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ICANN74 | Policy Forum – Joint Session: NPOC and NCUC  
Thursday, June 16, 2022 – 10:30 to 12:00 AMS

ANDREA GLANDON: Hello, and welcome to the joint session NPOC and NCUC. Please note that this session is being recorded and is governed by the ICANN Expected Standards of Behavior.

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For the benefit of other participants, please state your name for the record and speak at a reasonable pace. You may access all available features for this session in the Zoom toolbar. With that, I will hand the floor over to Raoul Plommer. You may begin.

RAOUL PLOMMER: Thanks, Andrea. Yeah, it'd be very nice to come here for a live meeting after a long time of having just virtual meetings. It was so fun last night that I'm still coping with it. But I'd like to

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introduce the NPOC EC members that actually were able to come here and maybe start from there with Bolutife.

ADISA BOLUTIFE:

Hello, everyone, my name is Adisa Bolutife. I currently serve on the NPOC EC as communications chair. It's a pleasure to be here with my other colleagues as well. It was quite a while of online meetings. I also represent the grassroots on the NPOC platform. We also tried to advocate for other topics related to DNS abuse and human rights, basically, in the NPOC space. I think I'll yield the floor to my other colleagues. Thank you.

EMMANUEL VITUS:

Good morning, everyone. My name is Emmanuel Vitus. I'm the current secretary for NPOC. I think I was elected for a second term in the last election. I don't [inaudible], unfortunately. I've been in [Poland] during the COVID and it has been quite challenging aside the meetings and e-mails, for the first time meeting physically as EC member. I said with the other people because I've been ICANN Fellows in South Africa. That has been very challenging time but we try as much as possible to try and think Raoul will do the presentation. He will talk about few initiatives that we worked on so far and applause for the future. Thank you.

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RAOUL PLOMMER:                    Maybe Juan?

JUAN ROJAS:                        This is Juan Rojas for the record. My organization is a member for NPOC. But now I'm here as a GNSO councilor. I don't know. What else do you need? Yes, that's it. Thank you very much.

RAOUL PLOMMER:                    Thanks, Juan. Okay. So I want to tell you a little bit what we've been doing in the past year. You might have heard some of these things in the previous meeting. But I think our participation hasn't been quite as strong as it has been in the past. So I'm just going to repeat some of it.

So first of all, maybe start with the bad news. We tried to open a bank account in Estonia because I heard that in Estonia, we could use the Estonian e-residency, which is basically a digital ID of Estonia's. This spring, I finally had my Estonian friend to check it out in a bank, and apparently, I was given false information in the first place, thinking that we could actually change the signatories of the bank account without the person and never ever going to Estonia, which would have been great for international organizations as ourselves. But yeah, that didn't work even in Estonia.

We passed our charter. That's passed now to the Board Organizational Effectiveness Committee on 9<sup>th</sup> of May. We're

basically waiting for them to sort of stamp it and make it into effect. I'm hoping to see that happen by the end of the year. But yeah, that was a process that lasted somewhat five years. There were a lot of conflicts in the charter itself and there were sure a lot of things to fix. But we did finally do it.

So there was a mention about the website upgrade and update. I do think we haven't really utilized the \$9,000 per year that ICANN is actually willing to give for our website and marketing materials. So I think we'd want to utilize that better in the near future.

One of the things we've been thinking like previously, we had this cloud service called Nextcloud that we used among the EC and was free open software that we wanted to try because, basically, we wanted to make like a showcase how to run your domain with different platforms, they're having different functions for organizations. I think the document management system or at least some kind of cloud management, I think, is really quite helpful.

But I'm not terribly technical person so I installed and configured it myself, and that wasn't entirely a success. So I think this time around, we'll either have a more technically able person to do it or to actually pay Nextcloud to set it up and install it. It'd be better if we were able to do it, because then we

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could pass that information on to our members and anyone who's interested, really.

I also need to finish the transfer from our past registrar that hiked up the prices by 50%. So yeah, we needed to move. I think our e-mail is, at the moment, not going through to NPOC addresses, which is a bit embarrassing. But yeah, I'll try to fix that as soon as possible.

NPOC hasn't really been able to pull its weight in creating policy for ICANN. We've had many efforts to start that process and to really make meaningful contributions to the policy making. So I decided that this time, it's very likely going to be my third and final term for NPOC next year, and I decided that, okay, since our PC has always struggled to sort of start the policymaking process and to get all of us on board with it, we've decided to start doing that with the full force of the EC so the PC won't be alone in that one. I think the most obvious issue that is relevant to NPOC and even I can get my head around is the TPR, which is the Transfer Policy Review. There's a PDP working group that I already asked Tomslin to hopefully add us in there as an alternate member. I think Farzi and Wisdom are there as actual members.

Juan is also interested in working on the DMS. And I'm glad to say that we're actually getting a past councilor to be our policy chair for next term. So I have high hopes once again.

Then the members of outreach, I think that's finally restarting and returning closer to normal as we can actually meet people in person. I think, especially in the live meetings, we've been more successful than other times to attract new members. That's really something that we want to bring back in full swing in Kuala Lumpur. There'll be a lot of potential new interested people joining the NCSG ranks, hopefully.

