MONTREAL – GNSO - NCUC Open Meeting
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BRUNA MARTINS DOS SANTOS: Hello, everyone. Good morning. The ones of you sitting on the chairs behind us, if you want to take a seat at the table, you are invited to. We should be starting in two minutes.

Welcome, everyone. We're kicking off with the NCUC Constituency Day, so if you can start with the recording. Thank you, everyone for being here. This is not the 8th of October. This is the 5th of November. I was misled by the presentation. This is yet another NCUC Constituency Day Open Meeting. Just to do a quick runup of the agenda, we are going to go with some opening remarks, which I'm already doing.

Then we're going to have Professor Jan Scholte here to talk a little bit about the ICANN Legitimacy Study, some discussion on public interest, with hopefully Kathy and Avri, and then a policy roundup. This is for any of us who is doing job on policy work to do some information on this. And then, a little presentation on the NCUC Policy Writing Course, and some presentations from our incoming EC, and any AOB that you guys might find necessary to mention at this meeting. So, without further ado, I'll give the floor to Professor Jan Scholte, and then we can start the session.

JAN SCHOLTE:	Thanks very much, Bruna. Thanks for the opportunity to speak with people. I'm sorry I'm showing you my back, but I think that's the only way it will work. So, yes, I'm Jan Scholte. I'm at the University of Gothenburg. My colleague, Hortense Jongen, and I have been working together on a study of legitimacy at ICANN. The biggest thanks actually should go to many of you sitting around this table and behind me. It was anonymous and confidential participation, so I don't call you out by name, but I can say thank you very much to contributing to this study. Without you, it couldn't have happened.

We're going to talk about … Let me see if this is going to work here. Oh, yeah, it does great. We're going to say a little bit about the study. Then, we're going to tell you about how legitimacy of ICANN is seen by people outside the ICANN sphere, and then we're going to tell you about how legitimacy at ICANN is seen from inside, meaning the community, the Board, and the staff. Then, we're going to finally finish with a couple of remarks about what civil society groups in ICANN find most and least important at ICANN. We'll also say something about what your constituency thinks ICANN does best or worst.

Four main takeaway messages, if I can put those on the table first. First main message is that average legitimacy beliefs towards ICANN are neither high enough for complacency nor low enough for alarm—kind of hangs around in the middle—moderate to a bit better than moderate. That's the first thing.

Second main message is that legitimacy beliefs towards ICANN tend to correlate with your closeness to the regime. So, the highest average

legitimacy beliefs are for the staff. Then, it goes down a little bit for the Board. Then, it leaps down a fair bit further to the community. And then, it leaps down a fair bit further when you go to the outsiders. And then, you go to the general public, and nobody's heard of you, and there aren't any legitimacy beliefs at all. So, you could say that the legitimacy is quite secure on the inside, and a bit more wobbly towards the outside.

Third main message is that the legitimacy beliefs towards ICANN tend to be fairly steady across stakeholder groups, across world regions, and across social categories. So, if you thought younger people feel marginalized at ICANN, and therefore they will not have as much legitimacy beliefs as … Or if you thought governments feel marginalized at ICANN. Therefore, they will have less … This doesn't happen. The legitimacy beliefs are quite steady, and in fact, some of them may be counter to what you had expected. Government legitimacy beliefs are amongst the strongest, for example, counter to maybe what many of you might have imagined.

That's to say, then, with that steady legitimacy beliefs across all these, you could say there's no Achilles heel. There's not a place that's waiting to subvert the regime. But at the same time, you could say there's no vanguard that is necessarily itching to take the whole thing forward in legitimacy terms.

Fourth main takeaway is to say please, please, please remember these are descriptive statistics. We have not done any significance test. We have not done any explanatory analysis. So, don't read into these

numbers what shouldn't be read into them. They show you broad patterns. If you want to know more detail about what's going on there, we'll be back in Cancun, and we can give you some more explanatory analysis, if you like, but we're just showing you the overall patterns.

Legitimacy, the concept … Maybe we should say something about that a moment. Many of you, in the interviews, you said, "What do you mean by legitimacy?" We said, "You've got to figure it out for yourself." But now, we will tell you what we were thinking, namely that legitimacy, in academic language, is the belief that a governor has the right to rule, and does so appropriately, or in plain language, that ICANN has the right to make rules.

Notice here, legitimacy is about a deeper confidence in the regime. Legitimacy is not about liking certain policies or liking certain people. It's having trust, confidence, approval, conviction towards the regime itself. And we were using the proxy of confidence. It's a common political science proxy for legitimacy.

I guess we're going to stick with the outline the whole time. Maryam, can you help me, perhaps? It's not wanting to move. There we go. Legitimacy is important. On the one hand, we could tell you, but it's even better when you tell us that legitimacy is important.

In the survey, if you remember, there was a question about how important you thought legitimacy was for ICANN. 80% of you … Those different lines are overall Board, staff, community, and outsiders, that dark blue on the right. 80% of you said that legitimacy is extremely important for ICANN, and most of the remaining 20% said it was quite

important. I think it's a rump of about 2 point something % that said it was moderately, little, or not important. So, that's a bit nice for us to hear, because it gives us the sense that we're doing something that is meaningful.

You said that legitimacy was important in order for ICANN to secure its mandate. You said that legitimacy's important in order to get participation. Without legitimacy, you probably wouldn't be in this room. Legitimacy's important in order for ICANN to be able to take decisions, and then get people to comply with them. Legitimacy's important, you said, because it helps ICANN to hold its own in the competitive world of global internet institutions.

Next one. Our evidence base … We talked with 529 people on the ICANN survey—100% of the Board, so we don't have to say anything about anonymity there. Everybody did the survey—everyone who was on the Board between 2015 and 2018. 305 people in the community, 132 people in the staff.

For those of you who are statistically-minded, you're going to say, "Oh, there's going to be too much staff influence on the results," but we weighted the results. We weighted the results in terms of percentage participation in ICANN meetings. So, the community will actually have a four times as great effect on the results as the staff members.

Then, we had outsiders, so people who participate in internet governance but not in ICANN. We also interviewed 860 general elites around the world, in Russia, Germany, South Africa, Philippines, Brazil, and US, and asked them a few questions about ICANN. As I say, we

didn't want to waste our money to find out that nobody knows of ICANN in the public opinion.

Next one. This is a first graph on the confidence in ICANN, placed amongst 13 other global governance institutions. These are the general elites, so these are those 860 leaders in media, business, civil society, politics, government, and academe around the world. The red line is ICANN. On a zero to three scale, it averages in at 1.7, and of the 14 institutions, it came in as fifth.

You can read these graphs quite positively or a little bit more pessimistically. I'll give you the half-full story first. The half full story is that ICANN is ranked fifth there, and it's holding its own very well amongst ten over multilateral—so, intergovernmental—organizations. You'll also see that ICANN gets the highest average legitimacy rating of any multistakeholder organization, so it's doing better than the Forest Stewardship Council, better than the Kimberley Process, and doing better than FIFA. That might not be a surprise. And then, we've got also doing better than the G20, in terms of new forms of global governance. So, that's all looking pretty positive.

The other thing to note is the green line—is the average confidence in national governments. So, these elites actually, marginally anyway, think more highly of ICANN than they do of their nation state. That all sounds pretty good.

Now, let's look at it from the pessimistic side. Whoops, no. Back, back, back. Yeah. The pessimistic side is to say 1.7 on a scale of zero to three ain't that high. What you could do is you could say, "Actually, elite

confidence in governance institutions in general is not very high." That's a more pessimistic way of looking at it. The other thing is, that red line doesn't show you that 49.7% of the elites had not heard of ICANN. So, after 20 years of ICANN, half of the world's elites don't actually know that you exist, or have enough of an understanding to have a view.

