
ICANN82 | CF – Joint ALAC and NCSG Meeting
Sunday, March 09, 2025 – 15:00 to 16:00 PST

MICHELLE DESMYTER

Thank you. Hello, and welcome everyone to the Joint ALAC and NCSG meeting. My name is Michelle DeSmyter and I'm the Remote Participation Manager for this session. Please note that this session is being recorded and is governed by the ICANN Expected Standards of Behavior and the ICANN Community Anti-Harassment Policy.

During this session, questions or comments will be read aloud if submitted within the Q&A pod. Interpretation for this session today will include English, French, and Spanish. If you would like to speak during this session, please raise your hand in Zoom. When called upon, virtual participants will be given permission to unmute in Zoom, onsite participants will use a physical microphone to speak. Please state your name for the record and the language you will speak if speaking a language other than English, and please speak at a reasonable pace. I will now hand the floor over to Jonathan Zuck, ALAC chair and Rafik Damak, NCSG Chair.

JONATHAN ZUCK

Thanks, and thanks for the introduction there, and thanks for coming and visiting with us. We always enjoy these interactions

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and have more in common than different with NCSG on a number of different topics and share a lot of the same concerns.

One of the things that I start every meeting with is to ask you to get your headphones and translators sort of ready because we have a pretty heterogeneous group here and someone will be speaking in a non-English language sometime during this meeting. So let's remove the friction for that if we upfront get those headphones ready. So we're glad to have you here.

We talk about a number of things, and DNS abuse is a big topic. It's a big topic for this meeting, there's the most recent Informa report, there's some reports back on the amendments that were made to the contracts, and what kind of results those are bringing about. And I think it's great that you're bringing some balance to those conversations and talking about some of the human rights implications of them. So thank you. Let's just go through this and have a conversation. Let's keep it informal and get a conversation going. So with that, I'll hand it to Rafik, who, and maybe in return, may just hand it to Farzaneh.

RAFIK DAMAK

Okay. Thanks, Jonathan. First, I want to thank you all for having us with you today. I mean, used to have the NCSG and the ALAC before, that was quite long time ago, and personally I wanted that we resumed that and to have more interaction as we use it.

Yeah, we have common interest and we work on several topics together. In fact, like the applicant support, it was a joint effort

between the NCSG and the ALAC, and it's something we can be open to that, and I hope that we will have more things to work together in the future. So we proposed several topics for today, probably likely we're not be able to cover all, but we want to focus maybe in those that's listed in the top and we wanted to share some of our perspective.

But more important is to hear from your side, your thoughts, your input to understand your thinking about some of those issue and see where we can find common ground. So we'll start first with the DNS abuse and humanized impact assessment, and that will be introduced by Farzaneh, who can really explain more about this. Farzaneh.

FARZANEH BADIEI

Thank you, Rafik. Hello everybody, I'm Farzaneh Badiei, I'm a member of Non-Commercial Stakeholder Group, and also I am on the GNSO Council. So for DNS abuse, when the contractual amendments happened, we had a conversation with the community, what are the success factors and what can we call a success as a result of these amendments?

And we heard a lot about these quantitative indicators, how many take downs happen, and stuff like that. And there were very-- so NCSG felt that we need qualitative indicators as well as talking about how many abusive domain names down was happening. How about we also talk about how did the registrar, what was the

process that was used to take down that domain name or suspended domain, was the measure actually proportionate.

And in order to come up with these qualitative indicators, we thought that it would be good to use a tool which is called Human Rights Impact Assessment. So what sort of implications DNS abuse mitigation could have on human rights? Like for example, imagine that there is a human rights advocate living in a oppressive regime and her website is compromised and there is some phishing on the websites and she is in prison, what do we do in this situation?

And this is not just a domain name registrant problem, this is also the access to knowledge and information of the end user. So how can we actually come up with mitigation mechanisms that are proportionate and they have the least effect on human rights of the domain registrants, but also access to knowledge of the end users. So we had one session in Istanbul with the support of the contracted party and DNS Abuse Working group, that we discuss these different scenarios and processes.