Also with the new charter, the EC is going to be reduced from six persons to four persons. But for one more term, we have this time being able to elect all the EC members. And yeah, I think it's looking better than it was two years ago.

Last but probably not least, NPOC has been attending quite a few NomCom Review Implementation Working Group meetings to track the process of implementing the external recommendations ICANN was charged with. It was the Recommendation 10. And, if I remember correctly, that had a fairly strong language in it. It was a strong recommendation for ICANN to do something about. It was blocked by the GNSO after a five-year process of lots of these review implementation group meetings. And basically, the CSG I think was the most vocal about it, like posing the fact that they have four seats out of the GNSO seven seats, which, in my view, basically, they're able to overrule anything that the allocated GNSO seats, other GNSO seats suggest or to nominate, and they have one vote on top of

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that. So it's really far from being a balanced allocation of seats. I think it should be really more equal.

My suggestion, the best way to balance that without making too many changes is to give the Registries/Registrars, the NCSG, and the CSG—all of them—two seats, and we would take one GAC seat that they are not using. They haven't used it for 10 years. So we then would actually be equal stakeholder groups within the NomCom. I think that's really the fair way to go there.

That concludes my review. If you have any questions, please ask. Well, don't get all too excited. I'll pass it on to Benjamin. Yeah, that's it. I mean, nobody had any questions.

**BENJAMIN AKINMOYEJE:** Thank you, Raoul. Good morning, everyone. So I think we just concluded NPOC session. I think if there's any question as well, we can still take that.

So welcome, everyone, to NCUC session. As you know, NCUC, Non-Commercial User Constituency. My name is Benjamin Akinmoyeje and I'm here with about two of my ECs. Where's Ken? Yes. So I'm the chair. I'm also going to introduce the ECs that are around. I'm giving them a few minutes to just quickly introduce each other. Ken, do you want to go first? Okay, Ines?

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INES HFAIEDH: Thank you very much, Ken. Thank you, Benjamin. Hi, everyone. My name is Ines Hfaiedh. I am the Africa representative in NCUC Executive Committee, just voted recently. So I'm very happy to be here. In a few minutes, we will be speaking about capacity building and outreach briefly before we give the floor to our speakers. We're looking forward to a great and very fruitful discussion. Thank you.

BENJAMIN AKINMOYEJE: Thank you, Ines. Ken?

KEN HERMAN: Good morning. I guess for some on the phone, very early good morning. Ken Herman from the North America region, the Executive Committee. I'm happy to be here where I'm looking for ideas on outreach and creative ways to do that. For those who haven't heard already, I have a lot of experience in my career with working with nonprofit institutions and international development. And so the non-commercial community is where I feel the most comfortable. Thanks, Ben. That's all I have to say for now.

BENJAMIN AKINMOYEJE: So thank you, Ken. In case you're wondering what we do at NCUC, the Non-Commercial User Constituency, we mobilize civil society actors to participate in ICANN, including in working



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groups and other processes. And we're always eager to engage with other stakeholders at the different meetings. So today, this agenda, as shown on the screen, we're going to be calling on different speakers to share their views on those topics we have put up there. So at this moment, I'm pretty much just introducing and opening this meeting, and welcoming everyone to the session. If we have any visitors, please don't hesitate to ask questions. We're really looking forward to you to join our constituency and help engage in ICANN.

So at this point, I want to call on the first person. I can't see. Okay. So let me look on my screen. Okay. Also, I think Ines just quickly want to talk about membership outreach and what we want to take on quickly before we call on Tomslin.

INES HFAIEDH:

Thank you very much, Benjamin. So basically, what we really wanted to speak about in membership outreach and capacity building is that, especially before COVID, we used to have a very nice initiative which is like internal mentorship, where we will have some of the regional representatives mentoring and paving the ground and helping especially newcomers from the region, getting their first steps into ICANN in general, and NCUC and NCSG in particular. So this is what you're looking for as the mentorship program.

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Another thing is in terms of outreach, we're really looking forward to reaching out to the members more often. So we had our members meeting within NCUC where we had very good discussion and we gave updates.

Also for our website, personally I've written some articles on our website and cc website. We have some technical issues with our website which we have to fix. We will see how to fix that either through ICANN or through—we will see how to fix that. Long story.

Another thing is great initiative, actually. It's not my idea but this will help me really prepare the ground for Tomslin to speak about policy. So it's an initiative and a suggestion from Tomslin is to really see the impact and to have a living document where we will see the impact and the suggestions of the African community in terms of policy and how it affects their life. So right upon this in-person meeting, we are going to have a virtual webinar or virtual meeting where we will have Tomslin give us updates and where we will be launching and starting this document. Really, it will be a living document where the whole community would be putting their suggestions on a regular basis.

So this is, I think, what I got in terms of outreach and capacity building. Thank you.

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BENJAMIN AKINMOYEJE: Thank you, Ines. Ken, do you have anything to say?

