BARCELONA – Joint NCUC - At Large outreach: your guide to ICANN Architecture (1 of 2)
Monday, October 22, 2018 – 10:30 to 12:00 CEST
ICANN63 | Barcelona, Spain

TATIANA TROPINA: October 22, 2018, Joint NCUC At-Large Outreach, Your Guide to ICANN Architecture 1 of 2, 10:30 to 12:00. Room 113.

OLIVIER CREPIN-LEBLOND: It is not only free to have a seat, it's encouraged and it's mandatory for you to sit at the table. So, please do so. And I'm going to ask everyone else now that I have a mic – are you newcomers? Yeah. So, you can't sit here. This is forbidden. This is the area that is not for newcomers. The one for newcomers is right over here.

TATIANA TROPINA: The area for the newcomers is here. Seriously, guys.

OLIVIER CREPIN-LEBLOND: If you go here, you'll be penalized. There's a person turning around and you get a penalty notice.

TATIANA TROPINA: You'll have to talk me for an hour, and believe me, this is enough of a punishment.

OLIVIER CREPIN-LEBLOND: No, you will pay the penalty and not want to talk to her. It's better. I think it's because then we can move around and stuff.

TATIANA TROPINA: I can give you a newcomer pin.

OLIVIER CREPIN-LEBLOND: Okay, okay, a few can come here. Okay, perfect. Welcome! Come to the table, please. This area is closed.

TATIANA TROPINA: Not only to the table, also here. Don't sit too far.

OLIVIER CREPIN-LEBLOND: You are fellows, exactly. This area is not for fellows. If you want to pay, this is payment. This one is the free seats for fellows.

TATIANA TROPINA: All the per diems should be paid when [inaudible].

OLIVIER CREPIN-LEBLOND: More fellows? These are 10 Euros each, or you can have a free seat around the table. You pay the 10 or you'll have to Tatiana where you'll pay 100 euros not to talk to her.

TATIANA TROPINA: This is very true.

OLIVIER CREPIN-LEBLOND: Hello. Welcome. Mr. [inaudible].

UNIDENTIFIED MALE: How are you doing? Yes.

OLIVIER CREPIN-LEBLOND: Welcome.

OPERATOR: Hi, this is the operator, Ashley. I can hear you well.

TATIANA TROPINA: Milton, hello. You can take my place for a change. [inaudible]. Cool. [inaudible] I know, but there are also chairs there. Okay, good.

MAUREEN HILYARD: We're just here for support. You think we're not going to say anything.

TATIANA TROPINA: I think that you are obliged to say something.

[off mic chatter]

OLIVIER CREPIN-LEBLOND: Hello, everyone! Glad to see there are a lot of people around the table. We are already 10 minutes late. We're going to start by asking everyone in the room, or at least around the table, all the newcomers, why they're

here. So, that's a little warning. You've got a few minutes to think about this.

TATIANA TROPINA: Well, first we are going to introduce ourselves, of course.

OLIVIER CREPIN-LEBLOND: No, not yet. Or you can introduce yourself. I'm just welcoming people.

TATIANA TROPINA: Guys, a bit of administrivia. If anyone in the room is going to speak Spanish or ask a question in Spanish, you can do this. We have live translation. But please do give me an early warning because I will have to put my headphones on. I do speak a bit of Spanish, but probably not enough to really understand.

GISELLA GRUBER: We haven't started the session yet. I also just wanted to say that, if you are speaking another language or if you have the mic at any time, please make sure that you don't put the earphones like that around you head. It will cause interference for our interpreters. They won't be able to hear properly.

TATIANA TROPINA: The same for me, right?

GISELLA GRUBER: Yes, if it's on. They must be off, otherwise, please.

TATIANA TROPINA: Oh, this is very good to know. Thank you.

GISELLA GRUBER: Thank you.

OLIVIER CREPIN-LEBLOND: Okay. So, let me introduce myself. I'm Olivier Crepin-LeBlond. I'm the chair of the European At-Large Organization. That's part of the At-Large community that deals with end users, that brings end users into the ICANN processes. We'll hear the details in a moment. And with me co-presenting this first part is …

TATIANA TROPINA: My name is Tatiana Tropina and I'm a member of Non-Commercial Users Constituency (NCUC) and also a council on the Generic Names Supporting Organization. By the way, a bit of more administrivia. Anyone of old-timers or veterans, please do not use acronyms. When you try to say the word, please say it fully, at least for the first time, because there are many newcomers. I remember myself how hard it was at the first ICANN meeting when everyone was speaking whatever language which I didn't understand.

OLIVIER CREPIN-LEBLOND: There's another rule, which is, when you start speaking – I'm Olivier Crepin-LeBlond, for the transcript. When you start speaking, please say your name so that it doesn't say "male voice" or "female voice". Secondly, we've got interpreters, so don't speak the same speed as I speak because I'm speaking way too fast and then the interpreters are not able to follow what I'm saying because I'm just speaking too much and too quickly. Take your time while speaking. You can speak in Spanish, in French, or in English. And this is interpreted. There's some of these boxes. If you don't understand, you can use these in the back to listen to the language channels.

The other thing is we're going to get you newcomers to speak a lot because this whole session is about you. It's not about us speaking about ourselves. We've changed the program a little bit this time around and we want to talk about what you want to talk about.

TATIANA TROPINA: Thank you very much. We already lost ten minutes, but still, we would like to know why are you here. What do you want to hear about? Do you have any struggles during your first days at ICANN? Is there anything we can help you with? Just before we are going to the introductions. I know that it's going to be a very weird silence right now because no one wants to speak first.

OLIVIER CREPIN-LEBLOND: Why are you here?

TATIANA TROPINA: Why are you here?

UNIDENTIFIED FEMALE: I kind of saw this coming. I'm here because I've been over the last two years in different Internet governance settings hearing a lot about ICANN. I really wanted to come and see the work being done in action, at the tables, at late evenings and I wanted to see how actually the dynamics within the communities works when actually people meet after working together. I've heard that the work of ICANN actually happens throughout the year, but here we have particular unity now. For the first time, for me, it's exciting to actually be a part of the table.

OLIVIER CREPIN-LEBLOND: You've broken the first rule. What is your name, [Yanna]?

TATIANA TROPINA: What is your name, [Yanna]? So, I have to be honest. I'm going to the people whose faces I know. I saw them at different Internet governance events. I know their names. But this is their first time at ICANN and I know.

OLIVIER CREPIN-LEBLOND: Do you know there are mics on the table as well? That can be used.

MARIA KORNIIETS: Thank you. My name is Maria Korniiets. I'm from Ukraine and I am a NextGen. Excited to be here. Actually, I do awareness raising about

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Internet governance. That's why I'm particularly interested to hear some nice messages that I can bring back to my community. Thank you.

TATIANA TROPINA: Yes. By the way, guys, [Maria] is your contact point if you have any message to deliver to the community. You can come to her. She can record the video and post it on Facebook and you will have lots and lots of views.

LILIAN DE LUQUE: Good morning. I am Lilan De Luque, for the record. I am from Colombia. I am [inaudible] indigenous people and I'm interested in learning more about this process, and especially I'm interested in learning more about the differences between NCUC and end users, the non-commercial users and the end users. What's the difference? I'm not clear about that. So, I'm here to learn and to multiply that knowledge in my community. Thank you.

TATIANA TROPINA: Thank you so much.

OLIVIER CREPIN-LEBLOND: Actually, in response to this question, that's one of the first things we're going to be talking about. What's the difference for end users? The differences and similarities between NCUC and At-Large. Your question will be answered.

TATIANA TROPINA: So, yes. I think that we will stop torturing you with the microphones if no one else wants to introduce themselves because you might have this chance later at this session.

