BRENDA BREWER:	Good morning, good afternoon, and good evening. Welcome to the NCSG Monthly Policy Call on 18 July 2022 at 11:30 UTC.
	Today's call is recorded. Kindly state your name before speaking, and have your phones and microphones on mute when not speaking. Attendance is taken from Zoom participation, and I have received apologies from Olévié Kouami.
	And I would like to turn the meeting over to Tomslin. Thank you very much.
TOMSLIN SAMME-NLAR:	Thank you all. Thank you, Brenda. And thanks, everyone, for coming today for our monthly meeting before the Council meeting, which is on Thursday.
	Today we'll primarily be looking at the Council agenda. I didn't think it necessary to go through the ADR because most of the items that are on top of the list now being discussed have been very actively discussed in the Council. So I just thought we'll go through this agenda because there are some items that we need to look at in a little bit more detail.
	So going straight into 8, there are two consent items. The first is an appointment of a temporary GNSO representative on the ICANN Fellowship Selection Committee. Heather was the GNSO representative to the Fellowship Selection Committee. And just before the start of the ICANN75 selection, she reported ...

Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.

I think she had an accident and wasn't able to continue. So I had to fill in for her, and I represented GNSO from leadership during the ICANN75 selection. But after the selection, we had to appoint someone to sit in for the rest of Heather's term. I think there are two more selections to go for her term before it's over. So has put his hand up. He'll be sitting for the rest of the term. This consent agenda is for that.

She will be okay. I haven't heard about her recent state, but I believe it's something she's able to recover from.

The second consent agenda item is the confirmation of the recommendations report on the EPDP Specific Curative Rights Protections which was adopted, I think, two Council meetings ago. So this will be ... The report that's being sent to the Board will be confirmed on Thursday as well.

So those are the two items on the consent agenda. I don't know if anyone has any comments or questions regarding those two.

All right, seeing no hands, we'll move on to the Council vote. This is the one which I have sent ... I forwarded the conversation that's been going on on the Council mailing list to both the Policy Committee and to the general members list for any comments about the proposal. Now, the initial proposal which we discussed, I think before ICANN74 and during ICANN74 was to have ...

Firstly, there were a couple of items to be looked at by the GGP Team that was being put together, including Applicant Support. So Applicant Support was only one of the items. I think there were two or three others. And after discussions in the Council, it was agreed that we

should limit the scope and not make it overly complex, considering that it's the first GGP. So, only Applicant Support was left for this GGP to be looked into.

The second aspect which has changed and which has been proposed ... Well, yeah, the second aspect which has changed is ... The original request was meant to have, I think, a 30-person team of which two per stakeholder group ... . Each stakeholder group was to appoint two members and two alternatives. And SCs were also going to appoint members to this. So it was going to be a very traditionally representative group.

But there are counterproposals right now in the Council, for anyone who's not been following, considering that the recommendation from the SubPro Report was that the team should use a lot of expertise to develop this Applicant Support. It's unnecessary to have a lot of community volunteers put in their time to attend meetings, up to 30 of them, just to manage a process where it still requires experts to be called upon to enter the group.

So the proposal is for the Council itself to manage this GGP. So how that will work is that the Council will have to form a small group to which any GNSO stakeholder group is welcome to appoint members who are in the Council. So obviously, it would have to be Council members in the small group to be part of the small group. And that small group manages the process using experts from outside in developing this Applicant Support.

So, that is just the current proposal which deviates from the original proposal. So I'll stop there and see if anyone has comments or questions.

And I see Kathy's hand up. Kathy, please.

KATHY KLEIMAN: Hi. Can you hear me, Tomslin? Good morning.

TOMSLIN SAMME-NLAR: Yes, I can.

KATHY KLEIMAN: Okay. So I'm really concerned about this and I don't quite ... There are some real problems here. It's really coming in. You're supposed to vote this week, and yet these proposals are coming in now, it sounds like, which seems pretty late in the day. So let me share something.

This is about Applicant Support. This is about how we're going to get the communities that did not participate around the world in the first round involved in the second round. And we do this poorly. We did it terribly last time. And I'm really hoping there's someone on the call that was more involved in it last time than I was.

I know Stephanie was very involved and has been on the Applicant Support group. And hopefully, others which is what to do with the money. There's a pot of money that we got that was put aside for

Applicant Support from the first round, I believe for the second round. So there are people who have been thinking about this.

But Applicant Support, we thought we were going to get a bunch of ideas and applications. We didn't. It was a fraction compared to the ASCII, the English gTLDs. We saw problems with concerns of regions and geographic terms and names of peoples. So this is huge. It's also very much our issue—NCSG.

Kurt's proposal, as you summarized it, actually may make things work. Initially, I was leaning towards it. I saw it go through and I'm like, "Okay, I was on SubPro. Yes, we need outside experts." But by the way, there are none. They do not exist. So that's going to be a problem. We have to create these outside experts. There's no simple way to get them.

Oh, I'm glad Stephanie's here.

