
ICANN75 | AGM – At-Large RALO Coordination Meeting (1 of 2)
Saturday, September 17, 2022 – 16:30 to 17:30 KUL

YEŞİM SAĞLAM:

Hello and welcome to At-Large RALO Coordination Meeting Part One, Policy Issues. My name is Yeşim Sağlam, and I am the remote participation manager for this session. Please note that this session is being recorded and is governed by the ICANN Expected Standards of Behavior. During this session, questions or comments submitted in chat will be read aloud if put in the proper form, as noted in the chat.

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Virtual participants may access the interpretation via the Zoom toolbar. With that, I will hand the floor over to Satish Babu, APRALO chair. Thank you.

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SATISH BABU:

Thanks very much, Yeşim, and welcome to everybody who have come either online or in this room, physically. My name is Satish Babu and I am from the APRALO. In this session which is titled as At-Large RALO Coordination Meeting Part One Policy Issues.

So what we're trying to do here is to present to you two of the important policy issues that we would like to discuss, and the format for this presentation is that we have a lead speaker who will talk to us about the highlights of this particular policy, and then we will have open discussions.

So the timings are mentioned in the program, but before I start, multiple people have told me that the room is too cold. I'm not sure if this is something that we can fix, but would like to request staff to see if you can address this problem.

Thanks for that. So the two topics that we have identified through discussions with the RALO chairs, the first of them is about GDPR. Now, GDPR has been a very divisive topic for many of us. There are firm supporters of GDPR, there are people who also for practical reasons oppose it. We have had a lot of effort spent on this topic in ICANN. So what we are going to do here is we are going to ask Hadia, to make a lead presentation on GDPR.

So it'll be a brief presentation, about eight minutes, and then we will open the floor for questions and comments from the RALOs,

different RALOs, as well as everybody else online and in this room physically. It's over to Hadia for her presentation on GDPR.

HADIA ELMINIAWI:

Thank you. This is Hadia, for the record. If we can go to the next slide, please. So, we will be talking about what the community has been able to achieve in four years, and then touching on the impact of GDPR on ICANN four years on. So if we can have the next slide, please.

So I think we can say that ICANN has enhanced registration data privacy measures to meet privacy laws and user's expectations. I think also we can fairly say that we have done good in relation to that part. So the temporary specification for gTLD is currently into effect.

This modifies existing requirements in the registrar's accreditation agreement and registry agreement to comply with the EU general data protection regulation. The Temp Spec was adopted by ICANN board on the 17th of May 2018, and came into effect on the 25th of May, 2018.

So, we've been operating with Temp Spec since then. In March, 2019, the GNSO approved the policy recommendations of phase one of the EPDP. So, the community has been able to identify purposes for data registration collection, data elements for

public display, update or identify ICANN policies that require updates the policies that were actually affected by the new registration data policy, because the current policy does not include, of course, personal information about the registrar and it also does not include the administrative contact and the technical contact.

So, as a community, we have benefited from this. So currently we still have a policy that applies to all users across the globe, so there is no fragmentation here. All people enjoy same data privacy measures and we don't have personal information on display.

So, currently what's the status. So, we have a public comment intended to gather input on the implementation plan for the expedited policy development process on Temp Spec, so this hasn't been implemented yet.

There is a proposal for a proof of concept for the disclosure of data because no consensus was reached really in relation to the standardized system for access and disclosure, and there is a scoping team on accuracy. Let me tell you a bit about the proof of concept.

So, it simplifies the process of submitting and receiving requests for non-public gTLD registration data for both the requesters and the contracted parties in order to provide requesters with either

the requested data or provide guidance to the requesters on their requests. It is supposed to be cost effective.

It does not include central or governmental accreditation authorities, so no identity verification will be included. It does not include an obligation or expectation of automating processing of certain requests. It does not include billing.

So it basically collects status of requests and gathers data on response times from contacted parties. So I wouldn't say it's a like aside, but it's more of a ticketing system, and it collects data of requests and gathers data on response time, and then again, there's the scoping team on accuracy.