Those are some of the slightly more down sides of it. You also have to remember, the general public really doesn't know about ICANN, so the legitimacy base for ICANN is pretty small, when you think about it. It's the insiders plus a bit.

Okay, now we go on to the next one. Now, we look at ICANN in comparison with other internet governance organizations. Here we asked the Board, the staff, the community, and the informed outsiders what they thought of ICANN's legitimacy relative to other bodies in global internet governance. You see that the RIRs—the Regional Internet Registries—are coming out a bit higher. The IETF is coming out still higher. But ICANN is coming out ahead, if you like, of the IGF, the national government—and here we mean the national government on internet policy—and then the ITU to the far left.

What you might want to notice here is that, broadly speaking, the less the state is involved, the higher the confidence. ICANN has got its GAC, but then the RIRs and the IETF have even less state involvement. The IGF is within the United Nations, then you have nation state and the intergovernmental ITU. That's one way to read it.

Notice also, the dark blue lines. These are informed outsiders. It's the line on the right of each of these clusters. Their general confidence of the different institutions tends to be lower than the ICANN insiders, but the same trend of higher for IETF and RIRs and lower for ITU and national government. That is still the same for them, too.

That's the broader picture. Now we want to dissect into ICANN more specifically, and look into the ICANN legitimacy within the ICANN sphere. For that, I hand over to Hortense.

HORTENSE JONGEN: Thank you. What we can see here is the distribution of responses to the question, "How much confidence do you have in the current workings of ICANN overall." Again, this is a bit of a matter, is the glass half empty or half full? On the positive side, we can see, if you look at the light blue bar, that more than half of the respondents of the insiders in ICANN—so Board, staff, and community combined—they indicate to have high or very high confidence in ICANN overall.

But a bit more negative interpretation is that when we, for example, look specifically at the ICANN community, a considerable share of them indicates to have only moderate or even less confidence in ICANN overall, and the share is even higher amongst the informed outsiders.

What we did next is we converted these answer options into numerical scores. So, respondents who indicated to have very low confidence in ICANN overall, we gave them a score of one, and respondents who

indicated that they have very high confidence in ICANN, they got a score of five.

If we go to the next slide … Then, we calculated mean averages for different groups. What we can see here is that ICANN staff has overall the highest confidence in ICANN overall, at an average of 4.11. So, this means between high and very high. This is followed by the ICANN Board. They reported an average of four, so high confidence in ICANN overall. And then, we have the ICANN community, at an average of 3.45, so that falls between moderate and high confidence.

Then, we showed a total of the insiders and the general elites that Jan was talking about earlier, which comes closer to the midpoint. And finally, the informed outsiders, who had an average of 3.18, come closer to moderate confidence in ICANN overall. So again, this shows that the more closely you're involved within the ICANN regime, the higher your confidence.

What we show here is a breakdown of confidence in ICANN overall, in the ICANN Board, in the ICANN multistakeholder community, and in ICANN staff, for different stakeholder groups. We found rather little variation across stakeholder groups, in terms of their confidence, with a few exceptions.

First of all, when it comes to ICANN overall, we can see that academia reports the highest confidence, at an average of 3.79, although this is based on a relatively small number of respondents. Also, the government stakeholder group, they report quite high confidence in ICANN overall. When it comes to confidence in the multistakeholder

community, the business/other stakeholder group, they report notably lower confidence in ICANN.

When it comes to confidence in ICANN staff, we can see that the government stakeholder group does not only have more confidence in ICANN staff than the other stakeholder groups, but also more confidence in ICANN staff compared to the community, and the Board, and ICANN overall.

Here we present a breakdown of confidence in ICANN for different regions. First, we show again the weighted average of 3.54. Then, we can see that respondents from Russia and central Asia, they have the lowest confidence in ICANN. Again, this is based on a relatively small number of respondents, but this score reflects moderate confidence in ICANN. And then, respondents from East, South, and Southeast Asia, they report the highest confidence in ICANN, at an average 3.83. This is quite a considerable difference in mean averages that have been reported.

What is quite remarkable about these findings is that we cannot speak of a so-called global north, global south divide, because if anything, respondents from Latin American and the Caribbean, Sub-Saharan Africa, and Asia, report high confidence in ICANN than, for example, respondents from Europe and North America.

And then here, we present some mean averages for different social groups. Again, we cannot say anything about causal relationships and statistically significant differences, so these are just the patterns. But we found hardly any variation, for example, when it comes to

differences between men and women, when it comes to their confidence in ICANN.

We also found little variation across different age groups. We found little variation when it comes to different English language skills. Interestingly, native English speakers actually report a slightly lower confidence in ICANN than, for example, people with medium to no English skills.

We found some differences, or slight differences, when it comes to self-reported race or ethnicity, where people who identified as white report lower confidence in ICANN, and Hispanics the highest confidence in ICANN. But again, this doesn't say anything about causal relations between these factors.

So now, let's look specifically at civil society constituency. Here, we asked the question, "In principle—" so, regardless of whether ICANN achieves the matter in practice— "how far do you find important that ICANN achieves 15 specific aims." It was possible to rate these on a scale of one to five, where one indicates that it's not at all important, and five means that it's extremely important.

Here, we can see that the four most important aims for ICANN are transparency, accountability, giving all stakeholders the opportunity to participate in policymaking, and taking decisions on the best available knowledge and expertise.

When it comes to the four least important aims for ICANN, this is promoting fair distribution of costs and benefits in the DNI, promote

human rights in ICANN operations, promote competition in the DNI, and promote democratic values in wider society.

What is interesting is that even though these were considered the four least important aims for ICANN, the mean scores that were reported for these aims are still higher than for the other stakeholder groups. Civil society constituencies, they also report higher importance of, for example, norms of democracy and human rights.

Now comes the question, "How is ICANN perceived to perform when it comes to achieving these 15 aims?" Civil society constituency, again, they are the most positive about ICANN's capacity to promote technical stability, to promote technical security, to give all stakeholders the opportunity to participate in policy making, and to promote competition in the DNI. And then, civil society is least positive about ICANN's capacity to take decisions in a timely manner, to promote fair distribution of costs and benefits of the DNI, to promote human rights in the DNS, and to promote democratic values in wider society.

When it comes to these four aims that ICANN it perceived to be least successful in achieving, it should be noted that many of these aims were also considered to be less important for ICANN to achieve, but still civil society reported mean averages between three and four—sometimes even above four—for these aims. So, it can be quite problematic that ICANN Is not perceived to achieve these aims, reporting scores between two and three, which means that ICANN is seen to do this between a limited extent and a moderate extent.

Next slide. As I mentioned earlier, in this presentation, we have only covered the descriptive statistics, so we've shown the levels and the practices of legitimacy towards ICANN. Only in the next steps, we will start to do these more advanced explanations and look into possible causal relationships, in order to find out what makes these legitimacy beliefs. Ultimately, drawing on these explanations, we could start thinking about possible reforms that could raise legitimacy beliefs even higher. And we would be very happy to report on these issues at ICANN 67 in Cancun, if you're interested in this. Thank you very much.

BRUNA MARTINS DOS SANTOS: Thank you very much for the presentation. I guess we have a few minutes to take questions, if there is any. Do we have questions in the audience? Okay, Farrell?

