
ICANN79 | CF – Joint Sess ICANN Board and NCSG
Monday, March 04, 2024 – 1:15 to 2:30 SJU

FRANCO CARRASCO: Technical team, please start the recording. Hello, my name is Franco Carrasco, and I am the participation manager for this session. Welcome to the joint session with the ICANN Board and a Non-commercial Stakeholder Group. Please note that this session is being recorded and follows the ICANN Expected Standards of Behavior. Interpretation for this session will include English, French, Spanish, Chinese, Russian, and Arabic. Please remember to state your name for the record and the language that you will speak, if speaking a language other than English. Please also speak at a reasonable pace for the interpreters.

This discussion is between the ICANN Board and the NCSG. Therefore, we will not be taking questions from the audience today. All are welcome to use the Zoom chat. Please note that private chats are only possible among panelists in the Zoom webinar format. Any message sent by a panelist or a standard attendee to another standard attendee will also be seen by the session's host, co-host, and other panelists. With that, I will now hand the floor over to the ICANN Board chair, Tripti Sinha.

Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.

TRIPTI SINHA: Thank you, Franco. Well, this is the second of our bilateral meetings today. We're very excited to be here. And from the Board, Chris Buckridge is going to chair the session, so I will turn it over to him. Chris?

CHRIS BUCKRIDGE: Thank you very much, Tripti. Yeah, so my name is Chris Buckridge. I'm sitting in the Board seat appointed by the non-contracted parties house, so I'll take over sort of running this session, engaging with the non-Commercial Stakeholders Group. It's my first time doing this, so looking forward to the collaborative experience here.

I would pay tribute to my predecessor, Matthew Shears, in this seat, who has left some very big shoes for me to fill, but it's been a very enjoyable time so far on the Board, and also engaging with the Non-Commercial Stakeholder Group, and thank you for your efforts there. We have a number of topics that we do have to discuss today. There was a bit of overlap with what the Board asked and what the NCSG asked, so we've done a little bit of merging there, but I'll hand it over to Julf and allow you to take us through some of the questions there. Thanks.

JULF HELSINGIUS: Thank you, Chris. This is Julf Helsingius. I am the chair of the Non-Commercial Stakeholder Group, and for the interpreters, good luck with trying to deal with bad English spoken by a Swedish-speaking Finn who's been living in Holland for too long. My apologies. Thank you, Chris. I'm really happy to see you, having taken your seat with a very

quick startup to really get up to speed. You have done a great job there, thank you.

So, yes, we have traditionally, there's been some variation in how we've been dealing with this, and in the Hamburg meeting, we had a lot of questions and pretty much all time was taken over by those questions, so this time we decided we really missed the good old times when we had more informal discussion with the Board and could have a proper exchange, so we tried to minimize our questions, so we only have a few questions and hopefully more time for actual proper discussion. So, let me start with our first question. We know that there's a risk assessment done routinely on-Board resolutions, but we are wondering would it also make sense to have a lightweight human rights impact assessment on those resolutions?

CHRIS BUCKRIDGE:

Okay. Thanks, Julf. So, I think for answering this question, I think Tripti was going to, no, it was, okay, Jim, you're going to take it first then, as chair of the Board risk committee, I believe, in the role there, so thanks, Jim.

JAMES GALVIN:

Thank you for the question. As Chris said, Jim Galvin, for the record, I think the first most important thing to say is that the Board, along with the org, of course, are very supportive and very much aligned with taking into account human rights issues, especially with respect to our human rights core value framework. I think that as part of that, it's important to know that we always look at human rights issues as part

of any ordinary resolution review, so the notion of a lightweight human rights impact assessment sort of caught us a little bit off guard, thinking that what would that really mean and what does it really turn into?

I mean, I think I'll say, too, that certainly the Board would always benefit from comments from the community to the extent that the community has particular concerns with respect to human rights on any resolution or recommendation it wants to make, then it should include that in the rationale that it's submitting to the Board to call it out so the Board pays extra attention to that, but other than that, it really is sort of setting up here to turn the question back around a little bit. If there's more that you could say that you were looking for here or if, the response that I'm given sort of answers your question. Thanks.

JULF HELSINGIUS:

Thank you, James. I wonder if Farzaneh, would you want to address this?

FARZANEH BADIEI:

Thank you, Julf, yeah. So, human rights impact assessment has been done for the past 20 years in the tech industry and you can have like rapid human rights impact assessment that you look at a framework that is like out there for free and then you look at the decisions and say, okay, so does this have like a human rights impact or not? And then it's a yes or no question. If there's no human rights impact, then you just say that there is no human rights impact or if there is, there could be human rights impact, you mention them.