So this is where we are, this is what we have done in four years, and I think we have done good on the privacy part. If we can go to the next slide, please. So, the impact of GDPR on ICANN four years on. This is something, you know maybe we did not have much time to think about, but how do we measure the effectiveness of the GDPR and assess its impact on ICANN?

So, GDPR was presented by policy makers as net welfare enhancing policy, but again, we focused a lot on privacy and I wouldn't say ignored, but we did lack the balance with other rights. So how do we -- and again, in order to achieve this balance, it is important to focus on security.

So article 32 of the GDPR says to achieve the required balance, we need to focus on implementing technical and organization measures to ensure a level of security appropriate to the risk. I think what we need to do now to start looking at, we look at the privacy policies that we have, but we also need to look at the security aspects and focus a little bit there.

So we need to measure the impact of the new registration policy also on data privacy. We also don't know what we did, were we in big trouble before, and now we are much better? We don't know. We haven't looked into that as far as I know in relation to the data privacy. we also need to identify the impact of current registration data on public WHOIS information and end user's security.

So our end users now are at risk more than before, so we hear from security practitioners and law enforcement entities and agencies that they're not able to retrieve or get the information, the public information that they used to rely on before, especially in their early steps of investigation, that's for law enforcement, they used to rely on such data in early stages.

Again, we don't have a clear vision or clear numbers. Also the experience, the current experience of parties seeking registration data, is the current policy that we're using, is it working, what is the experience of users seeking data?

Again, we hear from different parties that they do not get timely responses, and in some cases, they do not get responses. Again, we don't have figures, we don't have numbers, so maybe those are the points that we need to start figuring out how to identify them in a non-odd hub way. Thank you.

SATISH BABU:

Thanks very much, Hadia. This is Satish, for the record. I think it's a very interesting account of what has happened in these four years. Some of the positives, some of the negatives, and what needs to be done now. We have about 15 minutes for discussions on this.

So GDPR, of course, is a breakthrough legislation because it is like nothing else before. Its sweep and breadth of coverage, also the extra territoriality of it, and the very significant costs for lack of complaints. In all, I think it was a very breakthrough legislation.

So we anticipated that there will be problems in accessing data, especially for law enforcement, research communities, end users, et cetera. At the same time, nobody can dispute perhaps that the privacy protection has been achieved like no other instrument has achieved so far.

So, that being the situation, Hadia has pointed out that we need to study this further, we need to perhaps you know, convert this

into numbers so that we can then take a position on it. So there are some information gaps also at this point, which as At-Large, may be useful for us to take a look closer. So I'll stop here and open up the floor for any comments or question. I see two hands here. I see Carlos and Greg. Carlos, please go ahead.

CARLOS DIONSIO AGUIRRE: Thank you, Satish. I'll speak in Espanyol. [Participant speaking in different language].

Carlos Aguirre speaking. Thank you, Hadia, for the report. It is really clear and I believe this is being said in a controversial manner because the security concepts and privacy concepts have been in a coalition. So that coalition, that clash of concepts sometimes poses this issue, because when paying attention to privacy, we are not paying attention to security.

And this has been seen. For example, when we try to see who the registrants are when there is a case of DNS abuse, and this is also related to GDPR, because sometimes it is impossible to detect or to know who are abusing the domain name, who are abusing the DNS due to the GDPR rules because we cannot quickly act, and this is also attacking privacy and security of end users.

So I believe this is an issue that we should focus on, although it is going to be very difficult to solve this topic. The clash between

security and privacy is not a new topic, this comes from a long time ago. This clash has to do with domain names, but so far, no solution has been found out. So I believe that we are in a complicated road.

So I would like to hear your comments, but I don't see a quick solution, particularly when the rules, the NIS 2 rules of the cybersecurity rules from the European Union are not finished yet. Therefore, it is going to be difficult to know what is going to happen once they end up closing these rules because there is no case law available in Europe regarding these particular issues. So I believe that it is soon to find this solution, but when we come to this solution, I believe things are going to be difficult.

