have gone through it and have what you want and what you're happy with, it goes out for review. We just finished one. I don't know if you all noticed. You may have written a comment – I actually think you did – on the Registrar Stakeholder Group did an update to their charter, so it went out for review. It was reviewed by Legal in terms of its consistency with the bylaws. Legal actually found some issues that they felt

were problematic. They were negotiated with the registrars. Just so you know the registrars insisted on their point of view in terms of that review.

After that, basically the OEC discussed those changes, discussed the disagreements and then passed it onto the board for approval. In fact, it went through. I don't know that it's been published yet but it was just in our last meeting.

So, there is a long process. If it's not consistent, if there are comments that cause it to be considered problematic then it can go through iterations back and forth. In fact, when the charter you've got now was being written, it went back and forth many times. It was, at the time of creation of NCSG and there were whole lots of concerns and whole lots of [places].

So, what NCSG has at the moment is an incredibly negotiated charter. It was negotiated at the same time that NPOC's first charter was negotiated and those were negotiated at the same time—

JOAN KERR: [inaudible] NPOC, too?

AVRI DORIA: No, I did not write it. But they were—

STEPHANIE PERRIN: Nice try, Joan.

AVRI DORIA: Not at all, not at all. But they were being negotiated at the same time by the same OEC and we had to have charters that were consistent between NCSG and NPOC and anybody that was there at the time knows how much political drama there was going on in that time about the creation.

So, some of the things that you sometimes find in that charter that look a little, "Gee, why did they do that?" Just imagine the number of people that were negotiating.

So, it really is more arduous than perhaps it should be, but they do stand for a long time. While I agree there are warts and blemishes now in your charter – seems to happen with all of when we get older. It has stood and, hopefully, has continued to be useful for a fair amount of time.

So, I don't know if you want to ask me anything specific about it, like some of the thresholds that you have to receive within NCSG for approving yourself. Your changes may seem hard and arduous but those were the negotiated things at the time. So, I can say more about that. I can talk about any topics that you guys want. I could tell you the other thing that Stephanie had actually got

wind of my holding the token in the board for the global public interest problem. I get all the great fun tokens in the board, things I enjoy doing. I'll stop for questions.

Oh yeah, one thing I wanted to say before going on. When you guys were talking about tracking time, I actually have to track time often as a contractor for the few things that I'm doing. I decided to track my time as a board member just to see because I've been telling people it's a half-time job. It actually was interesting once I got into it and I found that the final three weeks of May it was 58 hours and 45 minutes of board time. So, not counting these meetings that are full time. But, it was that. So, the 20 hours a week was about a good estimate.

STEPHANIE PERRIN: I was afraid it was 58 hours a week there for a minute.

AVRI DORIA: No, but I wasn't chair of a committee yet then.

STEPHANIE PERRIN: Yes, Remmy, did you have a question?

REMMY NWEKE: Thanks once again. I think I'm very glad that this is on the agenda [inaudible] because every [inaudible] probably starts with getting

onto the agenda, then we know how [things move]. I must commend you because I know the roles you have played within the ICANN [inaudible]. Knowing that you also participated in this, I'm not disappointed. The roles you played and [no doubt] alongside other people.

But when we are growing, there are tendencies for things to also have [inaudible] tweaked. So, [inaudible] test of time. My precise question is I would like to find out [inaudible] the mandate, for instance, on Finance Committee, so to say, what are the [inaudible] assignments there, [inaudible] assignments? One is financial secretary position. Two is internal auditor position. Three is external auditor position. Four is fundraising. I don't have a problem if all of that works out, but for me it's a bit complicated because I cannot be putting down the records, then I come back to audit myself, and at the same time, looking at the constituencies we have within the NCSG, for example, is the leadership willing to be audited by those they appointed into NCSG? You understand? So, it is a little bit complicated the way it is now. [inaudible] things that have made us move at the pace we are supposed to be moving.

So, looking at that, some of us now [inaudible], fine, there is need to take a second look at this document. It's not [inaudible] entire document. But when you are doing a review of a document such

as this, it helps also to put up an update to [inaudible] also maybe needing some changes, so to say.

There is also another end, reporting to ICANN Organization by [inaudible] because this has been some kind of recurring dialogue in between us. So, I would like to maybe shed some light on this. Thank you.

AVRI DORIA: First of all, since you're not doing any fundraising, there's not a whole lot of pressure on you. Basically, NCSG doesn't really have a business, an identity, of its own as an entity. It's part of ICANN. So, being a part of ICANN – and in fact, this was one of the more heavily negotiated pieces because we had to have an accounting system that, if we were fundraising, if we were bringing in money, then we had to do it and had to account for it in a manner that met the same requirements that ICANN had to meet, because as part of ICANN, what NCSG did with accounting was ICANN's responsibility. NCSG is not an entity in its own with its own responsibility.