What are the implications on privacy? What are the implications on freedom of speech, non-discrimination, and a whole range of human rights issues. As a result of that session, the community discussed that it might be good to have a set of non-binding guidelines for the registrars and the registries when they're mitigating abuse. And so we had another session yesterday here that discussed what those guidelines could look like.

And so for the future, the next step is that we're gonna work on those guidelines, we're gonna talk to the community to give us

feedback on the guidelines, and hopefully we will have something non-binding, but also a living document that can accommodate the changes in DNS abuse landscape as well. And that's about it. If you have any questions, and I am very sorry to not stay for the full hour, I have another meeting.

JONATHAN ZUCK

We appreciate whatever time you're able to give us. We're honored. I guess two questions. One is, have you started the process of creating this living document? And the other, and this may just be a technical issue, but the Contracted Party House some time ago really started to hammer home the distinction between maliciously registered domain and a compromised website.

And so when you talk about proportionality, it seems like if that distinction is maintained, that proportionality is kind of built into it. In other words, if it's a compromised website, then the request is forwarded to a host that more surgically takes that page out, as opposed to taking down an entire domain. Whereas if it's mostly registered domain, it becomes a registrar taking down the domain. So I'm curious about what your concerns are for proportionality, given that distinction.

FARZANEH BADIEI

So yes, in theory, that's a good idea, but sometimes you don't know who the host is, and sometimes the domain name registrant is in jail and cannot respond, and we cannot find the host. So through these scenarios that we discuss, we find the problems that it's not

black and white, it's not like, okay, so this is definitely DNS abuse and we are gonna suspend and only affect the bad actor because bad actor here is not the domain name registrant.

So we are discussing how also suspension of domain is a very proportionate measure because it could be that the domain name registrant is a bad actor, but might be providing services and have like email address and stuff like that that others use, that it could get affected when you suspend that domain.

But then also, another thing that, and when you cannot find the hosting provider or when it's like a bulletproof hosting provider, so when the hosting provider does not respond to the request, what do you do? So we have to come up with other methods considering these scenarios.

JONATHAN ZUCK

To my first question, have you started to do that? Do you have something to share in that regard?

FARZANEH BADIEI

So we are going to put everything on paper, and then we are going to share it with different committee members. And this is not policy work. We are not talking about starting a PDP or anything like that, it's just non-binding.

JONATHAN ZUCK

Best practices. Questions, does anybody have their-- let's see hands up in the-- oh, Kathleen, go ahead, please.

KATHLEEN SCOGGIN

Hi, Kathleen Scoggin. I just had a quick question on whether the vision for this document is for the guidelines themselves to be scenario based. Is it that you want to provide, if this is the situation, then here are some remedies that exist within our shared values and what we think is beneficial in terms of human rights. That's my first question. And the second one is in the situation where a company's operating at the behest of a government which is obviously a very different scenario, how that might be addressed in the document. Thanks.

FARZANEH BADIEI

So thank you. The method, I think that it would be beneficial to have several scenarios and go through them to create something practical. So we definitely consider that, but of course, we cannot consider all of the scenario, so that's why it's a living document as well. The government question is very difficult, but it has come up during our breakout sessions, it has come up that, okay, so what if the registrar is being pressured by the government or actually wants to cooperate with the government, what should we do in those cases?

And in those cases, generally it's better for the advocates to raise awareness about trusted registrars that are outside of the jurisdiction. And at NCSG, we think about these things, how to

protect the domain name registrant. Another thing that you and of course Glen McKnight in chat says, Avri Doria has been active in this area.

I just want to mention Avri Doria has not only been active in this area, she has started the foundation of human rights conversation at ICANN and other internet governance organizations. Whatever work we can do about human rights is because Avri started that conversation. And I wanted to mention something else. I just got passionate about Avri.

JONATHAN ZUCK

Questions or comments about this topic? It's definitely a difficult one. We just came out of a session with the SSAC and how difficult this problem is with AI and everything like that and the degree of targeting that people are able to do, and it's very depressing on the enforcement side of this as well. But it is good reminder to not be oblivious to the downstream consequences of some of the actions. So we look forward to the document and participating in some of those conversations as they evolve and trying to find how the scenarios could work. Oh, yeah, Emilia Zalewska-Czajczyńska.

