CR - Policy Update
Sunday, March 11, 2012 – 14:15 to 15:00
ICANN - San Jose, Costa Rica

| | |
|---|---|
| Filiz Yilmaz: | I don't know if we have lost some blood during our very short eight-minutes' coffee break but we will continue now with the Policy Update or policy overview with my colleague Rob Hoggarth, who is the Senior Policy Director of the Policy Team. And he knows a lot about our constituencies and policymaking bodies, and he will give you an overview of what's coming in the agendas of these groups in the week that we are facing now. Thank you, Rob. |
| Rob Hoggarth: | Thank you very much. Good afternoon, everyone. The purpose of this presentation is not to give you a bunch of details about specific meetings or issues, but more to give you, as Filiz suggested, an overview of what we do as a Policy Team at ICANN; and to try to help you issue-spot some important matters or topics that you might want to explore this week. My goal is that by the end of this session, if you have a better understanding of sort of what we do, what our skillsets are, how it fits into the broader context of ICANN we'll have been successful; and you'll perhaps have the basic knowledge that can help direct some questions to me, to some of my fellow colleagues on the Policy Team, or anyone else at ICANN. |
| | So in general what I'm going to do is review the policy structure and some of the participants in policymaking here at ICANN. I'm going to identify, just spotting for you some of the hot issues that we're going to be discussing this week; maybe to help you appreciate or understand some of the issues that you might want to learn more about, some sessions you'd like to attend. I'm going to give you some background on how you can make use of some ICANN processes to participate more actively not just here in Costa Rica but in the |

future as you follow various policy issues; and of course ultimately to offer myself as a resource to you for any questions that you have in this session – or because we're now getting to know each other, at any time during the week when you see me. And then I can act as a conduit to some of my colleagues or other folks within ICANN.

This is probably a slide that you've already seen in some form during one of the other presentations. What I'd like you to focus on when you look at this is the multi-colored sections. I'm sure that others have pointed out to you the general overall structure of ICANN, but from a policy development standpoint there are three primary organizations that are responsible for developing policy within the ICANN model. Those are the GNSO – the Generic Names Supporting Organization and its fellow supporting organizations, the Country Code Names and the Address Supporting Organization.

These are the primary vehicles within ICANN for going through all the various bylaw-mandated procedures, traditions or otherwise to govern how policy is developed. It's a very strict process in many respects because as you've probably learned in your research about ICANN or earlier today that a lot of what we do from a policy development perspective in ICANN involves the contracts or agreements that ICANN has with the registries and registrars, the relationships that ICANN has with other organizations, and how all those various piece parts of the community interact. And so these groups follow some very specific processes for developing policy, and at different points in their various processes allow for or welcome or invite input from members of the broader community.

Of course the other important piece of the whole puzzle is the advisory committees, and I've got them listed here on the slide: the At-Large Advisory Committee, the Governmental Advisory Committee, SSAC and RSAC. And they play critical roles as well. They can act as the initial parties that raise issues for ICANN to undertake, either through the Board or through the various supporting organizations. Or they may have substantial comments or other perspectives that they want to offer when a particular SO is investigating policy,

and I'll touch on a couple of those case studies in these remarks in a couple of minutes.

Let me talk to you briefly about what we do within ICANN to support these various efforts. The ICANN Policy staff's job, and it's important – the red word that I have there on the slide, and I'll read it for the transcript. Our job is to support the ICANN community's development of bottom-up, consensus policies and guidelines that help advance the stable and secure operation of the internet's unique identifier system. A couple of real critical words in there: the first one that I've flagged for you is "support."

Our job as the staff at ICANN is not to make the policy, to drive the policy, to even recommend the policy. Our job is to act as the support vehicle for the community; the support vehicle for you, for the SOs and ACs to do the real substantive work. We draft documents, we sponsor meetings, we make sure that the telephone bridges are there. We provide the meeting reports; we make sure that the Wiki pages, the webpages are updated. But our job is to act as facilitators and supporters; not to do the work that really is the community's job to lead and to pull together.