So the first from our perspective, given that NCSG ... If these people, if these groups that we're trying to attract ... [I've learned] something about this and shared it with the NCSG policy group. So we're looking for Global South communities. We're looking for indigenous peoples. Native American, for example. So both indigenous people both in the Global South and the Global North. We're looking for minority communities, and we're looking for IDN communities. Non-commercial IDNs communities.

So, how do we get them to participate? So one of the things I'm concerned about is this proposal for a small group. First, policy should not be made by outside experts. This new experiment with this [GGG]. Nobody knows how it's going to work.

Also, it's going to make it harder for us. We get one representative and it has to be from Council. And you're already very busy. And not two representatives. There are two representatives and an alternate who can kind of share. Or we can bring in outside expertise, somebody who really wants to work on Applicant Support issues. And there are those people out there.

The other thing I'm worried about is that there's absolutely, absolutely no definition of the outside experts in Kurt's proposal. And as we now know, you need to define whether it's a facilitator, a mediator, or an outside expert. You've got to define these people.

And in this case, I went into some detail in the e-mail that we need people that can do outreach into these communities and talk to them and see what they need. We're also going to need technical experts. We're also going to need financial experts. We're also going to need a range of experts, many of whom will kind of have to be created by this ICANN process. I don't think they really exist in whole cloth right now. And we certainly can't leave the policy-making process to outside experts.

So I just think Kurt's proposal may be way too much work for us—for anybody—because a small group, again, sounds like one person from Council. And we have to define these outside experts.

Thanks so much. Back to you. Sorry for talking so long.

TOMSLIN SAMME-NLAR: No. Thank you, Kathy. I think that is helpful. Personally, I've ... And I did say this in the last Council meeting during ICANN74 that the community should manage this, not the Council. Kurt sort of makes a point about the size, but I don't know if we can have some sort of middle ground between size and still have this being done in the community.

And I see Rafik's hand up. Rafik, please.

RAFIK DAMMAK: Hello. Can you hear me?

TOMSLIN SAMME-NLAR: Yes, I can.

RAFIK DAMMAK: Thanks, Tomslin. I will try to make some points. The Applicant Support is important for me. It's something that I worked on. At that time it was in 2000. And in 2011, I co-chaired that working group. And the main issue at that time was that the implementation was too late to have an impact. And I think that, really, it was kind of an error/mistake from maybe the Board and ICANN at that time.

And there's something ironic that it's Kurt making, now, this kind of proposal because in that period he was working for ICANN and he was leading the implementation for the New gTLD Program.

Saying that, I have several concerns with this proposal because we should not take it out of a kind of general trend or context. I think in

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ICANN that we are pushing more policy work from the community and trying to find all kinds of reason to try to relegate that to others. Either we think maybe it can be done better by outsiders or maybe with more support from staff, and so on. While the whole idea of bottom-up policy making is that the community should be involved.

So you can have a group with community participation. And, of course, there is that ... You should be able to bring outside experts if possible. And if you read that in any working group guideline or even any working group charter, you see that there is a possibility to bring outside experts, independent experts, and so on, if needed. So it should be just [inaudible]. Just keep a community-based group and bring any expert that is required.

I'm not sure if I understand really why Kurt is proposing this idea and trying to delegate for some identified expert at this time. And I think it will even make things done to ... It will take more time. So it will delay the whole thing. Registries usually are not really [inaudible] by the Applicant Support. It's not something they are supporting so much. I think they just accept it because the committee is behind it. So maybe I see one reason they just think I can be delayed for one reason or another.

And again, just back to the general context. We need to be careful to not set any precedent. And this is something, a trend happening for a while where changing many things in the way that it will bite us later. So we need to be careful to not go with this idea. At the end, I don't think ... With this kind of substantial change, you cannot really approve, I think. If it's like this, probably you can defer if required to take more

time to think carefully about consequences and impact of such an approach.

So I just will say we need to be cautious. This kind of idea maybe looks fine on the surface, but it might have impact in the long run. So, yeah, sorry for taking too long.

TOMSLIN SAMME-NLAR: No, no. I think you didn't because this is one of the main items I wanted us to discuss today because it's a critical one since there's a vote on Thursday and we haven't yet decided what we're going to do with it. So I think if we can agree that we will ask to defer the vote to have further discussion, that's probably a way forward and will put some of these reasons that both you and Kathy have mentioned so that we discuss this a bit further.

As it stands, it's only the actual request text that has changed. The motion itself hasn't. All right? So we have to call it out for further discussion.

Kathy, I see your hand up.

KATHY KLEIMAN: Thanks, Tomslin. I was going to say something else, but let me preface with: if you can explain what that means that the motion hasn't changed but the motion text has. I'm not sure what that means. I did have an idea for—

TOMSLIN SAMME-NLAR: [inaudible].

KATHY KLEIMAN: Oh, okay. Go ahead.

TOMSLIN SAMME-NLAR: Sorry. It's the motion text hasn't changed, but the GGP process request itself has changed. So the document that is attached to the motion is what's changing. It's where the proposal is changing. So that's what I meant.