EMILIA
CZAJCZYNSKA

ZALEWSKA- Emilia Zalewska-Czajczyńska for the record. So I have a question about have you explored the potential overlaps with fundamental rights impact assessments? So the ones that are required in the European Union by the GDPR and also the ACT recently, and I think DSA?

FARZANEH BADIEI

So there are multiple human rights impact assessment that frameworks that different civil society organizations have come up with. We have a human rights checklist at ICANN for the PDPs. Not to use different frameworks that cannot converge, we will use the checklist that we have already at ICANN and use the standard frameworks that Article 19 has.

We are working with Article 19 as one of our members, but the goal and your point is very good. One of the things that this project can do is to help with balancing that, I hate this word, balancing, aligning fundamental rights in the way that GDPR wants, aligning fundamental rights with legitimate purpose and all those things that is in GDPR. So, yeah.

AVRI DORIA

Hi, my name's Avri. I have a question in doing, and I'm really, sorry, I've missed this twice now, but each time I've had a separate meeting I had to be at. Do you feel that the folks that are participating from the contracted parties are inclined to take these? Have they taken any of it yet, yet even in an experimental way that shows that they're open to accepting and moving forward with them?

FARZANEH BADIEI

So the beautiful thing about this is that this is not just NCSG. We are doing these sessions and processes in collaboration with the CPH DNS Abuse Working Group, and that support is very important.

And they have been very collaborative and they discuss with us and they ask us, what are the next steps? So, I guess that if they ask what are the next steps, they probably want to to do something with this yet.

AVRI DORIA

So in other words, there's hope.

JONATHAN ZUCK

At the same time, what we hear a lot from the contractor parties is about margins and costs, and that anytime they look at an individual domain, they're losing money. And so I know that's gonna be one of the counter tensions both on the enforcement side and the rights preservation side, because both of those are gonna have resources associated with them, I imagine.

FARZANEH BADIEI

So for the human rights impact assessment, there are like creative ways of doing, for example, rapid human rights impact assessments that is less costly because we also have to consider registrars that are smaller and they don't have the capacity to do that. So we can work with them to do something lightweight, not just to do a checklist, but do something, at least think about it.

AVRI DORIA

One more question. Avri again. People keep talking about using AI for catching DNS abuse or eliminating. Is AI at all being considered as an aid to doing human rights impact assessments? Obviously,

you still need people on either side of it to make sure it makes sense, but in terms of looking at everything, and has that been looked at?

FARZANEH BADIEI

Yes. So for the standardization of the approach to human rights impact assessments, AI can be very useful. It can do this synthesis, we work with sheets and Excel sheets now. Hopefully we will have better, smarter ways of doing this.

JONATHAN ZUCK

Thank you very much, and thanks for coming in. Rafik, next on your list was continuous improvement. We're obviously very immersed in this as well, how has that process been going for NCSG?

RAFIK DAMAK

No, the next is about the Applicant Support Program and the next round.

JONATHAN ZUCK

Oh. I skipped right over it. I'm sorry.

RAFIK DAMAK

Yeah, no problem. Yeah, so I think this is something probably that we share a lot of interest between NCSG and ALAC and just for history work together in the first round to push for the applicant support. Just to maybe to present more about our point of views and what we highlighted as not saying concern, but points that

interesting to discuss, I will leave that to Pedro to introduce more.
Oh, where is-- yeah, Pedro.

PEDRO LANA

Hi, there is a letter missing there on ALAC. Sorry for that. Pedro Lana, I'm part of the NCSG AC. And this presentation was developed together with our community here. I would like to highlight the participation of Katie. Please feel free to jump in if you would like to add something. She's involved in the issue for quite a long time and quite a lot of effort on it. So I think the conversation here would be more focused on reinforcing the synergy that we have in the subject, considering there's a good alignment between NCSG and ALAC concerns regarding the Applicant Support Program.

We can see that on the manifestations that we both had recently mainly on the ASP handbook. And starting with our first concern, I would first highlight the position, the priority that we have regarding the ASP, which is the diversification of the next round of new gTLDs.