We have human rights impact assessment experts at NCSG that can look at the resolutions. One of my hobbies is to look over your resolutions and see what sort of decisions you make that could have potential human rights impact. And we are not saying that all of them could have or we are just saying that consider that like when you make decision, for example, if there is a resolution on confidentiality of the request of the law enforcement to access the registrant data, if you are making a decision like that, I'm not saying that you have, but hypothetically, if you make a decision like that, then maybe looking at it from a human rights perspective would be good. And we are not saying that don't like do a human rights impact assessment and then and then make changes to your decisions. What we are simply saying that would be like later on when we troublemakers will tell you how to change the decision. But just the fact that like you look at it and you say yes, there are possible human rights impacts.

TRIPTI SINHA:

Thank you, Farzaneh and thank you all for the questions. So, as Jim was saying, it is very important, human rights is very important and the Board would really benefit from some bottom-up information that could come up to us because we're aware that this discussion is occurring in your community. So, some kind of bottom-up understanding and assessment that comes to us in the form of advice or potentially policy of some kind. And what we would do then is balance that with our mission and our values and other commitments. So, it's a very important topic. Now we do this today in an informal way. It's on our radar. I don't want you to think it's absent, it isn't. But I think formalizing it in the form of advice would be really good and bottom-up

so we know everyone's had a voice at the table and been able to share an opinion on it.

MANJU CHEN:

This is Manju Chen. So, actually I think we had, so I am the NCSG representative on the GNSO Council and I'm also the chair of the CCOICI which is Council Committee on, let me try, Continuous Improvement and Implementation probably. And this, speaking of this, actually we did have a recommendation to the GNSO Council to include a checklist of a simple list of questions and every issue report or preliminary report of the policy development process to have this lightweight mechanism of human rights impact assessments. And it was actually adopted by the Council already and I was trying to look for the checklist but failed. But I will definitely provide it to like if you're interested. I think it would be a great reference to what we're talking about this lightweight human rights impact assessment. Thank you.

TRIPTI SINHA:

Absolutely, if you could give us that, that would be great. Thank you very much. Anything else from our colleagues on this?

CHRIS BUCKRIDGE:

I think Edmon who's not sitting at the table but would like to chime in.

TRIPTI SINHA:

Edmon, you might as well join us.

CHRIS BUCKRIDGE: There is a seat here, Edmon, please.

EDMON CHUNG: Yeah, Edmon here. So, just adding to what Tripti was saying, and Manju, you mentioned that that list is very useful but how we integrate then that into the Board work is going to be, obviously the Board needs to look at it. One of the things that the Board has been working on the past is the global public interest framework and adding the human rights considerations into that GPI framework is something that the Board will be looking at.

So, that list and if there are others that we should consider and those of you who still remember what the GPI framework is, it looks at the bylaws, it looks at the ICANN's mission and so it frames it within ICANN's work. So, if that list and other things that can feed into that with the human rights considerations in the ICANN bylaws, that would be most useful.

CHRIS BUCKRIDGE: Thanks, Edmon. Jim?

JAMES GALVIN: Thank you. I think from one, maybe a closing comment, although I don't want to cut anyone else from talking, in listening to Farsi and as a side comment I have to say I wonder about how much free time you have given your hobbies but I think that to the extent that a human rights issue has risen to being especially visible, it would be good if the Board would provide, additional insight when it has a resolution as part

of its rationale, if it could say more about how much influence human rights issues had on the decision that it made so that that's visible, more visible to the community that these kinds of things were taken into account and certainly as Manju said, as Tripti said, I'm sorry, we'd love to have whatever insights that you have about what you would suggest in terms of how to consider those kinds of things. So, thank you.

JULF HELSINGIUS:

Thank you, yes. I think this is very encouraging to hear and I will definitely also go back and sort of make sure we give our input and provide it to the Board. Thank you very much. So, to move on to the second point, it's actually related to the engagement session as part of the prep week and we were the group that actually had slightly negative feedback about it. Not so much about the content, we actually really appreciated the sessions and they were very useful and informative.

The problem is that so until now the prep week has been spreading information and especially for us who are geographically very dispersed and completely consist of volunteers, the fact that you could time shift them and watch them whenever you had time and select and pick was important. Suddenly there is actually an interaction session where you have to be there at the time to interact and that actually put a lot of pressure on people so that's pretty much our feedback. We're concerned that there's now, if there's suddenly, we start shifting things that require specific presence in the prep week, especially as we're all really busy trying to get everything sorted out so we can be away a week, it's a bit of a stress for us.

CHRIS BUCKRIDGE: Okay, thanks, Julf. I probably have some of my own thoughts but Katrina, please.