KATHY KLEIMAN: That sounds pretty big, so thank you for deferring it. And one idea—and I thought I'd ask to see what you think, what Manju thinks, what Stephanie thinks, what everyone thinks—should we invite Kurt to a meeting with NCSG or NCSG Policy to talk about this some more? And particularly, the outside experts that he's thinking about, the outside experts that we can think about and bring to bear because that's a critical part of what's happening here.

And by the way, because a number of the outside experts will be specialists in non-commercial organizations, they will need to be compensated. I'm not sure we can ask them to volunteer time. They won't be volunteers in ICANN. These will be people who spend their lives working with these minority communities. So we have to be careful of their time, too.

So just a lot of things to think about here. Do we want to invite him in? Are there other people who are thinking about this who can be involved? It sounds like there's some good thinking that should happen now. And I'm glad Kurt raised it because I think we should do some thinking up front. That will also help with budget requirements for the GNSO Council in thinking that through.

So, that's [inaudible]. Thank you, Tomslin. And that's the question. And thanks for answering the other one.

TOMSLIN SAMME-NLAR: Thanks, Kathy. Stephanie.

STEPHANIE PERRIN: Yes, hi. That's the real question that I had. I would have thought there would have been ... And I've written this in the chat, so apologies for repeating myself. But I would have thought there would have been lots of people rushing to discuss and help on this issue. But it's been awfully quiet. Apart from Kurt, it's been so quiet.

I'm going, "Hmm. Did I miss something? Have we already decided this?" Because nobody seems to be flocking to this idea. And yet, as Kathy said, when this was sliding along earlier, there was lots of discussion about how important this is, and yet very little discussion right now as it is arising in Council. And frankly, I think maybe inviting ...

I'm sorry I didn't think of it when Kurt was reaching out to see what we thought. I was stalling for time, as usual, because I didn't know what we thought. But having him to a meeting is a great idea. I think that would

help us round out our views and catch up with history and all the rest of it. Certainly, I don't have any time to dive into this up to my neck, but I agree with Kathy. I it something that we ought to have views on. Thanks.

TOMSLIN SAMME-NLAR: Thank you, Steph. I don't know whether, considering that it's Monday today and I think we intent to ... I understand that intention of meeting with Kurt will be before Thursday, I wonder how soon we can get his availability. But I see Kathy's and up.

KATHY KLEIMAN: Tomslin, is a delay guaranteed? Can we ... Not that I want to delay Applicant Support any longer, but I don't think we can get the details of this down before Thursday. And plus, if we tried, I think Council ... Wouldn't Council say, "That's unfair. You're giving us details that we haven't had the chance to review"?

So if we can have another month and bring him in next week and start really thinking about this, then I think we've got something. Is that possible?

TOMSLIN SAMME-NLAR: It certainly is. The process allows us to request for that. So we're allowed to request for more time to think about it. And it's even more fair because Kurt's proposal only came last week. right? And so we wouldn't have met as a stakeholder group before the meeting. So I think the process allows us to defer this, so we should be able to.

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KATHY KLEIMAN: I think that sounds great. Thank you.

TOMSLIN SAMME-NLAR: Yeah. I'm seeing Julf's comment about, "We can propose Council to defer." I think my memory of the exact decision making fails me. And if Rafik can help me here, I think the chair will make a call. Am I correct, Rafik?

RAFIK DAMMAK: It's up to the chair. You make the request and it's up to the chair to decide as far as I know. I mean, [inaudible] or something greater [inaudible] for this. But, yeah, it's up to the chair. And I guess he will just check the temperature of the room.

But again, what Kurt is proposing is quite a substantial change of what was discussed previously. So I think it's a legit reason to ask for a deferral. I don't think it will be seen as an attempt to delay things. It should be okay.

TOMSLIN SAMME-NLAR: Thanks, Rafik. Kathy, is that a new hand or an old one?

KATHY KLEIMAN: [inaudible].

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TOMSLIN SAMME-NLAR: Okay.

KATHY KLEIMAN: Tomslin, would it ... Just a thought that if it is subject to the chairs, if it's not a right of the stakeholder group to delay—I think it used to be, but maybe it's not anymore—maybe outreach to Kurt and to Philippe ahead of time and let them know about this conversation here in preparation.

That's the whole purpose of these calls is to help our councilors prepare and discuss these things, and maybe to tell them some of the issues that have been raised and that we really do want to work on something with Kurt. But it just came out last week and it is summer, so we will work through the summer and we will have something for them next month.

I think that's fair. But if you let them know ahead of time, maybe that will help.

TOMSLIN SAMME-NLAR: That would certainly help. I can take the action to inform Philippe of what we have agreed. And I see Stephanie also proposed to reach out to Kurt to arrange for a meeting. So I think we have a way forward there.

KATHY KLEIMAN: Great, thanks. Let me lower my hand [inaudible].

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TOMSLIN SAMME-NLAR:	Cool. So I'll check to see if there's any other comment or question from anyone else. If not, we'll take those two action items and then move to the next agenda item.