We think that this should be the focus of the program and all the way it works should be should always look upon this priority. And because of that, it's important us to know what ICANN is doing regarding the outreach to those communities who are not involved already in the ICANN ecosystem, especially those from the underserved and non-commercial communities. Because what we are seeing is the webinars, even if they are regionalized, we will not

get to these communities who do not have any relation to the ICANN ecosystem right now.

We also worry about the effectiveness of the financial assistance provided. It's not simply a question of helping with costs, but really creating opportunity for these organizations with scarce resources to effectively participate. Considering me, I want to be really inclusive and that many of these marginalized groups and organizations will probably not see the idea of having a new gTLD as one of the priorities considering, especially the context that we are living in. Higher percentages of fee reduction or even an exemption of fees for participants that qualify would be necessary to achieve the diversification that we want.

Next slide, please. As a third and more complex concern, I think it's also a priority of the NCSG to have as much clear information as possible about the non-financial support, which we call business, technical, and legal support for those applicants.

We know that these organizations that we want to reach not have a lot of knowledge about ICANN procedures and may have some difficulties even understanding the materials provided, the guidance materials provided, and even the criteria that exists, both for applying for a new gTLD and for the Applicant Support Program, may be a real obstacle depending on a country specific bureaucracy or differences among the legal documentation in different countries. So providing expert assistance that can really help those potential applicants in every step will be essential. And

this needs to be planned in really detailed level and the community needs to know as much as possible about it.

Finally, I would like to raise a recent issue that just came up and also to hear if you have already discussed something in relation to that, which is the support of the bid credit to Applicant Support Program applicants participating in auctions.

We just learned that supported applicants will have a discount of 35% of the value they bid, and we are still trying to understand how effective this would really be considering the difference of economical capacity between those applicants that are supported by the ASP and the other ones who will probably have much more economical capacity to participate on those actions. So that's it. Thanks.

JONATHAN ZUCK

Thank you. Jonathan Zuck for the record. I keep forgetting to introduce myself again for the record. Thanks for that summary. That's a very interesting set of questions, and I wanted to make sure you were aware of a session that we're organizing to which Avri is adjacent because she seems to want to refuse taking any credit for it. But that's about, are these things enough?

In other words, are the promises being fulfilled of some of these programs and one of which is the Applicant Support Program. And I think it'd be great to have you come and be part of that session if nothing else. I'm glad we're talking about it here, but there is gonna be a whole kind of plenary about that, and I don't know if

you want to share any details just to encourage their participation from folks in this room.

AVRI DORIA

Sure. Avri yet again. Yeah, and it's a topic that I've been interested in for a very long time, and in fact, Rafik and I were once interested in it together back when I hung out more with NCSG than hanging out with At-Large. But we have a session that basically derived from the-- a lot is being done now with the IRTs and everything else to make sure that everything comes out right, to go through and make sure that the implementation matches the policy.

But what I thought was missing is, and a bunch of people thought was missing is, but is it really satisfying all the questions that we were asking? And we've gotten down to details, we've gotten it specific to points, but is it enough? And in fact, it was really when you basically asked that question, is it enough?

And we picked two topics. One of them was the DNS abuse topic and one of them was applicant support. And basically, looking at a lot has been done, it's certainly better than what was there in 2012, but does it meet what is needed now? Does it go enough of the way? And so we're basically having like a half hour debate on the topic, and it's really being set up as a debate.

There's an intro, there's an open discussion for about, I forget how long, 20 minutes or something, and then such, and trying to frame these. One of the questions that's specifically looked at is At-Large is basically saying 35%, at least 50. So in other words, the questions

are coming in. So if you all can come in, that meeting, it's Wednesday morning, I forget exact. No, Wednesday afternoon.

I think it's Wednesday afternoon. I would never believe me on a schedule. But they're to basically look at those questions, to talk about those questions and see whether what is being done, which seems to match the policy fine, is indeed adequate. Has ICANN collectively met the burden at least initially.

It's not necessarily could more be done. Sure, we could do what the GAC suggested and let them apply for free. Obviously, ICANN's not going that far. So in that we're not going that far, is ICANN going far enough, et cetera. So it fits very well with the topic as you introduced it.