KEN HERMAN: Yeah. I've been considering what outreach activities can do. And I welcome Ines's initiatives and I think they'll be quite useful in trying to help people understand exactly what we're doing. For me, it's been a struggle coming into the community to understand what the issues are and how to focus the message. Now, as I talk to people in organizations that might find our community useful, I have struggled sometimes to find a way to explain things succinctly and precisely so that they can understand and really have a message that would resonate with them. Being in this meeting this week has really helped me to do that as well as, of course, over the past couple of years or so. So I think that one thing that would help is to try to focus our elevator speeches to help people to understand.

The outreach, different initiatives that I've made to organizations, most of the time, I'm not really hearing anything back from organizations that are on our mailing list. They're either simply not interested or they're just not going anywhere. And the time of the pandemic has made things more difficult since I would usually just pick up the phone and call them. But you can't do that quite so much. So I think a focus message that can describe things succinctly to people who aren't as engaged as we would be would be very helpful. Thanks.

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**BENJAMIN AKINMOYEJE:** Thank you, Ken. Just to reiterate, before I yield the floor to Kathy, NCUC, our mandate is to care for non-commercial values in the ICANN policy development processes, is to make sure that we advocate for freedom of expression on the Internet. We support privacy, anything that goes against privacy of individuals or domain name users, and then an access to domain names. Those are our mandates. So we pitch that to everyone. We should master that. But I'm just reiterating that in case we forget that.

Let me give Kathy a chance. Her hand has been up for a while. Okay, Kathy, go.

**KATHY KLEIMAN:** Thanks, Benjamin. Just for a second. In this, Ken, thank you for all the work that you're doing, and for doing it during COVID and the lockdowns. As Farzi mentioned in the chat, there are things that should/may be able to help you. It looks like Farzi has materials from probably when she was chair. And also, I was a mentor for a long time. We developed materials—mentors and mentees—together developed something called NCUC in bite-sized pieces, where we tried to explain where NCUC fit the values that Benjamin's talking about where NCUC fits in the ecosystem of ICANN and also our past history, working on free expression, privacy, due process, registering rights, digital rights, that kind

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of thing. And initiatives that we've done, work that we've done in the working groups, and put it in bite-sized pieces. So ICANN staff has that and used to send it out to new members over the first six weeks of their new membership. We can find that material, and if it's useful, use it. Thank you.

**BENJAMIN AKINMOYEJE:** Thank you, Kathy. I think we're taking notes about those. Bruna, do you want to go?

**BRUNA SANTOS:** Thank you, Ben. I noticed that I also have some materials with me. I might find a way to get them from Brazil to here. But I also have some fliers I think in French, Japanese, and English from previous meetings. But what I meant to say as well is that Comms from ICANN Org is always looking for us in order to renew the materials and review them. So there might be an opportunity if we want to schedule a meeting with Comms for us to go through everything that we got and see how can we improve these materials for the KL meeting. So I don't know in terms of deadline because there should be some deadlines for bringing new things and so on. But maybe we can ask for a meeting with them next week or the week after to see how to work on these new materials.

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**BENJAMIN AKINMOYEJE:** Thank you. Well noted. I think we just make sure we follow-up with those. Thank you. So I think we can get back to the agenda and reach out to the—yeah, I think Tomslin is next right now. Tomslin, are you there?

**TOMSLIN SAMME-NLAR:** Thank you, Benjamin. I don't have anything formal to say but the intention of the seven minutes I was thinking was to just inform NCUC—and NPOC is also in the room. So I really liked what Raoul was saying there. Because what I was going to say is in line of that that we need more active participation from NCUC and NPOC in the Policy Committee. A bit more active than it has been for the last year. So, I like the plan that Raoul has there in focusing on having one, join the committee as a policy chair from NPOC, because it means that NPOC is actually intentionally thinking about actively participating in policy work.

So I want NCUC to think about the same because while we do policy work as NCSG, the majority of the members actually from the constituencies, we need the constituency members to actively participate. And I think it's also time where we hear from some new voices as well, the need to the new ideas and new voices. This is the time where we need new people to also really jump in and start working. I don't think there is bad or good policy work. So we don't need years of sitting and observing.

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I don't know at what point you say you're ready to actually work. I think the best time was yesterday and the next best time is today to start engaging in policy work. But good place to start at the public comments. We've had few opportunities recently, but I'm pretty sure that with the many items and discussions that are going through the Council right now, there will come about commenting. And so lots of opportunity. I think the IGO paper that has just been a recommendation that has just been approved by the Board is one such.

**BENJAMIN AKINMOYEJE:** I think we lost Tomslin there. Maybe we should move over to Kathy. I think we can move over to Kathy. Kathy, if you're online, I think you can jump in.

**KATHY KLEIMAN:** Sure. Benjamin, may I share my screen?

**BENJAMIN AKINMOYEJE:** I think you can.

**KATHY KLEIMAN:** Excellent. Okay. Terrific. Can you see these slides? Okay. I'm hoping you can see the slides. If you can't, let me know. What I want to do is Farzi and I would like to talk about DNS abuse. The easiest way to do it is to summarize some of the discussion

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taking place around the meeting now. There's a lot of discussion of DNS abuse and I'm sure you've been in many of them. The slides I'm going to share, it's just a few slides, and then I'm going to turn the conversation over to Farzi. But I stole these slides mostly fair and square from the Contracted Party House yesterday. They did a community outreach on DNS abuse. Always reuse other people's material, right?