So, for Item #5. This has come into the agenda, really from the Action Decision Radar. The story here is that in 2020, a Policy Status Report for these two policies—the expired Domain Deletion Policy and the Expired Registration Recovery Policy—was deferred by the Council then. They considered it not very urgent, I think.

It had to do with some sort of prioritization of the Council's time. And it was put at the back of the Action Decision Radar, and it has not come up to the top again. So it's been put in the agenda for the Council now to discuss this again, to decide whether to further delay this report or to request for it now from GDS.

So that's pretty much what this is about. I don't know if anyone who was present or at all was involved in this at the time has anything to add or if there are any comments or questions. I see no hands up. All right, I think we can move on to the next item, then.

Item #6 is the PDP Improvements Tracker. Just before ICANN74, again, I shared this tracker with the wider membership. I think new also discussed this in past meetings, but there were some questions from the tracker to the Council. It was sort of feedback from the Council regarding the tracker itself.

So this is to review whether Council has any feedback on the tracker or not. And considering that the expectation is that councilors have discussed this with their stakeholder groups or constituencies and will

bring back any feedback during this discussion. I thought I'll ask one more time during this meeting if there are any. We haven't seen much on the mailing list, but I thought I'd ask again whether there are any comments that we should necessarily take back to the Council meeting on Thursday.

I see Kathy's hand now. So please go ahead, Kathy.

KATHY KLEIMAN: Yeah. I haven't had a chance to look at this, so Tomslin, let me ask other people. For councilors, if you've been on PDPs, what do you think? How does this work? Does it make things better? Since I have reviewed it, let me ask everyone.

And one of the things I'm concerned about as a former chair of the working group—co-chair—is that delays are going to happen. COVID hit, and it hit at the end of two major working groups. And it did slow us down. And that was fair. That was particularly fair because a number of our members were working mothers, and they had a lot of problems—and also working fathers.

So does it make it harder or easier for some of the extensions that will come as a natural part of volunteer work. That's my key question. But also, does it make it harder or easier just to manage these things? We don't want to make it harder for volunteers to manage the PDP processes. So, a question for you. Thanks.

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TOMSLIN SAMME-NLAR: I'll also wait for anyone who would like to answer to put their hands up. I think I'll just give a quick response to your question, Kathy.

The first one is that this tracker itself doesn't propose improvements. The tracker is to track proposals of improvements within the community, whether community and the Board or Org—wherever they're coming from.

We've seen the papers before that came from Org as well about improvements which were focused around how policy discussions affect existing policies and how that can be made better to better prepare for if a policy will need to make a change to an existing policy. And there were some suggestions in there like ...

In the final report, there should be provisions of the group indicating that their recommendation might or will affect existing policy and how [inaudible] know so that they can start preparing for that. You know what I mean. And in the chartering process, to also put in chartering questions to the group as well about whether they should think about potential impact on existing policy.

So this is improvements/suggestions that were made with regard to that particular issue. So this tracker, then, collects all of these discussions.

There was another group of proposals that came out of the Council Strategy Planning Session with community leaders about how to ... If I remember, if was about how to better involve said Board or Org itself during the process so that the PDP group makes decisions with advice from Org staff and not wait until the recommendations are already out,

for example, and then the Org start asking questions back to the Council. Stuff like that so that it stays with the PDP. So that's another ...

There was a suggestion back to the Board to somewhat allow their liaisons to PDPs to be able to speak a little bit more than they do today, and stuff like that.

So those are the conversations that are happening in the community, and this tracker is trying to put them all in a single tool so that we have a single place where we track them. So that's the intention of this tracker. It doesn't intend to, itself, proposal those improvements but just to track them.

KATHY KLEIMAN: Thank you so much. Great. I truly appreciate the background.

TOMSLIN SAMME-NLAR: No worries. Manju, please.

MANJU CHEN: Thank you, Tomslin. I remember in The Hague that Thomas kind of proposed, like, a review before consensus vote before the [PDP] kind of stuff. So doing impact analysis before the chair decides not the consensus of the working group of the recommendations. So we avoid doing this ODP afterwards and have to wait for a longer time and stuff.

And I remember guys into the Council were pretty supportive about this, but we didn't have enough time. So before we were like, "Oh, let's

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talk about this in the next meeting." And then when I was reviewing the agenda this month, I was like, oh, I remember somebody was talking about, "We should talk about this." I think Steve was like, "Oh, yeah. The leader should [inaudible] fits into this Item 6 topic." So I hope Thomas will bring it up again, probably, in the meeting.

And I'm just wondering how do we think in general in the NCSG about this kind of proposal. I was probably being vague about what Thomas proposed because I don't remember very exactly what he was talking about. But I felt like it's basically a minor kind of light ODP before the consensus vote of the working group so the recommendations don't get sent back or have to go through another round of analysis again. That's just a comment, probably. Thank you.

TOMSLIN SAMME-NLAR: Thanks, Manju. Yeah, indeed, it's meant to be discussed under this item. But I don't think 20 minutes will be sufficient. However, the thing that I noted with what Thomas proposed, we had also discussed it as an item, I believe, in the SPS. And I think it was already included in this tracker, if I'm not mistaken. So I proposes that ...