KATRINA SATAKI: Yes, thank you. Thank you very much and thanks a lot for your feedback. Yes, the Board is working on improvement of our engagement with the community and that was one of the experiments we wanted to try and I'm happy to see that it has already generated some ideas, some feedback, some further improvements. First, let me go a little bit back and provide you with some background information. After each and every ICANN meeting the Board looks back and reflects on what has happened and trying to think what went well, what didn't go so well and at some point, we just realized that we need to make it more formal, this process of improvement, continuous improvement, if I may use the word.

So, how can we make sure that our communication with the community is getting better, more interesting for community members and more valuable? This was part of this process and I think that you've all noticed that your interaction with the Board has changed. Every time we try to push it a little bit further and add something else to improve it. This experiment to have it as a part of prep week, well, that was exactly that. It was an idea to try it and the question of course is when and we all are always very busy. It's so hard to find time to carve it out, to make sure that we can interact and therefore we thought that prep week is the time when all our community is getting ready and probably have already set aside time for listening to some updates and other things.

So, yes, that's why this experiment was a part of prep week. On top of that, probably you noticed that notes were taken during those sessions and those notes will be incorporated into the final report from ICANN79, which means that it will include our bilateral discussions, it will include your discussions and it also will include some feedback from the prep week, more notes on the engagement session. Speaking about the idea of prep week, yes, completely true. We all know the saying that I just survived another meeting which could have been an email. Rephrasing it, a long time ago when we had the updates during our face-to-face meetings, that wasn't very productive.

That's why in March 2019, first prep week was initiated and during the prep week we could get more updates and instead of just wasting time during our face-to-face meetings, leaving face-to-face interaction for more discussions and more consensus finding. Again, that's why one more argument in favor of having such an engagement session during the prep week was that that engagement could help us to give maybe some initial thoughts of what can we expect during our interaction face-to-face, so maybe to think about those points that were raised during those discussions and bring them into our face-to-face interactions and have some more additional subjects, topics to discuss.

Yes, so that was the thinking. Absolutely, we can try to do it outside the week but I just gave you some thinking why we thought it was the right time to do it during the prep week. But always, all the feedback, ideas, topics, we really want to hear them for our future interactions because as I said, that's a continuous improvement process and at least we on the Board see it like that. Sorry for a bit long explanation back to Chris.

CHRIS BUCKRIDGE: That's quite all right, Katrina. I do see a few Board flags bumping up and down here. Also, if there are any stakeholder group flags that want to speak to this. Tomslin?

TOMSLIN SAMME-NLAR: Thanks, Chris. Tomslin, I am the NCSG Policy Chair, ask my other heart. I just wanted to say maybe the other thing, I think having the conversation during prep week like Katrina mentioned, it's helpful and something to also think about is probably the parallel sessions might have reduced looking at the issue of volunteers that you've mentioned. Could, if we find that it's really helpful having that session during prep week, it might be helpful if we consider the issue of number of available volunteers in NCSG as well being able to attend the parallel, the breakout sessions at the same time because I think that was also one of the challenges that we had.

I know that other communities said they were able to plan and so they were able to have people who could plan to be in each session, but I think for NCSG, that's usually a challenge for us getting enough people to go to manage each of those sessions. So, something to consider is, and I don't have an answer for that yet, but how we can make it in a way that communities that have an issue of number of volunteers can still have equal participation despite that issue. Thanks.

CHRIS BUCKRIDGE: Thanks, Tomslin. Sally, thank you for your patience. Sorry.

SALLY COSTERTON:

Thank you, and this is such good feedback. I just wanted to, really building on what Katrina said, I just want to add a couple of details. So, the staff team that are supporting this work will do a round-up of all the feedback that we've had. So, we've had quite a lot of different feedback in different ways. We've had some informal, some more formal like we're doing today, some more structured, and this is really a great point. This is the first time I've heard this point, but it makes complete sense. I mean, I know we've discussed it more broadly as an issue for NCSG volunteers participating, but there will be other groups in ICANN, you're right, that will have similar challenges.

So, you're talking, we're talking here about broader things. How far in advance do we promote the session? How early do we give awareness of which subjects we're going to talk about? Gives you the maximum amount of time as the community groups to talk to your members and find out who's interested and to organize people, and one or two groups did that for this call, but probably not everyone because it's the first time we've done it. So, if you have feedback, certainly the support staff team will come to you, but also come to us, we just want to hear that feedback.

So, we'll collect it all up, and then we'll share it back as, okay, here's what we heard, and then as we go through to the next time we want to do this, then we'll obviously be able to factor all these things into, some of them we couldn't conflict with each other inevitably, but it'll give us an opportunity to say, well, okay, this is what we heard, we would recommend therefore we do this, and this, and this, what do you think,

and then we'll have an agreement moving forward. But it's been, thank you so much for the detailed feedback, because the specifics are really helpful in terms of making, helping us to think about what other kinds of options do we have.