So in ICANN, the definition of DNS abuse is not everything under the sun. We've worked really, really hard to come up with a definition that's focused on malware, botnets, phishing, pharming, and not all spam but spam when it serves as a delivery mechanism for other forms of DNS abuse. The reason this was negotiated heavily over many years at ICANN is that we and others did not want a definition of DNS abuse that included everything under the sun, that included everything on the Internet. We need to keep ICANN focused on its scope and mission, which is specifically not regulating all content, which is specifically not regulating content at all. We oversee and manage the domain name system. So we're looking at abuse associated with overseeing and managing the domain name system.

So yesterday, we heard a presentation from ICANN's director of SSR Research who has been monitoring for four years. She's been monitoring DNS security threats under this definition, which we call DAAR, actually. So I've just picked up a few slides.



We can find the whole slide deck if you want to see all of her slides on this. But what we see is that the security threat domains are going down. Initially, the peaks are really with the rollout of many of the new gTLDs, and they've been tracked over time, and total security threats are going down and they're going down dramatically. This is good news. I want to credit the work of the Registries and Registrars. We saw what Graeme is doing, and PIR, and yesterday, we heard a lot about other initiatives by Registries and Registrars individually and collectively, they're really working hard on this. So another slide that illustrates this dramatic reduction of abuse in gTLDs.

Okay. This is my last slide. I'm setting up the conversation that we'll have a few minutes to do. That's good news. But there's bad news, too. Throughout this meeting, throughout the last year or so, maybe longer, there have been continued calls to broaden the definition of DNS abuse in ways that would really include speech and free expression. So among other questions, how should NCUC respond to the call for DNS abuse to include content, to include anything someone doesn't like, that someone else has posted, and how can we share a message with the GAC and the IPC and others about the limited scope and mission of ICANN. And of course, how do we protect digital rights and due process?

Thanks so much. I'll stop sharing my screen and I'll hand it over to Farzi. Thanks, Farzi.

FARZANEH BADI:

Thank you, Kathy. I think that we need to also be clear why it matters to us as a constituency to not to buy into this narrative that cyber doomsday is coming and we are all drowning in DNS abuse. So I'm just going to give you a little bit of background as to why we are now talking about DNS abuse all the time. When the domain name registrant data, like personal sensitive data in WHOIS was redacted due to GDPR, the intellectual property and businesses and also governments because they do not have access—well, they say that they don't have enough access to this data. They went around and mentioned that we are drowning in DNS abuse because of WHOIS and it's been redacted. So this narrative came up, it became stronger and stronger.

But then pandemic happened. And still DNS is working fine and the Internet also operated really well. But there were still calls for fighting with DNS abuse. Registries and registrars kind of gave in, and they came up with these initiatives, which are actually good initiatives. As long as they don't affect ICANN's mission, they don't deal with content and stuff that like that, then they are good initiatives.

But for us, for NCUC, it especially matters because we are advocates for freedom of expression, for privacy. We want to also protect those domain name registrants' right to access to domain names and not to get their domain take down so easily.

So with this narrative that goes around that DNS abuse is just really high and the rate is really high, then we should stop initiatives that could take drastic measures that could affect freedom of expression and privacy on the Internet, just under the guise of DNS abuse.

So that's about it. If you have any other questions ... What I think that we should do from now on, we'd be monitoring the issue. We've been vocal about the conversations at ICANN, and there are a few points that we always have to make. One is that we keep to DNS abuse definition has to be limited, it has to be within ICANN's mission, and also discuss with the contracted parties in order to make sure that when they are dealing with DNS abuse, they have fair processes in place, they have appeals mechanisms, also their preventative measures are not overreaching. So these are the few things that I think NCUC should consider when you're discussing things with others.

Other than that, the last point is from yesterday, as Kathy also mentioned from yesterday's presentation from the ICANN DAAR project—I don't think it's called DAAR anymore, I don't know. So from that presentation, actually, DNS abuse is not increasing or anything like that. So, we should consider that. We should rely on that data when we are discussing DNS abuse. Thank you.

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**BENJAMIN AKINMOYEJE:** Thank you, Farzi. Thank you for all the points. I'm looking for people to react. I'll get to you, Raoul. Tomslin is back online. I hope he has some few points to round off. If not, we could just go back online. Tomslin, are you there?

**TOMSLIN SAMME-NLAR:** Yes, I am, Benjamin. I think this will be quick. All I just wanted to conclude with was that anyone who is interested to get into policy workshop, please contact me directly or my e-mail is on the mailing list, and I will be able to speak with them on how they can. And just like NPOC has mentioned that they are interested in the Transfer Policy Working Group, I will speak to staff and see how it's possible for them to join that group. Even if there are NCUC members who would like to join any other group, we can always speak with staff about the possibility. So please contact me when you can. Thanks.

**BENJAMIN AKINMOYEJE:** Thank you for coming back. So right now, we're going to be picking the people in the queue. Raoul?