OLIVIER CREPIN-LEBLOND: Well, there will be one thing, though. You can see here discussion on issue one, discussion on issue two, and discussion on issue three. These are the issues that you need to bring to the table. You've been through I think it was yesterday – and yesterday was a full day of things that were told to you. If any of you have paid attention, you should have questions or you should need some clarification. Or maybe you already know it all because it was done so well yesterday, but hopefully they did a terrible job yesterday. They confused you completely and today you can ask the questions. You'll have some experts around the table that will be able to answer the questions, the people who are actually directly involved.

TATIANA TROPINA: We have one more intervention.

ANNA LOUP: Hi. I'm actually not a newcomer. I'm a researcher from the University of Southern California. I've been working on a project for about the past year. This is what I'm doing here at ICANN. I am doing research because I'm really interested in local, regional, and country-specific histories of

the Internet. If we think about the conversations that John Postel had a little over 20 years ago, there were two people on that call. There were two people who were discussing the future of the Internet in different locations around the world. My interest is to highlight the person who is speaking to John Postel as well as others who played an integral role in developing the Internet in different regions, countries, and locations around the world.

So, my call is basically if you know of anybody or if that person is in fact yourself, I'd be very happy to interview you and add you to this archive that I'm slowly developing. I'm going to be in the back here and I can give you my card. You can also reach out to me at aloup@usc.edu. I hope to speak with all of you about the history of the Internet in your countries, regions, or localities. Thanks.

OLIVIER CREPIN-LEBLOND: What's your name, Anna Loup?

ANNA LOUP: Oh, sorry. Anna Loup, yes. I'm sorry.

OLIVIER CREPIN-LEBLOND: Great. Okay. Let's get going, then. I think we don't need to put all the topics yet at the moment. Think about those topics and we can start from Guadi to Dot-Gaudi. I'm not sure who chose this stupid title.

TATIANA TROPINA: I think it was you. Don't blame me. One hint here. Before I give the microphone and the floor to NCUC chair and At-Large chair, the introduction will be about our values, what we do, briefly, shortly. We also have brochures. So, maybe think which topic is interesting for you. What would you like to know more about, what we're dealing with? And then just shoot your question because we will have all these discussion times just to show you what we are doing and to show you how you can actually get involved into the hardcore policy making.

Now, without any due delay, Bruna, the floor is yours for introduction of the NCUC.

OLIVIER CREPIN-LEBLOND: Bruna [Martens].

BRUNA SANTOS: Thank you very much, Olivier and Tatiana. Hi, everyone. My name is Bruna Santos. I am the incoming chair of NCUC and previous Latin America and Caribbean EC. So, executive committee representative. The idea here is just to do a quick presentation on what is NCUC. I know some of you were on Newcomer Day, so you might be hearing this again, which is good because my presentation yesterday wasn't as good as I wished it was. So, going on to then NCUC.

We are one of the homes and one of the possible for civil society at ICANN. We mostly welcome civil society organizations and individuals to discuss and help us build policies within the Generic Names Supporting Organization.

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NCUC, as the acronym says, is the Non-Commercial Users Constituency. We are one of the constituencies inside the Non-Commercial Stakeholder Group. What else can I say about NCUC?

We might be one of the most diverse bodies in GNSO. We have over 500 members from I guess 100 countries, just to give you a little hint on how this can go and how different fields can be.

Policy discussions, they often go through our mailing list, just like every other huge and major Internet governance organization. We do consensus building and policy making from the mailing list. From there, we get to draft policy comments and help NCSG build all of these policies to the GNSO. What else?

When Tiatiana was mentioning the subject that we hope that you guys get to suggest to us later, NCUC has been working on civil liberties and human rights. We have been working on privacy. We have been working on consumer trust. So, if any of these speaks to any of you guys and you want to hear us talking a little bit more about it, let us know in the second moment. I'm not going to take any more minutes. Thank you.

TATIANA TROPINA: Thank you very much, Bruna. Also, I would like to add if you want to talk to the NCUC Executive Committee because we have also regional representatives, some of them are in the room. Guys, please make yourself known. Michael Karanicolas for the North American region. [Ines] for Africa. Louise Marie Hurel for Europe. Bruna, yes?

BRUNA SANTOS: Sorry. I was just going to mention that the APAC representative, Elsa Saade, she's coming. So, she'll be around as well.

TATIANA TROPINA: So, our regional representatives would be here so you can always approach them. Now to?

OLIVIER CREPIN-LEBLOND: Now to Mr. Alan Greenberg, who is the chair of the At-Large Advisory Committee. Alan, you have the floor. Oh, he's going to stand up. You don't often see Alan standing up. He sits right in the middle. Mr. Chair?

ALAN GREENBERG: Tatiana told me I had to stand in front so everyone can see me. I take instructions well. What is At-Large? Well, we've been told not to use acronyms, but I'll use some acronyms. But I'll explain what they are.

TATIANA TROPINA: You can also draw here if you want.

ALAN GREENBERG: I don't write on flipcharts. Olivier can write for me. I don't think we need any flipcharts.

The terms ALAC and At-Large get used almost interchangeably in ICANN by people who are new and by people who have been here for far longer and should know better.

If you're familiar with the GNSO, GNSO is a big group. NCUC is part of NCSG which is part of the GNSO. But, then there's the GNSO Council, which is the group of people who vote on things and take the official action. The ALAC that comparable group. So, the ALAC is the group that formally takes actions within ICANN regarding things from At-Large. At-Large is the wider body.

What are we here for? Well, the buzz line we use is we're here to represent the interest of Internet users. That's about four billion of them. So, it's not just the ones in the room. It's not just the ones who are our members. But it's the larger group of how do the policies ICANN develops impact users? How does ICANN itself impact users and what can we do to further their cause?

So, it's a very idealistic statement and how you actually implement that is, of course, the challenge. That is what we do. We have representation from around the world. We have currently I think about 250 groups around the world who participate in varying degrees in our activities. We also have the concept of individuals, just like NCSG that has group members or has individuals and group members, and we're the same.

Our job is to look at ICANN issues. Unlike the NCSG, we are not restricted to gTLD issues as part of the GNSO, but we look at wider issues.

TATIANA TROPINA: Alan, I'm sorry, I have to stop you. So, GNSO, Generic Names Supporting Organization which votes for policy in the generic top-level domain names which are so kindly called gTLDs. Generic top-level domain

names and NCSG is Non-Commercial Stakeholder Group. NCUC is a part of it. I'm still a newcomer. I still remember how it felt, so I'm sorry for stopping you.

ALAN GREENBERG: Bruna used all those words and you didn't stop her.

BRUNA SANTOS: Sorry.

ALAN GREENBERG: I'll try to be good. So, our scope is wider than just gTLDs. So, we get very involved in issues related to ccTLDs and ccNSO, the Country Code Supporting Organization – Names Supporting Organization. I've only been doing this for 12 years. What do you expect? Sorry. Now you've made me lose my train of thought. I'm about to turn the microphone over to you and let you explain it.

I should say I am the outgoing chair of the At-Large Advisory Committee (the ALAC). Olivier is my predecessor as the chair of the At-Large Advisory Committee. Somewhere around the table, Maureen Hilyard, who is waving back there or someone is pointing to her, is the incoming chair as of Thursday evening. I disappear in a puff of smoke and Maureen takes over.

The difference is – and I understand that's the next item. But I think it's really important that you understand that we are looking at things

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wider than just the generic names, the dot-com, the dot-org and whatever, and looking at ICANN issues from a wider perspective.

Now, the challenge, of course, is we are representing the interests of all of those users and the challenge is how do you find out what's important to them?

When I started, we used the expression we represent the users. Of course, the natural question was, "How do you communicate with all four billion?" Or three billion at that point. My answer was simple. I write e-mails to them once a week and they respond and we keep on going.

The challenge is to find people from different places around the world who understand the issues and what is important to them and to bring back to the table, so we can have a good idea that we are not representing them, as such. There's no direct path from every user to us. But that we're sampling the whole community and we try to understand what the important things are.

