
ICANN78 | AGM – Joint Session ccNSO and GNSO Councils
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TERRI AGNEW:

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ALEJANDRA REYNOSO: Thank you very much, Terri. Hi, everyone. It's such a pleasure to be here with the GNSO. I welcome everyone to this session. Sebastien, would you like to say a few words?

SEBASTIEN DUCOS: Yeah, well, thank you and welcome and thank you for the welcome. I just wanted to point to the GNSO, the lovely hats, the ccNSO. We have a tradition of organizing our hats one ICANN after you. We have now caps. We're up to standard. And looking forward to those hats in San Juan's heat. People love them. With this, no, but in all seriousness, thank you very much and thank you for inviting me in your room. And I'll let you lead.

ALEJANDRA REYNOSO: Thank you, Sebastien. And well, we do have an agenda that our liaisons have helped us set up, who are Everton and Desiree. So thank you very much for helping us with this. And our first topic is ICANN and the Global Digital Compact, WSIS+20 discussions. And for this, I will ask Jordan to lead this topic on behalf of the ccNSO.

JORDAN CARTER: Thanks Alejandra and good afternoon, everyone. My name is Jordan Carter, speaking with a .au hat on and a ccNSO Council hat on for at least the first couple of minutes here. And I might add a few editorializing comments as well. My job is to give a little bit of context about what these things are, these lovely alphabet soup titles, and also to tell a bit about what the ccNSO is doing about them. And then I'll offer a couple of substantive comments. But just to enter, this is part of a big

process, these WSIS reviews and the GDC that the United Nations is going through to try and improve its model of governance for the planet in the face of what the sec gen describes as twin crises of digitalization and climate change. So anything that's being discussed around digital in this context has to be seen as part of a bigger diplomatic initiative in the UN system.

In 2024, the Global Digital Compact is expected to be agreed as part of the Summit of the Future in New York. And the year following is the 20-year review of the World Summit on the Information Society outcomes that were originally agreed in 2005. WSIS is the process under which the United Nations Internet Governance Forum is established, so that's kind of a hook for us.

This is important in a range of ways. There's a possible set of outcomes which sees the IGF abolished and ICANN's functions transferred into a United Nations agency. So this is something that it is worth paying attention to in the ICANN context. And ICANN has recognized that, at least in part, for the coming year by defining one of the CEO's goals for the FY24 as being about WSIS+20. That's on Sally's to-do list. And the Global Digital Compact is seen as an essential part of that work. There are a number of things that ccTLDs can do, from our side of the house, in response to this. And that's what we're exploring in two sessions that are happening on Tuesday, the 24th of October. And as ever with our open meetings, you'd be very welcome to attend and take part in that, I think, if you'd like to. The purpose of the session is, in fact, why these things matter to us as domain registries and how we can get involved in the discussion. So we've got some presentations from ICANN, government engagement, the IGF's leadership panel, and CENTR, the

council of European national top-level domain name registries, about what the WSIS+20 is, why it's important, how to engage. In the second part of the session, there'll be perspectives from two ccTLDs shared about why they see this as an important issue and what tactics they're going to be using to engage. That's Germany and Japan will be sharing views there. So that's Tuesday afternoon.

Just as a couple of thoughts about what CCs can do, they can engage with governments about this. You might not know much about these topics. You might find that your governmental administration doesn't know much about these topics either. But if you both start talking to each other, it gives you an incentive to find out more and to learn more, both from each other and from other stakeholders. The other thing that we can all do as organizations is to consider these things and to publish some thoughts about them, some opinions to help stir the debate. My own organization at .au has done that through our Internet Governance Roadmap to share a few views.

So just to finish the introductory bit before we hand over to the other speakers, this is something of an existential risk to the system that we're all part of. And while it's really easy for us all to be buried in the work we do here and in our commercial and organizational realities, I would implore you to just raise eyes onto this because it could be quite significant. That's some introductory remarks.

ALEJANDRA REYNOSO:

Alejandra. Thank you, Jordan. I believe that Desiree prepared some questions for this topic.

DESIREE MILOSHEVIC:

Thank you, Alejandra. Yes, we have prepared some questions, a couple of, rather three questions that we'd like everyone else to chime in after Bruna Santos and Everton and I share some of our thoughts as well on these questions. So Jordan has nicely covered the where does the GDC come from, the Global Digital Compact. It's a long process that has started within the UN back in 2019. It came from a report, Our Common Agenda, by the UN Secretary. And we can see that the geopolitics has significantly changed recently and it's changing every day. And I believe that we may see some of these changes as an external threat to organizations that practice multi-stakeholder model of Internet governance, which means bottom-up and inclusive processes. So we would also like to know what could be and discuss what could be the role of ICANN community in this process. And thirdly, how do we engage? Because the GNSO Council has not devoted a special session to this question, so we really appreciate the opportunity to touch base with ccNSO, who does have a dedicated session. And also maybe it's worth noting that ALAC has a dedicated plenary session on WSIS+20 review process on Wednesday morning. So it could be another place to follow these discussions.

And just to share maybe a few thoughts on my part, why would this be, why these processes are important? Why should we follow them as much as we can and how could we possibly engage? Is that you might have seen the letter from Sally Costerton. It was a joint blog post on August 21st together with some members of technical community where the real threat is that the technical community may not be part of this internet governance model that we're all used to practicing here

at ICANN. And therefore the technical community would be lumped into a tripartite model, something that the UN tech envoy referred to as civil society, private sector and governments. So the key here and the key question here is that this multilateral model led by governments would be a model where possibly we could not participate in, we could not share the technical expertise that we're developing in terms of DNS and infrastructure for the global operation of the internet. And therefore we need to discuss how do we deal with this. The GDC itself has only one small part of internet governance, so I want to say it's a bigger part that will be discussed at the summit of the future that Jordan referred to. We don't know what the other part is. We think probably artificial intelligence would also be part of these digital transformation discussions and building capacity for the countries that participate. But essentially, yes, there's a threat that technical community, which we think ICANN community will not be consulted and we would really like to see how could we engage and possibly retain and reject call for just multilateral model. I leave it here and maybe we open the discussion so we have a more interactive discussion amongst us, what we can do and maybe some questions as well.

