
ICANN81 | AGM – Joint Session: ICANN Board and NCSG
Tuesday, November 12, 2024 – 9:00 to 10:00 TRT

LISA SAULINO:

Hello, my name is Lisa Saulino, and I'm the participation manager for this session. Welcome to the joint session with the ICANN Board and the Non-Commercial Stakeholder Group.

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Interpretation for this session will include English, French, Spanish, Chinese, Russian and Arabic. Please state your name for the record and the language you will speak. If speaking a language other than English, please speak at a reasonable pace.

This discussion is between the ICANN Board and the NCSG. Therefore, we will not be taking questions from the audience.

With that, I will now hand the floor over to the ICANN Board chair, Tripti Sinha.

TRIPTI SINHA:

Thank you, Lisa. Good morning, everyone. This is the first bilateral session of this morning, and I hope you've been having a good meeting. So, from the Board, the session will be chaired by Chris Buckridge. So, without any further delay, I turn it over to Chris.

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CHRIS BUCKRIDGE:

Okay, thank you very much, Tripti. Thank you and welcome to the Constituency Session with The Non-Commercial Stakeholder Group of The Non-Contracted Parties House of the GNSO. I feel like there's a double negative in there somewhere. We have a number of topics to discuss today, so I think probably it's good we dive straight in. Probably easy to start with the Board's question to the NCSG, which was regarding the Global Public Interest Framework. And I think my colleague Edmon probably has a brief introduction to that topic. Edmon, please, over to you.

EDMON CHUNG:

Sure. So, part of the impetus of this work is, of course, the whole concept and definition of Global Public Interest is rather elusive. So, a number of years back, all the way back in 2019. Sorry, I'm panting because I was rushing here late, and I know I need to speak at the very beginning. Okay, so with that, actually, the Board, since 2019, we've been working on what is called the GPI framework, and that's the operationalizing of what we mean by Global Public Interest, and especially in relation to the ICANN bylaws.

So, a lot of the part in the framework, as you will see, is actually coming from the bylaws. So, and in the last few years, actually, two test cases were used, including the SubPro ODA and the SSAC ODA. And the results from that, and also feedback of that, came to bear in the version five of the Global Public Interest Framework, which was published late last year. What the Board has been doing since then is to further

operationalize it into a checklist, which was what was circulated recently.

In that checklist, actually, all of the text comes from the GPI framework, which has been somewhat stable in the last few years. So, that's the idea. We understand that the council is working on a Board readiness, kind of Board readiness work as well, and we think that this is a framework that would be very useful. That should be very useful for working groups as well as the council to look at what the Board would look at in terms of Global Public Interest as you consider your recommendations to the Board. So, that's sort of the context, and we're hoping you would look at it and give some response. Sorry, I'm running to the venue.

CHRIS BUCKRIDGE:

Thanks, Edmon. I'm sorry to throw you in at the last minute like that. Julf?

JULF HELSINGIUS:

Thank you, Chris, and thank you, Ed. Yes, Julf Helsingius speaking, and for those who don't know me, after Kuuk Kurtis came aboard, I'm now the other Swedish-speaking Finn. On this question, this is an initiative that we really strongly support. We appreciate the work the Board has been doing, and I would actually like to pass on to Cathy to really address it in more detail if you want to. Please take the mic.

CHRIS BUCKRIDGE: Kathy, if you wanted to join the table, you're also very welcome.

KATHY KLEIMAN: All right. Thank you. It's okay. There'll be lots of other discussion. So, Kathy Kleiman with Non-Commercial Stakeholder Group, and Edmon, thank you for the broad introduction. For those of us who have been in the field working to finalize the Applicant Guidebook, we haven't been paying as much attention as we should to the Global Public Interest Framework. So, our comments will be broad, and then the Non-Commercial Stakeholder Group will take this back and review much more closely what is circulating. But overall, the Global Public Interest framework is so important to ICANN.

It's something Avri Doria and the Board have spent a lot of time on. It's very important, so we thank you for moving it forward. From our perspective, for the policies we make here at ICANN, 99.999% of the world is not involved. There are 5 billion people on the internet. Our policies affect them. So, the idea that at the end of the day, we look at policies that we're making and consider the Global Public Interest, this is very, very important. And for another question, one that we're going to be raising with the Board, in just a few minutes, we're going to talk about how some of the stakeholder groups, some of the working groups, some of the policy groups don't have good representation.

There just simply aren't enough volunteers from enough of the stakeholders to be evenly divided. And then some groups don't have fair constitution because of however they're comprised under their rules. So, again, it's important, because of that lack of balance and

representation, also to have a Global Public Interest framework coming in to look at what's coming out of these groups and is it in the Global Public Interest. So, that's a long way of saying we will evaluate what we're saying, but we're so supportive of your efforts in moving forward and operationalizing the Global Public Interest framework. Thank you.