I think, from a tracker perspective, I said, "This is a good time to discuss this because when we get such a proposal from multiple places, we might lose the background. If we didn't have some way to track it, we would lose the story behind it and we might think it's something new, and yet it had been discussed earlier.

So that's how I saw the tracker being efficient, especially with our situation where Thomas brought this idea into the agenda. And we almost forgot that it had also come up during our SPS as well.

But for Thomas' proposal itself, personally I like any suggestion that leaves decisions within the community than after the recommendations are made. So if it's light enough for the working group to consider it without unnecessarily delaying them, I think it's a good suggestion.

Kathy, please.

KATHY KLEIMAN: Tomslin, could you share. Thomas? Which Thomas? And I'm sorry. I still don't understand the suggestion that came up last time.

TOMSLIN SAMME-NLAR: Thomas Rickert.

KATHY KLEIMAN: Okay.

TOMSLIN SAMME-NLAR: I'll try to give the exact ... I don't have the exact wording at hand right now, but I'll share it with you maybe later once I get my hands on it.

KATHY KLEIMAN: That sounds great, thanks. Because it sounds like it changes it. I put in chat that an ODP light at the end of years of working group PDP work

could be good. It also could be bad. It really changes the relationship of staff, of what staff's doing. I don't know.

So I look forward to seeing was Thomas Rickert suggestion is. It really depends how it's handled. It could change a lot of things because ODP is implementation kinds of things and policy. So it could confuse things and maybe delay things in the working group. It could be valuable, too. But I just think that should be taken into account.

TOMSLIN SAMME-NLAR: Yes. I think Thomas' proposal was surrounding ... Prior to the final report being sent to the Council, that the Council should also review what the group is proposing, I think, if I'm not mistaken. But I'll have a look at the details and send it to you.

KATHY KLEIMAN: Thanks.

TOMSLIN SAMME-NLAR: Steph.

STEPHANIE PERRIN: Yes, hi. Personally, I always find that Thomas has good recommendations. And I think what we're looking for is a balance here. That the PDP should own what it's developing somehow.

One of the things that drove me nuts about the ODP on the SSAD ... And I do apologize for the acronyms on the ... You know, what is the long form of the SSAD? It's been around so long.

We yelled during the EPDP all of the time that we needed a needs analysis to see who was going to use this and what it was going to cost and who was going to pay for it. And even during the PDP, this whole business of the users of the access engine refusing to pay for it came up. And yet we charge ahead. And then, lo and behold, we get an Operational Design Phase that says, "Oh, this is going to cost a fortune." Well, we told you it would. And not only that, it's not going to be legally sound and there's a controllership issue.

So I think that Thomas' suggestion injects that kind of reality check where it belongs. We should not be doing PDPs that are divorced from operational reality and then throw it over to ICANN and have an IRT grapple with this.

I've been sort of opting out of participating in the IRT on Phase 1 of the EPDP. It was just too demanding to do it every blessed week or every other week. But Dennis has tried and tried to move forward on that, but there's just too many policy questions that were left hanging in there to implement. So it's been fraught. I think this is a positive step forward to look at, at least, some of the cost and reality implementations of the recommendations that we come up with when we're coming up with recommendations.

I agree that there should be a separation between these. I think Kathy wrote it in the chat. But you can't just have fairyland in the PDPs and then stymied reality as somebody tries to implement it. Thanks, bye.

TOMSLIN SAMME-NLAR: Thank you, Stephanie. So, yeah, that's the one. I don't know if any other person has comment or questions regarding this item before we move to the next. I see no other hands. Oh, "PDP Tracker is a fine idea." I see support in the chat. All right, great.

The next item on the agenda is a discussion on the Council Commitments document. Just before I continue, I see [Rosanna] has a question. Do you want the mic, [Rosanna], to ask this question? All right. "No. It's a general question about NextGen." Okay. We'll probably come to that during the Any Other Business.

Okay, so the Council Commitments document is a product out of the Council Strategic Planning Session. And it's a civility pledge that the Council is meant to make to each other that they will be civil and be nice to each other in the way they do business, I suppose.

There's not much for me to say about this, other than, yeah, that's what this discussion ... And I guess this is a good one for councilors to comment about themselves, so I'll open it up for the councilors.

Stephanie.

STEPHANIE PERRIN:
Where the heck is this coming from? I'm all for civility, but it's not like we've been uncivil to each other. I must admit, when this arose I was quite suspicious. I thought, is this somebody trying to stop any discussion over the renewal of Jeff's term and claim we're not being civil? I mean, I think this is a pure process question.

The job has [grown up]. It's not a big job, certainly in Jeff's hands. It's like being ambassador to the UN. And it needs a proper process, not just a nod-of-the-head renewal. But I don't recall any uncivility recently that might have prompted this.

And you know what will happen when they implement this. It'll be one more bloody tick box to tick before you get on a call. I mean, I'm already agreeing to all kinds of things that are essentially meaningless. I don't need one more tick box, thank you very much.

Just wondering what the heck prompted this. Thank you.