ALEJANDRA REYNOSO: All right, so we have the questions and now the floor is open for the discussion and I take that Bruna would like to say something about this.

BRUNA SANTOS: Thank you, Alejandra. Just as both Jordan and Desiree touched upon some of the points, this was indeed a process that was started to push forward this agenda on digital cooperation and governance. At some

moments, it did discuss possible improvements to the IGF, such as other topics like digital human rights, digital public goods, internet fragmentation, and what will be the future of digital governance. But one of the main goals was this sort of reinvigorating global multilateral institutions for the 2030 agenda discussions and so on. And that's maybe why we have moved on into a process that was somehow opaque. We did have consultations and deep dives, but they were all limited in ways that would either prioritize member states or people in New York or not allow civil society, the technical community, or the business sector to speak at all. If you were allowed to do so, you would do it under like a minute or three, something like that. So it was very complicated, but it was clear to a lot of stakeholders from the very beginning that this was where we needed some level of increased transparency and for it to be meaningful to the stakeholder above all. And just to add some more things on that, recently the co-facilitators have issued an issues paper that passed all of the consultation acknowledges the relevant roles played both by the IGF, the ITU, UNESCO, and many other agencies. But at the same time, they kind of over-focus on this need to identify and address gaps to make the UN system better. And that's where the focus on multilateralism lies, and that's where the exclusion of other sectors also kind of resides. And I think on this, just the last point I was going to add was that ICANN is a generally successful multistakeholder approach and model. The example of the transition and the role of the global community in accountability and transparency is something remarkable for everyone, and that should be taken forward in this space. So the expertise in rooms, not just here, but about DNS and the numbers community as well is something that's relevant for this. So to me, the main goal or role

for the ICANN community on this discussion would be to advocate for the multistakeholder model and how diverse participation allows us to not only come up with balanced suggestions, but ones that take upon expertise and build on that. So that's one thing. And I think in the upcoming weeks, some civil society organizations are going to issue a statement also supporting the technical community and asking for more proactive engagement of this space, because just to say that we should not take this for granted, and the internet doesn't magically exist, so the GDC shouldn't be forgetting or even ignoring that. So that's a little bit of what I'm going to say. Thanks.

ALEJANDRA REYNOSO:

Thank you. Thank you very much, Bruna. Tatiana?

TATIANA TROPINA:

Yeah, just to add a couple of points to what Desiree and Bruna and Jordan already said. Why are these processes important for ICANN? Well, in addition to kind of imposing on all of us the concept of effective multilateralism, how the UN Secretary General elegantly puts it, they also speak about the so-called tripartite model, where they mention only civil society, businesses, and governments. They do not mention technical community. They think that this is a part of civil society somehow, or business, or whatever, but it is not mentioned as a stakeholder. Although we are, by the way, Amandeep, the tech envoy, said technical community was a part of civil society. I hope you're happy with this, Chris, that your business is a part of civil society now. So why is it important for ICANN? Because we, as technical community, are inherently multi-stakeholder. It is a very porous community consisting

of different parts. We need to take a stand there, because as Bruna mentioned, the New York process will affect all of us. New York processes are closed. It's very hard to get engaged. It's much harder than Geneva, Brussels, or no matter where you guys are advocating. What should be the role of ICANN's stakeholder community? I think the role should be, first and foremost, to raise awareness among your peers what is going on, and how GNSO and ccNSO as stakeholders could engage. I think in addition to us talking to each other, I think, and here, I mean, I'm not a ccTLD manager, but I think I know enough about ccNSO to say that many of the ccTLD managers are engaged with the governments, they're communicating on a very good basis. And I think CCs here have a very huge role in raising awareness among the governments how it all can impact the future of multi-stakeholder Internet governance. Multi-stakeholder is not the word. It's the process that helps to keep Internet stable and functioning. Thank you.

ALEJANDRA REYNOSO: Thank you, Tatiana. I definitely agree this is a very important topic that we should be discussing and raise awareness, and that's why it's in our agenda. Is there anyone else that would like to speak to it? Everton?

EVERTON RODRIGUES: So, just a brief comment. Thank you, Alejandra. Thank you all for coming here today. So one aspect, and coming from Tatiana's point, is that as the Internet grows, also the complexities regarding the Internet have also been growing. And instead of having less stakeholders joining the discussions, we should follow the complexities and the amount of

stakeholders which should have been involved in those discussions.
That's just a comment. Thank you.

ALEJANDRA REYNOSO: Thank you, Everton. I see Paul McGrady has his hand up.

PAUL MCGRADY: Thanks, Paul McGrady here. This is going to show my complete ignorance, and I apologize for not knowing all the acronyms and all that stuff. But help us understand what effect this could have practically on ICANN. Because to a certain extent, there's all these other Internet governance things going on. It's not really clear to those of us who are primarily engaged in ICANN what effect it could have. And if the answer to that is they could take away ICANN's existence, it's not immediately clear to me how one does that to a California public benefit corporation. I don't know how you seize its assets and its roles. So maybe somebody could tell me a little bit about what's the real existential threat that we're facing so that I can boil it down for the people that I talk to. Thanks.

ALEJANDRA REYNOSO: Thank you. Chris?