When we look at policy issues, we look at them very much in an end user perspective. That is, what is the person in Nepal going to do when they're confronted with a certain issue? Whether their web browser doesn't speak their language, issues like IDNs where we have a significant problem. Those issues are common with NCSG and NCUC. Pardon? Internationalized Domain Names, domain names that are in scripts other than traditional Latin scripts. So, you can be doing one in traditional Chinese or Hindi or various other ones. Sorry. Thank you for catching me.

That's the quick overview. I can talk a lot about how we try to make it work. We were given a structure when At-Large was created in 2002 that is somewhat arcane and I will not even try to draw a picture of it, but we do our best to try to make it work. At this point, I think we're doing a moderately good job and we have ambitions to do a much better job.

OLIVIER CREPIN-LEBLOND: Thanks for this, Alan. I have actually drawn a whole diagram of how ICANN works from memory. It might have a couple of errors in there, but it actually – you might be laughing, but this is actually how it works because, yes, we do have those different supporting organizations, advisory committees, different component parts of ICANN. But the fact is that we all have to work together on working groups, on review teams, on all sorts of cross-community work. At-Large people go on policy development processes and Generic Names Supporting Organization, etc. So, what you do get is a lot of cross-pollination and a lot of work that goes across the different communities and I think that's a fair representative of how it works. It might change from time to time. And actually, that work rather well, which is the reason why ICANN, as a multi-stakeholder organization, is able to actually reach results without a single stakeholder always having its way forward. That's the importance, I think, that we need to push towards ICANN.

In the face of other organizations that think that perhaps the single stakeholder, like government for example, should be running the Internet's resources as such.

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Now we have a new artist on the flipchart. His name is Milton Mueller. He is a prize artist, a bit like [inaudible], so that will shred in a few minutes, but you can see him draw at the moment and then he's going to be able to speak to you, which [inaudible] doesn't do, of course, as you know. Milton?

MILTON MUELLER: I thought we were in this together, Olivier.

OLIVIER CREPIN-LEBLOND: Maybe we have to have one microphone between two people.

TATIANA TROPINA: I'll give you one more.

MILTON MUELLER: So, hello, everybody. I am Milton Mueller. I am associated with the Non-Commercial Users Constituency. Actually, I'm one of the founders of that going way back to the early stages of ICANN's creation. Olivier and I are going to be talking about the differences between the Non-Commercial Stakeholder Group and the At-Large because many people get confused on that. And why do they get confused about it, Olivier?

OLIVIER CREPIN-LEBLOND: Because we seem to be serving the same people, somehow.

MILTON MUELLER: Exactly. So, if you're an ordinary individual Internet user and you're coming into ICANN and trying to figure out what you want to do, it may be confusing to you …

OLIVIER CREPIN-LEBLOND: To have more than one option.

MILTON MUELLER: To have two structures that you can go into that seem to be representing the same thing, namely Internet users who are not commercial suppliers of Internet services or particularly domain services. If you're not a domain name registry or registrar, then you're not in it for the money, so to speak. You're trying to make policy for the public interest. So, both of us claim to be doing the same thing. So, what's the difference between us? This is why I have these circles which you almost certainly cannot read from where you're sitting.

But each of these circles represent a supporting organization. And when ICANN was created, the idea that John Postel floated was that … So, John was a little bit leery of what we might call democracy. That is, to have individual Internet users voting. So, he said, "No, no. Let's have specialized supporting organizations rooted in the technical community and there will be one making policy for domain names and we'll call that the Domain Names Supporting Organization. There will be another one for policy for addresses, IP addressing issues, and we'll call that the Address Supporting Organization." And eventually there

came to be a Country Code Supporting Organization and each of these puts a couple of people on the board of ICANN.

Then, there was a question, well, if you're trying to make domain name policy, who is represented in this process? You have a lot of different stakeholder groups. You have the trademark owners who are going crazy 20 years ago about domain name trademark conflicts. You have the registries, the people who are in the industry. You have civil liberties groups who are concerned about the freedom of speech implications of what the trademark people were trying to do.

So, the GNSO was eventually carved up into four different stakeholder groups. Half of it is called the contracted parties which is the registries and registrars, the industry. The other side is called the non-contracted party house which is the users and that is the non-commercial users and the commercial users. So, you have four stakeholder groups, contracted, non-contracted, commercial and non-commercial in the user side.

The Non-Commercial Stakeholder Group is focused exclusively on the GNSO. We actually makes policies that regulate domain name supply in the GNSO along with other stakeholder groups where you have a fixed system of representation.

OLIVIER CREPIN-LEBLOND: And the generic names being the dot-com, dot-edu, dot-org, dot-info, and dot, dot a lot of other things.

MILTON MUELLER: Any domain name that ICANN created that is not a country code. So, how does ALAC fit into this, Olivier?

OLIVIER CREPIN-LEBLOND: You see three supporting organizations here, and at the same time as when all of these were created – well, the At-Large community was created I think ahead of this, but John's idea was to have these three elections where all of the people on the board were going to be selected by end users. The problem with that—

MILTON MUELLER: That wasn't John's idea.

OLIVIER CREPIN-LEBLOND: Wasn't it John?

MILTON MUELLER: He hated that idea.

OLIVIER CREPIN-LEBLOND: Oaky. Well, somebody else came up with a great idea of that in saying—

MILTON MUELLER: We did.

OLIVIER CREPIN-LEBLOND: Did you come up with this?

MILTON MUELLER: The Boston Working Group.

OLIVIER CREPIN-LEBLOND: Okay. Well, there you go. The Boston Working Group said if you've got an e-mail address, if you've got a postal address, you can vote. And of course, as you can see, with mailboxes, etc., or mailbox things and Gmail and Hotmail and all these things, pretty much anybody could create more than one e-mail address and have more than one mailbox. The elections didn't go down too well. They ended up being captured by a number of groups and we ended up with a very interesting board. It was felt, though, that it wasn't too functional at the time, or at least from the sort of feedback that we got at that the time, so they decided in 2002-2003 to change this and actually have advisory committees in addition to the supporting organizations.

The advisory committees, there are several of them. [inaudible] Security and Stability Advisory Committee that deals with the Internet stability or the names, DNS stability. There's one which is the Root Server System Advisory Committee and that was for the root server operators. Effectively, the roots. Have you heard about roots? Who knows about the roots? One person. That's good.

MILTON MUELLER: The root servers.

OLIVIER CREPIN-LEBLOND: Root servers are like the top of the tree by which when you type in an address in your browser, the whole system will start translating it and that's the sort of basic thing where it looks at the last part of a domain name – so, dot-com, for example – and it says, "Ah! Dot-com is with these name servers." Then, it sends you over to the dot-com name servers. It's one of the vital functions of the Internet and it's performed by now a subsidiary of ICANN. Is it called Public Technical Identifiers?

MILTON MUELLER: PTI, yes. It used to be called the IANA.

OLIVIER CREPIN-LEBLOND: The IANA function. Anyway, you might have heard of these. We'll come back to them later if you want to hear more about them.

Now, the advisory committees also had the At-Large Advisory Committee and that's the committee of end users that Alan has spoken about. I think the difference between … The main functional difference between an advisory committee and a supporting organization, and in our case, between the organizations [inaudible] GNSO and within the ALAC is the fact that At-Large can comment on everything and anything that relates to ICANN is not only dealing with domain names, but it doesn't actually make policy for the generic domain names. It certainly sends people to policy development processes and so on, but it doesn't have the power to vote on these at the end and to ratify reports.

At-Large is a little bit like … Sometimes, I call it your nosey neighbor. It comes in and says, "Oh, wait a minute. You shouldn't do it like this."

After the work is done, they come back and say, "We think that there should be some amendments made." And it can send its comments to the board. It can send its comments in response to a public comment request. And because there is a whole process by which it can put comments together, the weight of its advice is higher than if just individual comments from these end users would be sent over.