The other important piece of this of course is bottom-up. Bottom-up means that it's not a system where the Board of Directors dictates what gets accomplished or what gets done. It's a system where the community develops the policies, the community develops the ideas, and they lead them up to the Board of Directors as recommendations from the SOs primarily and through advice from the advisory committees, the ACs. That's an important element because you'll hear many members of the community when they're happy about an issue saying "Great bottom-up policy development"; and when they're not happy about an issue they may say "You didn't do enough bottom-up policy development."

And really what our job is as members of the Policy Team, as members of ICANN staff, is to make sure that the process is there, the process is fair and transparent; and that the process gives everyone the opportunity, according to the bylaws or the rules of an organization, to provide input, to provide a

perspective. And so that's a very important element that we're constantly striving for and that you, as members of the community have the obligation to call us on if things aren't going as smoothly as you'd like or if you see failures in the system; or quite frankly areas where we encounter an actual new situation where it's important to change or modify the policies and procedures.

But again, a real critical element of that is this partnership where the community is doing a lot of the substantive work, we're providing the support and we're constantly playing that role of helping each other: "Are you guys doing enough? Are you meeting enough? Do you have the tools that you need?" And on the other side are we doing enough to provide the support, the transparency, the accountability that's important in developing policy work?

The other important piece on this is consensus policies, and that touches on a couple of different points. One of the critical elements I think that it's important to understand ICANN has developed over the years is that while there's still a measure of discussions and votes that take place in the various supporting organizations and advisory committees, the major focus is that the policies that are developed are by consensus of the community – so that in a lot of these policy development efforts it's a group of a wide variety of people who all bring different perspectives, different areas of expertise, different perspectives that can affect what their point of view is or what the final result is.

And the important aspect of consensus building is making sure that everybody who's a part of the process has an opportunity to present their point of view; and not only do that but to actually be heard, and at the end of the day to be able to report ultimately up to the Board that this wasn't just one vote in favor out of 50, folks who don't support a position – not some narrow victory – but a real consensus, a real meeting of the minds of the community when a piece of policy comes up.

The other piece of this that I'll just touch on and not get into a lot of detail is a significant part of ICANN's relationship with the registries with which we contract is the element that their contracts can be modified or adjusted based

upon input from the community. And in the case of the GNSO, there's some very specific processes that identify what's a consensus policy versus what is not; what is in the scope of consensus policies versus what is out of scope. And so when we talk about consensus it's got a variety of different points of view, and I won't get into more detail in that – we could spend 45 minutes talking about that alone.

Now just from a perspective of our staff, to give you an idea of sort of who we are, there's 19 of us who are essentially fulltime employees and contractors; and we have a handful of outside experts that we call upon from time to time. We're located in seven different countries; we cover eight different time zones. Collectively we have conversational and business expertise in twelve languages; four of the UN languages. So we like to say that there's no hour in the day when one of us isn't awake and it's during business hours. We endeavor to be very responsive to our colleagues, to members of the community.

When you see a public comment period you'll always see a name that's associated with it, somebody who's got a responsibility for that issue. So you'll always have an email address. If you look at our "About" page on the website you'll get a face, a name that you can reach out to and get answers to your questions, and we do our best to be as responsive as we can be to any questions. That's certainly the case when we're all here face-to-face; it's more challenging when we're all back in our regions and homes. But I hope that you'll take my commitment very seriously that whenever you have a question we really work very hard to get back to you.

Now, our goals as outlined on this slide, again I've highlighted two very critical words there – help and support. You're seeing the theme of support, but again, to reinforce what I said before, our job is to help you develop the policies and guidelines. The key aspect that we bring to our job is that they're implementable and effective – that's a real key element. Our job is not to just sit there and completely do the bidding of members of the community who may not have the full picture of a technical aspect, or who may suggest an idea that's not completely implementable; so part of our role is to say "Thank you very much

for that perspective, we appreciate that – here's some of the challenges you might have to deal with" – so again, to sort of act in partnership with you to make sure that the ideas that come forward are ultimately effective.

In many cases an issue can come up from the community in which there are some very important principles at stake that require some technical changes to contracts, that require different new processes or procedures. And as a result it's very important from early on in the process that we make sure that the final result is going to be implementable. That may require us as Policy Team members to reach out to our colleagues within ICANN who are familiar with the contracts or are familiar with the specific services; some of the technical experts who can tell us whether a solution actually can be achieved. And so that's a role that we play.