CHRIS DISSPAIN: I didn't actually have my hand up to answer that, but I'll give it a go. Fundamentally, if the UN resolves that this stuff is managed by X, the ITU, as an example, then it will become managed by the ITU because governments will simply move control to where it's managed. You

could argue that the ICANN community could just say, 'Well, no, we refuse to allow that to happen,' but actually, fundamentally, there isn't anything you can do. At the end of the day, bottom line, much so it pains me to have to say it, governments will always rule in the end. And so the threat – in the old days, the threat was to withdraw support from ICANN and therefore it would lose its legitimacy. I mean, we're way past that point now. But there is a real fundamental threat that if the UN makes a ruling that says this stuff should be done through governments, then our supporting governments are going to choose the UN's rule over their support for the multi-stakeholder model.

If I can, I just wanted to address one other thing, which is, again, from history, from WSIS all those years ago, you cannot stress enough individual companies, registries, registrars, aspects of civil society, ccTLDs, going directly to their government and saying, “We can help you, we can brief you, we can give you information that will make you look good in this arena because you will understand what's going on.” In some cases – and I know this was the case in New Zealand, the case in Australia – governments have actually put ccTLD managers on their delegations and actually taken them to into the room as part of the government delegation. And that sort of thing, if that can be organized through various different governments, that's really, really useful. But the last thing I wanted to say was this summit of the future in September 2024, which is the thing that's coming up under the Global Digital Compact and is the thing that we say the technical community is kind of excluded from unless we go along with civil society, which we're perfectly happy to do. Thinking outside the box, one thing we could do, just sort of before that, if we got our act together, is organize our own

summit from a technical point of view and ask bunches of governments to come along to that and have a listen to us talking about the summit of the future from a DNS, technical, whatever you want to call it, point of view. Just a thought. Thanks.

ALEJANDRA REYNOSO: Thank you, Chris. And I see we have a queue going on, so it will be Tatiana, Bruna, Jordan and Desiree.

TATIANA TROPINA: Thank you. Just briefly answering Paul's question. Paul, I actually don't see immediate threat to ICANN right now in terms of GDC and all this process. But the absence of immediate threat, you know, it's not like black and white, tomorrow something will be adopted and governments will walk away and go to the ITU. But to me ICANN is not operating in a vacuum. ICANN is able to operate exactly because governments lend legitimacy, because the international community accepts this, because there is trust. So how I see it, I see this scenario about the ITU rather unlikely, although it can happen. The way I see the threat is that this entire process erodes the trust, erodes the frameworks that we rely on. You know, the worst enemy of any trust—and DNS and all this governance is based on trust. DNS is not imposed by any government, right? Complexity is the worst enemy of trust. Once we start adding layers after layers after layers into all this governance, it might just erode over time. And at some time there would be a tipping point where ICANN role is diminished to the extent that this becomes obsolete, this becomes unnecessary. Governments walk away, other parts of communities walk away. Governments start severely regulating

ccTLDs, gTLDs on their territories, and we've got this fragmented regulation. DNS might stay, but the way we operate and make policies might not. I don't know if this answers your question, but I think it's more of a looming and complex threat than just yes or no.

ALEJANDRA REYNOSO: Thank you, Tatiana. Bruna?

BRUNA SANTOS: I'll try to seal this one now. No, I think Tatiana did touch upon the points that I wanted to bring. Like, ICANN's successful model really relies on all stakeholders' participation, including governments. And the evasion of them is problematic to the trust we both have in the system and a vote towards a failure of the ICANN model or the discussions and so on. We have seen them diverting briefly to the ITU or other spaces. Another example could be the discussion about the cyber security treaty that the UN is putting forward right now. But we wouldn't like for this to happen, so any kind of failures is an attestation, both to this model and to the IGF as well. And we're really at a moment where the IGF's relevance is being questioned by a lot of people, and it might be the case that ICANN is the next one. So that's basically why, and why is it so relevant for us to be discussing this and to be reviving why multistakeholder is our choice and how it allows for everybody to be at the same table and discuss and bring expertise.

ALEJANDRA REYNOSO: Thank you, Bruna. Jordan?

JORDAN CARTER:

Just to make a point, again, sort of inspired by Paul's comments, this is a long process with multi-year, multi-decadal timeframes for some of the people who are playing here. So I think that the opportunity now, because they're not processes we can be involved with directly, the point of this consciousness raising is to ask people to connect to their governments. US-based stakeholders are lucky that their government is engaged and knowledgeable about these things, right? Other countries are not so lucky. So that's part of why a global forum like this is a good place to raise it. And it doesn't have to be defensive, because it's also about saying we've found a way to solve problems here that's quite cool, by actually bringing all the affected stakeholders together and arguing through to solutions that can work and that have some enduring support among the stakeholders affected by them. So one of the gifts we can give to this GDC process is highlighting that process as a way to tackle other hard problems, maybe beyond the scope of the DNS. But we can only give that message out if we're coordinated and active and connected to these things. So that's one of the reasons why I'm interested in us talking about it here and going out from the ICANN environment to connect to the key players in these debates, which are the governments.

ALEJANDRA REYNOSO:

Thank you, Jordan. Desiree?

DESIREE MILOSHEVIC: Yes, I would just like to add a couple of things, and that this Internet Governance Forum that is also now being questioned has been a compromise reached at the end of World Summit of Information Society in 2005, where we have a forum for public discussion of policy and where all these challenges are discussed by different stakeholders. And the UN Secretary Policy Brief No. 5 is actually mentioning a new forum, Digital Cooperation Forum, which brings into question all these years since 2006 of the effort and the community that has been built around the IGF to address different issues from connectivity to diversity, IDN. There are multiple sessions that our stakeholders here from ICANN participated in, in parallel to ICANN processes. And that is being questioned, and as Bruna has mentioned, we're talking about IGF+ as something that governments support, and that's an idea that we really need to build. And we have about two years, or maybe a year before September Summit of the Future, which is already announced. And with that, I would just say that UN Assembly rules do not allow participation of technical community and expertise, civil society, it's just governments at the table who do not, as Tatiana's remarks, understand some of the complexities of the challenges and benefits of the multi-stakeholder model participation.