EDMON CHUNG:

Just a quick response. Also, as I mentioned, actually, we went through a couple of pilot rounds with the ODA and the SubPro and SSAC. One of the things that was actually amended is the addition of the consideration on human rights. So, take a look at that as well as you review the framework.

KATHY KLEIMAN:

Thank you. Absolutely. And of course, if others in NCSG want to comment, I hope there's a moment for that.

CHRIS BUCKRIDGE:

There is certainly a moment, although I think the perspective that NCSG is going to go back and look at this is very welcome from a Board perspective. So, knowing that we have quite a bit on the agenda, we might move on at this point. Sorry, Farzaneh, please.

FARZANEH BADIEI:

Farzaneh Badiei. I have a very short suggestion. Maybe the Board can also apply this framework to their own resolutions and decisions.

EDMON CHUNG: Yeah, Edmon, again. Yes, that's why the checklist was created. And we will be looking into, for future resolutions to have that included as well.

CHRIS BUCKRIDGE: Okay, brilliant. We'll move on to the next item here. And I think that this is a question coming from the NCSG regarding imbalance of representation in some ICANN structures, such as the NomCom. I might allow NCSG representatives, Juan perhaps, to provide some context to this question. Thanks, Juan.

JUAN MANUEL ROJAS: Okay, this is Juan Manuel Rojas for the record. Good morning. Yeah, I will just begin to read the question that we have, and maybe we also have more context from other colleagues from NCSG. But, okay, we are talking about our concern about the imbalance of representation in some ICANN structures, such as in the NomCom, of course, but we are not just talking about this. We are talking about the Pilot Holistic Review, and this could provide an avenue to discuss these, those imbalances. But to our surprise, our candidates for representative were rejected as members.

These imbalances could further skew the outcomes for the review, as it overlooked crucial representation from the non-commercial sector. This proper balance is a concern that affects the entire ICANN community, and it's essential that we ensure fair input from all sides. So, that's our question. This is a major issue, not just for us. It's like we

need all voices in all spaces that we have. So, that's it for now. Thank you very much.

CHRIS BUCKRIDGE: Thanks, Juan. I think we're not going to move very far around the table. Alan, I think, has a response.

ALAN BARRETT: Yeah, thank you. This is Alan Barrett. Thank you very much for your comments and questions. The Board definitely acknowledges your concerns around NomCom rebalancing and representation on the Pilot Holistic Review. NomCom rebalancing has been a topic of discussion for quite some time, and unfortunately, we haven't really come to an answer. There was a survey recently earlier this year, if I remember right, or was it late last year? And no clear direction came out of that, so it remains an issue. And that particular topic of NomCom rebalancing is actually out of scope for the Pilot Holistic Review.

The Pilot Holistic Review is intended to develop guidelines and methodologies for a future Holistic Review, not the Pilot, but the real one, which comes later. And maybe that could look into NomCom rebalancing substantively, or maybe we could even find a way to look at NomCom specifically sooner, but I'm not sure how we would do that. It's something we can think about. Yeah, we also sympathize with your disappointment that your nominees were not selected for the Pilot Holistic Review team.

That selection was not done by the Board or by ICANN Org. It was done by the leaders of the SOs and ACs. So, despite that, that you don't have your preferred nominees on the team, you will have plenty of opportunity to follow the work and comment. So, anybody can become an observer of the Pilot Holistic Review. There's a process where you can register for that. And, and of course, the meeting notes will be published as usual.

The members of the team are required to report back regularly. So, the GNSO representatives on the team will have to report back to the GNSO and you will naturally hear about it when that happens. And when the preliminary report is published, there'll be a Public Comment Period. If that results in major edits, then there'll be another Public Comment Period. Then when the final report is published from the Pilot Holistic Review, the Board will make sure that there's a Public Comment Period on the final report.

So, there will certainly be opportunities for you to provide input, even though your people are not on the team. And we, we certainly look forward to your engagement in that process. And we hope that it can be productive. Thanks.

CHRIS BUCKRIDGE:

Thanks very much, Alan. I have Farzaneh, then Bruna in the queue. So, Farzaneh, please.

FARZANEH BADIEI:

Farzaneh Badiei speaking. We have been following this issue of under representation on NomCom for Non-Commercials for the past 10 years, more than that. But I do remember in 2017, we discussed this and the Board told us there will be a Review. You should provide comments. We provided comments, nothing changed. And year after year, when we are underrepresented, that affects us in the processes to also provide Non-Commercial views in the selection and appointment of the Board members.