So, the intensity of that section is written to meet ICANN's necessity of having a totally above board audited accounting. I think the auditing would not necessarily come from within. You would have to sort of take care of yourself. But if you started to have lots of money, I happen to be a member of the audit

committee. It was something that we would need to look at just to make sure that we weren't using NCSG to launder money – which is very easy to do. That we weren't using it to funnel money to places that might be illegal.

So, if you get to the point of deciding to do fundraising or deciding to raise dues or any of that, you've got the legal requirements of a US corporation to make sure that you satisfy as part of ICANN, so ICANN keeps a very tight control on those mechanisms. If NCSG was established as an LLC or some sort of corporate entity elsewhere, then yes, it would make sense to change it and it would take another renegotiation of that.

But for now, NCSG as an entity is just as a business, looking at it as a corporation is just part of ICANN, and therefore it is responsible for ICANN for its financial behavior.

REMMY NWEKE: Sorry. Now that you have clarified this, I think it's also important – I'm even also happy that you are here as a board member – it's important that … Because when it gets to opening of an account, it requires some [inaudible] members [inaudible] if that's going to be [inaudible] structure. But as an ICANN entity, it will make the job very easy if ICANN, as a body, who has a sub-account for each constituency or groups. In that format, it takes off the stress of [inaudible] or even looking at for [inaudible] accounts, because

the way it is now, if there is not any accounts, so to say, it's going to be difficult for us to say this money is here or is there. Nobody can account for it.

AVRI DORIA: I understand and that one I actually can't answer because that would really be up to the CFO of ICANN and I don't know whether they do that for other groups. I don't think they do. I really don't know. I really don't know and that would really be a conversation for the CFO, Xavier, and his staff in terms of what might be possible in terms of accounts. That's beyond my skills and my ability to comment at all. Sorry. You guys can talk to Xavier because that would really be between NCSG and Org. That's not something that the board would have anything to do with. It really wouldn't. Yes, the board has a responsibility for the overall audit of ICANN and we have auditors who audit it and there are all kinds of rules about how it's done right, etc. But it's the CFO and Xavier that deal with all that stuff and I wouldn't have the feintest idea of how to advise you on that.

Should I talk a little bit about global public interest?

STEPHANIE PERRIN: Please do.

AVRI DORIA: Okay. And this is a project that one of the strategic or operational goals – sorry, not strategic goals. Operational goals for the board this year was to try and get a grip on – and another way of saying it is to produce a paper – on global public interest and what it means because we have a commitment to it within the Articles of Incorporation, global public interest shows up there several times. Within the bylaws, global public interest shows up there several times.

If you start to notice, one of the things that we started doing in any of the board motions lately, when you read the rationales – and I'm sure you all read the rationales with great excitement – is that we constantly point to how the decision is being made in respect to the public interest. And what we've been doing is basically anchoring that in our core values, that basically when looking at a decision, look at does this satisfy one of the core values? Does it go against any of the core values?

Basically, we've had these efforts over the last couple of years of trying to define the global public interest and that's sort of an insanity because that is like boiling the ocean, and the track we're taking now is that the global public interest we care about is in reflection of our mission, in relation to the particular piece of work we are doing now, in respect to the values we have identified, can we identify the public interest that applies?

And of course, WS2 came up. Once we add the framework for human rights to that and some of the other WS2 content, that will fit into that whole formula.

So, one of the things that we're trying to do now is, first of all, standardize that a little. We've been doing it. It's been creeping in. As I say, if you read the rationales, we try to peg them to the social values, the core values, of ICANN while staying within the mission.

So, the paper should be coming out in a draft form certainly before Montreal and we're hoping to have a discussion on it in Montreal and do the whole review things, and if the idea flies with the community, then the next thing we'll start doing is discussing with the community, with people doing PDPs, of when you do a PDP, can you help us by pegging the work and the decisions and recommendations made in the PDP in the same way to the core values and such for the public interest, so that then it isn't the board and Org that are basically doing that mapping but that the community itself, while doing the policy development process, has mapped what we are doing to our core values in relation …

So, still avoiding this whole we can define global public interest, but rather, admit that our core values we believe are within the public interest, and as long as what we do can map to those values, then hopefully we are operating within the global interest.