ALEJANDRA REYNOSO: Thank you, Desiree, Stephanie and then Anne. Stephanie?

STEPHANIE PERRIN: Thanks very much. I just wanted to follow up on some of the things, and Desiree just said some of the things I was thinking of. I think one of the problems is, and I'm sure Paul was somewhat facetiously asking his

question, but a lot of people don't seem to understand that this was more or less a gentleman's agreement – apologies to all the ladies in the room, but it was gentlemen at the time – that ICANN would even exist, right? And there was a failure on the part of governments to understand the complexity. I was in government at the time, and I think people were just happy to let this thing happen, you sort out the technical bits. But there's a failure to appreciate, and we undersell it at ICANN, how difficult some of these agreements are. I mean, we spent this morning moaning in the GNSO meeting about how hard it is to get anywhere and how slow we've been over COVID and yada, yada, yada. But it's a miracle we get anything done, really. And I always compare it to the cybercrime treaty. Not much progress there, folks. So we need to make people appreciate the job that ICANN does, whilst upping our game, in my opinion. And I think that's a tall order. I understand that the wise ones on the other side of the table don't think this is imminent. The problem with the ITU is once the little old wheels get grinding in a particular direction, good luck stopping them. We had a nice chat the other day about settlement rates. I was shocked to find out how long it took to get rid of the settlement rate fight that was going on at the OECD when I was there. So if this thing gets going, it's very bad news. So an ounce of prevention is worth a pound of cure. We need better education about the work we do. Thanks.

ALEJANDRA REYNOSO:

Thank you. And we have Anne.

ANNE AIKMAN SCALESE: Thank you. And what I'm hearing is that we need to arm governments with talking points about successes that can be reported out of ICANN. And sometimes I think that our focus internally on the multi-stakeholder model and just talking the model up itself isn't what really reaches others. That in fact, we need marketing on whatever successes we can report. And that those need to be concretely explained with elevator speech or, in other words, let's get a list together that arms governments with, you know, here's what we're doing. And I will say that when we take the long-term view, I think applicant support is going to be extremely important and we need to be very sure about what is getting done there. Anyway, marketing points to arm governments.

ALEJANDRA REYNOSO: Thank you very much, Anne. And yeah, well, that sounds like a very good idea. Pablo.

PABLO RODRIGUEZ: Thank you. Something that comes to mind is that while ccTLDs and TLD operators in general tend to have a good relationship with their respective governments, not all of them do. So how can you penetrate that particular barrier? With respect to that question, it seems to me that one approach could be to expand this circle a little bit more and include regional organizations that can speak on behalf of a group of ccTLDs to a group of governmental entities and educate them. Everything that has been said here, but who is that channel that can bring that message? So regional organizations, Internet Society, their respective Internet Society chapters can also help out with the ccTLDs, with the TLD, other TLD operators, and as a common goal, find a

common goal and reach out to the particular governments. So that is something that I'd like to put on the table and to consider to expand this circle and include them as well in the conversation.

ALEJANDRA REYNOSO: Thank you, Pablo. Desiree and then Sebastien.

DESIREE MILOSHEVIC: Thank you, Pablo, for these constructive comments. I think when we were putting together this session, we were also wondering what to do after this session. And the engagement with governments is key, and you mentioned ISOC chapters, other regional organizations, but we really need to look within our own forum what we can do, whether we can have some kind of continuous conversation between ccNSO and GNSO councils, invite members from our GAC perhaps to participate, and yeah, these are some of the options we can consider.

ALEJANDRA REYNOSO: Sebastien?

SEBASTIEN DUCOS: Yeah, just a quick and surely a naive comment, because I know very little about this world, and thank you, Desiree and Bruna and everyone for leading this on our side. But I have been an IT professional all my life, and I know that we are extremely bad at communicating and marketing what goes well. We always go back to when things break down. We always look at the things that don't. It's in our nature, it's the way we work, but we don't pat ourselves on the back for what works. And the

reality is the world would not work the way it does today without the Internet. We're not solely responsible for it, but we have a good part to play in it. And we forget to pat ourselves on the back, but we need to pass that message also, because we're not doing all that wrong, otherwise it wouldn't work at all.

ALEJANDRA REYNOSO: Chris?

CHRIS DISSPAIN: Thanks, Ale. I just wanted to pick up on Anne's point, because I absolutely agree, and Sebastien, you're right. I think we can say pretty much 100% we weren't responsible for COVID, but other than that, we're always responsible for all the bad things just as much as the... But I agree with you, especially about reaching out to governments. It's very, very important. There's just one tiny little challenge sometimes, and it's being indicated all the time at ICANN at the moment, which is governments don't always walk their talk. You have plenty of examples in the UN context of governments putting their names forward to lead the Human Rights Commission, who we would consider have an appalling record on human rights. We have governments in the GAC who will tell you that they are 100% supportive of the multi-stakeholder model as long as we do what they think. They won't say that bit. That was me that said that bit. If you don't do it, we'll legislate around you to make sure that you have to do it. So we do have to be careful to pick your allies and pick your battles and pick what it is that we're going to sell, because it's a selling thing. But also to remember that there is power in really effective small numbers. You don't need to have

hundreds of governments or dozens of governments. Six or seven or eight or nine really powerfully briefed governments can be incredibly effective in environments like the UN, because they can whip up a storm, so to speak, and pull the rug out from underneath those governments who are simply bleating the same bad things they've been bleating for years. But it's a very complicated environment. I hope that's helpful.

ALEJANDRA REYNOSO: Okay, we have a couple of hands more. Bruna and Stephanie, and I think we might be ending the queue over there.