It is a very, very important function, the NomCom. This has turned into a Kafkaesque process. Year after year, we are required to pay attention and provide Public Comments and pay attention again. I believe that, and I know that this suggestion is not going to be picked up, but we need an interim solution because we are being affected. Thank you.

BRUNA SANTOS:

Thanks, Bruna, for the record. Just on the solution side as well, I think it would be, considering the lack of proper representation in the Holistic Review Team, it would be really interesting that when the review is addressing any certain community that's not fully represented in the group, it would be interesting to have a consultation or a proper dialogue on that. It's nice and interesting that we have the observer status or recourse to take on, but at the same time, we know that doesn't have the same weight. You cannot weigh in on meetings and just following up with letters, as Farzaneh is saying, has been little to no effective at all. So, just maybe adding this suggestion. Thanks.

ALAN BARRETT:

Thank you. That's a very good suggestion. I'm not sure of the process, but I think we can, maybe from the Board, we can ask the Pilot Holistic Review team to ensure that they consult as broadly as they can. Thank you.

CHRIS BUCKRIDGE:

All right. Thank you, Alan. I'm just looking around to see if there are any further comments. Certainly, as the Board member in seat 14, we've discussed, and I'm certainly also very keen to be a means to have that communication. I think I'm very sympathetic to the concern that ICANN is a volunteer space and that if there is a perception even that input is not received or acknowledged or taken on board, that's detrimental to the process itself and that undermines ICANN's legitimacy. So, this is a really important point for the Board going forward.

So, thank you very much. I'm going to move us on to the next question, which is everyone's favorite topic, RDRS, but a very specific question and take in regard to that, again, coming back to human rights issues. So, I'm looking to Julf if you can provide some context. Thank you very much.

JULF HELSINGIUS:

Thank you, Chris. Okay. So, the question formulated by one of our members is ICANN logic is heavily marked by, for lack of a better concept, a North American perspective on how to do business and how procedures, for example, legal frameworks should work. However, the RDRS is a result of, if I can say that, a more European-ish way to see

human rights and to protect them. When we talk about the transparency and accountability of the RDRS, those values seem to be more heavily aligned with the human rights center view of how the system should work. However, we have seen lots of times the preference to protect ICANN's trade secrets or confidentiality.

Does the Board think that ICANN should turn itself to a more HR-centered approach when the org and the community plan the next steps of the RDRS? What does that mean regarding the transparency of the system?

CHRIS BUCKRIDGE:

Okay. Thank you very much. I think Becky has the initial word here.

BECKY BURR:

I've drawn the short straw on this very pointed question. Yeah, so I'm actually not going to spend a lot of time on the premise of this question. I would just point out that ICANN has always striven to operate in a manner that's consistent with human rights values. And, of course, in 2016, we added human rights provision into the bylaws to articulate that. The RDRS was a response to community work following adoption of the temporary spec in 2018, which was an immediate response to the European Union's GDPR, General Data Protection Regulation, although many countries in the world have similar laws, and even the recalcitrant United States, states are beginning to adopt similar laws.

So, we view complying with the best possible acting in compliance with the best human rights standards and applicable law as something that

we must do in all cases. Most gTLD registration data is now redacted so that you can ensure compliance with data protection laws. And I think data subjects have been at the heart of the project since its inception.

The point is that people should have a legitimate interest in accessing data, and they should not be able to get data absent that legitimate interest. But I think the Board certainly acknowledges that there are legitimate reasons for individuals and entities to request nonpublic data, and we've asked the community to build policy that would facilitate those requests.

We've been following the RDRS pilot very closely and indeed following the work of the RDRS standing committee and the discussions in there. And based on the data and the feedback we're hearing from the community, including the Board breakout session in prep week, which I didn't attend because I was doing Next Round stuff, but I've heard a detailed report back from that by Maarten and the others. But based on the data and feedback we're hearing from the community. We see a lot of value in RDRS.

We think it's time to the Board has begun into discussion about whether we need another year of the pilot to actually start the process of taking it to the next stage. And I think that's a conversation we'd like to have with the community. We very much appreciate all of the community's participation in the standing committee, which has had discussions about under what circumstances, what kinds of transparency is being provided with respect to law enforcement requests from RDRS and the

like. And I know, Farzaneh, you've been an instrumental part of those discussions.

So, I think you all know as well, if not better than most everyone here, that RDRS is simply a mechanism for submitting requests for Nonpublic Registration Data. The decision on whether to disclose the data continues to be the remain with the registrar of record. And those registrars must respond in compliance with applicable data law, which will in many cases require a balancing test and an assessment of the legitimate interests here. So, I'm not sure what specific human rights centered approach, a more human rights centered approach you're asking for in terms of the next step of RDRS.