FARELL FOLLY: Thank you very much for your survey. I just have one remark and one question. The first one is my fear between the results, sometimes, and the conclusion. One of the most important for me is, you just said that the more people get involved, the more confidence they have. I think that's not true from the conclusion, because the descriptives just say, "Okay, people that are more involved have more confidence," but the opposite is not true.

I would like you to just correct this and say, "Okay, people who work with ICANN, or who are more involved have more confidence, but it

does not mean that the more you get involved, the more you have confidence." That's a really different thing.

Regarding the descriptive statistics that you made, I'm just a little bit afraid that, from the sample you take, I'm not sure that the sample is significant enough to infer into stats—thinking about legitimacy of the survey, actually. It is descriptive, and it may not really reflect the truth. I'm saying that because most of the user that might have been interviewed—myself, for instance. I have been interviewed. I think sometimes it can point that you really do not understand the questions.

So, if you half of the persons you interviewed are not really used to ICANN, or do not really understand the question, to be polite, they will stay positive. So, I don't think that the answer will always reflect the reality. Maybe, for the future, to improve such a survey, the community or some reflection should be done to how the question should be labeled. What kind of questions should be asked so that it will really reflect what we want to know, and what could be used to appreciate the legitimacy of ICANN. So, that's my suggestion. Thank you.

JAN SCHOLTE: Yeah, very great comments and suggestions. Thanks very much. I hope that I said, "The closer you are to the heart of the regime, the higher your confidence." That's the message, the closer you are to the heart of the regime. Involvement is something else. It would be harder to measure. I agree. Is the sample not significant enough? I'm going to let Hortense answer that, because I hope we've done that.

Not understanding the questions, of course it's a problem. We formulated the questionnaire … We went through, I think ten drafts or something, five months. We piloted it in Panama, so we took it to people from all constituencies and all world regions, and we tested it out on them. We asked them. We did interviews of up to three hours each with them, saying, "How do you understand this question?" We did our best. But I take your point entirely, that nevertheless, there's still a chance.

FARELL FOLLY: Just a suggestion—[not to] complain.

JAN SCHOLTE: No, but it's good, because this is the sort of thing we have to do. We always allow the "don't know" option. There was always a "don't know" option. But I agree with you. Some people want to be polite, or don't want to say that they don't know. Then, we have to hope that that somehow, given the size of the sample and the like, that those things go out with the wash.

HORTENSE JONGEN: Thank you for your remarks and for your questions. I'll answer your question about the sample size. We wanted to ensure that we have … Sorry I'm talking like this. I cannot look at you. We wanted to make sure that the results for the ICANN Board, for the ICANN staff, and for the ICANN community, they are representative. So, for the ICANN Board, we can be 100% sure, because we have a response rate of 100%.

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And then, for the ICANN staff and the ICANN community, we drew a random sample first of all, because these are the most reliable results. We also managed to achieve, within the total group, so to say, of the complete community … We knew we had to do 297 interviews in order to achieve a confidence level above 95% and a margin of error below 5%. We managed to do more than 300 interviews—slightly above 300 interviews—which gives us more confidence that the results are representative of the community as such, of the staff as such, and of the Board.

And also, within the community, we managed to speak to all stakeholder groups, to all regions, and their distribution of responses largely reflects the distribution of participants at ICANN meetings.

BRUNA MARTINS DOS SANTOS: Thank you very much. Any further questions? If not, I guess we can move on with the agenda. Thank you very much, Hortense and Professor Jan. I guess we can continue these interactions for the future meetings. Your feedback in this research is also feeding into what we have been trying to do inside NCUC, into trying to see what are the … How can we bridge better our members to the ICANN community, and how can we improve this engagement in general? So, thank you very much.

Moving on with the agenda, we're going to do a little discussion on the public interest—more specific on the public interest framework. It's been one of the hot topic subjects for this whole week. Yesterday, we

just had a session on it. I'll give the floor to Kathy, for us to have a little chat on this. So, thank you very much, Kathy.

KATHY KLEIMAN: Thanks. Were you at the session, Bruna? Was anybody at the session? Just wondering. I had a conflict with Subsequent Procedures.

BRUNA MARTINS DOS SANTOS: Yeah, I don't think. I think there were a lot of conflicts around this. We had SubPro, we had public interest, we had the outreach, and EPDP all at the same time, so for the record …

KATHY KLEIMAN: It was a crazy period from 5:00 to 6:30 yesterday. We just lost Avri Doria, who was here, but she couldn't stay. She sends her apologies. What I'm going to do where is present an outsider's view of a really important discussion paper that was posted on September 4th, called the Discussion Paper on Developing a Public Interest Framework. Avri Doria, who hails from us, I understand, is one of the primary drafters, along with Ergys of ICANN Org.

What I wanted to do is just read a little bit, so that you know, and go through, or provide just a little bit of background. And then, Avri and I had an idea of what to do and where to take the discussion, since she couldn't be with us now.

Can you go to the next page, Maryam, please—top of the next page? Forgive me for reading, but I can't make this stuff up. Why are we doing

this? Why are we looking at a public interest framework? Here, I'm in the second paragraph.

"ICANN's Affirmation of Commitments state that ICANN should 'ensure the outcomes of its decision making will reflect the public interest and be accountable to all stakeholders'" And further, "ICANN's Articles of Incorporation note that 'the global public interest may be determined from time to time, and any determination of such global public interest should be made by the multistakeholder community through an inclusive, bottom-up multistakeholder community process.'"

So, two of our binding documents—our Articles of Incorporation and our Affirmation of Commitments—speak to the public interest. And then, our bylaws talk about ensuring "a bottom-up multistakeholder policy development process, being used to ascertain the global public interest."

I love that Avri wrote that "the effort to date has shown that trying to define the global public interest—" which is called GPI throughout the document— "in the abstract is, unfortunately, like trying to boil the ocean." And it's true.

Maryam, could you flip forward a bit, until we get to a table? Again, I just want to walk you though the framework of the framework, which is this table of ICANN categories, like technical coordination, ICANN's role in the DNS marketplace, benefit to the internet community, the multistakeholder community, ICANN's policy and practices.

And then, Avri and Ergys have created some public interest categories in the second column, and then they've linked them to specific bylaw obligations and commitments, something like in the second category. "Will it, where feasible and appropriate, promote a competitive marketplace in the DNS?" So, are we promoting competition—just lots and lots of different specifics.

Because I thought Avri was here, I didn't create slides for us, and I didn't walk us through it, because we thought she was going to be here with us. So, what Avri has suggested, and what I'd like to suggest, is that we create a one-hour webinar.

Bruna, this is subject to your agreement and to Maryam setting it up, that we create a one-hour webinar with Avri, and sit down, and go through this document with her—talk a little bit about the meeting that none of us were able to attend yesterday, where apparently … I thought you'd be interested. Apparently, some people thought that this framework might be very useful—Milton, you'll like this—for verification, but not for policy formation itself—that this could be really not helpful for policy formation, but perhaps a checklist once we get through the policy process, to see if we hit the right bases.

That's what I suggest is rather than going through in detail now, we wait until Avri is with us and have a webinar, which I'd be happy to moderate, and bring Avri, and talk about this, because if anyone should be commenting on the public interest framework, it is the NCUC.

The one thing I did comment to Avri is that the timeframe is way too fast, there's too much going on, and that I'd like to see them slow it

down a bit so that we can participate more with the EP and the other PDPs going on. It's a little fast. She said she had heard that from others, and that's probably going to happen, so we'll have a little more time to provide input. That's about it. Thanks, Bruna.

BRUNA MARTINS DOS SANTOS: Thank you very much, Kathy. Comments, thoughts on this? Yeah?