SATISH BABU:

Thanks very much, Carlos. I agree with you, of course, that it's a difficult tradeoff and it's not easy to -- it's perhaps too early to look at how to resolve this. Would you like to respond to this, Hadia, or would you like to take all the questions and then respond?

HADIA ELMINIAWI:

So, I definitely agree. So, I definitely agree that this conflict has been there for always and since the very beginning, but I think that we as a community have been focusing not balancing our

thoughts, we've been focusing too much on privacy, and we haven't been focusing as much on security. I guess now is the time to put more thoughts and thinking on security as it relates to DNS abuse as you mentioned, and as it relates to registration data and the importance of access to this data.

So maybe if we enhance our security measures, we could allow for, I wouldn't say allowing data, but we are still bound by the law, but if you have stronger security measures, you have more flexibility if you know what you're relying on. Thank you.

SATISH BABU: Thanks, Hadia. We will now go to the queue. We have Greg and we have Dave. Greg, please go ahead.

GREG SHATAN: Hi, this is Greg Shatan from New York and incoming chair of NARALO. From my point of view, and I think from certainly a North American end user point of view, I think GDPR has been almost entirely disaster particularly in how it has been applied by ICANN.

GDPR, other than its extraterritorial effects, is not the law of North America, of United States or Canada, or any other country in North America however you define it, and yet the effect on WHOIS has been as severe as if GDPR or the law in every entry, which is

just a grave overreaction and the issue isn't whether we're bound by the law, the issue is what are the boundaries of the law, and why has ICANN allowed its reaction to go so far beyond the boundaries of the law?

In terms of end user privacy as opposed to registrant privacy, I think GDPR has been a big negative. People's privacy is invaded by people using questionable websites and email addresses, and it's become much harder to defend and to gain respect for your privacy as an end user because of the impediments that the death of WHOIS has imposed on many efforts, whether it's government efforts, private efforts, laws efforts, or whomever in order to use what's left of WHOIS.

I think GDPR was used, I wouldn't say as an excuse, but perhaps as a jumping off point for certain constituencies and stakeholders who wanted to achieve the result that has been achieved, whether it was what was called for by GDPR or not. I think we're seeing with the NIS 2 work that even those who, broadly speaking, were putting GDPR in place that this is ICANN's reaction is more of an unintended consequence than it is a proper reaction to GDPR. So unless you're a registrant who wants their data hidden for free, it is pretty much just a bad thing all around.

Certainly there are what I would think, relatively speaking, edge cases of those who may have been negatively affected by having

their data out in the open, but there are other ways to solve that problem other than pulling the curtains down on the entire world of WHOIS.

So I'm hopeful that there'll be a course correction here in the long run, but I'm not optimistic given what seemed to be more of a power play in the EPDP than real respect for consensus and having a true multi stakeholder result. Thank you.

SATISH BABU:

Thanks very much, Greg. You make a very strong point and I can sympathize with where you're coming from. So, we don't have time to go for one-to-one responses. We have two people in the queue now, but I'd like to get someone from Europe if possible, to also respond because in the queue are people not from Europe, it is interesting to get a European opinion. Glenn, you're also not from Europe. Hang on, hang on, there's a queue. We have Dave here, then afterwards -- you also there, okay. So Dave, please go ahead.

DAVE KISSOONDOYAL:

Dave Kissoondoyal for the record. I just want to rebound on what Carlos mentioned. I think when we talk about privacy, there should be certain tradeoffs. I think when we talk about DNS abuse, the name of the registrar is not shielded, so if you go to and

check the WHOIS data, you still get the name of the registrar. So whenever there is any case of DNS abuse, you can still contact the registrar and find out who the registrant is. This is one thing.

The second thing I want to talk about the impact of the GDPR. I think the GDPR has been very effective from my point of view because before the registrars were charging for data privacy, and after the GDPR, perhaps loss of revenue for the registrar, but for the end users is that they're getting the service without paying anything. That's all, thank you.