I think, obviously, to the extent that this was instigated by the European Union's GDPR, and we all know that in Europe, privacy is fundamental human rights. I think that's at the core of what we're doing. So, we're sort of interested in what other steps you think we should be adopting to adjust policy with respect to RDRS.

CHRIS BUCKRIDGE:

Okay, thanks.

BECKY BURR:

I think Edmon has a little bit more to say on the human rights issue specifically as opposed to RDRS.

EDMON CHUNG:

Yeah, so adding to what Becky said in your broader question about human rights, I guess there are at least two areas that I want to, I guess, highlight, especially from the Board in the last little while. First one is the venue selection process. About a year or so ago, the Board has pushed through a human rights assessment as part of the consideration. I know it's not ideal at this point, but we're moving along that path. So, understand that that's in place.

The other thing is what I mentioned earlier, the GPI framework and the GPI checklist includes human rights considerations. And that's centered around the bylaws. Again, I personally don't think there's any U.S. or European human rights, especially sitting in Hong Kong. I'd like to think that they are universal human rights. And then we also observe on a third area that, I guess, you guys have been working on the Human Rights Working Party that has created certain frameworks as well.

We would definitely encourage you to insert that into the GNSO PDPs and those type of processes. And maybe it's also part of the checklist or how it ties into the checklist that we're working on as well.

CHRIS BUCKRIDGE:

Thanks, Edmon. I think, Farzaneh, you had some additional context?

FARZANEH BADIEI:

Yes. So, NCSG has been, over the years, advocating for privacy and data protection of domain name registrants at ICANN. And we have been a part of this community for the past 20 years. For us, bringing privacy to the domain name registrants was high on our agenda. But

unfortunately, we could not achieve it completely without GDPR. We do not want, and now that we have achieved it in some way, we do not want, by coming up with a system that is not transparent or accountable, kind of undo the data protection and the privacy that has been brought to the domain name registrant.

I mean, to some extent. I don't know the scale of the reduction of data globally. It would be good to know. And so, for the RDRS to be human rights oriented is to be accountable so that we don't undo the data, the privacy, by giving access to requests that have not been processed. And also, I have not just kind of like giving bulk access and stuff like that.

Some of the discussions that is going on in the community, such as authentication and urgent requests that GAC has been leading kind of scare us a little bit. How do they want to authenticate law enforcement? How do we want to talk about urgent requests? Because any request is going to be urgent, because in this community, if you ask the RDRS users, all of their requests are urgent, probably one way or another.

So, by considering human rights principles and applying them to the RDRS, we can also look at whether these requests that keep coming up, such as urgent requests and authentication. If we want RDRS to have a role in that, we should also consider how it can affect human rights and privacy. So, we are talking about the overarching accountability and transparency of the system.

BECKY BURR:

That's very helpful. Thank you. So, first of all, I'm just going to reiterate, RDRS is not a system that requires or is responsible for any kind of disclosure. All of the registrar processes requests, and we have heard requests for more transparency about the requests themselves. I think there's a lot of data coming out on that. But it's not a system for disclosure. It's a system for requests.

The definition of urgent requests was something that came out of the EPDP Phase 1 Working Group. And as you know, the Board did not feel it could be implemented in RDRS and did not implement it in RDRS, and has asked the community to contemplate the issues associated with authentication. Because while we know that urgent requests are defined very narrowly, and I have not heard any requests to expand the categories of that, even with urgent requests and even with authentication, which of course, in order to respond in compliance with applicable law, there does need to be an authentication. You do need to know that the person that you are, that you're dealing with actual law enforcement.

That doesn't mean that you disclose the data in necessarily in response to an authenticated request, because there are laws and values that the registrars will bring to bear in terms of whether they respond to those requests, even after they have authenticated law enforcement. And again, no one from the Board is suggesting that that those that the balancing test should be abandoned simply because law enforcement has been authenticated and no one has suggested, which would probably violate data protection on a lot of places. So, I'm going to process what you're saying as a sort of general, be aware, be concerned.

And let me just say, I think we're, we're all very much sympathetic with that.

FARZANEH BADIEI:

Thank you, that's very helpful. Just one last point on this. When we talk about, we keep using human rights language, and we keep mentioning human rights because we want everybody in the world who has a domain name to have their privacy respected, regardless of where they live, and regardless of whether there's any law in that country. So, as well as like, not while not violating certain privacy laws in countries. Does bring us some relief, but we want other people also enjoy these protections. So, this is why we use a human rights language. So, strongly, we want this to be a universal. Thank you.