MILTON MUELLER: So, Kathy, you've been following this?

KATHY KLEIMAN: Just a little bit, because it didn't come out in the main comments. I don't believe it did. It wasn't posted on the ICANN Public Comment Page, so I was a little surprised when I saw it go through informal channels. But I've been following it a little bit, and realizing that it's something we should put on our radar, but not much more than that.

MILTON MUELLER: So, you are familiar with … Well, you may be. You're from the US like me. I have a telecom policy background, and the Federal Communications Commission had a public interest standard. Effectively, in the US legal system, the public interest was something that, when you just wanted to give the regulator a very broad set of discretion, you said, "Do whatever is in the public interest." Is ICANN moving in that direction?

KATHY KLEIMAN: I don't think so. There is that danger. What Milton is talking about is that the 1934 laws in the United States require that we manage the spectrum in the public interest, convenience, and necessity. No one knows what the public interest is, but everyone argues that whatever their corporate need is, is in the public interest.

Occasionally, some really unusual and small voices, like Andrew Schwartzman and others have been able to argue … Some representatives of what we'd consider the traditional public interest have been able to argue for some really good things by talking about how it would help the larger community and not just the corporations.

Here, I think Avri is legitimately trying to ground this in the process, which I think we've been encouraging. I think she's been part of wanting to see the public interest grounded in the frame. But, I think one thing, frankly, that we have to think about is are there parts of the process, that even if … Is there anything skewing the process right now, so that what comes out of the process isn't necessarily multistakeholder, or are there things that could skew the process.

I'll just throw one out—staff. We've seen staff that's incredibly biased. If anyone doesn't know, I've been complaining about that for years. I'll put it on the public record. Some staff, I think, has distorted policy over the years. Stephanie and I have talked about this in one of the groups, but I don't want to break confidentiality.

How do we not just swear to a process, but make it fair and balanced? What do we need to do beyond what's sitting on the piece of paper, which looks really good? What else do we need to be thinking about. I turn to people who've been in ICANN for many years to help look beyond the paper. Milton, what are you thinking, as you think about this?

MILTON MUELLER: I'm trying to remember the specific context. I think it was this PICs—the public interest commitments, and the debate we were having about contracting getting around policy. Some ICANN staff members said, "We just think this is in the public interest." So, it became this kind of get out of jail free card for the staff or the Board to do whatever they want. That's my main concern about the whole public interest thing.

I thought we had kind of solved this problem when we—during the transition and the accountability reforms. We defined public interest as essentially going through the bottom-up multistakeholder process. Whatever you can get through the bottom-up multistakeholder consensus process is the public interest. That's the reason we have balanced constituencies, and we have debates about what different stakeholder groups think. So, I'm okay with that.

I'm not okay with just saying, "Oh, Board, you have a special channel—divine insight into what the public interest is on a global basis, and so you can just throw out anything you like and make decisions based on what you think is the public interest.

KATHY KLEIMAN: In fact, EFF, in its petition for reconsideration, argued that it wasn't just the Board—that it might be ICANN staff, Milton—that was cloaking itself in the mantle of the global public interest to say that harmonization of contracts across the registries might be more important than what's actually in those contracts, and how the rights of .org registrants might be limited. So, what you're saying is really, really important.

I just wanted to circle back to staff, so that there wasn't any question. There was someone who came into a really important staff position. She was paid a lot of money to lobby in a certain to ICANN in the private sector. She came in and worked on that very issue, and now she's off making a fortune, working for a very large company, on exactly the same issue.

So, I've asking ICANN for a policy that would separate staff … People are going to come in from the private sector, and we want them because they're experts—that we'd separate them, as many policy making groups do. That would separate them from what they were paid to do before they came into ICANN. I just wanted to contextualize that. Stephanie, I hate to call on your while you're … I think Bruna said you're next.

BRUNA MARTINS DOS SANTOS: You had your hand up, right, or no? yeah.

STEPHANIE PERRIN: I do apologize. I am not a quiet nose blower. I don't know what's wrong with me or my nose, but I sound like a foghorn. I just wanted to say that I think we have to be extremely careful, fact-based … I'm not accusing you not being fact-based here. I'm just saying if we are going to criticize staff, let's put it in a framework. I think that sometimes, we're inclined to say, "Staff are biased," or, "Staff didn't put our comments in properly," or, "They lost this," or "The record wasn't … "

I have been government staff. People make mistakes. They cut corners. It doesn't mean bias. It could be lack of time. There's a hell of a lot of comments to digest. That's just can we please be careful about allegations of bias? I don't think it wins us any friends, and if there's facts to back up a claim, then we can make it properly.

In terms of the revolving door, and the conflict of interest … As you say, you've suggested a policy. That's something where, in the spirit of collaboration with the Board on increased accountability, I think we could possibly propose something.

As I mentioned this morning at the Board meeting, I want an ethics policy that will deal with our own conflicts of interest in much more transparent and regularized fashion, because I am not going to run around criticizing staff, the Board, or the other stakeholder groups until our own house is in order, and we don't have full transparency in our own house, in terms of various organizations and individuals, funding and conflicts of interest.

So, once we get that in order, then if it works, we could propose a framework, because it does cause me quite a bit of concern as a former

government person. There's a pretty long rinsing period before you can actually go back and lobby the government agency that you worked in. It seems to me that ICANN, as a quasi-regulatory agency … I know Göran goes berserk every time I say that, but we're doing a function that normally would be done by an international organization to administer the DNS.

The same kinds of public interest concerns apply, and I think that's a valid use of the term "public interest." People should not be working for one place, come into the organization and lobby for the interest of the company they just left. Thanks.

BRUNA MARTINS DOS SANTOS: Go ahead, Kathy.

KATHY KLEIMAN: One last comment, circling back to what Milton asked about public interest commitments. Voluntary public interest commitments is a total misnomer of a set of things thrown into contracts that were not open to public review, that were not negotiated. They were put into new gTLD registry agreements. If we're going to have a public interest framework, maybe we can stop using the term "public interest" on all sorts of other things that it doesn't belong on.

BRUNA MARTINS DOS SANTOS: Any last comments? Can we move on with the agenda? Ah, Dave.

DAVID CAKE: I do think that this whole issue—the ICANN Board [restarts]. This issue is one that we haven't been paying enough attention to. There's a bunch of reasons why, mostly that most of the people who should be paying attention to it are heavily up to their neck in other things. But we really should pay close attention to this one, and perhaps we should just … It would be really useful.

We could perhaps make some way to raise the awareness and priority of this within the constituency, like perhaps make it a bit of a focus of one of our monthly policy meetings, and have someone do a little introduction session. It would be a good way to actually do something concrete, to raise awareness of it and make it a bit of a process. It'd be a good one for people who are not … This is a good one for people to get involved with who aren't ICANN veterans of a decade or more. You need to understand that it's been done badly, not exactly how, in the past.

KATHY KLEIMAN: Are you volunteering, David, for those of us who are already on 10 hours of calls a week to [inaudible].

DAVID CAKE: I know I find it hard to pay attention, because even though I'm just an alternate on the EPDP, it still takes up a bit of time to track that. So, this would be a—but I could have a look at it. I do think we have to really engage with it this time. We've seen that leaving it undefined and left alone leads to basically terrible outcomes. And it sounds like the Board,

this time, are trying to do the right way, as opposed to the previous efforts under Fadi, which was … I never seemed to understand what the process was.

So, yeah, what can we do to make sure that we don't let this one slide? I'm happy to write a little bit, but it would be good if we could find some other people who have indicated interest in this issue, just to get started on engagement—rather than trying to sign everybody up for anything at the moment, just to run a session or two to make sure we understand it.