SATISH BABU:

Thanks very much, Dave, that's a couple of very valid points. Hadia, will you like to respond now, or...?

HADIA ELMINIAWI:

No, I have only one comment in relation to what Greg was saying, and this is true because the current policy actually, GDPR differentiates between -- does not protect personal information of legal persons. However, the policy that we have currently in place also redacts the personal data of legal persons. So definitely we did go beyond what is required by law, for sure.

SATISH BABU: Thanks, Hadia. So perhaps case of overreach by ICANN. Yes, Pari, and then Glenn.

PARI ESFANDIARI: Thank you. My comment is general. I think that as we even observed here, the sensitivity towards personal information differs across the board, and I think innovation is a moving target, the same with legislation, and therefore, I think it's better for ICANN to have a baseline rather than focusing on a specific legislation and discussing that specific and responding. If we have a baseline, then we are prepared for new innovations as they're happening, a new legislation which follow them. Thank you.

SATISH BABU: Thanks very much, Pari, very valid point indeed. We go to Glenn and then over to the online question and then to Matthias.

GLENN MCKNIGHT: Great. Glenn McKnight for the transcript record. Since ICANN is a registered California 501C, I was just wondering, and I'm not sure if this is dangerous to ask Greg to do a synopsis, but California has its own version of GDPR, the CCPA, as it's known to California Consumer Privacy Act. I'm just wondering if it's more relevant for

us to look at that legislation and if there's subtleness in it that's more applicable to what we're talking about.

SATISH BABU: Thanks, Glenn. Greg, do you like to make a brief intervention here in response to Glenn?

GREG SHATAN: Thanks. It's Greg Shatan, for the record. I'll respond very briefly that the CCPA really only protects California consumers. So even though ICANN is located in California, it has no effect regarding consumers outside of California, and really it's set up as a consumer protection law, so it's a bit different.

Certainly, it's worth looking at to see whether it has any influence, but it's not all that much different from GDPR, but I think if ICANN or the community were to hue to the limitations of GDPR or CCPA be much better off rather than pretending that everybody is a natural person who lives in Europe. Thanks.

SATISH BABU: Thanks, Greg. The number one to the online question. Over to Yeşim.

YEŞİM SAĞLAM: Thank you, Satish. This is Yeşim Sağlam from ICANN Org. We have two online questions. The first one is from Naveed Bin Rais. The question is, "In what areas and aspects do you think the community overreacted and not reacted a part to GDPR?" Would you like me to read the second one as well?

SATISH BABU: I think we'll take all the rest of the questions together because we don't have time otherwise.

YEŞİM SAĞLAM: Okay. Thank you. The next question is from Shreedeep Rayamajhi. The question is, "GDPR is a major issue in Europe and in Asia, where we are still struggling to cope with the idea of GDPR. What are the plans for coordination among the RALOs in getting the best for the community?" Thank you.

SATISH BABU: Thanks, Yashim. Thanks, Naveed and Shreedeep for your questions. We do not have time, unfortunately, to answer these questions, but we will record these and we will see how and whether we can get back to you with some responses. Matthias, please go ahead.

MATTHIAS HUDOBNIK: Hello, everyone. Matthias Hudobnik speaking, for the record. First of all, thank you very much for this great session. I really like the topic, and I think it's also very important to talk about GDPR and the end user aspect. For me also, the discussion is very interesting.

I would say you can see it from different angles. So firstly, just to talk about the legal dogmatic approach, when we talk about the GDPR, the GDPR is a regulation, so it means it's directly applicable in the whole European Union and also for data processors and controllers, which are like processing data of European citizens.

The new directive is just a directive, so it means like it's just applicable in the European Union with regards to their goals. So like all the member states have I would say a bit more like own possibilities to implement the law. This is just from the legal angle or from the dogmatic approach.

Then when we talk about, is the GDPR good or bad, or the implications, I would say you can also see it here from different angles. So in general, in my personal opinion, I would say it was a good thing towards end users because it brought them more privacy, but also like with regards to ICANN and WHOIS, of course, a lot of more policy work and also a lot of, yes, things they changed.