TOMSLIN SAMME-NLAR:
Thanks, Stephanie. All I know is that it came up during the SPS. And that is where the councilors agreed that they would look into this pledge thing. I think there was a discussion about how, in the past, councilors fight each other during meetings. I haven't seen any, to be fair, since the cycle started. So I'm not sure whether ...

But I guess it's something we committed to do during the SPS, and I did have an idea. And that's why it's still not the agenda.

Manju.

MANJU CHEN: Thank you, Tomslin. I recall at first when people brought it up, it was more because of the whole EPDP thing. So people were like, "We have this final report and they're voting against it." And the Council, again, and stuff like that, and people were like, "You have to respect the process. You can't just be boycotting everything because you don't like it."

So that was like, well, we have to have these commitments for the councilors to fulfill the duties as councilors and not just as, I don't know, doing whatever their stakeholder groups want and stuff like that. And that's why there's this commitment where a councilor should be considerate and should be doing councilor jobs instead of only boycotting process because they don't like the result.

But I don't know why, in the end, it turned out to be this kind of, "Oh, we can't badmouth each other or stuff." So that's a weird turn. But I remember that it came out as something like that more than like this. Thanks.

TOMSLIN SAMME-NLAR: [inaudible] Manju. Just reading in the chat. Well, yeah. I don't know if there are any other comments. I think the plan is, after this discussion, to move to either a vote or a consent agenda. But I think the motion ... I suspect it to be a vote whether ... I don't know. But I guess it will be decided at the time whether it will be a consent agenda thing or a vote. But that will happen in the next meeting, and that will be in August after this discussion.

Now I see Stephanie's hand up.

STEPHANIE PERRIN: I think now that we've unpacked this term—thank you, Manju, for the reminder—this is a classic example of abuse of the concept of civility and ethics to stifle dissent. As Kathy pointed out in the chat, free expression is often not considered to be civil. But I think we have always been civil in our objection. You don't have to do ad hominem attacks. We always explain our reasoning as to why we don't like something, and we're not about to bend in our principles just to get along.

Now I know that there has been some objection about operating in good faith. And in fact, the Registrars and Registries objected to the IPC not voting or not supporting the concept of the SSAD after we spent ages developing it because a) they didn't like the idea of paying for it, and b) they weren't getting everything that they wanted in terms of data elements.

That was an example of what I would consider to be bad faith because we were there trying to figure out how to comply with law and they were basically saying, "Well, we're not going to comply with law." That's a wee bit different from the kind of objections that we raised. For instance, for years we said "comply with law."

So I think we should be very careful. We're on a bit of a slippery slope here. But we must defend the interpretation of good faith. If you object on principles, you should be able to continue that objection. I would even, quite frankly, support the IPC's right to object at the end if they

don't like what they're getting. I mean, it doesn't give me any heartburn that they did that.

So maybe we need a fulsome discussion about this because what we don't need is any more prettiness and "let's all get along" in the PDP process. We need civility. We need a place to air our full comments. We need better process.

I don't know how many times I've asked for footnotes when we go sliding along with compromised wording that I have said, "That's going to get us into trouble in the implementation you're just coming up with this compromise wording to make it look good on the report. We still don't agree."

Okay, I think I've said enough on that. Thanks.

TOMSLIN SAMME-NLAR: Thank you, Steph. So, I have shared the document in chat, with your suggestion about us being careful with the wording. How do we proceed with this? Do we want someone to critically read this document and point out which wording is not good at all? Or how do we go about this?

Steph, do you have any ideas on things?

STEPHANIE PERRIN: Yes. I'll give it an edit and send it back to the list. Okay? I suppose I'm the one that called out these mealy words that make it look like we're all getting along, so I should give it an edit and see what we're signing onto.

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TOMSLIN SAMME-NLAR: Thank you. Kathy.

KATHY KLEIMAN: Yeah. Tomslin, can you hear me? Because I'm looking at the document.

TOMSLIN SAMME-NLAR: Yes, I can.

KATHY KLEIMAN: So one question I have ... And Stephanie, when you're reviewing it, just in the preamble, it would be really helpful—given that we have lots and lots of other civility requirements both in the GNSO and in the PDPs—it would be useful to give an example why. Why this is being adopted, what problem it's trying to solve. Because there's no example here.

And then the new statements that have been added towards the end of the preamble, "These commitments are superseded by a councilor's SGC charter should they enter in conflict with the said charter. And the concerned councilors will disclose these conflicts. The Council, before considering themselves relieved of the relevant commitments ..."

Again, somebody's thinking of something very specific here. What in the world are they concerned about? What are they trying to solve? That would help narrow this because for all of the reasons that have been discussed and that Stephanie and others have raised, this could have

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some problems. So it would be really good to see what problem people are trying to solve and narrow it down to that. Thanks.

TOMSLIN SAMME-NLAR: Thank you, Kathy. Are there any other comments on this before we move on? All right, I see no other hands. I think that will be the last item in the main discussion section of the agenda. And then we'll move to Any Other Business.

The first is the call to councilors to respond to the questions set forth from the SubPro ODP Team that came to councilors to see if there are any inputs to that before the Council responds back to the ODP Team.