BRUNA SANTOS: No, just be super brief and support the idea of us keeping a conversation about this process, because engaging on it has been difficult, not just for the technical community, but civil society as well. I've been helping, trying to engage with some member states' missions for two years now, and the discrepancies in the information and the lack of proper and relevant stuff that we needed to be receiving in order to properly engage in this. It's very appalling in a lot of ways. We heard about the deep dives weeks before. We were cut out of the deep dives, and then member states only could speak in the last one. So it is a hard process to engage on. So we definitely need some kind of increased alliances, and just so the relevant things are not dropped behind. If we compare the roundtables prior to the roadmap and what's being discussed now, it's a completely different discussion. In a lot of the points we talked about, the relevance of multistakeholderism, the IGF fragmentation, now we don't even mention some of those things. We

don't even mention the relevance of privacy or digital rights or anything like that. So this level of alliance and strategic ones is what is going to be able to keep a good engagement for all stakeholders in this discussion. So I just support this idea.

ALEJANDRA REYNOSO: Thank you. Stephanie?

STEPHANIE PERRIN: Thanks very much. What I'm about to say doesn't sound like I'm very respectful of government. May I say that I spent 35 years in the Canadian government, and I loved it, and I have great respect for them. However, here comes the however. This is a big, complex problem, and governments may think that because the ccTLDs work so well that it's easy, and that that's all there is. It is much easier, may I say, with all respect to you guys, that it's easier to run a ccTLD in your own country than it is to manage getting agreement in this particular multistakeholder organization with warring big companies and little companies and ccTLDs taking part of your market, and you know, you get the idea. So the challenge from a communications perspective, and I do agree that engineers, they've always got their eye on the next bug, right? You need to make this look very unappetizing so that governments don't take it on, whilst at the same time claiming the wonderful successes that we've had, and that's a communications challenge. And if this were a company and I had a budget, I'd say get a really good crack communications team in here working on that, because it's challenging. But I think that's what it's about. I occasionally give lectures to students. There's internet governance courses

everywhere, but they aren't great, and people don't have an idea of the history. They're missing key facts. For instance, they don't understand that this was kind of a gentleman's agreement and that the governments could take it back at any time without really knowing what they were getting their arms around. And I would also say that they don't want really to be engaging with civil society, but good luck getting civil society out of this right now. And that's a very important selling point. So I'll just leave you with that thought.

ALEJANDRA REYNOSO:

Thank you. Thank you very much, Stephanie. Thank you all for the great conversation. I think we do have some homework to do, some thinking to do. Maybe we should get back to our own groups and see what we can, how can we move forward and what marketing strategies we can do, and yes, keep the conversation going among us. We don't necessarily need to wait until the next ICANN meeting. We can talk in between, and maybe why not have a plenary on this on ICANN 79, because this is something that it's not just ccNSO or GNSO, but the whole community, and I'll leave you with that thought.

With this, I would like to pass to the next item on our agenda. It is the updates of activities from the ccNSO and the GNSO. For this, I will hand it over to Sebastien.

SEBASTIEN DUCOS:

Thank you, Alejandra. I'm not going to make it very, very long, but there were some questions I understand from your side on how we work out the triage of our work, and I just wanted to give you a view and

understanding very briefly, and then we'll go into more details of some of the work Paul will detail on SubPro and specifically. So I've been on Council for four years. When I joined Council, everybody was still traumatized about what they called the scary spreadsheet, which I personally never got to play with, but which was this big ginormous Excel sheet where everything was listed and that everybody was scared of opening because they thought it would break and so on and so forth. And with much work as part of PDP3, the PDP3 work also, but to a very large extent, good work of Berry Cobb, who's hiding in the corner over there, but I can see you. We -- or he, and then to our benefit, were able to obtain a suite of tools that allow us through Gantt charts, through other means, to not only project the work that we have to do and time it and etc., but then also present it in a way that is digestible by people that are essentially not project managers and not readers of big ginormous Gantt charts. And so we went through the process of producing all that information with many iterations, feedback from Council, again, feedback by non-project managers saying, "I need to see it like this. I need to see it like that." And Berry's enormous and tremendous amount of work. And these things are now updated continuously. Every month we have an update of the -- I have in front of me, the action and decision radar where essentially everything that is on the agenda for the next month rotates to the top and then we see what needs to be done in the next three months and so on and so forth. And this month it happens to be an ICANN month so we have a bit more to do. But even though we have only two -- only -- we have two PDP running right now, there's about 15 items between the reviews that we need to look at, between the reports that we're going to get this week

from the different liaisons, between all these things and we see all this appearing.

Now there's no magic. I think that Berry wishes there was, but there's no magic. Producing all that information is useless if people don't look at it. We went through a year or two of actually spending 15, 20 minutes every month going through those items, re-showing and teaching people how to do it. We came to at some point a realization that maybe we didn't need to spend that much time on our calls, two hours every month, 15 minutes is significant. And then asking counselors to be grownups and to go and check these things by themselves and raise their hands if there was any questions. I have to say that I don't hear many questions, which either means that everything is absolutely crystal clear or that people don't spend the time they need to look at it in detail. But in general it works. It does alert us when things are coming and etc. I don't want to put you on the line, Berry, but if you are seeking and looking for things in that regard, I would at the very least very much encourage you to have the discussion with Berry, who's got his hand full on many of the projects, but at least can give you pointers. Again, I don't have the experience of the previous. I'm looking at you, Tatiana, for example. I'm looking at you, Marie, who lived that world and who were both shaking their hands heavily when I mentioned it because you still have PTSD about it. And so this is an effort that we've presented earlier this year to the board because there were some questions because we presented it in our retreat in December last year to our board liaisons. And they said that's very interesting. We should show it. And I think that Berry is working on a version of essentially the same flow because what we do then at some point goes back to the board and may come back

to us. So they're part of the sort of the next table on the flow. And so to try to build that next iteration of it. Interesting for us too also because up until we went there, there was a certain lack of visibility when it was off our table, what happens to it afterwards. And to come back to the previous discussion and the discussion that we had this morning, one of the frustrations for the GNSO is to see a lot of our work being done and passed on to the next part of the parcel and not seeing anything coming back or seeing things coming back way too late and so on and so forth. At least with this, you get to see what happens because obviously, again, nothing happens in a vacuum. It's not like the board is not moving on anything. They have a million other things to do. And being able to see the big picture for them too is important for us to understand what's happening to our work.