MILTON MUELLER: Right. So, the essence, if you can think of this At-Large cloud here that we have, think of it as encompassing any issue that comes up. But the difference between At-Large and the GNSO which we have defined so we can now use as an acronym – and I have it written here, generic top-level domains. The difference is that they don't actually make policies or ratify policies. They just give advice to the board and the GNSO actually develops policies. And the Non-Commercial Stakeholder Group is focused exclusively on domain name policy. We are not making policies about country code top-level domains. We are not making policies about IP addresses or we're not making standards for the Internet protocols. We are just focused on what domain names go into the root and what kinds of regulations are attached to those domain names.

So, in a nutshell, if you wanted to be more broadly engaged in anything but to be kind of not neutered – that's too strong a word.

OLIVIER CREPIN-LEBLOND: Watch out what you're saying here.

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MILTON MUELLER: But to not actually develop policies, but to—

OLIVIER CREPIN-LEBLOND: Let me ask Cheryl. Where's the cattle prod, Cheryl? You've got it there. Okay.

MILTON MUELLER: Just a good-natured joke.

OLIVIER CREPIN-LEBLOND: Absolutely.

MILTON MUELLER: If you wanted to have this broader remit but offer advice only – be the nosey neighbor – then you would be more interested in the At-Large. If you want to focus specifically on where all the exciting action is in ICANN, which is domain name policy, you would go into the GNSO.

Now, here's the important point. Nothing stops you from doing both. If you have plenty of time on your hands and you like both of these communities, you can join the Non-Commercial Stakeholder Group. You can join the At-Large. Then, you can decide for yourself what activities are most interesting to you as you go forward.

OLIVIER CREPIN-LEBLOND: You'll find several people have done this and they either have no hair or white hair. But they're great. They really enjoy it. Alan, you wanted to add something.

ALAN GREENBERG: Yes, indeed. What we've heard described here is the theory. The At-Large Advisory Committee gives advice to the board. The board is not obliged to listen to us. We could give advice to the GNSO. They're not obliged to listen to us either. But we give advice. And hopefully, if we do it properly, that's fine.

However, if you imagine, the GNSO is developing policy recommendations which go to the board and if the board approves them, they are policy. They're the law. If we were to sit around while the GNSO was doing that and then after all the work is done, go to the board and say, "They blew it, don't listen to them," it could happen. But, given that we perhaps have dozens or many more people having worked for several years developing policy, to try to kill it at the last moment doesn't seem to be … The chances of success are not great.

MILTON MUELLER: Unless you're the GAC.

ALAN GREENBERG: If you're the Governmental Advisory Committee where there's a certain amount of clout associated with it and bylaws have process the board has to follow, they're in a stronger position. So, as a result, although we

can give advice to the board, we rarely give advice to the board, because in fact, we spend an awful lot of our time participating in the policy development processes both in the GNSO and in other parts of ICANN.

MILTON MUELLER: Actually, I would say it's even more overlapping than you're suggesting, because as time has passed, these divisions are staring to blur, so that, for example, the At-Large I think gets to appoint a voting member of the GNSO Council. Is that right? There's a liaison.

ALAN GREENBERG: I wish. We do have a liaison, but the liaison doesn't vote.

MILTON MUELLER: Okay.

OLIVIER CREPIN-LEBLOND: She's over there, Cheryl Langdon-Orr.

ALAN GREENBERG: It simply makes more sense for us to try to influence things as it's going along than come in after the fact, then say, "Oh, no, that was all wrong." So, although we do not vote on that policy, we are very active in the working groups that formulate the policy and hopefully we have some influence along that way also. Thank you.

OLIVIER CREPIN-LEBLOND: There's also, I think, one small distinction, perhaps, which is to do with some of our … The way that we see some of the issues that are out there. For example, when it comes down to privacy—

MILTON MUELLER: Or privacy?

OLIVIER CREPIN-LEBLOND: Privacy in the UK. I think that language originated on this side of the pond, not on the other side. Privacy.

MILTON MUELLER: And we outgrew you, though, didn't we?

OLIVIER CREPIN-LEBLOND: When it comes down to privacy, with regards for example to WHOIS, this database that basically has the details, or until recently, had the details of the holder of a domain name, of a generic domain name, in At-Large because we look at the end user point of view, we're looking at also the consumer point of view. So, if you're going on a website and you're going to buy something on there, there are a number of us in our community that say, "Well, actually, we do need to have full records that are there so that the end user knows who they are dealing with." And I think that in NCUC there is more emphasis on actually a different thing of saying, "Well, no, but holders of domain names need to have

good privacy, so they shouldn't have these personal details on there."
Did I characterize that right?

MILTON MUELLER: There have been probably path dependent, but there are important policy differences that are dominant within the Non-Commercial Stakeholder Group and the At-Large. Part of that is, the reason is that the Non-Commercial Stakeholder Group is focused on non-commercial groups that are more focused on digital rights, on freedom of expression, privacy, and other kinds of liberties associated with Internet use because we feel like we're the only people that will stand up for those rights. Everybody else is willing to sell them out.

Whereas, At-Large, when you talk about the interest of the individual Internet user and how there's four billion of them, indeed there are a lot of them, but they don't have common interests in the same sense that maybe a group of civil liberties advocacy organizations would have.

OLIVIER CREPIN-LEBLOND: And I think there's more emphasis on registrants in NCUC than in At-Large where we're just looking at just users – well, mostly people who don't register domain names.

MILTON MUELLER: Right. So, for example, you have Greg here who's now – you're chair NARALO?

GREG SHATAN: Hi, I'm Greg Shatan and I am the President of ISOC New York, which is Internet Society New York chapter, which is both an At-Large Structure and an NCUC member. I am the primary representative of the organization to NARALO, which is the North American Regional At-Large Organization, and through that, a member of the At-Large community.

MILTON MUELLER: Okay. But, when we were in the GNSO, you were in a different constituency. You were the in trademark constituency and we were in the non-commercial constituency. So, the GNSO is balanced around stakeholder groups, and in the At-Large they're all mixed together into this gigantic—

OLIVIER CREPIN-LEBLOND: But, we're divided regionally. So, you heard Greg mention NARALO, North American Regional At-Large Organization. We've also got one for Europe, EURALO. One for Africa, AFRALO, etc. It's structured a bit differently. But, as you mentioned earlier, Milton, many people are actually members of both the NCUC, NCSG and At-Large.

MILTON MUELLER: And if you see Alan kind of stooped over, it's the weight of four billion Internet users upon his shoulders. It's a very difficult thing.

OLIVIER CREPIN-LEBLOND: Have rambled long enough for you to start having questions in your mind? Have we managed to confuse you enough for you to think, "I

don't understand any of this C-R-A-P. Can you please tell me about that because that's important?" So, let's open the floor for some questions. Also, if you have any topics that you'd like to discuss, we've got experts around the room that will be able to tell you exactly what this is about because they're deep into the trenches of those topics.

TATIANA TROPINA: I'm sorry, there is a question, but for you to think for now. We have experts in human rights, in privacy, in subsequent procedures for the generic top-level domain names and especially for the use of geographic names, for rights protection management. So, think about it. Sometimes, it is hard to bring them all together and really torture them with questions. You have a chance here.

OLIVIER CREPIN-LEBLOND: We have experts that were in ICANN Accountability System, in the IANA stewardship transition, in all of the historical stuff. They're here. They all came in as young people that were really bright and happy.

TATIANA TROPINA: Please let people ask questions.

OLIVIER CREPIN-LEBLOND: Okay, let's go.

MILTON MUELLER: Yes, let's go.

HUMBERTO CARRASCO: I'm going to speak in Spanish. Is that possible? Well, I am waiting for Milton to be able to get my question. My question is there is any – because there are [inaudible] difference between At-Large and NCUC. So, my point is, at this stage, there is any real reason to keep the difference between both bodies instead of working together. Can I say it in Spanish right now?