The second is ICANN75 planning, obviously. The third Any Other Business, however, is the one that is the most important in this for us in here. The GNSO liaison to the GAC will give a review of the GAC Communiqué. However, leadership plans to also remind councilors that Jeff has shown interest to go for another term as the GNSO liaison to the GAC during this item and will request councilors to start thinking about that.

Kathy, unfortunately, the current document for the liaison doesn't have any term limits. It just says unless the Council has concerns about the liaison, if the liaison wants to continue the council will just renew for another term. So that's the tradition that's been so far. And I think we plan to submit concerns about this renewal and ask that the position is advertised to the community.

I'll stop there and see if anyone has any comments about these items. Stephanie, please. Then Ephraim.

STEPHANIE PERRIN: I apologize because I've already said quite a lot about the whole Jeff issue. And I do think that it would be far better if somebody else raised it, but I'm sure that anybody else is going to raise it. Sadly, I think the Registrars and Registries are as short of volunteers doing actual work as we are. They are recycling people, and I know they're tired and burned out like we are. So I don't think ...

Unless somebody has a candidate to take on this position, people are just going to sit on their hands and let Jeff renew. But honestly, if you did a text analysis of his participation, you would soon discover that he's the most active councilor. He has an opinion on everything and he's stating the rules on everything every single meeting, every PDP. I mean, he's like the ever-ready bunny. He never stops. Which is not at all the role of the GAC liaison.

So, I mean, if he wants to be a person on Council, he should get elected. If we don't raise it and this thing just slides through, it really is a serious process issue. We have established a person there who could go on forever. And when Jeff gets tired of it ... I should not do this. I'm stifling myself with great difficulty, but I can think of another person who is a member of ALAC who we might get as the next one. And it's sort of like my worst nightmare. I'd never be able to leave ICANN because I wouldn't feel that I could leave them unchaperoned.

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Yes [inaudible] we're spoiled. You did the job properly. The job is not to interfere on everything. It's a real diplomatic post. Go back and forth. It's not ... It's a bit like the terrible example we have of ... Oh, no. I shouldn't do another ad hominem.

But we're getting some really bad examples in these leadership roles that are transforming the roles. And I think we have to speak up in a very disciplined way. I wish it were someone else other than me. But from a process point of view, as Rafik just said in chat, we have to do something about this. Thanks, bye.

TOMSLIN SAMME-NLAR: Thanks, Stephanie. I'm happy that you've put up your hand to say something about it because we have to. And the other thing is ... Ephraim, sorry. I see your hand, so I'm not ignoring you. But I just wanted to stay on this topic before I come to you.

Jeff is also the liaison to the SubPro ODP Team. And the challenge that we have there is how does he really remove the hat of one and put the hat of the other because he's meant to only speak in the Council for items that concern the GAC. But he's also the ODP liaison, so it's a bit ... It's quite complex, and I think that makes it very difficult to say a single individual should be holding those two roles which are critical. But, yeah, please do, Steph, we'll be very grateful if you can put that concern in.

Ephraim, I'm not sure if you are going to speak to this topic or to the ...

EPHRAIM KENYANITO: Sorry. I had raised my hand, but it's just on the other topic of about ICANN75 planning. I just wanted to ...

Sorry, I came in a bit late. I had Internet issues. I don't know if you talked about the report that the CCWP did. The one that Bruna forwarded to the Board. I would be interested to have a session and have this conversation, and just also discuss, generally, Human Rights Implementation. The research took a lot of time to finalize, but I'm glad it did. And it can be a step toward further conversation on achieving the implementation of that bylaw.

TOMSLIN SAMME-NLAR: Thanks. We haven't yet. We were just coming to our AOB. And I understand Manju has one. Manju has put in a request to talk on one. Then I'll come to this item on the AOB. So if you don't mind, I'll first give it to Manju to bring her AOB up.

MANJU CHEN: Thank you, Tomslin. Actually, my AOB is kind of related to the Human Rights Assessment and stuff. So I am in the CCOICI thing. It's like Council Continuous Improvement ... Committee. So it's councilors who are working on stuff. And we are currently reviewing the WS2 accountability recommendations. And we're now actually moving on to review the recommendations about the Human Rights Framework.

So I'm just calling to our members who are familiar with this Framework of Interpretation. I really will have to borrow you guys' expertise on this. So if any of you who are interested in reviewing text of how the Human

Rights Framework of Interpretation ... If the Council needs to have its own framework or its own guideline about this. If you have been participating in the Work Stream 1 accountability work, if you were in the subgroup who were working on this framework, please reach out to me. I really need you guys' help about this.

I'll also send out the call on the mailing list, too. But I thought it was a great opportunity to just call out and ask for help. Thanks.

TOMSLIN SAMME-NLAR: Thank you, Manju. And it think, Ephraim, considering yours is related ... I don't know if you had anything else to add, but I'm sure you can certainly help Manju with that. But the report, Ephraim, like you mentioned was sent to the CEO and the Board by Bruna. So you could please talk to it if you would like to.