KATHY KLEIMAN: Thanks, David. I think you've just started organizing something, which is probably a really good idea, too. Carlton, hi.

CARLTON SAMUELS: This matter of public interest … The paper rightly points us to where it comes up in the Affirmation of Commitments, and bylaws and so-on. Some of us, like Milton, believe it was baked in process, and the way to ensure that the public interests emerge, is from the bottom-up stakeholder process, and that is how we should. I agree that that is how we thought it would have emerged from process.

Then, there was a question of the stakeholder interests, and how they were balanced in determining the public interest by way of process. That is where some of us believe that while it appears that all stakeholders were equal, some were in fact more equal than others. And so, we believe that there would be a need to rebalance the

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interests, and we struggle with trying to find some transparent, equitable way to implement that.

I think that's where we are. I think we agree that the multistakeholder bottom-up process has the best opportunity to establish what the public interest is for ICANN policy development. I think we practically all agreed in that. What we have not grappled with, and to my mind, managed to define as well, is the balancing of the stakeholder interests. I think this is where I would hope that we have some more cogitation— some more thinking on what we might do ensure that the balancing of those interests in this multistakeholder process occurs. Thank you.

BRUNA MARTINS DOS SANTOS: Thank you very much. I guess we can take both suggestions of hosting the webinar as a start, to develop this conversation and see how can we move on from that. I'll be following up with you, Kathy, and Avri in the upcoming weeks, just so we can plan a proper webinar, and also with Rafik from the policy committee, just so we can develop this. Do you want to … Oh yeah, that's true. Is anyone in the room interested in helping with this conversation? Also attending the webinar. Is there any interest in attending this webinar? I would have. That would be good, yeah. Thank you very much. Steph, I saw your hand up.

STEPHANIE PERRIN: Yeah, I just wanted to ask Carlton, with respect to his intervention, when you say "we," who's "we?"

CARLTON SAMUELS: Oh, colloquial we. I really was talking about all of the conversations I've had with the ALAC, with the NCUC, NCSG. All of us seem to have converged on this matter of how the process ought to be. We are converged. What we're still wrestling with, in my view, is how we figure out how we balance the stakeholder interests as part of the framework moving forward, and defining what the public interest is. I've been talking to everybody for the last 13 years, and this is where I think we're still struggling.

MILTON MUELLER: This whole idea of defining the public interest is just a non-starter. You've never going to come up with a definition, unless it's something tautological, like, "The public interest is whatever is in the interest of the public." What is in the interest of the public on any given policy issue is going to be very much embedded in the specifics of the policy issue, which is why we trust in the process. So, I was just curious about … When you talk about the need for balance, are there any particular areas in which you think the process is unbalanced?

CARLTON SAMUELS: Yes, a couple of things. One would be the participation. When you're talking about developing policy, there's a couple of things—participation, and access to information, and knowledge of process. Those things are very important for any kind of effective participation. Some groups, for example, in the stakeholder groups are less … It is less possible—more challenging for them.

For example, most of you know I've been in the At-Large constituency for the longest while. In terms of policy development and so on, At-Large believes it is there to represent the global user interest. We are challenged in having people who are knowledgeable, and committed, and being able to participate in the policy development bottom-up stakeholder process.

So, I feel that, from my experience, what we need from the At-Large is the ability to participate, and the tools that you need to participate and all these things. There's a myriad of stuff that we need. But in terms of the balance that would emerge from participation in that process, it's actually more of those persons who are capable and coming in and participating—not fitfully, but progressively, programmatically in the process and adding value to it as we go along.

BRUNA MARTINS DOS SANTOS: Thank you very much, Carlton. I think that NCUC has also been working on improving means of participation around ICANN. One very good example is one of our ICANN Learn recently announced courses, the Policy Writing Course, which is also open to the entire community. But I saw Stephanie's hand raised, so I'm going to give you the floor.

STEPHANIE PERRIN: While I agree with Milton that it's difficult to define the public interest, I think that we can talk about the efficacy of the multistakeholder model, because part of the purpose of the multistakeholder model is to represent the broadest spectrum of public interest and participation.

That's the whole idea. However, we do not get beyond the power imbalance.

And while the word power balance is not contained in the definition of public interest, inevitably, if you make the statement, "The public interest will be served by—" here's my proposal for the day—"by ICANN hiring a research librarian to help us get people up to speed …" Here's a joint project for ALAC. You get ALAC to help sign on on this, and that'll be a chorus of two saying, "Hire us a research librarian."

But you see what I mean. The purpose of … I can give you the bullet points under that statement. The public interest is served by ICANN hiring a research librarian because it helps bring our underserved areas, where there just aren't enough PhD students from a particular country, or a particular region, or a particular section of the population, who can effectively participate on a really complex PDP that talks about something quite abstruse.

However, if there's a research librarian to help them find the documents, study them, find the engaged people on previous PDPs, get some mentoring, then all of those things will lead to a straightening of the power imbalance. To me, most of the inequities here, where the public interest is not being served, it's happening because of that power imbalance.

BRUNA MARTINS DOS SANTOS: Thank you, Stephanie, and thank you, Kathy, for starting this conversation at this meeting. I guess we can move on with the agenda.

Up next is … Wait for Maryam to … It's a policy roundup—just an opportunity for us to have a little report on some of the working groups. I think Milton will be able to do a little report on the EPDP, and if there is anyone in the room who would like to talk about any other working groups, you're also invited to. Milton, if you'd like …

MILTON MUELLER: Stephanie can fill in any gaps that I leave. I just wanted to report that the EPDP has finished its work. We have gotten everything we wanted out of the process, and everything is perfectly fine. No, that was a lie—bald-faced lie.

UNIDENTIFIED MALE: That was several lies.

MILTON MUELLER: Yes. It's dragging on. We are in Phase Two. In Phase Two, we're supposed to be setting policy for establishing a standardized system for access and disclosure of the information that has been redacted from the WHOIS. In the first phase, we pretty much succeeded in redacting most of the sensitive information, as a matter of policy, from public WHOIS. Of course, all kinds of people are complaining about that, and they are nostalgic for the old WHOIS.

The danger within this process … Obviously, there has to be some way to disclose the redacted information for tracking down criminals, doing law enforcement, other kinds of cybercrime. So, the question is how is

that system defined, and how protective of it is the data? We're having very long, elaborate debates about how to do this.

I think the key issue is going to be how much automation is there going to be in the submission and answering of these disclosure requests, and secondly, who is going to make the disclosure decision, and thirdly, who is going to be legally responsible under the GDPR or other privacy laws for making those disclosure decisions?

Our work has been complicated by ICANN's CEO setting up a parallel process, in which he has created a separate committee, which is cutely named the Strawberry Committee. I think they all carry Hello Kitty bags or something like that. So, there's the Strawberry Committee, and they have worked on this so-called technical study group model of what they call a Unified Access Mechanism. They have now sent a request to the European Data Protection Board, asking if they create this model of a unified access system, would the legal responsibility be consolidated around whoever ran that system?

There's a lot of complicated issues about that parallel process. I can answer questions about those, but I won't bore you with that now. I think, hopefully, now that Göran has gotten that out of his system, they will send this off to the European Data Protection Board. They will not get an acceptable answer, and we will be done with that, and we can go on about our work of actually making policy for a standardized system of access and disclosure. But other things could happen, and we're aware of that.