So, my question is the following. I see that you have mentioned the differences and similarities between At-Large and NCUC. So, my question is whether it's really worthwhile having those two bodies. Maybe they should be working together. Maybe it's more complex and more difficult, because as a matter of fact, we are becoming increasingly complex. ICANN and its processes are becoming increasingly complex. I've been here for several years and it's getting increasingly complex. I've seen there are many newcomers and it's really very frustrating trying to understand how the system works, at least for those who work with the end users or in non-commercial stakeholder groups.

OLIVIER CREPIN-LEBLOND: Thank you for this question, Humberto. I think part of the reason why we're working together in this joint outreach is to actually get us to work more together. And we do work together on several topics. One of the things that we haven't perhaps mentioned – or Milton did mention – was both of our communities work for the public interest. We're not here to make money. We're not here to make dot-money-dot-fast. We

don't have anything to sell, apart from selling ourselves and selling what we do to the community for more people to do what we do, because there is, as Milton says and as Humberto says, there are so many things that are happening in ICANN.

And some people are paid to be here. So, they can spend day and night on this thing, and if they need more people, they just tell their boss and their boss sends another person. We don't have that ability, so we just need more volunteers to help out and to take part in those processes. So, that's one of the things that we decided to do together.

As you heard, we had some differences, but the similarity is that we are working for the end users. We are working to make sure that ICANN continues to serve the public interest and doesn't end up as being some kind of a domain name association for businesses that basically serve people that want to fill their pockets.

The original way that ICANN was built was in order to serve end users. It had a strong end user component and it needs to remain so. Alan, you wanted to add something.

MILTON MUELLER: I want to get in on this, too. He proposed a particular structural reform of ICANN, which is somehow to merge the At-Large and the Non-Commercial Stakeholder Group into a single element. I think the problem with that, number one, any kind of major structural reform of ICANN would take many years and there would be power realignments that would make it very controversial. So, however much we like to talk

about how nice we all are here, in fact there are power questions. So, when you start reorganizing things, some people might lose power relatively and some people might gain it and everybody would be struggling about that. It took us two years to revise the bylaws for the accountability reforms during the IANA transition, you can imagine that if we tried to merge At-Large and a GNSO stakeholder group, it wouldn't be easy. That doesn't mean it's a bad idea. It could be that they are the same thing.

The real structural problem is, again, that At-Large has this overall remit and we are focused exclusively on one supporting organization and policy development. So, the strategy we have taken, essentially we agree with your idea that there shouldn't be a division and that the structure, in my opinion, is extremely confusing to newcomers. So, have had events like this which try to make the boundaries between the two so permeable that anybody can move easily between one of the other and nobody is excluded and it's really just a question of how you allocate your time. That way, we have the structural division intact, but we don't keep anybody out of either one.

OLIVIER CREPIN-LEBLOND: I've heard some suggestions, actually, by some—

MILTON MUELLER: We keep commercial people out of the NCSG, but not anybody else.

OLIVIER CREPIN-LEBLOND: I've heard some suggestions from some seasoned participants – and I was rather surprised – that actually all of this should be abolished and we should all be put in one room, one main plenary room, with the queues a bit like the NetMundial system so each stakeholder group is in its own queue. Then, whoever is running the show will be able to go from queue to queue and everybody can talk. I'm not sure how efficient that would be. I'm not sure if any real work would be undertaken. But that's some of the ideas that were circulating.

We've got Alan and then I see a lot of hands around the table. That's great. We'll be able to start going around. Briefly, please.

ALAN GREENBERG: Thank you. We're doing this session jointly and we do talk to each other. But you might have also noticed a few little barbs and a few little sharp comments that we might be making. Because in fact, although we both represent the interests of users and we both represent the public interest, those aren't well-defined terms and we have different values about some things. So, although we may use the same exact phrase to describe it, we may be on opposite sides of the table on any given issue – and we are, often. Not always, but certainly sometimes. So, that gives a level of diversity and diversity to At-Large is very important because users come in all sorts of flavors and have different interests.

The fact that we often disagree with each other means that we're representing different viewpoints. Each of us believe it fully, but they're different. That doesn't mean one right or wrong. But that diversity I think adds something to ICANN. Thank you.

MILTON MUELLER: Okay. Let's hear from our people here. So, we'll go around the table, I guess.

OLIVIER CREPIN-LEBLOND: So, when you take the floor, please introduce yourself. Then, come up with your comment or your question.

MILI SEMLANI: Hi, I'm Mili from India and I'm an ICANN fellow this year. Thank you for solving this confusion. This chat was great. My question is a bit more posed towards the youth participation role because I come from a youth missions background and I do a lot of work with young people in the APAC region, especially in the IG space. It's more so to ALAC At-Large.

What are the special ways, if there are any, of incorporating this constituency in itself which is [inaudible] because [inaudible] digital natives or when you say, in talking about diversity, this is one of the very important groups, but obviously given the entire structure of IG discussions and all the different layers and the acronyms, it's not absolutely easy for them to be here or participate. So, are there different kinds of regional level, maybe RALO level mechanisms or any kind of participative processes that enables the participation at these forums? Thank you.

OLIVIER CREPIN-LEBLOND: Thank you. Rather than us answering the question, shall we put some of our experts, to get them to earn our money here? We don't pay anything. That's probably why there's no … Glenn maybe could say a few words because you've been over in some of the schools of Internet governance and so on. Maybe we should give the … You have listened to the question, have you?

GLENN MCKNIGHT: No, I didn't.

OLIVIER CREPIN-LEBLOND: Oh, well done. Glenn hasn't listened to the question.

TATIANA TROPINA: The question is how do you ensure youth participation in At-Large?

OLIVIER CREPIN-LEBLOND: Glenn McKnight. At-Large or, well, in ICANN, effectively.

GLENN MCKNIGHT: Hi, I'm with NARALO. Our chair is right over there and I'm the secretariat. Yeah. I've been involved deeply with schools of Internet governance. In fact, we just finished our – well, you were at one of the panels with us. We did three days of the Indian School of Internet Governance and it was the third year. Also, Eduardo and myself have actually formulated the first North American school and we'll have one in Montreal in 2019.

This is one of the things we are challenged with because I think we were taken the task at the Indian school were there wasn't as much youth participation as possibly should have been, whether on the panel or – actually, we were deeply involved in terms of the student body.

But, what we strongly suggest is in the formation of wherever it is – for example, Daniel is doing a Uganda School of Internet Governance or [inaudible] or elsewhere. Get involved in the process of what the curriculum is. Volunteer to be a speaker. Do lightning talks. There's many things to be involved with.

The other thing we experienced in India, we did the youth IGF. So, there's youth IGFs around the world and there's a youth SIG with ISOC as well.

OLIVIER CREPIN-LEBLOND: Thanks for this. So, youth IGFs and Schools of Internet Governance and so on are not run by ICANN. But, there is one thing, though, to consider. Once you've participated in one of these, I gather it probably helps when you actually apply for the NextGen program, when you apply for the fellowship.

I always see a lot of fellows at ICANN meetings. I'm like, "Yeah! This is great. This is super." Then, when traveling and going, for example, to the Indian School of Internet Governance, I find out those who have applied two, three, four times and haven't managed to get the fellowship or haven't managed to get the NextGen. What can I say? Try again. Apply again is really to say that. I understand there a lot of

people that are now applying. So, you guys that have been selected are the lucky few. I also understand that because ICANN has got a limitation on how much it can spend in those programs, it would be great to invite 300 youth and 300 people and so on, but unfortunately, they have to be some selection process. Let's go, next question.

MILTON MUELLER: Who's next? We were going down the line here. They've had their hand up for a while, so let me just … You have a microphone?

ANASTASIA SENDERA: My name is Anastasia. I'm from Moldova and I'm here with the NextGen. One of the lucky few. This is a question more for, because I'm a newcomer, to make sense about how ICANN works. If the decision-making is based on consent, as far as I understood, it is based on consent in the constituencies.

OLIVIER CREPIN-LEBLOND: Consensus.