The other piece I touched on a little bit earlier is to make sure that the process is, as I write here – highly participative, fair, and balanced; and that it's done in a timely and efficient manner. One of the things that ICANN is constantly criticized about is how long it takes to accomplish things. Well, if you really want to push something through and you want to get it done fast then that can be a problem for you. But if you want to make sure that the views are completely expressed, that they're thoroughly explored; that everyone has an opportunity in a variety of languages to fully debate and talk about the issue you need to have more time.

And so we're constantly trying to do that balance with community leaders as to what's the right amount of time. And the ICANN processes and bylaws have certain minimums in terms of public comment proceedings, in terms of expectations for notices of public meetings and the rest; and so there's some fundamental necessities about it from the time perspective. And one of the constant challenges that we have is getting the word out within the community and beyond the community that certain issues are being considered. That's another important element of what we do to make sure that we have as many people contributing from as many different points of view as possible. The underlying theory there is more brainpower, more effective ultimate

conclusions. And ideally if it's consensus based you minimize the frustrations or the difficulties from people who don't agree with the final result.

The other part is supporting the community, and the aspect of that is threefold: I mean it's managing the process, so again, playing the role of making sure that the trains run on time in terms of meeting the deadlines and making sure that the documents are available – so the informing and educating comes into an important aspect of our work as well. And something that we say often to folks, that bottom bullet on the slide up on the screen, is that process is sometimes important, and in some cases more important than the ultimate outcome. Why? Because from ICANN's perspective it's very important that the final policy results are the result of legitimate practices that are fair and transparent, and it's very important – even if you don't ultimately agree with a policy – that you have the opportunity for input. Was it a fair opportunity and was the discussion about a particular issue fully vetted within the community? Those are very important because they are the future of the privately-led multi-stakeholder model that ICANN was built upon.

Now let's talk a little bit about some highlights for this week. In the past I used to break it down by each day and people started to bring out their calendars; that proved to be not as effective as just trying to identify in some broad areas for you what are some of the issues that are going to be discussed this week. I figure if you've got that then you can look at the schedule, compare that with other things that you're doing and identify areas that you might find some value in learning more about.

So in terms of just general highlights, the first one of course is what you're doing today. Welcome, hurrah – it's the Newcomer's Track day. You're learning a lot of basic information. But in terms of other major issues taking place this week you're going to hear a lot about amendments to the Registrar Accreditation Agreement. It's a substantial issue that involves the relationships between registrars and registrants that involves the relationship and the information that gets shared with governments, with law enforcement agencies. It's one of those agreements that ICANN reaches with the registrars and

essentially the fundamental agreement that governs how they operate, how they behave.

And particularly from a number of communities' perspectives the document is always in need of refreshing or in need or reexamination. The registrars don't always agree with that but it's a constant I think good tension within the community in terms of, you know, are the needs of the ultimate end users of the internet, are the needs of the registrants and the domain name owners being properly taken care of? And you're going to hear particularly this week a number of potential opportunities for updates on recent negotiations that ICANN staff and teams of registrars have engaged in for potential changes to the RAA. That's a very fundamental and important issue for the ICANN community.

A second issue is that the ICANN community has struggled with ever since it's existed is WHOIS – the ability to know who actually controls or owns a domain name. And there are a number of substantial initiatives, studies that are being conducted by the GNSO – investigations about different forms of WHOIS particularly as we have new gTLDs coming online in a matter of months. And so there are a number of real critical issues with respect to WHOIS, not only what it means from a technical perspective but many members of the community and perhaps some of you may have some very specific points of view about the WHOIS tool – how it works, how it's actually implemented. And there will even be discussions about potential future applications of WHOIS, new technologies or new ways of doing WHOIS that might break some of the current logjams we have within the community.