That's a basic rundown. If anybody is interested in replacing me on the EPDP, please come and accept your bribe. No, I'm kidding. But, yeah, it's a lot of work. We're meeting twice weekly now. We met three times already in this meeting, and there's going to be another meeting. Thank you to all the alternates and other EPDP members who have been working hard. Thank you.

BRUNA MARTINS DOS SANTOS: Thank you very much, Milton, for this report on the EPDP. Questions, points to be raised? Anyone? Go ahead, Kathy.

KATHY KLEIMAN: Not that there's any free time to do it, but what can we do to help? You're working insane numbers of hours on really, really important stuff. What can we do to help?

STEPHANIE PERRIN: We would love help, but the problem with these PDPs, as you well know … Could I jump in and help you on SubPro or the other one? No way. They'd make mincemeat of me on day two, or afternoon one, because I don't have the background. I haven't been following the two years of fighting, and then the five previous incarnations that you have to know. This gets back to how on earth do we get people to jump in? The only thing that I think is going to work for us is assigning understudies, as it were, as we go along, and have them come along with us, and basically …

In a way, that's happening at the EPDP, because we have alternates who are following along. Now, of course our alternates are pretty experienced, so they already know a lot. But I think it's really hard. If Milton left, my god. Don't even think about it. We're going to be at this for a good, long time, and then people from the original committee are going to have to sign on to the Implementation Review Team, and we're not watching … We have [Amir] assigned to the job of watching Phase One Implementation Review, because they're busy trying to roll that out, and that's where all the sneaky stuff happens.

"Many a slip twixt cup and lip," as the old expression goes. You get the policy out, but then the implementation avoids that. We had this big fight on privacy proxy accreditation. Remember PPSAI, where they were changing the policy in the actual implementation, and it's now on hold? These are really, profoundly difficult problems. You can't just land in. It's too hard.

BRUNA MARTINS DOS SANTOS: Thank you, Kathy. Oh, I'm sorry. I was looking at Kathy. Thank you, Stephanie. I think that's one of the main goals of our Policy Writing Course, is to start building those capacities at some point, and giving more and more tools for doing so. Moving on with the discussion, I will give the floor to Rafik, also our NUCU Policy Committee Chair. Rafik, just a little update on the policy committee developments, and discussion, and so-on.

MILTON MUELLER: Ben had a question about the EPDP.

BENJAMIN AKINMOYEJE: Thank you. I just wanted to ask the people participating in the EPDP, because I have followed you for a while now, and even listening to you guys is painful. My question now is, are these issues that difficult that you have to be diverse—have to be at loggerheads like that? I think yesterday, time had to come to your rescue. It was when the time was up, and they said, "Time is up, so we can go now." Sometimes you resurrect issues you've already resolved—agree at some point.

My take is, are these issues just the way they are, or there are some ways that you can find common ground and be willing to say, "This is difficult conversations, and we're going to try to work hard to have common ground. Let's work with that spirit." Is there anyway you can improve that atmosphere, or that's just the way those issues are?

MILTON MUELLER: There are distinct conflicts of interest that are driving the politics of the EPDP. They're very clear-cut. You have what we call the surveillance caucus, which wants to have as much access as possible, never wanted the WHOIS data to be redacted. They wanted to have as much access as possible. Then, there's the privacy caucus. And then, there's the Contracted Parties, who have worries about their own costs and their own economic or legal liability. So, there's a natural alliance between the privacy caucus and the Contracted Parties, because they both want

to protect the data in a way that is going to shield them from legal responsibility, or legal jeopardy.

The law enforcement interest has representatives from the GAC, who are actually pretty reasonable. We can have reasonable conversations with them and make compromises. And the sum of the SSAC people, who tend to want more access to data, also can be reasonable, and make reasonable compromises.

The real problem is the Facebook and MarkMonitor people, who essentially, their business models are very much tied up with having access to this data. And so, it's very difficult to make compromises, but sometimes they just have to be … Essentially, they just have to lose votes. That's how we've made progress so far, is that they have just been isolated, and have been unable to achieve consensus. And so, the group has had to recognize that they don't represent a position that could be supported, so they have to move on.

I think it is really important to work out acceptable compromises with the GAC members and with the SSAC members, so that we can come up with appropriate compromises that don't give away too much.

BRUNA MARTINS DOS SANTOS: Thank you very much. Before I give the floor to Rafik, I have to mention that NCUC still has two slots open for appointments to the NCSG Policy Committee. So, if any of you in the room is interested in volunteering for such positions, please let us know. This was a call two months— maybe around the time of Marrakesh, the policy forum—but somehow

membership didn't feel able enough or even not confident enough to apply for such positions. So, if you have doubts, or would like to apply for those two, let us know. I have Stephanie on the queue, and then I'll give the floor to Rafik.

STEPHANIE PERRIN: Just like to add that I just sent out a note to the NCSG list that the NCSG has two spots on the leadership. So please, if you're moving into leadership positions, apply. Honestly, if we're not going to get applications, other people can apply too. If you're contemplating running for leadership positions, we don't want those seats to go vacant.

And if I could just, since I have the mic open, comment, Ben, on your intervention. We had great hopes when they hired a mediator for Phase One that the mediator would actually be … Let's face it. This thing is like a divorce battle, and it's save the children time. We were hoping that the mediator would try to get some conciliation between the two positions that weren't moving at all. Unfortunately, that's not what happened. The mediator wound up kind of chairing the event.

I think we do need that mediation, because basically, lawyers are being paid to represent positions of their clients, and they're getting paid not to take prisoners. So, you're not going to move off that. I think Milton has described it well, but it's a waste of all our time to continue to reopen dead issues. Thanks.

BRUNA MARTINS DOS SANTOS: Thank you very much, Stephanie. I guess I can give the floor to Rafik right now, if …

RAFIK DAMMAK: Thanks, Bruna. From the NCSG Policy Committee, in terms of the work, as usual, we have several public comments to cover. Currently, there is, I think, five of interest for us. We got some volunteers, but my observation from the last three months that we could not really deliver or submit on time several comments, even if we have volunteers for drafting.

So, I'm thinking how we can improve this situation. I don't blame the volunteers, because some of them, maybe the topic might be a little bit more complex, and not everyone feels that confident at the end to write. So, it's something we have to improve. I'm always positive and thinking about how situation can get better and not in the negative tone here.

There are also other policies going on. I think probably you heard about the EPDP, and you can hear probably from those who are participating in the other working group directly about the situation. I think this is something maybe we have to improve, in how we can get more regular update that we can share in the mailing list, in a way to engage our members. For now, we are trying to do that during the NCSG policy call—the monthly calls—but we don't necessarily get everyone on those calls, and to have those representatives there.

And this is quite important to think about, because in the future, if we are going more a similar model in term of structure, like EPDP, we have representative, and we have more expectation from them to report, because that's different from those who are involved in the open working group, because by design, they are participating on their own capacity. They are not necessarily representing NCSG there. Anyway, this is one area I have in mind that we should improve.

In terms of other action that we should have to deal with in the Policy Committee is two appointments or selections. The GNSO Council have two committees. The one is the Selection and Steering Committee, and the SCBO, which is about budget.

For the Steering and Selection Committee, we have three representatives from NCSG. One of them, [inaudible], is reaching the term limit and need to be replaced. So, we need to start the process soon, for call of interest, and make a selection.

The other one, SCBO, I think it's quite critical because how the participation … Usually it's composed by Councilor and a subject matter expert at stakeholder group or constituency. Constituency can select to appoint. So, we can probably have more participation from Councilor, but also it's about budget and operating plan, and I'm not sure that everyone is feeling comfortable or expert on that area. For the subject matter expert, I think we have now Stephanie, so we'll ask you later if you are interested to continue for one more year there, and if we need to add more people to the SCBO.