ANASTASIA SENDERA: Consensus, sorry. Yes. Consensus. What kind of consequences – are there negative consequences regarding time and efficiency of developing policies, then? I'm just wondering about that because I'm new.

My second question is regarding the At-Large group, if it represents – are there procedural limitations regarding membership? Here I'm thinking about conflict of interests. If I say I'm an end user and I would like to participate in the At-Large Advisory Group, but I also actually represent commercial interests in my parallel life.

OLIVIER CREPIN-LEBLOND: You have a parallel life, oooh.

MILTON MUELLER: So, we've got two questions here. We have the consensus, how does it work? Is it inefficient? Then we have the conflict of interest within At-Large framework.

OLIVIER CREPIN-LEBLOND: [Tania] is putting it o the chart. Then it will probably be faster to accept more questions and we'll try and get one after the other answered.

MILTON MUELLER: So, the woman next to the one who just …

TERESA QUINTEL: Hi, I'm Teresa. I'm also here with the NextGen. Sorry.

MILTON MUELLER: That's why people don't move, then they make ugly noises.

TERESA QIUNTEL: I come from academia, so nothing fancy. I work in data protection and privacy. I would be interested in law enforcement access and how you represent the interests of end users with regard to law enforcement access and the issues that law enforcement now has with the GDPR. Also, how far stakeholders from law enforcement are involved in the process?

MILTON MUELLER: Okay. Law enforcement and data access.

TATIANA TROPINA: Can I make an administrative announcement? I am now sorting the questions. Some of them are more procedural about At-Large NCUC. These will be answered immediately. But topics like WHOIS we are going to discuss in substance a bit later. So, you will hear a lot about this.

MILTON MUELLER: Who's next?

JINHE LIU: Hi, my name is Jinhe Liu. I come from China. I'm a fellow now and I come from [inaudible]. My concern is more about the governance mechanism in ICANN. Can you very briefly [inaudible] from the starting of ALAC and NCUC to now, what have you achieved and which one is more effective between ALAC and NCUC?

OLIVIER CREPIN-LEBLOND: We are all terribly ineffective. We've taken ten years to sort ourselves out. It's ICANN 20 year now anniversary and we're just about to reach this thing. So, in ten years' time, we can answer your question. I don't know.

MILTON MUELLER: I would not duck the question that way, but we're still taking questions.

OLIVIER CREPIN-LEBLOND: Yeah, yeah, yeah. We're taking lots of questions, of course.

MILTON MUELLER: We have a question over here, two over there. We've got one, two, three, four. Okay, let's start with you, sir. We'll go around.

JOAO PEDRO DAMAS MARTINS: Hello, everybody. My name is Joao Pedro from Portugal. I'm with NextGen. My question is you mentioned that you have all these areas involved from human rights to privacy. I know ICANN doesn't really – is not really involved in the content perspective. So, where to really draw the line if you have to be involved in human rights situations, where do you really draw the line between what's … I mean, it's not on our hands and we shouldn't go that way and where should we really get involved? Thank you.

OLIVIER CREPIN-LEBLOND: That's a good question as well. Thank you. Okay, next around.

MILTON MUELLER: Can you summarize that question? I was writing.

OLIVIER CREPIN-LEBLOND: Oh, you're doing it? Because Tania is writing it.

TATIANA TROPINA: So, [inaudible] human rights, privacy, where to draw a line, how to—

MILTON MUELLER: I will draw a line right here.

OLIVIER CREPIN-LEBLOND: Is it within what one calls the picket fence, which is does it actually – there's a term for this, the picket fence. So, are you allowed to go and start delving into content? No. So, where do you draw the line? Let's go to the next person, please.

STEFAN FILIPOVIC: Hello. My name is Stefan. I'm a NextGen participant. So, now, when GDPR is enforced and ICANN is actually working developing rules and policies [inaudible] registries and registrars as well as ICANN compliant with the GDPR, what are some of the biggest challenges that you are encountering?

MILTON MUELLER: Well, we can talk at length about that.

OLIVIER CREPIN-LEBLOND: Definitely. There's some people that talk twice a week about this for a couple of hours and then they send hundreds of emails as well. So, we'll try and summarize this in a minute.

SABRINA WILKINSON: Hi. My name is Sabrina Wilkinson. I'm part of the NextGen program and I'm Canadian. I guess I just had a question about ICANN's accountability. It seems to me that it plays a very large and significant role in global Internet, clearly. I guess I wondered if you can tell me a little bit about who it's accountable to, what sort of accountability measures are in place. Thank you.

OLIVIER CREPIN-LEBLOND: Great question.

MILTON MUELLER: Good question, yeah. Yes, one more.

OLIVIER CREPIN-LEBLOND: Then, there's somebody behind as well, on this side.

MILTON MUELLER: Okay. One more. If we're going to answer these questions, we'd better stop taking questions.

OLIVIER CREPIN-LEBLOND: And start digging, yeah. Go ahead, please. We can ramble forever.

UNIDENTIFIED MALE: My name is [inaudible]. I am from South Korea. I am a newcomer here. I am a corporate lawyer, usually practicing telecommunication and privacy laws. As you said, you are not paid. You are not [from] registries and registrars and you are not government officials. You are not granted your travel from the government. But, you spend a lot of money and time for air travel and participating in serious meetings. I really respect all of you.

But, here is my question, because I am a newcomer and I really like to hear from you guys.

OLIVIER CREPIN-LEBLOND: It gets dangerous when you get about a minute of praise … But!

UNIDENTIFIED MALE: Yeah. What really makes you come here annually and participate here? That is my question. Share your incentives.

OLIVIER CREPIN-LEBLOND: Why are we here?

UNIDENTIFIED MALE: Yeah, exactly. Yeah.

OLIVIER CREPIN-LEBLOND: Did you answer the question why are you here?

UNIDENTIFIED MALE: Because this time I am sponsored by the Korean government. But, this is only for this time.

OLIVIER CREPIN-LEBLOND: Okay, thanks. That can go onto this side. Why are we here? There you go. A whole page for that. Cool. Then, we've got another question here and I think that will be enough for the next few minutes.

UNIDENTIFIED MALE: Hi, everyone. I am [inaudible] from India. I am NCUC fellow to ICANN 63. My first question [inaudible] administrative thing. You have mentioned you can take part in the policy development process while in GNSO, as [inaudible] or NCUC as well as you can do it in ALAC, right? So, how do you manage the conflict of interest if same individual is representing the same policy in different stakeholder groups?

And in terms of the substance-related questions, now that GDPR comes from Europe and [inaudible] and ICANN is working on to be compliant to GDPR and every country is [inaudible] data protection laws, how do you manage to go from a regional law and [inaudible] national law since we have registrants from every country and parts of the globe?

OLIVIER CREPIN-LEBLOND: Thanks for this. I think we've got another take for the GDPR discussion. There's going to be a big thing about this.

MILTON MUELLER: We had one more question. Go ahead.

OLIVIER CREPIN-LEBLOND: It's good we're getting a lot of questions. Hopefully, we'll get answers.

MILTON MUELLER: Yeah. We won't answer them, but great questions.

VIOLET ROSE NINGAKUN: Hello, my name is Violet. I'm from Papa New Guinea. It's my second time coming to this ICANN meeting. My question is NCUC and At-Large are responsible for the interests of the four billion Internet users. So, in one of the talks, you said you face challenges in trying to get people to address those issues. So, how are you able to overcome those challenges and address these issues and try to reach out to at least [inaudible]? Thank you.

OLIVIER CREPIN-LEBLOND: Thanks for this. I think that's probably one of the ways to get you guys around the table.

TATIANA TROPINA: So, for now, I'm going to pose a couple of questions to Milton and Olivier while I'm summing up some substance questions and we are going to come back to them. So, if you could please dive deeply into some kind of more At-Large NCUC related issues, like on the meta level, the mechanism of decision-making and consensus at ICANN, then limitations of At-Large and NCUC conflict of interest, commercial and non-commercial users, and also who is more effective and how do we get people involved?