DANKO JEVTOVIC:

So, it will be probably ideal if we all had enough time to do nothing in parallel, so, and be everywhere, everything all at once, but it somehow doesn't work. So, I was also unable to actually participate in the prep week, because I was skiing. And it turned out that while doing that, every day I had some meeting, mostly fortunately of them in the afternoon. And I don't remember exactly, but I wanted to be also in this session, but couldn't make it. But just to bring back what we were trying to do, as explained by collecting data, and I was trying also to work with Katrina. So, one of the things we noticed that we are trying to avoid silence.

So, the situation is now we are here discussing, we have community members in the room, but some of the stakeholder groups are not here. So, one of the things that was brought by Katrina first was this report, and I think it was accepted well. But I think it is good that we recognize that most positive thing here is not that this experiment was successful, there are challenges, but that we are still managing to innovate and have new ideas how we can do all better. And, for example, in the previous session with the GNSO, we discussed also about the grant program prompted by the recommendation 7 discussion, but this is also important for other stakeholder groups.

So, that will be in the report. So, the idea of that was to have to move out of the community-based silos into topics. But given that we couldn't place all the topics one by another, it will take too much time, we kind of came to this parallel idea that is explained by you, it's not ideal for some of the people who try to follow everything, and it's not only about these stakeholder groups, it's also about some feedback of that kind is coming from the others. So, we will try to rethink, but in this positive atmosphere or innovation, we also ask you and all the communities to come back with better suggestions. We are there to work, to implement, but we don't have all the best ideas here. Thank you.

JULF HELSINGIUS:

Thank you. And, again, I want to emphasize that we really liked the attempt to try out these new methods of interacting, and the interaction itself was very useful, and we think that was a great idea. It was purely the timing that was our concern, that maybe even if it had been maybe two, three weeks earlier, so we couldn't have something interfered in the busiest possible time for us, it would have worked better. So, moving on to our third question, it's about how, basically about how to react when there are unexpected, almost emergencies that are not always covered by our procedures. So, Farsi, do you want to sort of talk about a specific example?

FARZANEH BADIEI:

Thank you, Farsi Badiei. So, we didn't want to make this about .LB, but it was an example. So, IANA does a great job of handling these issues during crisis and accidents that happen, but we kind of don't know what

is going on, and we kind of like don't get the information about, okay, so now what's happening to the re-delegation, whether a re-delegation is going to happen, or if it's going to be in case of like when the ccTLD is in crisis because of an accident on the technical operator, or in crisis because there is a war in the country, or some kind of like a change in the government, for example, .AF as well.

So, we were wondering if there could be some channels of information that we can be updated on what is happening, where we are at, where the country is at for like finding a new operator, or if they are doing something like that, just to support and also like as a matter of more transparency, especially during crisis. So, if it could be just like a timeline of this is where we are at, like for example, Afghanistan, .AF is stable, the operator is working and is still in place, or if they are not, then it would be good to know that they are looking for somebody, or the ccTLD is not being managed.

So, just because these things that happen when .LB happened and recently .AF, nobody knew what went on, who was, if they were still in charge, like who was in charge of the .AF if they were active, especially after the US, after Taliban takeover. So, we are just suggesting that it would be good to have a timeline, if it doesn't put anybody in danger, obviously, we don't want to, or if it's not intrusive in the internal affair, it would be great to have an understanding that what is the status of that ccTLD, in terms of technical operator, if it's operating, or if it's just, or if we are looking, if they are looking for somebody. Sorry, I went on and on, but that's it.

CHRIS BUCKRIDGE: Thanks, Farzaneh. I think Patricio and Katrina. Katrina, okay, thank you.

KATRINA SATAKI: Hello, that's Katrina again. And probably I will go on and on much longer than you did, Farsi. Well, first of all, let me add some very important correction here. There's no such a term as re-delegation. The term is transfer, and it's according to RFC 1591, and as explained by the Framework of Interpretation Working Group, a final report published in 2014, that was a working group by the ccNSO. No, the term delegation has been around ICANN for years, but it's not in the RFC 1459, and therefore Framework of Interpretation Working Group clearly stated that the term transfer, as referred to in the RFC, should be used.