Consumer choice, competition and trust is another substantial area and it's important from a fundamental perspective that I think the Board has looked at over the last year or two – a recognition that a significant stakeholder group for the internet and for ICANN is the end user. For most of ICANN's existence there's been a real emphasis and focus on the contracted parties and how those contractual relationships work. But as you look toward a future where we can potentially have hundreds of new gTLDs, you can immediately imagine the

impacts that has on end users who've never heard the few letters ICANN – who may not really have the perspective about what goes on behind the scenes.

And it's very important to understand what we do in the DNS and its ultimate impacts on consumers. And so the Board inspired a couple of the major groups in ICANN, particularly the GNSO and the At-Large community, to really get a group together to talk about what do we mean by choice, competition and trust? What are the definitions of that? What can we do to really make much more of a difference in that area for the community? And so there's going to be some meetings and discussions about that this week.

Obviously because we're here in Costa Rica there are some great opportunities for members of the At-Large community, particularly the Latin American community, to get together for a n umber of events. And so the Latin American membership group within the At-Large community is sponsoring a number of substantial events that you'll see signs for; that when you look in the schedule you'll see LACRALO events. And it's an excellent opportunity for those of you from this region to take part and learn about what's going on here in Central and South America and the Caribbean, about issues that might be of value to you – topics that you're interested in. And most importantly, as I'm sure Janice and Filiz have already shared with you the ability to meet new people, to network, to establish connections that will be very helpful to you. So I think that's very important that you mark those events on your calendar.

The last two events in my bullet points here, I'm sure Janice and Filiz have already talked about – there's the Public Forum on Thursday, the Board meeting on Friday. For those of you who are new to ICANN meetings, I think it'd be very helpful for you to circle those on your calendar. Clearly they're scheduled so that there's not conflicts with a lot of other events. The Public Forum provides an opportunity for you to get up at a microphone and share your point of view, and Filiz has done a great job working with community leaders to identify an agenda of important community issues for that. But it's also an opportunity during the open mic portion of the session to come up and share

your point of view. And then of course at the bottom of the slide I've included the various links to the schedule for you.

To look at this in a slightly different slice, what I've also tried to do is to highlight for you – and don't get concerned, I'm not going to talk about each one of these bullet points – what some of the major issues are that the various supporting organizations and advisory committees are looking at. As you can see, the Generic Names Supporting Organization has about 15 major issues that they're talking about. That group has, I believe the number right now is 22 active working groups, drafting teams and other teams of members of the GNSO talking about a whole host of other issues in addition to the substantive policy issues, many of which you see on this list. There are also procedural issues; as I talked about earlier, process sometimes is as important as final results, so there are smaller groups that are talking about improving the processes within the GNSO and making sure that some of the more recently implemented guidelines and efforts that they've put in place are actually working.

One of the important pieces of the GNSO is that it now operates under guidelines for a working group model of policy development, and that's a critical aspect and a critical change that the GNSO has gone through over the last couple of years. What it means for you all is there's an immediate opportunity for you, for a member of your organization or a colleague to participate from the bottom up in the policy development at ICANN. It means that for every formal policy development process that the GNSO is working on, that any member of the ICANN community can contact the GNSO Secretariat and immediately get on conference calls, email lists and share your point of view about an issue.

Not all of the issues on this slide have working groups but some of them have drafting teams, and if there is anything on this list that is of interest to you I recommend that you go to the GNSO Council meeting on Wednesday. Otherwise look back in the schedule when you look for the transcripts or something else, or just look at the various sessions that are being held this week. You'll see an opportunity to engage with people on these issues.

The critical aspect of the working group model of policy development is once again to make sure that the discussions about a particular new policy are given the widest range of potential participation by members of the community. And so you have members, while it may be a GNSO policy development process you have members of the At-Large community, of the ccNSO, of the SSAC, of the RSAC, of the Government Advisory Committee as well. So you have opportunities for all of these people to get together under the umbrella of the GNSO processes that are in the bylaws to talk through and work through discussions of various issues.

And the issues can be very varied. For example the top one on the list here is the GNSO policy development process. That is a process that is hardwired into the bylaws that is very specific about when things happen, how often they happen and what sort of levels of agreement need to be achieved in the community for a specific issue. On the opposite end of the spectrum you might have something about thick WHOIS, which is the beginning of an idea of a policy development process where there's some discussions about how we can make sure that the thick WHOIS approach is universal across the community so that all registries are using it.