BECKY BURR:

I don't think there's any disagreement that this is not the system is not distinguished anything based on where the data subject list.

CHRIS BUCKRIDGE:

Okay, around the table, I think we've had a successful conclusion to that question. I'll note that we now have a number of questions. I think three questions, which all tie back to a lot of similar issues. And Julf has suggested we consolidate a little, and I think that makes sense. And Farzaneh, I think you're prepared to give us some context to these questions and the discussions here. Sorry, if Julf has thrown you under the bus here. Can we get the next slide up?

FARZANEH BADIEI: So, am I starting?

CHRIS BUCKRIDGE: Yeah, please do. We'll work through the, the, the questions and the slides here.

FARZANEH BADIEI: Okay, so NCSG has been concerned about, or let me rephrase this, NCSG wants to bring a healthy and harassment-free environment to ICANN, and I think the Board and other parts of the community also share that goal. It was around 2018 that there was a statement that was done by a few women at ICANN that told their stories of how they faced harassment.

UNKNOWN SPEAKER: And there's 231 pages.

FARZANEH BADIEI: Okay, I have no idea, but let's focus on the topic. I don't know what happened. Since then, I think the Board convened the Anti-Harassment Working Group. There have been many, many discussions with the Anti-Harassment Working Group, but we don't feel that the Board took swift action since 2018 to address the problems. But considering, I also acknowledge that there was a COVID period and there was some slowing down the process.

So, what we are concerned about, again, here as well, is that we have this anti-harassment working group, and then they would just like, have conversations, have conversations while harassment happens at ICANN. We don't really contribute and bring that healthy, safe environment that is needed to do our policy work, but also to the outside world to show them that we are a friendly bunch that working on stuff so that they join us.

So, what we wanted to ask, what are your plans to give the Ombuds the autonomy that is needed? Because in the past, we have faced issues of the Ombuds not being empowered to take actions or frankly, sometimes not being creative enough to come up with, like, didn't have enough power to take initiatives. And sometimes the methods that were used were not really conducive to creating a healthy environment and the harassment continued, and some part of that was because the Ombuds was not empowered and there was, there were not many sanctions processes in place either.

So, we want to help the Board to come up with solutions and to come up with strict timelines. Also, the, so we wanted to know your plans and also there was another, so there is a recent lawsuit against ICANN about harassment and. We believe that we should not just be reactionary and just react because that lawsuit happened, but the lawsuit actually provides like stories that has happened that ICANN. And we believe the ICANN message that was sent, I think it was on behalf of the org to the community was not, it was very defensive and it was, it did not promise or commit itself to come up with a path forward. And don't let me go on and on Chris, but at some point, you got to stop me.

CHRIS BUCKRIDGE: Thank you. There are certainly a number of points here. I have a number of Board colleagues who are keen to respond from a few different perspectives to. Square the circle here, I'm going to start with Jim. Okay, so Tripti, please take the first.

TRIPTI SINHA: Thank you. Firstly, there's a lot bundled in that. So, first, I'd like to say that we share your views that we'd like this to be a safe environment. And so, there's definitely a common understanding when it comes to that. So, as you said, there was an incident in 2018 and following that incident, the Board put together an Anti-Harassment Working Group, and they looked at some tactical approaches to how this we could spread the message about safety and so forth and those who put in action. Last year, the Board looked closely at the office of the muds and decided it was time to give it a reboot and modernize it.

So, we kicked off a search committee, which Danko shared. Actually, I'm going to turn the honors over to Danko because he led the search and we have a new Ombuds with us today. So, let me turn this over to Danko to do the honors. Why don't you introduce Liz and then I'm going to turn it over to Jim. So, go ahead.

DANKO JEVTOVIC: Thank you, Tripti. So, I thought kind of all the questions first mentioned the working group, but thank you. So, as Tripti pointed out, at 2018, we were both newbie Board members, but more important work was done with the Ombuds. We received Jaap's resignation at the time, and we

started more discussions about what needs to be done from the Board's perspective, because the Ombud's office reports to the Board and with the importance of that, obviously, the first step needed was to feel our field, Ombud's position.

So, we started the search process, and I'm very proud to introduce today our new Ombuds, Liz, and also to use this opportunity to thank Chris, that how the interim Ombuds position and the office of Ombuds needs to evolve. It is very important to mission for the Board, and I think the best way to speak to the independence of the office is actually to give work to Liz. Please.