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And that's the general idea. The paper is still being worked on. It hasn't been talked about a whole lot lately, a whole lot publicly yet, but I did mention it in one session I was in and it was heard, so I'm starting to explain it. As I say, I'm responsible with some of the folks in GSE, the global services group, in terms of coming up with this definition and we have a small group working on it. So, hopefully get the paper out probably in about a month or so for first looks. It may take a little longer. Still in the process of convincing my fellow board members that it makes sense. They're not all convinced yet.

So, the process is, first, a small group of us, then get the board on board, as it were, and then once we've got that going, then start going to the community to see whether we're making sense and where we have to change. I don't know if there's any questions on that or anything else you want to ask me, although the time is almost up. I'm really good at telling you I can't answer stuff when I can't.

REMMY NWEKE: Just a final note. I would like to find out, looking at the – I'm sure, like you said, you follow trends of our discussions. Looking at the discussions we have had over the election and [inaudible] issues on our charter, what would be your advice? Thank you.

AVRI DORIA:	I have no advice. First of all, there's one of the rules that I really try to remember myself as much as I can is it's not the board's job to put its fingers on scales or recommendations or PDPs. It's our job at the end of the day to make sure everything follows proper process and is in keeping with the public interest, etc.
	But to give advice on how … As I say, I'm inactive member of NCSG. As an active member of NCSG, I might have been fully opinionated, and in fact if you go back and read the lists several years ago, you'll see that I did have my opinions on the elections and how they would be run. But at this point, it just wouldn't be right. A very strict thing that I try to remember, certainly for myself – and I get kind of a pain in the ass about reminding some of my board mates – is all of these SGs, they're bottom-up. They've got to do their rules in a bottom-up manner, but yes, it has to be consistent with bylaws and therefore there is oversight, and if things aren't consistent, we get to ask questions and go back and forth and negotiate. But how you do your election, as long as it's legal, as long as you're not paying people for votes, is none of our business.
STEPHANIE PERRIN:	Can I interrupt for one minute? Rafik has to go to the GNSO-ccNSO meeting and has an important announcement.

AVRI DORIA: Thanks.

RAFIK DAMMAK: Thanks, Stephanie. I don't think it's that important.

STEPHANIE PERRIN: I think it's important.

RAFIK DAMMAK: Okay. As you know, for those who are familiar with some procedures we have at the non-contracted party house related to the vice chair position is that we have the [inaudible] between two years for someone from NCSG and two years for someone for the CSG. But I was approached this week by several persons from the CSG, from the BC, IPC, and even the ISPCP and they were asking me if I am interested to run again for one year. That will make me three years as GNSO Council. So, my answer is I didn't think about it because I was expecting that my term will end [inaudible]. Then, I need to check with the NCSG because it's not just CSG here.

So, I'm bringing this. I will bring it to the NCSG policy committee but just I wanted to make it into the record. To be honest, I have to think because I was not prepared for this. That's it. [applause]. No congratulations, whoa, whoa, whoa. I said I need to think.

AVRI DORIA: But they want you. That's good! They want you.

RAFIK DAMMAK: Yeah, sure. Thanks.

STEPHANIE PERRIN: See, this is why he doesn't want to count his time. Thanks very much, Rafik. We can [inaudible] about this. Is there a deadline?

RAFIK DAMMAK: I think they would like a response as soon as possible. Maybe this week but I guess maybe next week.

STEPHANIE PERRIN: Thanks very much. Okay. Back to where we were with Avri discussing the public interest, if we could. Milton is not here. I know that we've had numerous discussions about whether the public interest could be defined. But I like what I hear from Avri because this kind of avoids the whole question of defining it and makes it a lot more amorphous. What we're doing fits within – in other words, rather than define it, we know what it isn't. Have I got that right?

AVRI DORIA: Well, ability, we know … We certainly can't define it. That, I think, is equivalent to boiling the ocean and such. But I think it goes more on the know it when we see it and we see it in our bylaws. We went through a lot in the transition to define bylaws, to get in the principles that we thought we had to live by and that those are all – we decided were all consistent with a view of an Articles of Incorporation and a bylaws that say we will operate within the global public interest and those core values are our way of being consistent, our way of defining our understanding as a corporation of those. So, as long as we peg our work to it, hopefully we stay there.

KATHY KLEIMAN: I have a question, and I don't have the bylaws open in front of me, but our mission and mandate say we have a narrow scope and we don't operate outside that scope and that scope doesn't include content. Yet, then it says notwithstanding – and it grandfathers in all sorts of not-so public interest commitments that were made that basically go straight into content and ask ICANN to enforce them in the public interest committee dispute resolution policy. So, how do we … Do we do content or not do content and how do we reconcile that the bylaws themselves seem to say one thing and then open themselves up to something else?