JONATHAN ZUCK

Thanks, Avri. I might ask Maureen to-- you worked on the GGP that was tasked with setting out some concrete goals in particular for this session in terms of actual success of strings entering the root via the Applicant Support Program, and those goals were not in, were not insignificant.

And so, I mean that's gotta play a role in this well is what is the degree to which those objectives that they were established by the GGP taken seriously and put out there as an organizational goal that could be used as an incentive to as, I don't what the word, as a standard against which to measure the measures that we have in place to advocate for more. If that question makes sense?

MAUREEN HILYARD

Well, we do very briefly because it sort of seems like a year. It seems like a year since we actually had that GGP, but I think one of the important things that we as advisory committee people, and I know that the ALAC and the GAC were very aligned with the way with what we were actually trying to achieve. And I think the real issue that we had was the fact that the GGP was very limiting.

A lot of the suggestions, like for example, I came every week to At-Large to sort of like get their views and opinions to take Board. And we just sort of felt that a lot of the-- because we were very restricted by the pro doc and our there was nothing to be changed, a lot of the suggestions that we made were actually considered out of scope.

So that really, the sorts of things that we as end users were trying to incorporate into the recommendations which were really high level. And really all they did was basically confirm what was already in the SubPro anyway. So like when it came to sort of like trying to identify how we could actually make it better for applicants, new prospective applicants.

I mean, they were talking about people, we're trying to get people who didn't apply last time to get to engage. Well, I think we didn't feel that it quite met the mark even when we were doing as GGP members. So I think that what we ended up doing was basically making suggestions and basically giving it to the Implementation

Review Team and saying, well, we've just confirmed basically what they wanted in the ProDoc and they could do what they like.

JONATHAN ZUCK

And I guess, I don't know if somebody else is in a position to kind of report from that process, but I remember there being concrete numbers in there.

JUSTINE CHEW

Good afternoon. This is Justine Chew. I am the ALAC rep to the IRT, and I would like to report the fact that the implementation of the ASP has done better than what the GGP recommended. The budget supposedly allows for a minimum of 45 qualifiers to be in the fall. So I think the GGP talked about 10, so 45 is hell a lot more than 10.

The only issues that we have now is the fact that whether the fee is still-- well, the reduction of the fee is good enough or not. I don't know whether we can push the needle anymore, but we can certainly try to push a needle for the bit credit because that one hasn't been fixed yet.

So in terms of what the GGP also recommended is statistics, I believe they are tracking statistics. It's just a question of whether those statistics are enough to inform what needs to be improved for the next round? And we don't know until the applicants come in and see what they're like and how many actually get through the process.

MAUREEN HILYARD

Can I just make one comment? On a lot of the statistics and stuff, that was generated by staff, but at the same time a lot of the-- like for example, when we sort of were suggesting numbers like the 10 that we did was all based on the fact that there were none or one last time. And also, if the target area was underserved regions, is it really realistic to think that the 45 people will qualify for applicant support? So for us, we were looking at probably a little bit more realistic little numbers.

JONATHAN ZUCK

I also thought that there was a success criteria question with, with actual strings entering the root that came out of the GGP, which is different than those who qualify for support. But maybe I'm wrong about that. I thought there was a success criteria question as well. Rafik, go ahead.

RAFIK DAMAK

Yeah, I also was in GGP with Maureen. So in fact we had that quite the specific scope and task to work on, including about kind of the metrics and indicator of success. So that's why those numbers, and there was a lot of discussion back and forth with the ICANN staff, like kind of, because I believe in the beginning, we were more quite kind of aggressive in term of what we wanted to achieve, what we wanted as numbers, but kind of maybe the staff played the role of kind of to try out, I'm trying to find the right word, but trying to say

that, how about the feasibility and so on the same when we talked about how much it'll be allocated.

We ended up because that discussion about the feasibility with the staff from ICANN is not really a lack of I would say to be much more optimistic or aggressive from our side and the GGP working groups. So just yeah, to support what Maureen said.

JUSTINE CHEW

Yeah, sure. Just want to add a comment that in so far as what we can do as a community, I think we already tried as hard as possible. So we, we push the criteria for qualification as low as possible. There has to be some flaw that we can't reach below.