I think what is very important that still law enforcement and also like cyber security researchers can do their important work, but on the other hand, there should be not more like I would say personal information, like publicly available, which should be really necessary needed.

From a very, I would say a global approach, I would say the GDPR is also a good trend, but we also can see in US, I mean, Greg maybe knows it even better, but we have the California Consumer Privacy Act, for example, which is also quite strict in some cases, even stricter as the GDPR or also in Asia, there are a lot of tendencies where everywhere, governments are introducing similar legal frameworks.

Also in Brazil for example, if you check there is also the Brazilian new privacy law, it's very similar to the GDPR, so I think it was definitely from the European Union, like they kick-started it and now worldwide, this kind of laws are introduced. From this end user perspective, I think it is definitely a positive thing, of course, with challenges within ICANN and also with regards to WHOIS, but at the end, we will need to find a way to find a proper solution. Thank you.

SATISH BABU:

Thanks very much, Matthias. I see Seun's hand as the last and we'll close the queue here. To me, it seems that the last word has

not been said on GDPR. We seem to be wanting to do certain things, so I think the questions from Shreedeeep and Naveed together with the points raised by everybody else here, we will have to refer to CCWG to see if there's something that we can do about this, either a study to see what are the effects, what are the impacts, if there's a policy over each, et cetera. So it may be interesting for CCWG to suggest what we can do in this context. Seun over to you.

SEUN OJEDEJI:

All right. Thank you. Seun, for the record. I think you summed up one aspect of my question when you were saying that we probably need to take some statistics on what is the progress that GDPR has made, not just for Europe, but globally. I'm not sure At-Large would have that resource to do that. I think it could be an ICANN project with that information being provided to the constituency to tune in.

I think I was just doing a quick search on the fines that have actually emerged from GDPR is over a billion dollars. Just a quick search, and this money is going into a particular economy. So I think we also need to check how has GDPR actually benefited the world and not just a region per se.

I think there's a lot of multifaceted approach to this because if we look at it as well, it could also be a funding source for some economy and not for the rest. Thank you.

SATISH BABU:

Thanks very much, Seun. So among other things, money is also an important aspect that we might have to look at. So with everybody's permission, we will hand it over to CCWG for their action. So we now come to the second half of this particular session, and we are on a very different topic.

It's on the topic of importance of diversity in DNS policy work. We have Sebastien who will take us to the lead presentation, and then we look from the floor for discussions. Over to you, Sebastien.

SEBASTIEN BACHOLLET:

Thank you very much. It's a little pity that we have a session after tomorrow on this topic; I will not give you the full presentation, but what it's important is that if you look at the diversity, it was discussed during the Workstream 2 during the IANA's stewardship transition, and there were different topics or eight or nine elements for the diversity.

Since then, nothing really changed, but some discussions are starting, a working group is gathering from time to time about

how diversity is handled in the various constituencies and SOs/ACs of the organization.

What we have done with additional budget request is to send a survey to the leaders, both the current one and the past one, to try not to have just a picture of the situation, but see if there are some evolutions.

It's a good step, unfortunately, there is no, from my point of view, enough answer to have a big pool of a sufficient size to get all the information, but it's an interesting, and I will say first step. And the other thing is that we need to see in our own organization how we take into account the various elements of diversity.

I just want to try to remind you that the seven diversity are: geographical and regional representation, language, gender, age, physical disability (it turned out to be more generic, not just physical now, but disability), skills, and stakeholder group. Some of those elements are really not taken into account.

If you look at the board, the only thing taken into account is the fact that they need to have at least one board member for each region, and no more than five representatives from each region. There is no real work to enhance the diversity, to take into account agenda balance, to take into account some balance of the region. It's just between one and five. If it's one, we don't need to do anything. If it's five, you can't add one.

Just to take another example: where is gender balance when you have for one single region three representatives from the same side of the gender for one region? We really need to think about how we want to implement or enhance the diversity within our own organization, and that's something we can start to work on.