AVRI DORIA: I'm going to avoid answering the global question you ask. But within our mission … So, yes. Some of that stuff that's grandfathered and that, but the mission is really quite specific about where we can go in the future, what things we can go do in the future and what box we're supposed to remain within. And we may have a [tussle] at times as to whether something is in the box or out of the box, and really that's going to be on a policy issue by policy issue basis of: is this within the mission and is this according to our core values?

Yes, there may be places where there will be ambiguities and tussles where we get to back and forth and say my interpretation, your interpretation, his interpretation on that. But the effort is we are defining ourselves as working within the mission with its grandfather clauses and its future prohibitions and such.

So, I say we're not working content, except insofar as we may have things that were grandfathered and such.

KATHY KLEIMAN: [inaudible] global public interest – and I'm sorry I missed that discussion – impacts things like the dot-org contract renewal where ICANN staff seems to be writing in all sorts of policy stuff into contracts, and when we question them, they [inaudible] with the global public interest.

AVRI DORIA: I'm not going to go too far on that one because it's hard and I'm not that smart, but we really do have two sets of things going on. There's the policy established and then there's the contract basis between Org and some of the registries and those do travel separate paths.

KATHY KLEIMAN: Can I just say that's a problem because the sense we're getting is anything can go into a contract which basically means we can all go home.

AVRI DORIA: But the contracts are the bilateral agreements between two entities.

KATHY KLEIMAN: Can't be right given consensus policy. If ICANN can put anything it wants in …

AVRI DORIA: Then we need a consensus policy on these things but those things aren't subject to consensus policy.

KATHY KLEIMAN:	I want to raise a flag here. We've got a real problem and 3,00 comments—
AVRI DORIA:	You've been raising that flag consistently for quite a while, so I understand.
KATHY KLEIMAN:	No, but 3,000 comments to the dot-org renewal also [inaudible].
AVRI DORIA:	Yeah. How many of them were, though, on what's that thing? There's a—
UNIDENTIFIED FEMALE:	[inaudible].
AVRI DORIA:	Yeah. That. And, "Here's a form, fill in your name, and a letter will go off," in something that was put out by a couple of domainers. So, yeah, a lot of that 3,000 comments really needs more analysis in terms of to what extent that was a domainer push.

KATHY KLEIMAN: I'm not trying to pick a fight. I'm trying to say that contracting that bypasses the consensus policy and any sense we have at the global public interest may be [a problem] but what is the—

AVRI DORIA: Consensus policy is … You've got to go to the whole picket fence notion. The consensus policy does not define the globality of a contract. The consensus policy is really only within the picket fence, and we're not going to go into the whole picket fence thing, but there's very few topics within the contract that fall under the scope of consensus policy. That's the picket fence definition. Yes?

MARTIN SILVA: Something that maybe is an example of what Kathy could have in mind – and maybe correct me – but [inaudible] consensus policy we have the rights protection mechanisms of ICANN that says you have to – whatever [inaudible] you have to comply with these mechanisms so people can protect their trademark under these specific balance of rules.

And when I see an agreement that allows a registry, a contracted party, to take mechanisms that go further from that balance or that goal, just to put [inaudible] trademark so we can be very specific, that give more protection to trademarks than [all] consensus policy tries to give, for me is frustrating. It's frustrating

not to Martin. It's frustrating the balance that we achieved in consensus policy. The balance is not a floor only. It's a floor and a roof because it takes in account also the rights of others, not only the trademark owner rights.

So, that's an example of something that – I said this and people told me, no, they can do whatever they want because as long as they have the mechanisms that we're asking them, they can create other mechanisms. And in my opinion, that's not true. Other mechanisms might frustrate the ones that we are putting in and that does affect consensus policy and that is inside the picket fence.

STEPHANIE PERRIN: Can I jump in here?

AVRI DORIA: You've probably gotten to a legal point beyond which my capacity to argue and I have no problem, as I said, admitting that. While I do agree that there are things that are beyond, there are things within, and there are probably fuzzy areas that are the areas that are the areas that we're arguing within. As I say, when you enter that fuzzy area, you've gone beyond my non-lawyer capability of arguing. I can get philosophical about it but I can't argue the law. And I admit that some of those areas, the tussle areas, are indeed

fuzzy bits of: is it picket fence, is it not picket fence? Is it within, is it without? That's beyond my capacity and certainly beyond … That's a seminar for people that really know what they're talking about, not just a board member who's trying to explain the processes we got. But I understand the argument and it isn't one that I can resolve in this particular conversation.