ELIZABETH FIELD:

Thank you. This is Liz. We met the day before yesterday and thank you. I'll just reiterate what I said before around the question. First of all, independence and I believe very firmly that the system is robust that the protections in terms of my ability to have autonomy are there. And then there is a responsibility upon me, both the professional and personal code of ethics that I subscribe to in terms of independence. And I think it's worth mentioning as well that in all of my interactions with the Board and with the ICANN Org, it has been stressed to me.

The role is independent and I believe at this point that there is a view that the job would not be the office of the would not be helpful to ICANN, if it were not independent. As I've mentioned before, I know I would not be doing my job, if I were not honoring that independence and yet giving it the due respect, it requires. And also, I think it was

stressed both on my onboarding, but also in the recruitment. So, I can see that it's very important to everyone.

TRIPTI SINHA:

Thank you, Liz. And as Liz pointed out, she is independent and she reports directly to the Board. So, there should be no confusion about that. And so, coming to the Anti-Harassment Policy, we looked at that as well and said, well, we put this together in 2018. It's 2024. It's time to modernize that policy as well. So, I'm going to turn it over to Jim, who is now the chair of the Anti-Harassment Working Group, and he's going to speak some about the work that's underway in partnership with Liz.

JAMES GALVIN:

Thank you, Tripti. James Calvin for the record and welcome to Liz and I want to thank for introducing this topic more than just the question. I think it's important for the community. It is of my view that the first step in dealing with any issues of this type is talking about them. And in this community, the fact that we have something to talk about suggests that there's movement forward. There's opportunity for improvement. And I think that we should all take that on Board and take the opportunity to do that.

As Tripti said, with the Ombuds office, the Board is committed to ensuring a safe and inclusive environment for everyone. And that's inclusive. Given the diverse environments and diverse community that we have, if we're going to talk about it, you should know that the Board

is here to ensure that that's what we have. We want to hear from everyone about the issues that you have as we embark on evolving the Ombuds office.

We now have a new Ombuds person. And as you've heard from Liz, she comes from that kind of environment. This is her career. This is what she does. The Board has made a deliberate choice in how to move forward. Given the when our last Ombuds person left. And so, the door is open to advance and move forward.

We need to talk about it. We need to have these kinds of opportunities here. Everyone should know that the Board, every Board member is available to you to talk to. You should feel free to speak with anyone about anything that's of concern to you. Or, of course, the Ombuds office is there and we will begin to work and look through these issues.

Consider the current Anti-Harassment Policy. Keep in mind. We also have a code of conduct that goes with that. And we are looking to move forward and take deliberate and actionable steps to ensure that we keep and make better even the positive environment that we want to have. We expect to have and that we should have. So, I want to thank you for that and that discussion. And with that, if there's any other comments that anyone would like to make, and I hope that was responsive for now.

BRUNA SANTOS:

Thank you. There's a couple of comments. Maybe, Tripti, respondents to first, 2018. There wasn't just one incident. There was a series of

incidents. I'm one of the co-authors of that letter. I'm one of the victims. One of those stories is mine, and that was a never address story. So, that's where I'm coming from to this. And back at the time, I also remember speaking to her about it a couple of times. And I mean, I might be redundant now and repeat this to you guys once more, but back then I heard from him that, yes, he had a hard job to do, but he also didn't want to stop love from happening at ICANN. And that's never a proportional or a good answer to give to someone that is a victim into those contexts.

Liz, it's a very interesting approach where you're coming from, and it's really interesting to hear about the autonomy of the Ombuds Office and everything else, but I do believe also that the system might be robust for you and for your action, but it might not be as robust to protect community members. And you're looking at a very diverse community with a lot of members from the global south, from the global majority that do not face just harassment, but also face serious cases of racism and serious cases of lack of understanding on intercultural aspects of the ICANN community and so on.

So, I do welcome your experience. I think you have a lot of work to do, but at the same time we need to do this fast. And maybe I'll just wrap this up with, I think that besides having a Board Anti-Harassment Group, which I have been to meetings back in 2018 and I do appreciate that, we need to open some of those discussions to the community and we need mechanisms. We need mechanisms for maybe just putting a pause to certain members that are part of a certain issue.

Maybe you can suspend them temporarily until you address a certain issue. You need a kind of a strike kind of system for people to know that whenever they come up with a complaint, it will be addressed, and it will be addressed in a respectful and speedy kind of manner, just so we protect our community above all. And I'll just tie this to wrap up to the processes that we have seen this year.

Next year is a very important year. WSIS+20 is coming up and more than ever it's important to show that ICANN multi-stakeholder system works and it works in a fairly equitable way. So, this is also a good opportunity for us to show that we're doing the work and we're actually serious about it and serious about the system and the model and so on. So, thanks a lot.