OLIVIER CREPIN-LEBLOND: I think we answered the youth question. The mechanism and decision-making consensus, it would be great if you could tell us how does the GNSO reach consensus? I'll also ask Alan Greenberg how At-Large reaches consensus.

MILTON MUELLER: Okay. So, I have very strong opinions about the consensus question. When ICANN was started, their model was the Internet Engineering Taskforce and technical community which makes decisions nominally by rough consensus. Fundamentally, there was a mistake in thinking about some of this, in a sense that when you're dealing with technical standards, there is a strong incentive to reach an agreement because then everybody will be compatible.

When you're dealing with policies, let's say about trademarks versus domain names, there is not the same kind of incentive to reach consensus because it is what we call in political economy a

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distributional question. There are going to be winners and there are going to be losers. So, ICANN learned very quickly that they could not reach a true consensus, a Quaker consensus, and sometimes even a rough consensus.

So, what we ended up doing was defining procedures that balanced the different stakeholder groups. So, if you look at the GNSO structure, I described the two houses, contracted parties and non-contracted parties, and then within each house there are the two stakeholder groups.

Now, the GNSO's decision-making process, what counts as a consensus policy actually means a supermajority among those and that supermajority has to be distributed among the two houses in the different stakeholder groups such that if one stakeholder group – for something to pass, it has to have support from both houses and at least one support from all of the stakeholder groups.

So, it's really kind of a well-defined supermajority balancing structure rather than true consensus in the Quaker sense of the word.

One of the problems with consensus that has continually cropped up is that when you have a working group with 400 people in it and somebody calls consensus, who do you listen to at that point? Say there's three or four people that say, "No, I hate this. I won't accept it." And then everybody else is quiet. Do you say that there's consensus or do you say there's not? Sometimes, that can be extremely arbitrary and that's why we have the council with these more defined and structured rules for defining what is a consensus policy.

OLIVIER CREPIN-LEBLOND: That's great. Thanks for this. Alan Greenberg, how does At-Large reach consensus? It's a bit different as well.

ALAN GREENBERG: I'll first make a comment about the word consensus. Consensus is used in ICANN by almost every group. We each have different definitions. Some groups meet by consensus meaning unanimity. The GNSO, as Milton said, has some relatively convoluted definitions of different classes of consensus. The ALAC's one is relatively simple. The ALAC, as I mentioned – well, I may not have mentioned – has 15 members on it and we are the formal body that makes decisions on behalf of At-Large, should there ever be a decision needed to be made. And our rule of consensus is 80%. So, in other words, if not more than 20% object, we deem it to be consensus. And we try to make decisions based on consensus. If necessary, however, we will vote and the threshold will depend on the type of vote we're in.

But, how do we reach consensus? In general, although there are some issues where different parts of At-Large have very different positions, very often there is a lot of common ground, so reaching consensus often is not all that difficult. But what we tend to do is when there's an issue on the table, perhaps commenting on some GNSO policy or commenting on something else that's happening, then we solicit input from the overall community. Someone takes it upon themselves, or perhaps a small group, to draft something which attempts to summarize the various positions. If there are diverse positions, they try

to find a compromise or find a common ground. Occasionally, there is no common ground. Occasionally, we just cannot all agree with each other and that's life.

We essentially have an iterative process where we try to come to common ground. Very rarely do we end up with a statement that's made which doesn't pass consensus because the process itself tends to get people who care to contribute and find some common ground.

Now, the reality is, in any group, no matter whether we're representing four billion or 100, the actual work gets done by a moderately small number of people and their job is to try to make sure that they are listening and factoring in those opinions.

OLIVIER CREPIN-LEBLOND: I think part of the question is isn't that totally inefficient?

ALAN GREENBERG: You bet.

MILTON MUELLER   It is definitely less efficient than … Well, in some sense, it's less efficient than autocratic decision-making or unilateral top-down decision-making. Definitely slower. It requires a lot more work. But, it does ensure that the decisions that are made have a broader buy-in and a broader input of information and perspectives.

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Yes, sometimes you hear it said that ICANN is a private sector organization because the private sector can move more quickly and is more efficient than governments. I always laugh when I hear this because ICANN took 12 years to decide that they were going to do new top-level domains and they're still working out things. So, consensus is a very expensive and time-consuming form of decision-making.

OLIVIER CREPIN-LEBLOND: That being said, once a decision is made by consensus, there is adoption by everyone in a faster way than if there was a top-down decision made where then at implementation people says, "Well I have to do that, but I absolutely hate doing it."

It's one of these things where, when the decision is made, it actually gets implemented, and the majority of people I gather like the decision that is being made.

There are some that define consensus as being the moment when nobody is happy in the room, but I don't like that, because at the end of the day, it would mean that we'd all leave an ICANN meeting being totally disgusted and we'd never come back. So, why do we come back?

TATIANA TROPINA: So, moderatorial, Olivier, we have two procedural questions left about limitations and conflict of interest, commercial, non-commercial, NCUC, At-Large and also challenges for getting volunteers.

MILTON MUELLER: And accountability.

OLIVIER CREPIN-LEBLOND: I'll take the conflict of interest quickly. There are a lot of people who have day jobs and they do something in their day job and then they participate in At-Large or NCUC in their spare time. It might well be that there is a conflict between their day job and what they think themselves.

It's something which we are alerted to. Certainly, in At-Large – I'll answer for the At-Large side – we've got these At-Large Structures. They're like organizations that deal with end users. There is a process by which we vet any applicants to make sure that they actually adhere by those views of serving the end users and they're not commercial organizations that are disguised to come into our community and try and push in a totally different direction.

The conflict of interest policy is not one of these things that is hard in stone. There's a whole gray scale between commercial interests and non-commercial interests and you'll find people all along that scale. As I said, there are some times when we're rowing in the same direction and sometimes we're at opposite ends of the table and that's on many of the different discussions that are taking place.

MILTON MUELLER: Yeah. I think it's a very good question about the conflict of interest. It's not necessarily what we'd normally call a conflict of interest. It's sort of a conflict of roles, if you will, in which somebody who is part of At-Large

and is claiming to be for the general interest of the Internet user is actually pursing a very specific interest which may or may not be a commercial interest.

This is less of a problem in the Non-Commercial Stakeholder Group because we are defining ourselves and our eligibility of our membership is you have to be a non-commercial entity. So, we get into some interesting games.

I'll tell you a little story. In the early days of the NCUC, there was a lot of conflict between us and the trademark constituency and some of the trademark people didn't like what we were doing, so they formed a boat club and they tried to join the Non-Commercial Users Constituency as a boat club and they were—

OLIVIER CREPIN-LEBLOND: Did they sink?

MILTON MUELLER: We were like, "Who is this boat club?" Maybe it was a yoga club. I can't remember which. But it was basically you looked at the person that they had designated as a representative and it was a trademark lawyer who was also in a constituency, the Trademark Constituency. So, we rejected this. We did have a rule that you can't be actively in another constituency in the GNSO and also be in ours. Some people used to say, "Oh, you're very exclusive. You're trying to hold people out." Now I think people realize that you can't double dip. You can't be playing both games. Either you're arguing from the trademark perspective or you're

a non-commercial activist and the whole system is set up to balance those interests so that nobody is dominant.

OLIVIER CREPIN-LEBLOND: Cheryl Langdon-Orr, you want to say a few things?

CHERYL LANGDON-ORR: I do. Thank you so very much for giving me the time. Cheryl Langdon-Orr. Been around. It doesn't matter. But, something I wanted to point out here in reference to the conflict of interest issue is the very important use of what's called statements of interest. The At-Large community has statements of interest, and indeed to be involved in a GNSO policy piece of work, you must lodge a statement of interest.

Now, there's a great deal of similarity between a GNSO statement of interest and an At-Large statement of interest, but I operate in both sectors. I have two separate statements of interest. They are constantly updated and they are linked of the personal page on the Wiki. So, transparency here is a very important thing.