And then you go to something for example like cross-community working groups – that's a team that's basically talking about what are the right approaches so that we can bring together SOs and ACs under a common charter to do work together? Because each of these individual groups in the community have their own processes, what happens when you bring them together on an equal footing and how do they interact with each other? So those are some of the general areas on the GNSO side.

The ccNSO side, and I know a number of you are members of that community, is looking into a number of different areas, too. I've got it at the bottom of the bullet list but it's a very critical element that the policy development process, the permanent policy for how do you make sure that IDNs are made available to the community? Right now we've got the Fast Track process, but what's that

process going to look like in a more permanent way? And so discussions within that community about what that process should be, how it should be handled.

A very critical element that remains important in that community is delegations and re-delegations and how are those handled and managed. There's a working group under the ccNSO's umbrella that's examining how you interpret various terminologies within delegations and re-delegation processes, and how is that all managed. So from the ccNSO side there's some very fundamental infrastructure and process topics that are very important to that group.

Also, and I don't have them on the list, the group is also very interested in how ICANN manages itself. The Policy Team is just 19 people out of about 140 fulltime staff, and so there are members of our staff team who work on the finances for the organization, or who help actually implement the policies, or who interact with you as members of the various contracted groups within ICANN. And the ccNSO is very interested in how some of those groups operate, is interested in how the community provides oversight and guidance to how they work so that it's not just the staff operating in a vacuum but operating in a way that they're getting useful input from the community. And the ccNSO may have a different perspective on that from the GNSO or from the SSAC or from another group, and so it's very important for them to be involved in that as well.

The Address Supporting Organization, which I have listed today, I have on there because while the ASO has a relatively unique relationship with ICANN – and I'm sure some of you are intimately familiar with that – there are some significant policy issues that they will have. They essentially have their specific box of policy processes that once they're done they present to the ICANN Board of Directors in a very straightforward manner, and dialog with the Board and then move forward with their recommendations. They've got a policy proposal right now that the Board I think will be considering this week with respect to how to deal with and reallocate IPv4 address blocks that have been recovered. And so there's been tremendous discussions within the addressing community

about that issue for the last year and a half or so, and that's finally coming to some fruition.

And what the ASO has been doing quite a good job on I think in the last several years is in opening up and being more forthcoming to members of the community about what they do and how they conduct their work, and what are the projects that they're looking at. And they are now at every ICANN meeting on Wednesday they have a workshop, and slowly but surely more and more people are leaning about the ASO and what it does and they're getting better attendance at those events. And so if you have any interest in that area or that community I certainly encourage you to participate in that.

The SSAC of late has been quite active. The general approach that the SSAC takes is one that they advise the Board very proactively about issues that they see that are important to the stability and security of the internet. They've recently worked on a number of reports that I've got listed here that have been shared with the community and the Board, and so if the issues of dotless domains, single-character TLDs or just WHOIS terminology from just more of an international perspective are of interest to you there's an SSAC webpage where they've got every one of their 53 different reports over the years. And you can use that really as a good way to learn more about specific issues, and they really drill down on particular issues.

Another way that the SSAC really contributes well to the ICANN community is from time to time the Board will ask them specific questions and they will send reports back to the Board. A trend that we're seeing is as SSAC is now coming forward with advice or ideas is they will not just present it and sort of leave it on the table, but it'll come along with a Board resolution or a suggestion for a specific course of action. And so that's been an area where we've seen some exciting new developments and engagement by the SSAC with the rest of the community, and so that's been a good thing.

At-Large Advisory Committee, and I'll stop with that group in this area of topics – I've already mentioned to you a lot of the LACRALO events. Again, if you're

from this region I think it would be very helpful for you to participate in those events. I think the latest count that we had this morning is that if you count up all the various At-Large activities and meetings this week they've got 33 separate events that started yesterday and through the rest of the week, so there are many opportunities. If you're not from this region but are interested in participating and going home and talking with or networking with people from your region, some of the various RALOs will be getting together. There are a number of social events that'll give you the opportunity to interact there.