I would like to add one thing, is that with ATRT3, one of the recommendations is to evolve our organization, and it could be a good topic for us to take. It seems that it'll take time for Org to organize everything about this new way of doing organization reviews, but we need to start to think how we can take that into account in our own groups. That's some of the issues I wanted to raise today, and of course, I hope that you will be at the full presentation in a few days. Thank you.

SATISH BABU:

Well, thanks very much, Sebastien. This is Satish, for the record. We are opening the queue. I'm assuming that Dave and Matthias, these are the old hands, and we have Tijani and Seun on the queue. Tijani, please go ahead.

TIJANI BEN JEMAA:

Thank you very much, Satish. Tijani speaking, for the record. I was on the CCWG Accountability Work Stream 2, and when the diversity subgroup discussed all kinds of diversity, I didn't agree

that we add skill because skill is always there. If you are not skilled, you will not be selected for anything, but when you include skill at any time, you can say, there is no skilled woman, no skilled person from this region, et cetera, and in this case, we will remain with no diversity in all our positions or our responsibilities.

So, I think that the diversity should be about things that we didn't choose. We never choose our color, we never choose our region, et cetera, et cetera, or our gender. So the diversity should be about that, not about skill. The skill is always there.

I repeat that we never select someone, who is nothing who is not skilled at all, but among the skilled persons, we have to have this diversity. This is the question. So when you add skill, you put more weight for the skill, and in this case, you always say, no, this person is a little bit more skilled than the other. Thank you.

SATISH BABU:

Thanks, Tijani. So I'm assuming that the skill as a diversity component has come up because you have groups like the board which requires multiple skills, and if from the choice available to for a new board member, you are looking for a particular skill to compliment the rest of the board. In which case, there may be an important thing that is attributed to the skill, but I agree with your

point in general, that it's something acquired, so we cannot use it as a parameter. Seun, Sebastien, Ahmed.

SEUN OJEDEJI:

Oh, thank you. Seun, for the record. I mean, Tijani touched on one of the things I wanted to say with regards to skills. I think it's a difficult one. It can be difficult, but at the same time it can also be used as a tool to actually avoid diversity. I think I see that happening more, I see tendency of that happening more than actually wanting to ensure diversity.

I mean, it's a continent, various continents, and I mean, are you saying that those people who apply don't have that kind of skills? I mean, the level of experience may be different, the level of maturity in the skills may be different, but they have the skills. I mean, having different level of skills is also a diversity in its own.

So, I think the other thing I wanted to mention is regards to this rule of one per region. I didn't realize that this included the SO/AC appointees. I just realized that during the last NomCom [00:43:35 - inaudible] which actually did not feature any African region on this list.

I think, NomCom, if they want to implement one per region, perhaps they should implement it to do ones that they are appointing and not necessarily still consider the ones that the

other SO/ACs has appointed. I definitely think we still have to talk about this diversity issue, not just on the board but also we did At-Large.

I think that if we are also challenging the board, for instance, we also need to check ourselves and also be sure that we're also, to some extent, ensuring diversity within our constituency. Thank you.

SATISH BABU:

Thanks to Seun. I think I completely agree with you that we have to look at ourselves first, perhaps the kind of survey that's the best is done, maybe we also should replicate that in other regions so that we at least understand it not act. Next is Sebastien, and then Ahmed.

SEBASTIEN BACHOLLET:

Thank you all the speakers before me. First of all, this survey, it's not a European survey, it's a worldwide survey. In fact, it's not a EURALO survey just because I push for it. As I am in EURALO, to have an ABR, you need to be from somewhere and it was not handled by ALAC as such and therefore it's why it's at the EURALO level. It is a global survey, therefore, it's something you will see that there're not enough answer from some regions, but you have a good overview.

Regarding the seven elements of diversity, the community didn't yet publish what is the definition of each of those seven elements, and it's where we are, I will say, in trouble, therefore we take a decision.