The other thing, from a policy development point of view, is it is – in all good policy development in ICANN – a standing agenda item to ask at the beginning of each meeting, "Does anyone have an update to their statement of interest?" So, it's that transparency aspect that I think should give some security because people do move. People do change. That constant continuous reporting and keeping it up to date is vital. Thanks for that.

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OLIVIER CREPIN-LEBLOND: Alan, quickly.

TATIANA TROPINA: Very quickly.

ALAN GREENBERG: Although, as indicated with Greg, we can have people who live in New York wearing multiple hats. In the developing world, there are only a limited number of people who have the skills and interest in many of our areas. If you don't allow people in who wear multiple hats, you're excluding them completely. So, you have to figure out a way to balance it.

TATIANA TROPINA: Okay, Greg. Very quickly.

GREG SHATAN: Just briefly, for those who might be confused, there certainly is no such thing called the Trademark Constituency. It's the Intellectual Property Constituency. And speaking of fun and games, when it was being formed, there were actually three proposals to form it, one of which came from what essentially became the Non-Commercial Users Constituency. The third was one to have it be primarily concerned with indigenous rights. There's no end to the fun that can be had here.

As far as the question on conflict of interest, there's nothing in ALAC that says … ALAC and At-Large are individual Internet users, but that doesn't mean that they aren't non-commercial by distinction. It's not in the charter. Whereas the character of NCUC is expressly non-commercial and actually deals with users of the DNS which is a little bit different than individual Internet users which is the term that's used for At-Large.

Again, that's theory. The practice gets much more complicated.

TATIANA TROPINA: Thank you, Greg. And now I believe that we are going to move right before lunch to the most exciting part, in my opinion, to the substance. So, I grouped the issues which you raised into three. Human rights, privacy, content, regulation, the line where ICANN can intervene and uphold human rights. What is ICANN doing [inaudible] privacy and human rights? Then, accountability of ICANN. Then, WHOIS and law enforcement access.

OLIVIER CREPIN-LEBLOND: And the EPDP, of course,

TATIANA TROPINA: You probably have heard this acronym EPDP during the opening sessions and everywhere. So, because we, Non-Commercial Users Constituency, have our guys who are working on EPDP, mostly right now discussing policy issues but they will come over lunch to talk about this. And we will have to change rooms. You will all get lunch and we are

going to continue over lunch. But, before we are going to change rooms, maybe our human rights superstar, Collin Kurre, can just make a pitch talk about human rights and then you will follow her and everyone else to the lunch room. Thank you. Collin?

COLLIN KURRE: I think that was an order, so I will be following you. Actually, as a little bit of a plug, I hope that you guys follow me after this session because we are going to be having a session of the cross-community working party on ICANN and human rights. I realize that it conflicts with some NextGen obligations, so maybe if everybody just goes to the bathroom at the very end, then you can catch the conversation part, because this is definitely a space for you to get involved.

So, first of all, I wanted to go back to when you asked your question which I thought was a really great question, everybody said, "Oh, picket fence, picket fence." And I've been in the ICANN community for about a year now and I still have to say, "Okay, what was the picket fence again?" So, I'm pasting a link in the Adobe Connect chat right now which is a really helpful PowerPoint presentation made by the GNSO about what is the picket fence? What does it mean?

Essentially, when they're referring to the picket fence, it's whether or not thing are in ICANN's mission and mandate, to coordinate unique Internet identifiers.

So, human rights really came into the ICANN community in a big way under the cross-community working group for enhancing ICANN's

accountability which kicked off in 2014, kind of in the context of the IANA transition, which was allowing ICANN to distance itself from the US government, from its historical ties with the US government.

So, as a part of that work stream one, which was 2014 to 2016, when ICANN sailed away with its empowered community model in 2016 and then we've been working out some finer details in work stream two from 2016 to 2016.

So, going back to work stream one, one of the outcomes of that was looking, trying to tease out the different potential human rights impacts that ICANN's operations, particularly in managing global top-level domain names can have on human rights.

So, this produced an amazing and useful, I think, infographic which I just pasted once again in the chat of the Adobe Connect. Pro tip for newcomers. It's great – even when you're here, it's good to be in the Adobe chat for this reason, because people post links and have little side conversations.

So, based on that, we tried to tease out the most salient rights. The things that popped to mind would obviously be privacy or freedom of expression. But then you can get into maybe less directly related things like right to freedom of association, economic, cultural, and social rights, etc.

So, in work stream two … So, IANA transition happens, then work stream two. They split up into nine different subgroups and one of those … Okay, hold on. Let me back up.

So, in 2016, there was a revision of the ICANN bylaws which included a new core value that ICANN would respect internationally recognized human rights as required by applicable law. But, at the same time that this core value came into effect, there was another bylaw that was passed saying that it wouldn't kick into effect until a framework of interpretation had developed to interpret this.

So, I know that Greg worked really hard on this. Tatiana worked really hard on this. It was definitely a multi-stakeholder initiative to develop a framework of how these different words would be interpreted.

I think that there were quite a lot of tensions along the way, but in the end, the document ended up being something that everybody was okay with. Everybody could live with it. So, that's great. That was a success, I think, of the multi-stakeholder model.

So, the work stream two recommendations, which the framework of interpretation is the product of the human rights subgroup, are still kind of working their way through the ICANN bureaucracy. I think that they will be approved by the board. Well, we hope that they will be approved by the board in short order. And that will finally kick the human rights core value into effect.

But, what does it mean? What does it mean to comply with this core value? We don't know. So, actually, I think I'll just stop there and if you want to know more—

OLIVIER CREPIN-LEBLOND: Yes. Slightly slower as well because I see the interpreters are sweating in the box.

COLLIN KURRE: Oh, gosh, I'm so sorry.

OLIVIER CREPIN-LEBLOND: I can see there's some steam in there.

COLLIN KURRE: Oh, gosh. Yeah, sorry. I was trying to cram a lot in there. So, if you want to talk more about this, definitely bring your concerns to room 119 at 1:30.

OLIVIER CREPIN-LEBLOND: Thanks for this, Collin. I don't know if anybody in At-Large wishes to add … Alan, your card is up. Okay, that's down. I've turned this one off, just to confuse you.

TATIANA TROPINA: Now a bit of administrivia. I was completely confused with this meeting and overlaps between change in rooms and whatever. We are staying in this room. We will need a 10-minute break to change the interpreters and to grab the lunch for you so you can fill in your plate.

OLIVIER CREPIN-LEBLOND: I don't know if we're changing the interpreters. They might run out of the room. But to give them a break.

TATIANA TROPINA: Give the interpreters a well-deserved break. And you can ask Collin any questions right after the break, over lunch. We're also going to talk about later about ICANN accountability, about EPDP, and law enforcement access to WHOIS data and how to get involved with all this, if you want.

OLIVIER CREPIN-LEBLOND: As we have some people who are experts around the room, actually, I'd like them to put them their hand up. The seasoned participants who have been at very many ICANN meetings, so you can see who they are. Go and talk to them. They're from all the different parts. From NCUC, NCSG, At-Large.

TATIANA TROPINA: They're mostly not at the table because we asked them not to be.

OLIVIER CREPIN-LEBLOND: Yeah. They're not sitting at the table. They're in the payment seats over there because they worked hard and the got a free – well, they got a paid-for seat while you guys couldn't.

TATIANA TROPINA: Come to them, talk to them. I will have to say goodbye and I will handle moderation to Bruna because I have the GNSO meeting with ccNSO and now I can use all these acronyms because you understand. So, thank you very much for all your questions. It was so nice to see you in this room. Enjoy the lunch and I will see you around in the corridors and in the rooms. Thank you So, 10-minute break for us.

OLIVIER CREPIN-LEBLOND: No, 15. We'll do a 15-minute break. You can get your food and talk to the people around the room and then we'll continue after the break with ICANN accountability and the EPDP. Thank you.

[END OF TRANSCRIPTION]