So, we use the term transfer here. That's one thing. Then now to the essence, IANA does have policies, and here we have to distinguish gTLDs from CCs, because the gTLDs, they also have certain safeguards installed, like e-borrow system. That's not true for CCs. So, again, if we look at the processes, we could go very, very, very deep into that, and probably IANA would be the right body to provide more information on their processes. But I would like to state here that, first of all, they have a 24-7 team monitoring things and getting ready to implement changes to the root zone if such a need arises, as you mentioned, in case of a real emergency. As to the transfer process, especially of ccTLDs, all the documentation, everything around that process is kept confidential by IANA to ensure that no party is harmed during those discussions. But again, they have a pretty clear process for ensuring very uneventful transfer, if I may use the term.

And yes, and I think you hit the nail here when you said that, if it does not put people in danger. And the example you mentioned, the case of Afghanistan, again, that's not something I know from IANA, but personally I know that that would be a very dangerous situation for the person if something goes public. I don't know, Patricio, anything you'd like to add here?

PATRICIO POBLETE:

I'm going to give it a try and apologize, my voice is not in the best of shapes today. In the case of .LB Lebanon, the crisis, so to say, was that the passing away of the manager without any system in place to replace him. And that led the IANA to introduce a caretaker designation that they informed, at least I know they informed the ccNSO, but I understand other parts of the community were also informed. And then there was a normal process for appointing a manager, and the IANA has their processes for that, and the role of the Board is to make sure that these processes have been followed properly. And in this particular case, the analysis that the Board did, led the Board to the conclusion that the processes have indeed been followed properly.

KATRINA SATAKI:

Sorry, Katrina, again, I will add a little bit. Policies concerning ccTLDs are developed by the ccNSO, and ccNSO has, according to the bylaws, a pretty narrow mandate for ccPDPs. But at this moment, and yes, Patricia is absolutely right, in case of .LB and appointment of a caretaker, ccNSO leadership was consulted. And one of the things that were highlighted by IANA is, is there a need, is there a gap, is there a need for ccNSO to develop any policies? And as far as we know, ccNSO

is now looking at those gaps and considering if there is a need to initiate any formal ccPDP. Thank you.

CHRIS BUCKRIDGE: Thank you. Jim, please.

JAMES GALVIN: So, I guess at the risk of potentially elaborating on the discussion, I wanted to ask Farsi. I mean, I thought I was hearing in your question concerns about IANA operations, and I wondered if I could, if that's true, before I tried to say something about that and tease that out in addition to on top of what Katrina and Patricia were saying. Thanks.

FARZANEH BADIEI: No, actually, I started by saying that they're doing an impeccable job, and it's great. It's just that we were kind of caught by surprise. We don't know how it happened, where we were at, what was happening to .LB. And I'm just thinking that maybe we should have some kind of like an update on like status of the ccTLD, that the contact, the manager is updated, or stuff like that in a clearer way. Because sometimes journalists come to us and say, so what happened here? And we can't point them to any kind of like a status of what actually happened to a ccTLD that faced some crisis. And I think that if we, for the health of the ecosystem, it might be a good idea to come up with a lightweight informational channel that here is where we are, here is the manager currently, and it is being operated, or it is not being operated, and stuff like that. Just more information in general. So, thank you for that.

JAMES GALVIN:

So, what I'd like to do is say two things. One is with respect to .LB in particular, that was as much a surprise to IANA, and that's what Katrina and Patricio were trying to say there, as it was to you and what you're talking about. I mean, it was a unique situation. They didn't have any automatic policy or procedures for dealing with it. Now, the second thing to emphasize, though, is as Katrina and Patricio were explaining, there's a process, a policy for transfer of TLDs. And IANA, in an operational sense, just conducts and executes on that policy and has procedures for that. All of that is ordinarily a confidential process and step, and it just happens, and no one knows about it until the day it's over, when anything like that happens. It's not normally public.

There's not normally any reason for any of that to be visible to the community. In a situation like this, as with any situation, if you have questions about the status of a TLD, you should ask IANA, but IANA does not normally, unlike gTLDs, which are carefully covered by org, ccTLDs are not. It's really up to the ccTLD to have its own resiliency plan and to execute on that, and IANA only gets involved when there's a transfer that's necessary, and it doesn't seek those transfers. They come to them. So, I hope that helps, and that's what I meant by IANA operations. I hope that's responsible to your concerns there. Thanks.

JULF HELSINGIUS:

Yes, thank you. I think this was a good enough answer, I agree. Farsi?

FARZANEH BADIEI: I'm sorry, no, I think that maybe we can come up with a, I think that, we should not have been caught by surprise, but we are just mentioning this because, maybe we should consider having some transparency that at the same time that it protects people and the ccTLD, it also updates the community and those who have interest to have an understanding of what is going on, that's all.

KATRINA SATAKI: Well, in any case, it's up to ccTLDs to decide on that. It's not the Board decision. It's not even NCSG decision. That's up to CCs because they are, well, they are like sovereign countries in the virtual world, and it's, again, any policy developed for CCs is developed by the ccNSO, and again, the mandate of the ccNSO is very, very limited.