**RAOUL PLOMMER:** Thanks, Benjamin. I heard an interesting thing in that technical presentation about the DAAR. I think the most interesting thing I noticed was that she actually said out loud that the DNS abuse had reduced dramatically after the GDPR, which is actually sort

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of a different story than the Registries and Registrars are trying to give us. And I think that's sort of the way, if we want to. So I talked to Mark about it. And basically, they're saying that they can't be sure because they've lost a lot of the registrant data, but I don't think that's true. In the case of an individual registrar, they could always check up against their own database and the information they have to find out whether the GDPR actually reduced the cases. They said that they're unsure since the information was taken out, so that's why there's less cases coming up. But yeah, like I said, maybe badly. I think they can check it against their own information and just make their own individual assessment of that. I think that could easily be something worth looking into. Thanks.

**BENJAMIN AKINMOYEJE:** Thank you, Raoul. Maybe we take the other questions before anyone else react to that. Bruna next.

**BRUNA SANTOS:** Thank you, Ben. I don't know if Tomslin heard the full conversation, but I just wanted to remind everybody that we have an ad hoc working/discussion group within NCSG dedicated to DNS abuse. So it will be really nice if NCUC members and NPOC members that are willing to engage in these conversations also engaged with this discussion group, because what we had so far was an attempt to get this conversation

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going, we didn't get any, let's say, strong engagement from us because I also understand there has been a lot going on for a lot of people. So it will be really good then instead of discussing separate initiatives, we all came together within this discussion ad hoc group for the NCSG. I'm not saying NCUC shouldn't do anything but just for us to be in very nice and interesting conversation in between the constituencies and the SG for these purposes, because in the end of the day, we will do our work as the SG. And it also helps feed our Council members who will be on the small team for the GNSO Council on this topic of abuse.

Just one other point about some of the things around content and the discussions, the points that Kathy and Farzi were presenting on us reinforcing the need for ICANN to steer away from content discussions, I do think this is a concern that's shared by Göran as well. In the majority of my one-on-ones with him, he has also reemphasized similar things that he would like for the DNS abuse discussion that we have here to stay within the remit. So if we're thinking about a statement or any further nice, interesting position, either from the SG or the constituency, I think that that's helpful for the future of DNS abuse discussions and so on. So I just wanted to put this for you guys. And also remind everybody to follow because there has been some blog posts on DNS abuse. I can redirect all of them to the mailing list, if anyone is also interested in this topic. So thank you.

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**BENJAMIN AKINMOYEJE:** Thank you, Bruna. It simply means we need to do more outreach to people, call out, and then probably resend the invitations for members to know where they can go when they're interested in this conversation. Thank you.

**JULF HELSINGIUS:** I just want to build on what Bruna said. I think this is one of the issues where it's very easy to reach agreement among all of us. This is not something where we have very different opinions in it. We all are very strongly against expanding any definition of DNS abuse.

Going back to what Kathy said about need, so basically inform the people like GAC and people like that. No, informing them doesn't help when it's in their interest not to understand what the facts are. We just need to be very, very clear and advocate, along with a lot of other people. I mean, a lot of people in ICANN do feel exactly like we do. I don't think we should, for example, go and tell Registrars and Registries that their data is wrong. We have a common enemy in this. Let's just basically kill the enemy. Thank you.

**BENJAMIN AKINMOYEJE:** Okay. Thank you. So I think we can proceed now to the next agenda. Is that okay? Okay. So we have been talking about

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NCUC priorities. That aspect ought to be handled by Milton and Farzaneh. Are you ready? Okay, go for it.

MILTON MUELLER:

Good morning, everybody. I'm Milton Mueller at the Georgia Institute of Technology. I'm going to try to take a long-term perspective on the priorities. I'm looking at basically NCUC/NPOC/NCSG as a whole as a representative of civil society in Internet governance. So we need to understand the roots of ICANN as a non-governmental governance institution that was created in the late '90s, which was, in many ways, a very radical institutional change that were creating a policy development and essentially regulatory institution, although ICANN always likes to deny that it's a regulatory institution. It is in fact coordinating and regulating the domain name industry.

Now, the unique thing about ICANN is that it is not an intergovernmental organization and most of the big controversies about ICANN are related to that. We are now in a period of history when governments are reasserting their power over the Internet in various ways and on various fronts. So I think it's very important for us to be aware of the fact that ICANN's unique structure as a so-called multistakeholder governance institution, despite all of its problems and all of its frequent discrimination against civil society is better than a purely intergovernmental institution in which nation states slug



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it out and pretty much exclude civil society except when it's convenient for them to use us as an excuse to do something that they want to do anyway.

So going forward, I think many things that we do have to be put into that frame in which we are keeping an eye on the GAC and on any encroachment of governments and nation state system into how ICANN does Internet governance. So it could be the European Union trying to regulate how the root servers work, it could be the United States trying to impose some kind of sanctions on countries that it doesn't like and using the Internet to do that. It could be Russia or China or other authoritarian states trying to block off the Internet, or people trying to block off Russia from the Internet, as we saw with the Ukraine request. So sort of a priority, the biggest priority, I think, is to understand the threat under which the multistakeholder model is existing and try to do that, to try to keep that system in place and try to keep it in fact truly multistakeholder and not a fig leaf around which ICANN's CEO or Board make deals behind the scenes with governmental actors.