CHRIS BUCKRIDGE:

Okay, I have Tripti, then perhaps Liz, I'm not sure. And then Farzaneh. And then Jimmy. Oh, sure, sure.

TRIPTI SINHA:

Thank you, Bruna, for that contribution. By the way, by no means were we trying to not acknowledge the fact that there were many cases of Anti-Harassment in 2018. I had just joined the Board. I was not aware of the suite of incidences that had occurred. And I agree with you 100%. My Board colleagues will agree with you that we do need to create an environment of cultural competence, of respect, and that if there are infractions and violations of those, that there are quick responses and quick steps put in place.

I would encourage you to work with Liz directly. She's here for the community. She will seek your input and put the right processes in place. So, thank you very much.

JAMES GALVIN:

So, two things. I mean, first, I do want to apologize for what happened to you and the fact that it was unsettling in your mind. Going forward, I do want to make one important distinction and respond to your comment about timelines. The Board is committed to moving forward, and in fact, Liz has been directed to begin to take proactive and deliberate action to improve whatever she thinks needs to be improved.

She'll obviously be keeping the Board informed, but she has the mandate to do and to move things along as she needs to. And I would encourage you to continue discussions and go back with her, even reviewing incidents in the past. And with that, let Liz talk about what she's going to do and how she's been doing. Thanks.

ELIZABETH FIELD:

Thanks. This is Liz. Thank you again for the question. And to reiterate, I'm sorry to hear about your experience. And I have contacts for both of you, and we will be speaking in confidence and understanding more about what the issues are, what the barriers are for people to report, and as Jim has said, designing accordingly to the needs of the community. And your voice in that is really important.

Just to your point around the diversity of the community and the sort of different types of issues that come up, I've worked a lot in intercultural settings. So, I'm very familiar with the issues around intersecting identities and power and very sensitive to this. And again, as has been reiterated by the Board, please talk to somebody, talk to me. It is confidential. Problem can't be solved unless it's surfaced. And I bring a professional background, networks, global networks that I want to help build a safe environment.

CHRIS BUCKRIDGE: Farzaneh, please.

FARZANEH BADIEI: Thank you. So, it's obvious that we have a very competent, well-qualified person in charge of this. But if we do not provide the right structure and governance structure for her to do her job, we will face the same problems that we faced in the past. So, I would like to see some kind of the governance structure suggestions that we can put in place so that Liz can do her job. Another thing that I wanted to say, and then Peter has a comment that I wanted to say. So, the Ombuds office jurisdiction is only for community members or does that include ICANN staff as well?

TRIPTI SINHA: So, the Ombuds officer, Ombuds person is focused on community issues. However, we're looking at areas where there are gaps, where potentially if there's an incident between a community and a staff

member, how do we deal with those? What are the gaps? Because when you're an employee of a corporation, you come under a whole different set of HR rules. So, Liz is going to look to see where are the gaps, what policies need to be reinforced and strengthened to be able to handle this as a holistic system. Because where we come from, we have a community, we have a corporation and we have a Board. So, we've got different types of individuals in the ecosystem.

FARZANEH BADIEI:

Thank you. So, I just, I mentioned that because we care about staff members and they are also, yes, there are staff and there is this kind of segregation, but we work with them, we interact with them and we want a safe environment for them as well. So, it's very reassuring that we are thinking about the gaps there as well. Thank you.

CHRIS BUCKRIDGE:

Yeah, Peter, please.

PETER TAIWO:

Yeah, thank you so much. Peter, for the record, and I just wanted to add to what my colleagues have added. And a specific ask is, in addition to the mechanism, we should not just be reactive, we should be proactive. And what does harassment mean to everyone in ICANN? So, we should have a kind of system in place for sensitizing the members, ICANN participants, so that we can lose code and also allow every person to participate and feel welcome in ICANN environment. It is not just talk to the Ombud's office. It's what can Ombuds do for the ICANN

community? Because that is what we care, that is our specific ask. Thank you.

CHRIS BUCKRIDGE: Yeah, Liz, please.

ELIZABETH FIELD: Thank you so much for that point. One of my three principles for evolving the office is taking a strategic approach with prevention at the heart. So, I really hear what you're saying. And that's absolutely essential. It's around prevention. And there are many things that you can do to prevent the behavior in the first place. So, there will be emphasis on that as well as response. So, I'm really glad you brought that up. Thank you.

CHRIS BUCKRIDGE: So, thanks, Liz. We have six minutes left. I'm looking at Kathy, Juan and Farzi and Jim. No, not Farzi. So, Cathy, Juan and Jim. So, please.