The other thing that the At-Large community has been doing a very great job on is working with some of our technical folks as well as our Communications Team as they've been developing these beginner guides that are really good tools to give you a better idea about just basically the DNS. Their latest one, for example, is *How to Participate in At-Large*. And so if you have ideas, particularly as newcomers about what you'd like to learn more about, what topics of interest are out there that you'd like to get more information on, letting people in the At-Large community know more about that would be very helpful because they're really building a good library of beginner tools that quite frankly are useful for those of us who have been here for even a number of years because sometimes you don't really know where the connections come from. And by looking at some of these guides you can get some very useful information.

Now let me talk about just briefly… That's essentially the overview of what's going on this week, but the hope that Janice and Filiz have shared with you is that you'll use this as some inspiration to go on and participate in a more robust manner in ICANN on an ongoing basis. And I'm going to touch on two primary areas. One is, I noted it earlier – working groups. And it's very important to realize that this option is open to you. So if I can only reinforce the fact that working groups are designed for there to be broader participation. All of the SOs and ACs that utilize these tools really recognize the value of a lot of input, and so I encourage you when you see announcements go up on the ICANN

website or whatever, that that's something that you should really pay some close attention to.

And while we're getting better at it sometimes the headlines are not as descriptive as they could be. So one of the challenges I think whenever you're looking through the website is to really drill down maybe a paragraph below what the headlines say so that you're really clear on what's going on on an issue.

The other area that's really in Filiz's area is public comment participation, and she's probably already shared some of this with you but it's a real critical aspect that you have the opportunity on a regular basis within any policy development activity at least once, sometimes twice and on occasion three times to be able to express your point of view, to share your comments not only as an individual but as a representative of your group, your company, your organization; and also as part of a larger just member of the ICANN community where you may be in a leadership role, you may be a leader of a particular community itself. And so there's some real opportunities for collaboration and providing comments. Those are important areas for you to be aware of.

I'll just slide through this slide. One of the things that we're looking at is finding good ways to more effectively run the public comment process, and Filiz has been very active and we've got a lot of community input in terms of more, if not real time, more back and forth exchanges. Right now the public comment process in ICANN is much more formal, almost a regulatory or government approach where you draft up your comments, you submit them and then ultimately someone may come back and reply to them in a written way. If we can move to more of a Wiki environment you can have much more dialog, collaboration and sharing of ideas in a less formal way.

Finally, how to stay updated? There are really two critical tools for doing that: one, I invite all of you to subscribe to our monthly policy update. Right now we've got about 3000 different subscribers. We do it in all six UN languages and it's a very useful way on a monthly basis just to get an overview on some of the issues in which there's some current activity. So you can access that through

the resources, policy, policy update page on the ICANN website and there's a way to subscribe, and you can make sure that it's delivered to you in the language that you are most comfortable in working with.

And the other area for staying in touch is through the websites. Over the last couple of years all of the different supporting organizations and advisory committees have been working on beefing up their websites. If you have followed the ICANN website much in the past you'll have seen that that, in just the last couple of weeks has received a facelift in terms of how it's organized, how the navigation is working – even in terms of how some of the languages are expressed and how they're designed to make it more simple English. And so I recognize that that may be an area that you'll see some improvements on.

We have gotten feedback because while some of you may be newcomers to ICANN meetings you're generally familiar with the ICANN website, that it's much harder to find things. I think that's now more of a product of people were very used to where they could go and it'll take a while for us all to get familiar with where to find things.

So I hope that's provided you with a general overview. I'm very happy to answer any questions you might have about specific issues that I've mentioned. I'm going to be here all week as well as my colleagues so if you have questions that develop over the course of the next several days and you catch me in the hallway or whatever please don't hesitate. And we also have our policy staff email address – policy-staff@icann.org – that you can use as also a vehicle for getting in touch with us.

So again, welcome. It's really great to have you all here and I look forward to seeing you all around the rest of the week. Thank you.

[Applause]

Filiz Yilmaz:     Thank you, Rob.  As usual this was really enlightening for me, too – it's a catch-up for the ICANN staff itself, believe me.   Any questions for Rob?   No? Everything was very clear, great.  We'll just move ahead then.

[End of Transcript]