As usual, that's what's going on in the Policy Committee. Thanks, Bruna, about mentioning that we are expecting the appointment of two representatives. After the AGM, we expect the constituency to confirm or replace their representative. We also have the new Councilor, who by the charter, they joined the Policy Committee, replacing the outgoing Councilor. With that, I think after a few weeks, we probably have a new composition of the Policy Committee, and we will go with the other process for selecting the NCSG Policy Committee chair and so on, and hopefully setting the plan for the year.

So, maybe, even if now it's NCUC, probably it's more an NCSG discussion. For now, the Policy Committee's more working on taking the tasks when they come, or more in reactive mode. So, we need to think how we can be planning our work, because that's also the kind of direction to be taken by GNSO Council. They have the [SBS], and they are thinking about the priority for the next year, in term of policy or any other non-policy matters.

There should be coordination between the NCSG Policy Committee and our Councilor, and the way how we can come up with our own planning for NCSG in terms of policy, and to be ready when things come. We know, for example, if we probably have a PDP to be initiated in the next six months, we should be ready before, in terms to identify those who can join those working groups. So, this is the current situation. I'm happy to answer any question or give a clarification.

BRUNA MARTINS DOS SANTOS: Thank you very much, Rafik. Questions, points? S, not. I think we can …
Yeah, Stephanie?

STEPHANIE PERRIN: Sorry if you mentioned this. Do you think we need to restructure the Policy Committee, in terms of its composition? I'm often struck that the comment writing basically starts at the Policy Committee, and we often don't get a penholder until fairly late. Is there a way to have subcommittees from the Policy Committee? At the moment, we have the existing Councilors who are pretty busy anyway. We have people who regularly write comments, but are they on the Policy Committee? Sometimes not. Maybe we need to broaden the Policy Committee so that more people are aware of what's going on.

RAFIK DAMMAK: I don't think we can change the composition, because that's how it's set by the charter, and I don't think it's a problem of the composition in itself. My experience, I forwarded several public comments, asking for people from the Policy Committee to volunteer, and I didn't really get that much answer, many occurrence or occasion. So, about having other people, if it's possible, as observer, they can join and they join to the discussion.

But just to remind about the Policy Committee Chair is not really about the drafting, per se. It's more managing and how we can the NCSG position. So, people can start the drafting, and the Policy Committee to endorse, to review, and so on. We can have more observer. Why not? If

they want to volunteer for drafting, it's possible. We can still keep asking in the NCSG mailing list for request for volunteers., so when we share that, everyone knows that there I something coming. It's open to all to participate, whoever is in the Policy Committee or not.

I don't think it's really composition issue. At the end … I don't want to be harsh here. It's really about people's commitment, and volunteering here if they want to take the lead in drafting. I know it's not easy, and sometimes, when we have several public comments in the same time, it takes time just to digest, and trying to figure out … One observation—when the group of drafting is more than three or four people, they don't deliver, because the situation that everyone counting on the other to start the work, when if it's just small—if just even one person—it works better to get the draft for review.

So, I don't have the recipe now or the solution. We can continue to experiment. But again, we need to be clear. The Policy Committee is not that committee to do the drafting, just after we consult the NCSG membership. It should manage better, in the public comment, or the participating in working group and so on.

There is expectation that the members of the Policy Committee to take the lead—the same also for Councilor. I think that one of the expectations of the Councilor, also take the lead in term of policies. I know that we have more and more work at the Council level, but we need to bring back what's going on there, and to brief, or at least inform better our members so we know what's the current situation, and so we can get better feedback. I know, we have a lot of drawbacks, and we're

STEPHANIE PERRIN: Just before Ayden takes the mic there, if I may just comment … My point is, I think, one that you're making. I think the perception is that it is the Policy Committee's job to draft, and manage, and run this. I realize that's not the case. It is for the membership. But the whole point of enlarging and doing subcommittees or something like that is to bring a more cohesive approach, and make people realize they're part of this, and that it is up to them to draft.

It does seem that as soon as you take a leadership position, i.e. if you're a member of a council, member of a committee, or god help you, the NCSG Chair, then it's your job, thank you very much, and everybody goes away. We need to combat that perception. Thanks.

RAFIK DAMMAK: Thanks, Stephanie. As I said, there is that ability to add observer to the Policy Committee. What the charter says it the former Councilor, they can join, or any expert or something. So, we can have that—I mean adding. I'm just trying to be clear that the idea of [adjoining] or changing the composition, because there is a composition in term of voting … So, we can add for people to participate in deliberation in the work, probably, and we can create some groups that it's around the Policy Committee.

BRUNA MARTINS DOS SANTOS: Thank you both. I'll give the floor to Ayden, James, and then close on Ben, because we're on the last five minutes of this meeting.

AYDEN FÉRDELINE: Thanks, Bruna. Hi, everyone. I just wanted to clarify something. I think I heard before, when we were talking about the Standing Committee on Budget and Operations that the GNSO Council has, that there could be a view that we would simply be represented by one subject matter expert, and not a member of the Council. I don't know if I heard that correctly or not. But while I understand that members of the Council will be very busy, I think it is important that we're involved in the work of the Standing Committee.

There is also no limit to the number of subject matter experts that we can appoint. And so, I think it would make sense, possibly, for the Chair, or maybe the NCUC's representatives to the Finance Committee, to perhaps also be attending and participating in the work of the Standing Committee. Perhaps the NCSG Finance Committee Chair would want to involved as well.

Over the past two years, the Standing Committee has been very effective. It has had very good participation from all areas of the GNSO, and we really have interacted very well with the Business Constituency and with the IPC, and we've had a lot of very common interests there, in terms of being able to identify, for the most part, what funding priorities we all consider to be of mutual interest. Of course, there's a few areas of divergence, such as the role of Compliance, for instance,

but for the most part, we've had a lot of really positive interactions there.

So, I hope that can continue, and I hope that we might consider widening a bit of the membership. I don't think it only needs to be one subject matter expert, but there does need to be active participation, and ultimately, participation from Councilors, because the work of the Standing Committee is to produce statements that are issued on behalf of the GNSO Council, and because the wordsmithing is not really going to happen outside of the working group, if we don't have any Councilors that are shaping those documents, there could be some surprises when we get to Council meetings. Thanks.

JAMES GANNON: Hi. I'll keep it super brief, because I don't want to stir the pot too much more. I just wanted to say that we are the only constituency or SG that the Policy Committee does not take the lead in drafting. So, in all of the other constituencies, that is actually the way it works. You have a penholder from the Policy Committee who brings in SMEs from the membership.

And I think, from my own perspective, that having that structure around it … I don't think it needs any change in the composition of the Policy Committee or anything else. But as public comments come in, somebody is individually identified from the Policy Committee to be the lead penholder, and if it's something that they feel that it's a personal interest of theirs, or they can draft the comment themselves, that's great. If it's something very specialized, like finance for example, it's

something that they'll bring in SMEs from the community—just saying it does function in all of the other constituencies, so maybe it's just something to think about.

BENJAMIN AKINMOYEJE: It was just in reference to Rafik's mention about difficulty finding people to write comments. He is also suggesting experimenting with different things. So, my own suggestions will be, why don't we have some form of ready-made template that has—even if it's a Google form—that people can just put stuff in, and then whatever comes out of there, we shake it a bit, and expert puts it together, and then it goes. If people know what to put where, they can easily—and you can use that to gather the opinions of the constituency, and we can easily get something out—not for the day before the deadline. Thank you.