With this, so very briefly, we have two running PDPs these days. One that you are very aware of because it's the IDNEPDP on variants and we've been liaising with you. We have people mutually on each other's working groups and etc. So I'm not going to go into great details because I'm not quite sure that it was communicated since but when in DC, we had to give timelines on our work, this was a PDP that was officially scheduled to finish in 2025 even though they gave us very clear indication that they might do better, re-forecast and do better. And they have indeed confirmed that they will finish their work, everything published and ready to be passed on to implementation in October 2024. This meant a fair amount of effort to reschedule their work and for -- this is the second ICANN where they have a meeting almost every day. Actually not. At this point they had two meetings and one day and then they will have one later. It means that we are investing in that effort

also by sending them on a retreat. It will be in Asia because most of the group is from that region. It will be in Malaysia in December because we want to see this done. Also because it was agreed, consensus is that it should be done before next round gets opened and we are all absolutely eager to work on the next round. I will let Paul go into more details for that.

The second PDP that we have is probably one also that would be of interest to you even though the way we work are a bit different obviously, is the transfer PDP which is a review and deep review of the transfer process. One because it was time to look at it again. And two obviously with all the changes, I don't want to use the word disruption but I can't find any better, by GDPR and the change of the data that we handle which was a key notion in terms of transfer obviously because you are passing again a property for somebody to another or from a registrar to another and wanted to make sure that all that happens even though we have completely changed the way we share that data. And that policy that doesn't have an implication directly on next round, general operation policy is also running its course quite quickly and smoothly.

With this, we have many other working groups. We talked this week about the RDRS that connects with what you all do individually if you are under GDPR to have to reopen your data under request and we are handling that. We are going to start looking also at privacy proxy possibly as part of the discussion this week what will we do with this because it has a direct implication on that. And then last but not least, we have the absolutely enormous work to be still done on SubPro and that is, as Paul will describe, working on the recommendation that the

board wasn't able to vote on in Cancun and you have got it all squared out, right? That's the news. And then obviously the IRT which is not a GNSO process per se, it's an ICANN org process in which we are all very involved and very active too. With this, Paul, do your magic.

PAUL MCGRADY:

Thanks. Paul McGrady here. Just at a very high level, first of all I want to say hello to my old GNSO council friends Tatiana and Olga. We miss you. Yes we do. Yes we do. So just at a very high level, the board put several of our recommendations coming out of SubPro into a penalty box for lack of a better word for you hockey fans. And we had to figure out how to get as many of them out of the penalty box as we could. So we did a triage exercise as a council small team and we identified a pretty big chunk of them that with a little bit of clarification we could send them back to the board and the board was signaling to us that with those clarifications they were prepared to pass them on to implementation. And so we've done that in two chunks, one a bigger chunk and then we did just a slightly smaller chunk just recently on what are the PICs and RVCs, the public interest commitments and the registry voluntary commitments. And so that clarification statement now sits with the board. As a result there are a handful, four or five themes, more recommendations in terms of the numbers but four or five themes that remain. One is still with the board, they've not rejected it yet. It has to do with having an appeals mechanism, an appeals process and that one's kind of in limbo until the board either decides to accept it or reject it. If they reject it, it will come back down and we'll need to deal with that.

In the meantime, of the ones that we have, three or four items that are there, three or four of them are fairly technical. They have to do with exemptions to this process in the contract or that kind of thing. It's not that they're not important, it's just that they're fairly technical in nature but we still need to either figure out how to get the board to un-non-adopt them, right, either through a supplemental recommendation or some other process. But the one that really frankly is getting much more community attention is the recommendation on applicant support. We were told that the recommendation that went to the board was a little too prescriptive and there is hesitancy for them to write checks to anybody before an applicant's approved. But of course as most everybody in this room I suspect has either started a business or been in an early stage of a business or at least has an aunt or a cousin that have been in that process, when businesses need help it's at the beginning, right. They need legal advice, they need business advice, they need technical advice. I just started a little law firm after years and years in a big law firm. I've got to tell you, we had to hire a fractional CFO because I don't know what I'm doing and neither does my partner. We didn't want to go to jail, right. And so as a practical matter, the assistance, the more you can get up front the better. We understand the board's concerned about opening the checkbook and being indiscriminate. But on the other hand, I think there's a lot of momentum within the broader community. I've yet to hear anybody say applicants should get less support or we're not for reaching applicants that otherwise can't participate in the ICANN process. Everybody seems to be rowing the same way. We just have to find a way to not only deal with the recommendation itself which I think will end up tweaking just a little bit but also making sure that we are able to sort of put into a nice tidy