CHRIS BUCKRIDGE: All right, thank you very much. I think that was a very interesting discussion and more in depth than I had actually anticipated, so thank you very much. We have about half an hour left. I think we've gone through the questions that came from NCSG. As I said, one of the Board's questions to NCSG was relating to the engagement and prep week, so that's, I think, been covered quite nicely.

The last one, then, was a bit more of an open-ended question. I'm not sure if this will get us through half an hour, but it might be a bit of an opportunity there, and it's to do with the (WSIS +20), so it was noting that obviously the WSIS review coming up is an area of priority for ICANN org to the extent that it's been included in the CEO goals, and so particularly to implement a communications and engagement strategy

from that document. Knowing that there are people involved in NCSG who are following and involved in these discussions in the UN and in internet governance more broadly, the question was really to see if NCSG members have any views on this priority of ICANN's and on strategies or approaches that might be useful or worth considering in relation to this.

JULF HELSINGIUS: So, let me start with a very general comment, which is that we really encourage ICANN to get as engaged as they can, because as we see, the multi-stakeholder model needs as many defenders as it can. It's really under threat there, but I would actually, if it's possible, we have Bruna who couldn't physically be here, but she is online. Maybe she wants to address this, as she's been very much involved. Bruna, can you try to connect in?

BRUNA SANTOS: Hi everyone. Yeah, just, I don't know if I--

JULF HELSINGIUS: Bruna?

BRUNA SANTOS: Yes.

JULF HELSINGIUS: We see your name and your hand, so if it's possible to unmute Bruna.

BRUNA SANTOS: Can you guys hear me now?

JULF HELSINGIUS: We do. Thank you.

BRUNA SANTOS: Yeah. Oh, perfect. Thank you. Thanks everyone. I wasn't really expecting to be brought in, because I know there's a lot of technical aspects to this meeting, but just to add some points to Julf's points, initial points. We really thought it was a very welcome idea. We received it pretty well, the fact that it's become not just a priority, but something that ICANN wants to dive some more time into. And for NCSG, it's really part of the analysis we were doing on the last meeting.

We are perhaps at this point of inflection in history, where the multi-stakeholder model that we're so used to is perhaps being questioned, or under some sort of like, let's say, fire, or further reflections on that. So, we do think it's a very relevant, for not just ICANN, but for ICANN and its technical community to further advocate for the model, and not just advocate, but bring in a new perspective on why this one specific kind of iteration of the multi-stakeholder model is a relevant one, and that works out.

So, in that note, we would be more than willing to engage. I do like the idea we were discussing in the past meeting about a broader campaign on this topic, because it is really what we need right now for all of those multi-stakeholder spaces to advocate, not just for their relevance, but

also for their story and long-term contributions to the space. So, in any case, just to say that on behalf of NCSG, we're definitely willing to help in any situation, or a space where our expertise is also relevant, and hopefully we'll get to see you guys engaging as well at the high-level forum later in May, but also in further future spaces and moments of this process. Thanks, Chris.

CHRIS BUCKRIDGE: Thanks, Bruna. Looking around, any other comments, either from Board colleagues or NCSG? Sally, please.

SALLY COSTERTON: Thank you very much, Bruna, and I just wanted to remind everybody that we, following our recent discussions, which Bruna's referring to, we have put together what we're calling a WSIS network, a coordination network, for all of us in the ICANN community and the broader technical community to do exactly this. To share our resources, to make sure that we are as coordinated as we can be, and this is not ICANN directing anybody, this is facilitating some coordination.

So, we're going to tell you more about that on Thursday at this meeting in the government legislative, and I think it's regulatory session, I know it's on Thursday. So, what would be great is if you, as many of you who would like to, is to be at that meeting and then we will be sharing what we're going to do and really encourage a discussion in that group about what people are interested in, how we might coordinate. We'll certainly set up a list, we're prepared to post shared documents on our website so that we can have access to common content, messaging, this kind of

thing, and also if people are interested, we're happy to staff a regular call, coordination call, and it's completely open, there's no membership, nothing like that, nothing heavy, but it's exactly what Bruno's talking about, so hopefully that'll be helpful.

So, if anybody's happy to come up to me separately and I can arrange a separate briefing for the NCSG if that would be helpful for my government engagement team who are leading the work, but as I say we're actually going to kick it off on Thursday. Thank you so much, Bruna.

CHRIS BUCKRIDGE: Looking around the table here, no other comments on this area? I said it might not take us through the full half hour, but yeah, Manju, please.