KATHY KLEIMAN: Thanks, Chris. This is Kathy Kleiman. While there are comments I'd like to make, I'd like to cede my time, if I might, to Stephanie Perrin in Canada, who's been trying to participate. Is that possible to bring her in remotely?

CHRIS BUCKRIDGE: I believe it probably is. I'm sorry, looking to my colleagues over in the corner. See if we can hear her.

KATHY KLEIMAN: Thank you.

CHRIS BUCKRIDGE: Okay, Stephanie, please go ahead.

SPEOHANIE PERRIN: Hi, this is Stephanie Perrin for the record. And I do apologize. I've had my hand up, but it appears you haven't been able to see it. So, I'll spare you the comments on the earlier topics we had. But on this one, I typed it in the chat. I'm deeply concerned that the Ombudsman, where I can see that the bylaws stipulate that the Ombudsman doesn't have the power to investigate staff complaints, given the amount of interaction between staff members and community members, it does seem a little bit of a problem if you're investigating harassment complaints. So, that's item number one.

Item number two is, I understand that the Ombudsman reports to the Board. In the actual reporting relationship, in terms of funding, does she have an independent budget that she can use for outside legal advice? Because in many serious harassment complaints, you're going to need legal advice and possibly local legal advice. So, that's a bit of an issue. How does that work? And does it have to go through ICANN's

council or is she truly independent in directing that herself? So, that's two. You've only got a couple of minutes. Thanks. I'll keep it at that.

CHRIS BUCKRIDGE: Thank you, Stephanie. And Tripti, I think you have a response.

TRIPTI SINHA: Stephanie, thank you for the question. For question number one, perhaps you missed what I just said, but one of the first things we've asked Stephanie to do is to address the gaps, because she will not be able to do her job adequately if we don't have the right policies and tools in place. And one of the first things she's going to assess is, what are the gaps in her doing her job when there's an incident between a staff member and a community member?

So, that is indeed one of the first things she's going to do. On the second, we've also told Stephanie to give us a sense of the resources that she needs to bring to bear to be able to do her job successfully. So, indeed, she's looking at that as well. I hope that answers your question. And Stephanie, Liz would also like to add to this.

ELIZABETH FIELD: Thanks. I do have independent counsel and a budget for that. So, just to clarify, thank you.

CHRIS BUCKRIDGE: Okay, thanks. Juan, please.

JUAN MANUEL ROJAS: Thank you, Chris. Juan Manuel Rojas, for the record. More than a question, it's just a comment, maybe, or just a suggestion that we are a worldwide organisation, and maybe we can or we should implement some tool that may be a form or something like that that provides anonymity to do these kinds of reports for safety for the people doing the report. I know that maybe this has been suggested before, but I just want to put it on the table to have it into account that could be, I don't know, maybe a tool or technical tool to do this. Thank you very much.

CHRIS BUCKRIDGE: Okay, thanks, Juan. I saw Liz taking notes there, so this may fall into the gaps area. I know, Sally, I'm sorry, I know we're a bit rushed for time. So, Sally, please.

SALLY COSTERTON: Thank you, Chris. Sorry, very quickly. I just wanted to reiterate with the comments that were made earlier, Farsi made the comment earlier about staff. And I just want to reiterate that we have a zero tolerance for harassment inside the staff. That is consistent, it is continuous, and I just want to make that clear. Thank you.

CHRIS BUCKRIDGE: Okay, thanks, Sally. Jim, please.

JAMES GALVIN: As we bring this discussion in this moment to a close, I want to end on this note and say two things. One is, it's important to have the

discussion. It's important to talk about it. This shouldn't be the end of the conversation. And the Board is available. We are here at any time to talk about any issue. And, of course, the Ombuds is the place that one can always start if you have an actual concern, any activity in progress. But if you want to talk about issues, start with the Ombuds and start here.

I think that conversation is the most important thing. And let's not let this be the end of it. We are committed as the Board to a safe and inclusive environment with cultural respect for all people. So, let's move forward from here. Thank you.

CHRIS BUCKRIDGE:

Thank you very much for that, Jim. We are at the top of the hour and perhaps any final thoughts from Julf? Okay, well, then I would like to, on behalf of the Board, thank NCSG members for the questions, for the engagement here, the very open and useful practical discussion that we've had. I hope you also feel it's been a very useful session. We look forward to more discussion following up on many of these issues, I'm sure, but for now, thank you very much. This is closing the session.

JULF HELSINGIUS:

Thank you, Chris.

TRIPTI SINHA:

Thank you, Sally, for your work the past 16 months as the interim CEO.

LISA SAULINO: Thank you, everyone. We could stop the recording. Thank you.

[END OF TRANSCRIPTION]