STEPHANIE PERRIN: Can I jump in and point out another risk area with this whole concept of public interest that is not defined by the picket fence because it pertains to the WHOIS which is outside the picket fence or inside or whatever the heck. It's not something where … It's an area where the community has the power to set policy, even though the policy has [inaudible] been set in the contract.

But we are talking and some of our stakeholder groups are alleging that publishing the data or not allowing it to be protected in the interest of registrant rights is serving the broader public interest because of consumer protection and yadda-yadda-yadda. The list is long.

And that one causes us grief on several points because if ICANN receives GAC advice at the end of years of fighting over the EPDP and says, "Well, it's in the global public interest to, despite the privacy act, to protect the security and stability of the Internet by releasing this information to these actors," then we'll have done

all this policy development in vain – and we'll have counted the hours by then, by the way. Just putting that in.

But it's a concern and I could see … I've had this argument with Becky who was, after all, the architect of the picket fence. I don't think that picket fence is at all clear. If it's clear in your area, maybe, but it sure isn't clear in the registrars and registries contracts, in my opinion anyway. And I'm not a lawyer either, but I am a policy wonk and I can see policy stamped all over the darn thing.

AVRI DORIA: Those are going to be great conversations and great tussles. The thing is, what I'm basically saying is, we will have to nail those and peg those conversations to the core values, to the human rights framework that will be part of it to the articles and the rest of the bylaws. You can read the bylaws and find some places where it looks like they do peg. You can find places where you read the bylaws and find that they don't peg.

I agree that the conversation are going to be broad and interesting and the tussles are going to be fascinating and probably beyond me. I can understand them but I probably won't initiate them because I'm not going to initiate a legal argument. I can't.

But, what we're saying is, again, it's not the global public interest. It's looking at the values that we have established, that we have signed on to, that we have agreed to in WS2 and so on, and where do those things fall? And working out those issues.

I'm not saying it's going to be cut and dry. But it's the framework that I am suggesting. And it's not the framework yet. You guys can look at it and say, "No, that doesn't work for us. There is no public interest that we care about. There is no public interest that can be defined. We're just going to continue handwaving on it." Or we'll find some way to do it.

RAFIK DAMMAK: I have to run to the GNSO Council meeting right now with ccNSO, but I would really enjoy to keep talking about this because, for instance, with this picket fence and consensus policy and what can [inaudible] agreement, your answer was refreshing because every time I talk with someone that is either leadership [inaudible] working group or even when I talk to ICANN Legal about this, they basically tell me that I'm just ignorant towards the subject.

AVRI DORIA: I bet you they don't tell you exactly that.

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RAFIK DAMMAK: Some cases I've been told exactly that.

AVRI DORIA: They've actually told you you're ignorant? That would be against our code of behavior.

RAFIK DAMMAK: Not in the bad place. It was a friendly conversation. It was fine. But I felt that I usually just don't know what I'm talking about because they tell me, no, things are not like that. Well …

AVRI DORIA: [inaudible] I don't know, but I'm not a lawyer.

RAFIK DAMMAK: No, no, fair enough, but it is still not clear to me. I am not convinced by what ICANN Legal has told me towards that.

AVRI DORIA: I think there's room for lots of really fascinating discussions as we move on. As I say, I am not working on those particular problems. I'm working on trying to build a framework for discussing public interest and then how we discuss it and what conclusions come out of those discussions are beyond what I [inaudible]. But I'm looking for how we can actually root our discussions in who we

are and how we've defined ourselves in the bylaws and the Articles.

So, that's where your arguments are going to come in. You're going to look at what's in the bylaws, you're going to look at what's in the Articles, you're going to look at the mission and such, and you're going to come up with arguments and others will come up with arguments.

What I'm trying to frame is the arena in which we talk about it, the tools and the references, we've got. And how do we do it within that?

RAFIK DAMMAK: Well, the short answer I got from chair of a working group that deals with this is that the contracted parties are [inaudible] compelled to follow ICANN limits and bylaws. As long as they're inside the agreement, they can do whatever they want. The principles of ICANN do not apply to them.

STEPHANIE PERRIN: That sounds crazy to me. But thank you very much. We're going to have to cut it off, but as you can see, we must follow-up on this conversation. Thank you to our very patient technical staff who have stayed 15 minutes later, and to Maryam who probably need a dinner by now. Yes, thank you, Maryam, for all your work.

UNIDENTIFIED FEMALE: And thank you, Stephanie?

STEPHANIE PERRIN: Off we go! Over and out to anybody online. Thank you.

[END OF TRANSCRIPTION]

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