MANJU CHEN: So, my question is, I think we can move on from this topic. My question is, actually seeing from the question from the Board, I can't help but notice us quite different from what the other stakeholder groups get. I understand you try to customize, which is very nice, but other groups get this to question what they think about it, and I think a lot of people in our stakeholder groups have very abundant knowledge and interest on this topic too, so I'd like to lend the floor to them to kind of share what they think about this and why that is important for us too. We would like to, probably Farsi, can you?

FARZANEH BADIEI:

Thank you. So, NIS2, there are some misperceptions about it, but also some concerns that it will kind of undo all the privacy measures that was done as a result of GDPR, and so there are these talks in the community that now with the NIS2, there will be like, everything that we did redacting with personal sensitive information of the domain name registrants and also like coming up with an access mechanism, those could be like we have to almost redo them or we would have to kind of get rid of these safeguards, and we have heard this sometimes from the community, so there are these perceptions, but there are some risks in the directive itself.

Also, we are concerned about some claims that ICANN has to comply or whether ICANN should comply with this directive and it will have implications for the work that we are doing, so this was my very unsuccessful attempt at telling you what we are concerned about, but Stephanie also knows more about privacy issues that NIS2 actually has. Stephanie, do you think you can get your microphone work?

STEPHANIE PERRIN:

Can you hear me?

FARZANEH BADIEI:

Oh, yes.

STEPHANIE PERRIN:

Okay, this is Stephanie Perrin for the record. This is rather frustrating because as we all know in the context of the RDS discussions and negotiations when we were developing the policy, ICANN org kept

saying, well, we need to reach out to Brussels, we need to talk to the European Data Protection Supervisors and get their opinions on things. Now, here we have a directive where the European Data Protection Supervisor went to quite a bit of trouble and wrote a very good, in my opinion, opinion on this when NIS2 was in consultation, and believe me, every group I was on, I said, will you read the opinion? And nobody is.

Now, I understand that this NIS2 directive is a favorite with some other stakeholder groups. It's not a favorite with us. We understand the political need for this to have arisen, and we also understand that until it's enacted in law in the member states, we won't really see it in action. But we can at least read what the European Data Protection Supervisor had to say about it and take some guidance from that. We actually don't believe that this is going to change our policy. And I think you can understand our frustration at least, possibly not sympathize with it, that here we are chasing our tails ever since this was on the horizon. And so, it's quite frustrating. Thank you.

CHRIS BUCKRIDGE:

So, pardon me. Manju, thank you for bringing this up, and I'm now very glad that we have a little extra time on the agenda to discuss it. Becky, I think you had an answer here.

BECKY BURR:

Thanks. And this is an issue that we have been hearing a lot about from the community, from different parts of the community. We have heard a couple of times at the mic that there was some policy work that ICANN needed to do in order to enable registries and registrars to comply with

NIS2. Let me just say clearly, ICANN has looked at this, and we are not aware of any ICANN policy or contractual requirement or obligation that makes it difficult, impossible, inconsistent for registries or registrars to comply with NIS2. We have asked a number of stakeholder groups this, as part of ICANN79, to please talk to us about why they think this is the case so that, so that we can nail this down.

We've been having a sort of assertions kind of conversation, and if there is an ICANN policy or a provision in ICANN contracts that is inconsistent with law applicable to some or all registries or registrars, then that's an important issue we need to address. But as I said, at this point, we are not aware of anything like that. Obviously, if there was something in ICANN obligations that would force registries or registrars to violate European law, that provision in the contract or policy wouldn't actually be enforceable. We're not aware of it.

We are asking those people who have shared this concern to tell us precisely what it is the concern is. And so, we hope to hear from people and have a good discussion about it and get more facts. We also do know that there are some things that could possibly be done, the registries and registrars could have best practices on data accuracy or something like that, and maybe that would be useful for them in the NIS2 discussions, but there's no obligation on the European regulators to accept those or on any European member state to accept those. So, as I said, we've heard that, we've thought about it, we're not aware of any problems, but if we are, we want to know about them, because we have to address them.

CHRIS BUCKRIDGE: Edmon, please.

EDMON CHUNG: Yeah, I guess just adding to what Becky said, so in response to Manju, I think, first of all, I don't think there was any intent to single out the NCSG, but I think we felt that, just as what we heard from Stephanie, it seems like we agree with each other already, so that was why it wasn't asked.

CHRIS BUCKRIDGE: Nice save, Edmon, you made exactly the point I was going to say. I think Stephanie has her hand up. Okay, please, Stephanie.