capsule all the various ideas that are coming from the community. And so for example we have some thoughts from the ALAC, we have some thoughts from the NCSG, we'll have some thoughts I think from the IRT ICANN staff. And so the question then is how do we deal with that recommendation and the three or four others that are perhaps more technical and the appeals one if that happens to come back down. And so, you know, the GNSO is a pretty great place. We have some reasonable smart people there. But we also know that we don't know everything. And so that council small team is now going to be expanded and it is what we're calling the small team plus and we will be sending out invitations to all the various, you know, stakeholder groups and constituencies and various chunks of the community asking them to identify their very best topic leads on the various topics. So maybe topic A holds no interest for somebody but topic B holds a lot of interest for somebody. And so you guys will be getting this invitation to send somebody for topics. And so we may end up dealing with four or five of you by the time we're done depending on your interest level on a particular topic. But we're asking our other friends in the community to help us come together, think all this through and then send something back up to the board that basically we're able to say this isn't just some small team of the GNSO council talking or this isn't even just the GNSO council talking although in my personal opinion I think that should be enough. But this is the broader community once again affirming that, you know, it wants its views to be heard by the board. And I want to make sure that I say this. The Board, I think what they're doing is not necessarily unreasonable. I just think that sometimes they need to hear it again. And so we're hoping that maybe if they hear it again and we're able to supplement our recommendations in a way that make them

easier for the board to handle based upon how they do their work, we may get a better result and hopefully get the last of these things through, off to the IRT team and so the next round can open. As we heard today, there's pressure on ICANN to perform, right? And getting this next round up and going, you know, this is essentially the only product that ICANN sells so we should open the store, right, if we want to take some pressure off the multi-stakeholder model. So that's the goal.

So here's my commercial to all of you, which is send us your very best people. Identify the person, like, you'll get a list of the topics. You'll get a list, you'll get the work plan so you'll know approximately when each topic will be discussed so that everybody knows they're not making a commitment for life. They're making a commitment for three or four weeks, right? But send us your very best person for that topic and they can help us all think all this through and we're asking all the other members of the community, the very broad community, to do the same thing so that we end up with a good work product that's well thought out and that the board hopefully will be able to say, "Okay." I am open for questions.

ALEJANDRA REYNOSO:

Thank you very much. Any questions? Well, thank you very much for that update. And from the ccNSO side, we have Irina. Please.

IRINA DANELIA:

Thank you very much, Alejandra. My name is Irina Danelia and I'm ccNSO councilor and also a member of ccNSO council triage committee

led by Jordan and tasked to triage and considering incoming requests for ccNSO. And in 2022, the mandate of the committee was expanded also to balance their workflow against resources available and to monitor existing works and commitments against the deliverables. And in order to implement this effectively, we developed a strategy on one page document which basically describes goals and purpose of ccNSO and it is really a one page document. And then we discussed the prioritization of the approach and then we developed a work plan for two years. And so this is a kind of portfolio of ccNSO activities built around their -- its strategic goals and which is also reviewed quarterly by the triage committee and we advise to the council on whether there is a need to add their new activities or tasks and whether we are on track in progressing to implement actually these activities.

So the first strategic goal for ccNSO is definitely global policies development in order ccTLDs have policies which are suitable for them. And in this direction, we have one policy development process concluded a year ago which is policy on the ccTLD retirement and it is currently in the -- coming into implementation mode. Another policy is regarding CC -- regarding the review mechanisms related to the decisions that AFO takes in relation to ccTLDs and this policy -- the work on this policy is done on the side of the ccNSO and it was brought to the consideration of ICANN board and ICANN board initiated the public comment process which just finished. So we are looking ahead its approval and then it will be definitely time to work and to assist ICANN if needed in implementation of this policy.

And by the way, we got a good lesson learned from the retirement policy consideration by board because it took a little bit longer than we

expected but now we are dealing and interacting, communicating practically with the ICANN board to make them aware that this policy will be delivered for their consideration and so to make sure they are prepared to consider it in a reasonable time frame.

The next policy which is currently an ongoing work is PDP4 on IDNs and it was just mentioned that it is developed in coordination with GNSO EPDP policy and there is interaction between the two working groups and this policy was just -- the public comment period, initial public comment period on this policy just finished so the working group will discuss the comments and decide whether the adjustments to the policy are required. But anyway, I believe the time frame to complete this work is somewhere in 2024.

So with regard the second strategic goal of ccNSO to serve as a global platform for ccTLDs to share information and exchange their ideas and achievements. We have a number of various committees created in ccNSO dealing with different matters like technical working group or internet governance working group and we have very active DNS abuse standing committee which was created about a year ago but already did a very good job surveying the practices ccTLD have with regard to DNS abuse and they run a session at this ICANN meeting to talk on the metrics and which can be used by ccTLDs. And we have newly created universal acceptance committee working group which was just approved by council in September and is starting its work and I believe there is also space for potential interaction and exchange of views and ideas.

In terms of the second goal of ccNSO which is ICANN contribution, we are preparing ourselves to review and comment on the ICANN operating plan and budget for the next year and also to participate in the strategic planning for the next five year and there is a task of the strategic operating and planning committee of ccNSO but also other individual registries and members will definitely be involved if they decide to. And definitely we are looking ahead at the upcoming holistic review. We don't know when it happens, but it should be one of our focus points in the upcoming future. And in terms of foundational activities which are necessary to be done by any supporting organization, we just kicked off yesterday the exercise on the continuous improvement framework which is again implementation of the recommendation of the work stream two and we started discussion what it would mean for ccNSO and how we should approach this. So with this I would like to stop. I don't know if any of triage committee members wants to add something.

ALEJANDRA REYNOSO:

Thank you very much, Irina. I see that we have just about six minutes left. So I would like to move with Sean to let us know on the new activities and the session formats that we are ongoing in the ccNSO in like three minutes or less.

SEAN COPELAND:

I'll do it in like a minute or two. Sean Copeland, council member and chair of the GRC committee that is our internal rules and procedures within the ccNSO. So as Irina was saying, yesterday we were doing a session on continuous improvement and the GRC, we actually hosted

that. And in an attempt to get more involvement, we decided to do an open space technology session. I don't know how many of you guys have done that. But what the intent was, was to get obviously more people involved. You know, we understand that many of the same people show up time and time again and contribute. And we want to get new people to contribute. Surprisingly, we actually got a number of people to come out. We had about 35, 40 people in the room first thing yesterday in the morning. We had ICANN volunteer staff help us out. And I would like to say that I think that it was overall very successful. The people involved basically set their own agenda in terms of continuous improvement, which is a little bit different. And everyone rose to the occasion. So I would suggest to people over in the GNSO that it might be something to look at within yourselves and also something maybe cross community. And then really quickly, we are also doing a second experiment, if you will, in eliciting more involvement. And that's going to happen on Tuesday when we are doing something called the World Cafe, which is a different type of format, but still kind of relies on the creation of a living agenda by the participants that are in the room at the time. And we're looking forward to seeing the results of that as well. Thank you.