I think I've spoken too long. I have a couple of other points. Do you want to include somebody else in this section?

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**BENJAMIN AKINMOYEJE:** Right now, we haven't got anyone. Yeah, you could proceed. You could include Farzi, actually, if she has any other thing to add to it.

**MILTON MUELLER:** Well, the one other point I'll try to make very quickly was that I think the non-commercials need to be more active. We were talking about this, Ben, in terms of setting the agenda for these meetings. We need to go into these meetings with ideas and policy perspectives that we're promoting. And clearly, ICANN Organization does not give civil society the same opportunities to do that. They tend to give ALAC four or five sessions every meeting. So we'll have to do that on our own, and we can do that. We can set up our own semi external conferences and meetings associated with these where we are focusing on particular issue and having speakers and ideas and exchanges that where we control the agenda. I think that would be a good thing to do in the next two or three meetings.

**BENJAMIN AKINMOYEJE:** Thank you, Milton. Farzi, have you got anything to say in terms of setting priorities?

**FARZANEH BADI:** Sure. So there are two ways to set priorities. One is that we have certain values that we want to infuse in ICANN processes, and

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we want to make them more transparent, we want to make them more accessible. There are things that the Board and ICANN throws at us that we need to go and look at what really concerns us and looking at how we can address those issues.

I think that for now, I think one of the priorities for us is to— because now post pandemic we need to get people more active so we have to get together and look at what is going on at ICANN. And they like to keep us busy, of course. So there are things that are going on and then prioritize that way. And then go back to NCUC and ask NCUC members who are interested in these specific issues, and then map this out. I have given this idea before as well, but I just don't have the time. If we can sit down and look at what is going on at ICANN, what are our values and what we want to do and come up with a strategy document, then I think that can help with our capacity building as well.

**BENJAMIN AKINMOYEJE:** Thank you, Farzi. I also want to apologize. I took my eyes off the ball. Bruna, please.

**BRUNA SANTOS:** Thank you, Ben. Bruna Santos, NCSG chair for the record. I haven't been stating my name. Now, I guess coming back to on-site meetings is important mark in our history, but I think this is a call for the three of us, also including you, there's four of us

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chairing, committee chairs that we need to be more active on the planning meetings as well, ICANN meetings, planning committees and so on. Because I know it can be stressing and it was personally for me to try to have a seat on plenary, so try to have some space in the program. But we need to be vocal there as well. We need to state our needs, we need to reinforce, not just to Andrea, poor Andrea, but to the full planning committee that the non-commercials, they need to have rooms or ad hoc meetings or anything of the sorts. Because otherwise, these needs, they go uncommunicated and it's really complicated for also Andrea to help us set those meetings. So this is one thing.

Also when the topics for plenary meetings, consultations, they come, we need to also share them more broadly across our community. Every single time I shared these consultations in the past, let's say, seven meetings, we didn't have any replies. So if we want to set our priorities and if we want to make this community listen to the non-commercials as well, we need to go to the plenaries, we need to go to the planning committees and propose our topics. Obviously, in the end of the day, we don't have any guarantees that this is going to be taken upon by the community, but at least the community hears and listens to our needs and so on. That's what I meant to say.

We also tried this a few months ago to do a prioritization exercise for the full NCSG, maybe something we can do again before KL. And if you guys want to coordinate this meeting for

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the SG and the two Cs, we can definitely have a focused conversation on prioritization because we had the plenary design and then we can maybe take some of the main outcomes and see how our members feel. That's it.

**BENJAMIN AKINMOYEJE:** Thank you, Bruna, for the intervention. I think we should take note of that and make sure we'll follow up on that. Tomslin, can you go ahead quickly? We're running out of time. You're mute.

**TOMSLIN SAMME-NLAR:** I thought I clicked it. All right. Thank you. Very quickly, I just wanted to ask from a practical perspective and operational how this prioritization works. Because I've listened to some of the ideas, I'm just wondering if we had multiple activities, is it that a group of people will sit? I guess at NCSG level that will be the Policy Committee or NCUC to be something else. But again, when people say it and decide that this is more important to us than this, so we should focus our attention on this because of our limited resources. How does that really work day to day, week to week, practically? Because I think that's the challenge after this meeting we'll have.

I know that Farzi mentioned about strategy document, but I guess after the document, there might be need to follow-up and have a conversation more frequently to have that going forward

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and be more organized, especially if we are trying to compete with the attention that the Org has given ALAC. I think they're very, very organized. We will have to figure that out. Thanks.

**BENJAMIN AKINMOYEJE:** Thank you, Tomslin. We put the word “priorities” there before it became a trending word in ICANN74. What we just meant is more about our agenda. We should have agenda setting activity before coming to any meeting so that we can be focused and we can be coherent. That was what we meant by priorities and at this time in our history, what is important to us. That’s what we meant. And in every conversation, we’re going to see reflection of those because it comes out of our values and that’s what we meant by priorities. I hope I’m correct. Right? That’s what we mean.

But as you said, after this, we’ll probably identify the way to go about it. With that said, I don’t know if we have exhausted our time. We still have time? Okay. So I think this is a good time for us to have to the floor either online or in the open and if there’s any reaction. Tom didn’t respond. We couldn’t get him here. Is he here? He didn’t respond. Well, we had wanted to discuss—okay, Farzi.