For example, for us, skill was the level of study you get, because it allows us to cross where you are a citizen or where you are living and where you went for university. It's interesting to see that you have more people going to university in US, in UK selected to leadership positions, and from some of different language, but from the Francophone, they are coming to Quebec and to France.

Therefore, there is some interesting things about where you go for your study. The question of what is your first language, it's also something to take into consideration, therefore the skill is not to know if you know how to read and how to calculate, it was which level of study you have done, but that's the definition we have given. It could be something else if the community decides something differently, but to go at the time where we were working, it needs to have fast definitions, therefore, it's why we took this one.

The other reason is, I have done previous work on such specifically, and it was interesting to cross over the different element. But I agree with you, that's a question of skill. My motto is, you can always learn, but you can't change your physical

elements. Now you can sometimes, but it's more difficult than to learn something new.

Therefore, I struggled for years against even amongst us, skill is not the primary thing we need to take into account. We need not to choose the best one, we need to choose a good one.

Sometimes a good one is not the best one, but it's the one who will help the global group to be more diverse, to take more things into account than to have -- to take an example, when you build a team, a sport team, I will take soccer, you don't take the 11 best, you try to take the best in each place of the field. It's what we need to do. Thank you.

SATISH BABU:

Thanks very much, Sebastien. It is good to know that these things are still open for review by the community, and perhaps you can take advantage of that option. The queue at this point is Amrita, Hadia, Carlos, and Jonathan.

AMRITA CHOUDHURY:

Thank you, Satish. Amrita, for the record. I completely agree that we need to be diverse, we need to be inclusive. However, I have concerns if we try to fix seven categories, five categories, six categories, because we should not box things. Many times we

may need skills, or we need to encourage people who do not fall under boxes.

We need to encourage new people to come in, because many times there are people on the table sitting for several years, can fit into any of these boxes and we bring them in, but if we want to bring people out from the community to contribute and to have diverse thoughts, we have to be flexible.

We need to look at parameters, but we have to be flexible. The person should be capable to deliver. I think that's very important. Just as an example Cheryl would be aware, in API IGF, we want diversity in our fellowships, we want diversity in our MSG, and we've been looking at it in geography wise, gender wise, stakeholder wise, education wise, but sometimes and where we failed in one of these experiments is because we wanted so many diversity categories and we tried to bring in some people.

Those people just came in because they matched those diversity criteria. So yes, we need to encourage diversity, we need to look at parameters, it should not be global west coming always, the global south needs to be there, and even in global west, certain parts were not there, but I think we should be flexible and go with times and not box them up. That would be my suggestion because else we create another barrier for new people to come in. Thank you.

SATISH BABU: Thanks so much. So the question of too many boxes and the outlier is getting systematically distanced from wherever what were you trying to do? Because some of them may be, outliers may be really creative in their own way. Hadia, Carlos and then Zuck.

HADIA ELMINIAWI: Thank you. This is Hadia, for the record. So I totally agree with Sebastian on the need to define the term skills. So I'm not very much with eliminating the term skills, but I'm with redefining it. So as Sebastian said, the ability to learn, this is a very important trait that we need to have, and this in itself could be considered a skill.

Also, looking at the example that Sebastien said that we are evaluating skills on the base of education. I also see this not really the best way to evaluate people when we look at skills. So for example, the CEO of Facebook, he dropped out of school, so would you find him skillful? You might have people with PhDs, but are not really skillful when it comes to the ICANN community. They don't have the enough knowledge or experience, or even the ability to work within a multi stakeholder model. Thank you.

SATISH BABU: Thanks very much, Hadia. These are interesting points indeed, and we have to be cautious, I think, while applying some of these rules. For the RALOs, I think it's important to, as mentioned earlier, start looking at what is really diversity in our context, as you said the regional context, as well as the fact that we are in a multi stakeholder model, and that requires perhaps special skills especially people to make it work. Yes, please.

CARLOS DIONSIO AGUIRRE: Again, in Spanish. [Participant speaking in different language].