ALEJANDRA REYNOSO:

Thank you very much, Sean. So with that, I would like to go to our last topic. And I will just bring a summary of it, is reflections on bylaw changes. And this is something that we would like to bring to your attention because we are discussing this topic with the board later this week. And it is that we at the ccNSO have a little bit of clarity on a process or what the process is once we request a change for a bylaw

and the format and the timeline or the time frame on how that happens. And in particular, there are two instances that we do together with you. For example, when the CSC review ended, there was a recommendation of changing the frequency of these reviews. And we sent a joint letter to the board requesting this change. And we haven't heard back. So we don't know what's the timeline or when or what will happen after that. And the other was on the IANA functions review, also frequency. During the public comment period, we added it as a comment. And in the report, it said that it could not be dealt with right then and there because of the scope of the public comment. But now we don't know the next steps. As in, it cannot be dealt then, but then when. It's more to seek clarity on this and to see if we can help in developing such a process. And that's what we wanted to tell you about on it. And I don't know if you have any comments on that. Greg?

GREG DIBIASE:

So, yeah, I was assigned to respond, but I'm not sure I have a good answer. As far as I know, bylaw amendments are initiated by the board and we can prod them, encourage them with letters and things like that. But maybe someone on council has a better answer than that. Anything more for me?

ALEJANDRA REYNOSO:

Thank you, Greg. But we have Sam in the room. And maybe she can say something to this topic. Thank you.

SAM EISNER:

Hi, everyone. Sam Eisner with ICANN Legal. And thanks, Alejandra, for bringing this to the attention of the board. I think it is helpful to get some clarity on it. I know one of the issues that was causing some lack of clarity was the lack of action on the CSS effectiveness review. On that one, I think I'll just give a big *maya culpa* on behalf of ICANN org. So whenever things happen about bylaws, they hit my viewpoint. I only found out about it because of the question. And so I'm doing some digging to see why it never quite hit the group. But we'll start working on that one. But typically, you know, so we have instances where bylaws changes are identified as needed. And so like the ccNSO a couple years ago identified its path for changing the definition of membership. And so the ccNSO reached out to the board and said we need to change our bylaws to do that. And so for instance, because it was the ccNSO and it was about their own bylaws, the bylaws that impact you, we started working on it. We worked with the team, developed the appropriate bylaws, put those out for public comment. And so if the GNSO, for example, had similar changes that you wanted to make that impacted the GNSO specific portions of the bylaws like we've done for PDP annexes and that, right, that's how it happens. There are times when recommendations might be more expansive, right? So on the CSS effectiveness review, you know, understanding now what happened, right? So the GNSO and the ccNSO councils both approved this report and were supportive of the bylaws change. So that's a group that's fully empowered to work on that. The other example, though, on the IFR is the ccNSO raised an excellent point about the cadence and the sufficiency of the cadence as we look to launch that new one. There was also a competing comment within that, within the public comment that

said the IFR should happen more frequently, should happen every three years as opposed to the time of the other.

So we don't want to use bylaws processes themselves to have that conversation. So then we think about, okay, what's the next step for that conversation? So what we've actually done with that is we are, we have that on our list to brief the next IFR team and say, IFR team itself, you talk about that, come to us with that recommendation, and then we'll work on what it should be. So that is something that has a new home, but you want to think about in terms of bylaws changes, who's empowered to act on the changes? So if the GNSO said, ICANN board, please change the bylaws for the ccNSO. From the legal side we'd say to the board, don't touch that. We would say, you know, board, it sounds like something you should say back to the community, looks like something you guys should work out amongst yourselves first. We're not going to impose changes on one part of the community based on the request of a different part of the community. We also would look at, is there an existing process within ICANN that that could come up from? Sometimes there's not, but then it's just the point of saying, okay, so this is an area where the community could differ, have that conversation, and then tell us what the bylaws change should be. Don't use the bylaws change process itself to have the discussion about competing viewpoints. So in the end, what we'd like to see is, send us the letter. Send us the letter saying we need the change. If it's something that you can talk to your other communities about, if it's something that might need to show some coordination, try to have that conversation, or tell us you need help having that conversation, and we'll figure that out. But it should happen more quickly. I think that the

CSS effectiveness review issue is something that really is an anomaly. Now that it's on the radar, now that it's on my radar. We'll be working on this, right? This won't be too hard to get up, right? Looks really straightforward. We'll do the public comment process. So the board then initiates. We take the issue to the board. The board initiates the bylaws change process by asking Org to open a public comment. We have the public comment. We review it. We analyze the comments. Sometimes bylaws changes don't go through. We saw that on the NomCom review that a portion of those bylaws changes were not moved forward. But then the board takes the action, and then depending on where in the bylaws those reside, if it's fundamental or standard, we then fall into that empowered community process before it becomes effective.

ALEJANDRA REYNOSO: Thank you very much, Sam, for the clarification. And I think it will be a - we will still talk with the board about it, but thank you for the summary already. I appreciate it. And we are running over time. So with that, I will give Sebastien the last words.

SEBASTIEN DUCOS: Just thank you very much, and goodbye. Indeed, I'm already missing my next meeting.

ALEJANDRA REYNOSO: Okay. Let's run. Thank you very much.

[END OF TRANSCRIPTION]