EPHRAIM KENYANITO: Sorry. I just wanted to flag and let members know it's on the list. It's interesting. Just our findings about how, basically, it would be nice ... That conversation that you had earlier about discussing the operational aspects and the policy development aspects. Because Human Rights Implementation is also an operation aspect.

This is something which, if an assessment is done at the beginning or right when the PDP—it was the first couple of initial steps—that can be helpful to prevent some of the challenges and redressing those challenges at the end.

Whereby this would [inaudible] at the end of a PDP, for example, and before the ODA, that would be very helpful in not closing a PDP without fully assessing not just Human Rights Implementation but also just other obligations, global public interest [inaudible] that have been considered before closing such a conversation.

So I'd be curious to continue having this conversation. And not to hog time, but I'd be curious of continually having this convo hopefully at ICANN75. And thus, I had wanted to request as the NCSG. But since the CCWP is chartered under NCSG, we requested for a session formally to have this conversation on the agenda because this is a lot of ... It's been researched for the longest time, since the beginning of the year to now that we are sending it to the Board.

TOMSLIN SAMME-NLAR: Ephraim, so if I understand well you're asking for a plenary session on this or just an NCSG session?

EPHRAIM KENYANITO: Preferably a plenary session because it concerns the whole community. And given that since the November 2019 Board vote on the topic, nothing much has moved, it would be good to have it at the plenary level. But then if we can't, then we might need to do an intersessional. But it would be good to have a plenary so that we can have other members of the community at ICANN75 to also just have that conversation and to be fully present.

TOMSLIN SAMME-NLAR: Thanks. I ask because I think the request for plenary sessions will be discussed this week, I think, later on Thursday as well. And I think you might want to speak to Bruna and [inaudible] maybe to see if we can put that as a session. But, yeah, it's probably a bit urgent as well if you want that to be a plenary session because the meetings have just begun to plan from ICANN75.

Sorry, Stephanie. Not ignoring you. I see your hand. Please go.

STEPHANIE PERRIN: Thanks. I think if we want to nail this down as a plenary—and I agree it's important—we need to get involved the Risk Management people. And to tell you the truth—I never thought I'd say this—my goodness, we miss Marilyn Cade. The entire budget process seems to have slithered off the radar now that she's not here to point out the flaws in the budget process. They used to hold them on Sunday night, you know, during ICANN meetings. Nobody ever went to them. And I'm not even sure who's tracking the budget. Apologies to the person who's tracking the budget here.

But this is part of a proper risk management process. And the question as to when it should be done, in my view—and I've said this before— it should be done at the beginning of a PDP, not at the end. You have a framework established, a document. And then a check-in at the end of the process to make sure, in fact, that everything you pointed out as risks were well managed in the results of the PDP.

Obviously, those of us who care about these issues raise it all of the time during it. But that doesn't mean that the final report actually

contains the recommendations unless you have a process check-point as part of the risk management scheme.

So maybe it would be a good idea to find out who's responsible for risk management and rope them into supporting the idea of a plenary session. Just a thought.

TOMSLIN SAMME-NLAR: Thank you. And Bruna sent her apologies. She had a conflict, I think. She would also have provided a good input into this. But yeah, Ephraim, if you can follow up with Bruna on this, that would be good.

EPHRAIM KENYANITO: Okay.

TOMSLIN SAMME-NLAR: Thanks. We are eight minutes to the top of the hour. I don't know if there is anything else anyone would like to bring up before we wrap it up for today.

Kathy.

KATHY KLEIMAN: Tomslin, thanks. Let me put it back on video just to say goodbye to everybody. To what Stephanie was saying, I just wanted to say that risk assessment is not an expertise that's deep in the multistakeholder model. At least not that I've seen. I'm not sure people would know ... I mean, people could say they know how to do it. But the kind of risk

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assessment, the human rights analysis that we're talking about, it would be really good to quantify and point out who does this type of work in the real world—when they do it, how they do it. This could be really useful in the plenary to be an educational process to the ICANN group with an advocacy in an educational process. Obviously, we're advocating for it. But what is it we're advocating for?

What concerns me is that it's going to get added to the charter as part of the checklist of a new PDP Working Group. "By the way, do the human rights assessment." And then you're going to have a whole bunch of trademark attorneys and registries and registrars and non-commercial people who don't specialize in that, like me, trying to do a risk assessment. And that's the last thing you want.

So where do we get this expertise? How do we bring it in from outside? How do we add it into the process? I like Stephanie's idea of giving it at the end. But then the question is, who? So if people who know this stuff can think about the "who" that would be really, really good because we don't want the same usual people doing this who will get it wrong. We're really good at what we do, but this isn't one of the things we do. Thanks so much.

And Tomslin, thanks for a great meeting. Have a good day, everybody.

TOMSLIN SAMME-NLAR: Thank you, Kathy. And thanks, everyone, for the good discussion today. It was really helpful for us councilors to prepare for the meeting on Thursday. And we'll take these actions to Thursday's meeting. So, thank you.

Have a good day, and see you at the next meeting. Bye.

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