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FARZANEH BADI:

We wanted to have a conversation with the person who was in charge, one of the co-chairs I think, of the NomCom Review Implementation. Because as we have raised this issue a few times—and Raoul also mentioned it in the beginning of this meeting—we are underrepresented on NomCom, and when we asked five years ago, we asked the Board that there is this underrepresentation, the commercials have four people appointed to NomCom and we have only one person appointed, they said that we should provide feedback and get involved with the review process. That review process was ongoing. We did that. We sent public comments, we did the interviews.

Despite the fact that the review document said that this is kind of unfair, that they have more people on a NomCom than us, the implementation could not recommend that they mitigate this imbalance, and that's because GNSO said no. Also, it is in the ICANN Bylaws, I think, how many representatives each stakeholder group has. And then if we want to change that, we have to also change the Bylaws. So I think that these are all the problems that led us not to change that kind of representation. I wish Tom was here to tell us more, but this is the impression I got from the conversation. If anybody here knows more about this ... No? I know everything?

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**BENJAMIN AKINMOYEJE:** I think Avri mentioned it. I think it was what Avri said dangling, right? What Avri meant by dangling problem, I think it was about representation in NomCom.

**MILTON MUELLER:** I don't remember exactly what. It was a dangling obligation, yes. I think it was referenced to this NomCom reform. It's just unacceptable, inexcusable to allow this to happen. I think the big question in my mind is where the heck—and I'd like to use a stronger language but I think I'm being recorded—where are the contracted parties? Anybody from the contracted parties here? How can you not hang your head in shame? When we're dealing with policy issues in which our interests are aligned, we cooperate heavily with you. I don't know how you can countenance a blatantly unfair arrangement and that a report has singled out as something that needs to be changed, and then this gets blocked at the GNSO level. That could not happen. Of course, the Commercial Stakeholders Group would oppose it. But what's the deal with the other two stakeholder groups, the Registrars and Registries? Where are they on this? What's their problem? Given their constant harassment by the Commercial Stakeholder Group's people, why would they block a reform of the NomCom that would add an additional Non-Commercial representative? I don't get it. Maybe we should pull somebody in here and torture them until they—I mean, talk to them until they explain what they're doing.



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**BENJAMIN AKINMOYEJE:** Thank you, Milton. One of the things they said this morning—the Board Members—is we’ve been consistent about it. We’ve been persistent about it. I don’t know if there’s anybody with any suggestions on the way we can go about it. Maybe if we also make it a priority, like, “Okay, we need to address this issue,” and we speak wherever we get opportunity to speak on like, “Why is this unfair representation still existing?” If not, don’t mention multistakeholder anymore. Julf, please go ahead.

**JULF HELSINGIUS:** Thank you. I would actually pick up on parts of Milton said. I would actually love to hear now from our Council members what their feeling is from what’s going on there. I mean, a lot of things happened in the Council, stuff between the lines and they hopefully have talked to people from the other constituencies, what is the feeling, what’s actually blocking this?

**BENJAMIN AKINMOYEJE:** Thank you. I have my good friend, Tomslin, please go ahead.

**TOMSLIN SAMME-NLAR:** I just want to answer Julf’s question that I don’t think we’ve taken the temperature of the room recently on this issue. So I don’t think I have any recent feeling of what is happening. But

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the general feeling is that generally the parties with commercial interest will use the idea of multistakeholder model only when it suits them, of course. It's a contention. Unfortunately, I don't have a direct answer to Julf at this time because we haven't had a conversation on this topic for a very long time.

BENJAMIN AKINMOYEJE: Okay, Julf.

JULF HELSINGIUS: Okay. To follow-up on it, I really suggest our Council members should pick that up and go and takes off other constituency's Council members for a drink and hear out release of ... Really, that's how things happen here. Go out, take them for a drink, figure out what the heck really is going on. Thank you.

BENJAMIN AKINMOYEJE: I think that's a mandate for Council members to try and see what they can help us with on this matter. Farzi?

FARZANEH BADI: I just wanted to actually say the same thing that Julf said. I think that we need to come up with a plan, send some angry letters. They never worked.

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Also, they had a meeting, I think, in 2020 that apparently, IPC and BC— and I hope I'm not making this up. I added that they had a meeting and this is where the IPC and BC, they came in, they justified why they should have more people on NomCom. I think we should collect all this, the meetings they had and the conversation that happens so that—I think we missed the boat on that and we should just get back on track. I will do that. I volunteer to look at what happened during that meeting and where the implementation phase is at. And then also, we should follow-up with the Council and have a conversation with the CPH and ask them to support us.

Milton mentioned as well, this is not just NomCom problem, of course. We keep facing this problem of being underrepresented and not have equal representation on various groups. I think that we should be aware of this issue, especially at the Council level. When you have these EPDPs and these various groups, we should make sure that at least the slots are equal number with the CSG.

**BENJAMIN AKINMOYEJE:** Thank you, Farzaneh. So we all should be sensitive to it. Equal representations are always sustainable. Okay. I was going to ask Raoul. Do you want to speak out about what you have on the chat? I'm just saying.