This is a very complex issue, the issue of diversity. I believe that diversity includes alternates as Marita was mentioning. Nobody is the best one forever after. Sometimes, we appoint a person or we choose a person and we believe there is no one else who could do or perform his job, and he sits in his chair forever after. I believe this is important.

Diversity, you are talking about skills a few minutes ago, and skills depend on who defines the skills that are necessary, and after that, it depends on who decides who else has those necessary skills.

So, as Sebastien was saying a few minutes ago, education, he who has attended school in the US or in France or university in those countries, well, there is a difference there. Who could tell us that

the person who has only necessary degrees knows how to do things, because we should bear this in mind too, you may have lots of degrees hanging on your walls, but you must know how to do things, how to apply that knowledge, and this is another issue. That's why I believe it's a complex issue.

Diversity is a big theme to be taken into account, but we have to analyze it thoroughly taking into account all these nuances, because otherwise we will be stopping halfway through, and we have to get to the end of this. I really look forward to tomorrow's meeting, Sebastien, because I believe it will be a very interesting session.

I would suggest that we should start working at the RALOs, ALAC, NomCom, the board, we all have to think of diversity. I would like to say this, I would start somewhere at the beginning, and I believe Sebastien knows a lot about it. I would start with freedom, equality, and fraternity or brotherhood. Equality, we are all free and if we are equal footing, we all believe we are alike, we need fraternity to let other people come in and join us, and not stay in our chairs forever after. Thank you.

SATISH BABU:

Thanks very much, Carlos, for those words of caution. I think our time is now running out, and it's over to Jonathan Zuck for the last comment.

JONATHAN ZUCK:

Thank you. Jonathan Zuck, for the record. I think this is a very important issue, and I think that there's two different ways to look at it. One is a top down approach, which is selecting leaders, and the other is a bottom up approach, which is bringing people up and into the processes that we have, because the best proving ground for participation in ICANN is participation in ICANN. In other words, letting people participate in policy development or outreach and engagement activities, being involved in work groups, et cetera.

Unless we are rigorous about getting a more diverse set of people involved in the actual processes of ICANN, then we're treating leadership positions as if it's some sort of honorarium and not a job. The best way to find qualified people for the job is for them to have demonstrated capacity in those areas before that job became available.

If we have challenges of language, disabilities, and others, in terms of participation in our day-to-day processes, that's what we should be focused on first as a community so that everyone has an equal, or at least as equal as possible, an opportunity to prove themselves as a valuable and energetic member of the community, because that's the real group from which people end up getting chosen, except with the NomCom where they're

looking at their degrees and things like that. I think the best proving ground is ICANN itself.

I think where we have to start our diversity efforts is in getting people engaged from the ground up to begin with, and then we already know what it is that people are capable of at a point at which we're looking around for a new set of leaders.

SATISH BABU:

Thanks very much, Jonathan. Yes, completely agree that the starting point is our own RALOs. Our time is up and I see Gunela Astbrink for intervention. Can you make very brief please? 20 seconds.

GUNELA ASTBRINK:

Thank you. Gunela Astbrink, for the record. Yes, certainly, I agree with a number of speakers about not actually putting people in boxes, but there are certain groups of people, and Sebastien, and we've heard that people with disability, for example, have hardly any representation and we need that lived experience.

It doesn't need education; it needs a certain skillset as anyone knows around this table. It's a complex array of skillsets that doesn't necessarily have to do with education, even though that's important to a certain degree, but we just need to encompass and welcome people from all different parts of the community, and if

there are some parts of a community that we feel are missing, how can we best encourage them to join us? Thank you.

SATISH BABU:

Thanks very much, Gunela, thanks for the voice of the disabled. So we will close this session now. Now, the second topic that is diversity is an action item for our RALOs, and the discussion here provide actually some kind of framework for the RALOs to start discussing how can they enhance diversity in their own regions.

So I'd like to thank everybody who's participated and actively spoken out at this session. We have a number of action items that may come out of this, and I'd like to thank you once again, have a great evening. Thank you, and bye.

[END OF TRANSCRIPTION]