RAFIK DAMMAK: Maybe a quick … Thanks, Ben. It think it really depends on the kind of public comment. Some is like survey, so you have the question clearly. Some they try to have form, even for public consultation, but other, they have maybe a question, but there is no expected template. I know that [Farrad] suggested something before. We didn't really explore that. So, maybe. At the end, it's experiment. That's why I'm careful to not see that that's the cause—that's the issue. I find that sometimes when you have even anything written, you get more feedback than a blank page. That's certainty. Yes, Stephanie. I can see your hand.

KATHY KLEIMAN: Hi. Kathy from a different part of this room, because it's nice to stand up. I learned to write comments in ICANN. I don't know how many dozens or hundreds I've written now. Now, I teach comment writing. It would be really, really good, and I've advocated this before. Whoever starts the pen, just start an outline. Please, please don't start drafting. Just start an outline, so we can all pour ideas into that outline, so we can brainstorm, so that those of us who've been doing the same—an issue or something—can provide that insight before it becomes paragraphs and paragraphs of text.

One of the things that's worked out really, really well, is for a new person to hold the pen, start the outline. Those of us who are already involved in too many deadlines can add to that outline, and then the person can start drafting paragraphs. But if somebody new holds the pen, they can help shepherd it to the end. They can help incorporate comments and edits, and get it to the finish line incorporated. That would be an immense hep for those of us who would love to help you write the comment, don't have the time to do it ourselves. We've had this partnership between new comment writers and older comment writers for a while, and it works really. Just start the outline. Thank you.

BRUNA MARTINS DOS SANTOS: Thank you very much, Kathy. Before I give the floor to Stephanie, some of the points you just raised are a part of our Public Comments Writing Course. A lot of them are there, including developing the framework for the guidelines, and frame work for the comment in general. And as Kathy just mentioned, sometimes the groups work, if we're all

intending to contribute and volunteer for the efforts. Stephanie, you have the floor.

STEPHANIE PERRIN: I just wanted to endorse that Benjamin had brought up, because I really—and Kathy said the same thing. There's a lot of work in pumping out a document, and as a bureaucrat here, I think I have pumped out more than my share of policy documents. There are different structures, depending on where you are in the bureaucracy. The beauty of it is, it's not your entire job to cook the entire breakfast. You know what I mean?

Somebody is doing the references. Somebody is doing the background documents that they want you to refer to. Somebody is doing the formatting. And somebody's doing the timekeeping, other than the poor chair of the Policy Committee. We're not going to get a replacement for Rafik. If we don't thin that job description down so that the Policy Chair doesn't have to do everything.

Even if you don't know how to write a comment, and your language is not English, you could be the timekeeper, because half the time we're going, "Oh my god! Is it due tomorrow? Oh dear! How are we going to get this thing out?" That's job that's a BF system person. That's a job. That's what I'm asking for in the re-composition of the Policy Committee—not changing the voting structure—figuring out these subgroups that are relieving the workload. That's what I want.

RAFIK DAMMAK:

We try with small teams, to make them more self-organizing for the drafting. Usually, I advise that they have a lead—a penholder lead—who can start, and to share with us for review. Stephanie, regarding your comment about someone for a timekeeper, I do believe this is for the Policy Committee to keep that.

I am for delegating, but I am careful also to not start delegating everything, because this more like management. When I share the public comment, get the volunteers, and they are added in the confidence base so we can have visibility who volunteered, I try to remind them and ask them about the progress, the state, and so on. It's not just for fun I am doing that, because it's important for, in my side, to be sure when it's coming to the policy committee—when it's going to the NCSG list and so on. We can discuss, it should be every time we volunteer, but we'll bring also other kind of issue if we try to distribute everything. In this kind of work, it will be not easy, in terms of project management, to do it.

Anyway, since you brought that back, I expressed to many folks that I'm not seeking to be Policy Committee Chair after this AGM. I have only one year left in the Council, and after that I cannot be in the Policy Committee in any role. So, I was thinking that's a good opportunity for a smooth transition, and to have probably new blood, new faces, and also for me to reduce my workload.

This is all good discussion. I am happy to write down the job description of the Policy Committee Chair from my perspective, and also from what the charter says. It will be up to the next Policy Committee to decide

how that we will get someone. It's always good. The change is always good, because when you stay in the same position for a while, there is a kind of fatigue, and there is no way really to make something new. So, change is good.

BRUNA MARTINS DOS SANTOS: Okay. Thank you all for the discussion. We are a little out of time, but I just wanted to mention that NCUC is going under a leadership transition as well, as you all voted back in July or June, before the policy meeting. We elected a new EC, so by the end of this AGM, we will have a whole new EC. We have some of them here. We have Ben for the African region, we have Mili for the APAC region, and Franco for the LAC Region. Also at the EC will continue Michael Karanicolas for the North American region and Louise for the European.

Just on the EC notes, I just wanted to mention that it's not really okay for me to have only one member of the current EC at this meeting right now. Dave is here, but we don't have … We had two more EC members on site, here in Montreal, but it's not really okay to have them coming to this meeting and not being at the NCUC Constituency Day. Just a quick note on that.

Since we no longer have time for a discussion that we really wanted to do, I will mention the Policy Writing Course once again. And I will ask you all to, if you have the time to do so, to take the course. We are welcoming every single input and feedback on that. We want to develop the conversation ever since the first onsite engagement, and also for the webinars. I guess that from now on, you have both Benjamin and

Michael as focal points for any outreach ideas and capacity building ideas as well. Mili and Franco will be responsible for outreach ideas.

We are reorganizing this leadership team, just so I'm also having EC members in teams. We're going to have one team for outreach and the second one for capacity building. If you guys have any ideas, suggestions, or things we should improve, please feel free to reach out to me or any of them.

So, I think we can close this meeting. Thank you all for being here, and please don't hesitate to reach out to us in the mailing list or anywhere else. Thank you very much. Just stop the recording, but then I have Ben, and then Stephanie, and then Milton.

STEPHANIE PERRIN: This is just an invitation to anyone who is interested in coming to the NCSG informal dinner that we are having this evening at 7:00. Robin's not here, so I won't try and embarrass here. She's just dumped us for a hockey game. I can't believe it. So, we have space. We have a room booked that holds 20 people, so please tell me if you'd like to come, and I'll make sure you're on the list. It's at the Burgundy Lion, which is on Notre Dame [S], just opposite the world-famous Joe Beef, and it's easy to get to. So, 7:00, Burgundy Lion. Talk to me, and I'll help you get there. Thanks. Bye.s

BENJAMIN AKINMOYEJE: Thank you. Michael and I just wanted to share with the constituents … If people would be interested, we want to get the feel, to know about a

webinar for non-English speakers, like English as a second language, that we're working on, if there's interest. We just wanted to know if it's something that people like to have done. That's why I wanted to put that message out. If there are anybody who is interested, we want to get the feel of the community about it, to know there are interest, so that we can put the amount of work it deserves into it.

BRUNA MARTINS DOS SANTOS: Just to clear up that this effort is referring to the Policy Writing Course, so if there is any further resources for non-native English speakers, reach out to us, and then we can work on that as well. Milton?

MILTON MUELLER: I just wanted to thank you, Bruna, for holding us together for this year. I think it's very necessary that we have chairs who take on all of this work, and I appreciate your doing it.

DAVID CAKE: I think it's my last session as an official EC member, for this time around. I've done it three times now, so it's possible I'll do it a fourth. But thanks for electing me once again. It was an absolute pleasure to serve with a very good EC.

[END OF TRANSCRIPTION]