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MANJU CHEN:

Thank you, Benjamin. This is Manju. I definitely agree about the presentation issue. And I definitely agree that us as councilor, we can do more. We can probably put this on the agenda. So this is the thing, I don't really know the IRT NomCom Working Group stuff. So definitely, I have to study more about this.

Another problem I find is that a lot of our councilors were not only doing the Council job. We're also a working group member or a scoping team member. Then on top of that, we have Council small groups. A lot of times, we're fighting for more spots in working group. Then we have trouble filling them because nobody volunteered to do that. People will be like, "Okay, you have so many spots but you're not using them, why are you fighting for them? So it's a problem not only on the Council side. We try to fight for our guys, of course. We fight for you and you're not coming forward to fill in the spots. So I think that's a problem, too. We really need more people to participate in the working group or else.

For me, example, I'm on two small groups and Council, and then I'm on the scoping. There's so many stuff just on our shoulders. I think we've been talking about how to include more people and stuff. And that's really important, because we definitely not need more people to fill in the spots when we have them or else people will be like, "Well, you want that spot but you're not filling it." Thanks.

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JULF HELSINGIUS: Hear, hear.

BENJAMIN AKINMOYEJE: Okay. Manju, this is what we're going do. I'm thinking this point maybe we'll start advertising our vacancies on our mailing list to at least know what is available. Maybe we should start keeping a database of available slots regularly. But that shouldn't stop us from agitating for what rightfully belong to us. I think some positions are more attractive than the others. This particular one is really strategy. Thank you. Do you want to say something?

FARZANEH BADI: We might have difficulty filling in the slot, but we should be given equal numbers. And that's a principle. That is our problem if we cannot fill them in, but the opportunity has to be there. And this is a principle and it sets a precedent that they sometimes used to not give us equal opportunity to participate. And this happened in the EPDP in WHOIS a few years ago. This exact thing happened. And we had difficulties to get equal number of representatives on that group until we made a lot of noise and we had to write a blog about it, and then they changed their mind. Even if we cannot fill them or get volunteers, as a principle, we have to have equal representation as slots on these accounts. Of course, we are volunteers here. We are not lawyers

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or retainers, and stuff like that. Of course, we have problem filling them in. But the principle should be there and we should uphold.

**BENJAMIN AKINMOYEJE:** Thank you, Farzi. So the idea is we should still agitate, advocate for these opportunities. We hope we get them and get people to fill them. Thank you. Raoul, do you still have the idea you—okay. The floor is still open for any suggestions on the way forward on some of the issues that have been raised. If there's any suggestions—oh, Tomslin, go.

**TOMSLIN SAMME-NLAR:** Thanks, Benjamin. I just wanted to chime in to this conversation about the principle of having the equal slots. I want to actually thank Farzi for always reminding us about this on the mailing list. Because that has kept me awake when I'm looking at the chartering of these groups. This is the point I want to make, is that where we watch these is in the chartering of the working groups. And therefore, we have to remember to always monitor the charter in small group that is put together for any of these issues that we are interested in or not to make sure that it is equal. Because once the charter is passed in Council, then it's very difficult to amend.

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This was one of the things I was looking keenly on when the charter for the first GNSO guidance process was being made. I was making sure that it had equal representation with the Commercial Stakeholder Group. So I just wanted to put that out there, that we should be careful with the chartering of these groups and make sure we are in those chartering groups. Maybe that's something I'm saying to other councilors that we should always jump into those chartering groups so that it's done right. Thanks.

**BENJAMIN AKINMOYEJE:** Thank you, Tomslin. I just want to re-echo what Farzi has said about thanking our councilors for the amazing work they've been doing. We really appreciate them. And we hope we'll be able to get people to support their work, but they should not lose faith. If you keep doing the hard work, the reward for hard work is more work.

At this point, I'm still hoping that we can have more voices. Please say something if you've not said something. Any other AOB? Maybe any other topics? Any other thing you feel like discussing? We have a few more minutes to address that. Anyone? Okay. Bruna, please.

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BRUNA SANTOS: Just a reminder that we need to work on our travel lists today. That's due today. So the travel list, we need to the list. If we have councilors on the call and if you don't plan to go to KL, let us know this as soon as possible because we need to send the list today. That's it.

BENJAMIN AKINMOYEJE: Thank you. Any other point? Any guest in our midst who likes to say one or two things? Okay, Farzi.

FARZANEH BADI: I just want to be nice for once. I want to thank our leadership for the time and effort they put into this. I was a chair for a while and I know what you go through to put the agenda together and herd cats and these members. I think you are doing great and we are here to support you. That's it. Thanks to our councilors as well.

BENJAMIN AKINMOYEJE: Thank you. At this point, I need to thank our support. Andrea and Brenda, thank you so much for the support you give to us. We're very grateful. Thank you. For everyone, being amazing members, it's stupid to be a leader if you don't have wonderful people you're leading. So thank you for being awesome individuals. Thank you very much. I think at this point, if we



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don't have any other thing, I think we've had a great meeting.  
Thank you very much. Thank you.

ANDREA GLANDON: Thank you. You can stop the recording.

**[END OF TRANSCRIPTION]**