STEPHANIE PERRIN: Yes, Stephanie Perrin for the record, thank you very much, and please don't take this personally. I know we sometimes sound like we're attacking. We're not really, we're just a little frustrated. We'd like to be in on these discussions. One other point that I think I've also raised several times to no avail, is that if anybody gets pushed into an overzealous application of this particular directive by changing the policy, etcetera. They're going to find themselves in the European Court of Fundamental Rights, which underlies all of these things, and this is extremely important to keep in mind, that it doesn't end with an interpretation of the GDPR. It ends with an interpretation under the Human Rights Act, so I think you should push back if people are trying to get you to alter the policy. Thank you.

CHRIS BUCKRIDGE: Disturbing vision of the future. Thanks, Stephanie. Any comments, additional comments on this point? All right. Well, we do have 15 minutes to play with. If there is anything else that anyone would like to raise at this point, anything we asked anyone else and should have asked you.

FRANCO CARRASCO: Technical team, please turn on the roaming mic.

BENJAMIN AKINMOYEJE: Yeah, thank you. My name is Benjamin Akinmoyeje, NCUC Chair. I just want to follow up with Edmon on how we can actually implement what you've just said about the Board, considering just like the public global interest framework, how we can move that conversation forward practically, so that we are involved, and because something we have been discussing too in our community, how to practically implement that if there's an existing conversation that is going on.

EDMON CHUNG: Yeah, so the short answer is there is no existing act. Well, the global public interest framework was put together and a pilot was done. It's a little bit like the ODA-ODP situation. The pilot was put together, and it was put together and utilized on a few things. The next step is going to reviewing how it went, and that is the next process, and the next process is going to also include, from what I understand, at least because the bylaws have added human rights considerations in it,

therefore that is a nice place to add in the human rights consideration, I guess, naturally in that sense. Does that make sense?

BENJAMIN AKINMOYEJE: Well, it's still looking like abstract to me, but I know that on our team we're talking about putting together a little team to start considering this to do exactly what the global public interest did, so I was just wondering if there could be a synergy with this work we're about to start, which we don't know how to go about it, but human rights is at the center of it, that we can leverage on what our cross-community working party on human rights impact assessment is already doing, and to move this forward, maybe to merge it to the work you're talking about.

EDMON CHUNG: Should I respond? Just, yeah. I think that that would be great. In fact, in the last round of outreach on the GPI framework, I think the Board, repeatedly said, this is a framework that the Board has put together for the Board to use, but it would be great for the community to also embrace it and take a look at it and give us feedback from it. And I think what you're saying seems to be towards that direction. As to the timeline, unfortunately, we don't currently have a full timeline yet, but the next step, as I understand it, is the review of, how the pilot, was done and what the next steps are going to be. And that would probably be the best timing for the community to participate.

BENJAMIN AKINMOYEJE: Who is the Contact on this?

TRIPTI SINHA: So, Ben, I think what he I think you understand what he's saying. We've got a framework, a GPI framework. And as Manju was saying, she's got a set of checklists that you shared with the GNSO. So, we would love it if this could be a bottom-up process and comes to us in the form of advice, some formal mechanism, and then we would integrate that into the GPI framework. And our goal is to actually integrate the GPI framework into ICANN processes that premiered into the community so that by the time staff comes into the Board, things have been running into the checklist. That would be nice. But right now, it's very much ratified, if you will, if that's the right word to use, but we would love to receive input. So, in terms of a timeline, we don't have a concrete timeline yet, but it is very much on our radar. I hope that answers your question.

BENJAMIN AKINMOYEJE: Yeah. I just want to know what we'll do afterwards.

TRIPTI SINHA: Okay.

BENJAMIN AKINMOYEJE: The next step.

TRIPTI SINHA: Send us your checklist. Well, Manju has a checklist, and if you have anything else, that would be great.

BENJAMIN AKINMOYEJE: Okay.

TRIPTI SINHA: And we would love to have it come from the community to the Board.

BENJAMIN AKINMOYEJE: Okay. We get that now.

TRIPTI SINHA: Thank you.

BENJAMIN AKINMOYEJE: It's on us.

TRIPTI SINHA: Yeah.

TRIPTI SINHA: Okay.

CHRIS BUCKRIDGE: Thank you. Loving the focus on next steps here. Okay. Well, last opportunity, but otherwise, perhaps closing this down. So, I know we

had an aspiration to have this be a bit more of an organic discussion. I think, to me, it feels like we've achieved that goal. So, thank you all for that. Julf, any final words?

JULF HELSINGIUS:

Yes. Thank you. I think we feel that it was a much better discussion than previous time when we just went through a routine checklist of questions. We really appreciate how this seemed to be a much more interactive session and hopefully we can continue from here. Thank you.

CHRIS BUCKRIDGE:

Thanks very much, Julf. That's conclusion of the session. Thank you all very much.

[END OF TRANSCRIPTION]