Because at the end of the day, we don't want an applicant to come in and then because of certain challenges that we know that they have, then the TLD would fail, or they fail as a registry operator. So we have to be mindful of things like that. I think one side of the coin is making the program accessible. So we have achieved as far as we can from the community side of things given all this things about the applicant has to qualify. You can't just have anyone off the street and do it right because running a TLD is not a small or simple thing.

The other side of the coin is the outreach, and that's something that I don't think the community really has a feel of or really has a control over. So we might want to start asking questions about whether the community can really get involved in that aspect of things. Because if we don't have enough people coming in to apply,

then whatever number you achieve is kind of limiting. So if we don't get 45 applicants, then how do we get 45 successful qualifiers? And that's not even to the string side of things.

KATHY KLEIMAN

Hi everybody, I'm Kathy Kleiman. I'm in Non-Commercial, and I am kind of Justine's counterpart in the SubPro Implementation Review Team, Non-Commercial Stakeholder Groups, one of our representatives there. And I just wanted to share that something we are beginning to think about more is the Applicant Support Program is just the gateway to submitting the application for the new gTLD program. And we've spent a lot of time, and we would love to urge you to join us in doing it, a lot of time trying to make the applicant's support the new gTLD guidebook, the rules for applying for a new gTLD.

So once you've mastered the Applicant Support Program and come in, then you have to learn another handbook, which isn't finalized yet. That will be hundreds and hundreds of pages. But from the public notice that just came out, just the application questions are 73 pages, and that's small print and they're dense and they're hard. So together with Justine, with others, we've been working on how are we gonna help people, help the applicants who get into the applicant support program fill out this very, very complicated application.

And so we urge you, the fourth and last public notices out with hundreds of pages that are very difficult to understand, and please help us, even if the information is right, they're almost impossible

to understand. So please help us work with ICANN to simplify this, make it clearer so that our applicants when they get through the Applicant Support Program can actually understand the new gTLD program that they're applying for. Thanks.

JONATHAN ZUCK

It's a very good point. I guess I heard a number of 500 on the AGB or something, 500 pages or something like that, and 40 pages on the application. So the 73 is the first I'm hearing of it. What it made me immediately think of was tax preparation, and that resulted in a cottage industry of like TurboTax or something, like a software front end to guide you through that process, so it's not just a document. I don't know whether that's something in the-- ICANN hasn't had particularly good luck with software development, but it almost sort of begs the question, is there a TurboTax that should be developed to get people through this process?

KATHY KLEIMAN

Maybe not in time for what we're talking about. So better to simplify things and make it clearer.

JONATHAN ZUCK

Oh, Avri, go ahead. Sorry.

AVRI DORIA

Avri again. One of the things that is supposed to be available to those that prevail in the applicant's support is help in getting through those. Now we fought for that together, and it's good, but

there's still a very big question mark as to how that help will be provided.

Now, no one's gonna write a TurboTax between now and then, but even how you're going to find that help, and while there may be one or two rich people around that can understand that book and be able to provide that help, who will fund the helpers? Because those helpers are most likely not the individually wealthy among us. I know I'm not one of them, and I'm gonna try and help people, but, you know.

So how is that gonna happen? We can say all kinds of wonderful things about, there will be people to provide assistance to those that get support as an applicant, the applicant support, but I have no concept of how that will be provided.

JONATHAN ZUCK

This is Jonathan Zuck. We do know that there is a cottage industry of helpers out there as well. And some people had a very good year in 2012, I wonder if we should take a cue from the legal industry and say, should there be a pro bono requirement for participation.

KATHY KLEIMAN

Pro bono is limited. I'm a lawyer. Pro bono is limited. First, you better understand what your lawyer's providing and what they're not providing. So here, a pro bono lawyer may be okay, but they may not have the technical understanding. So then you need a technical pro bono person.

And then there's a business, the equivalency determination. If you're not a 501 C3 in the US, how are you gonna get that equivalency determination? That may be a different area of expertise. So how do you know if you've contacted all the experts that you need? So you need an advisor to help you find the pro bono advisors. It gets complicated, guys.

JONATHAN ZUCK

Yes, but should we try to uncomplicated or facilitate it more than we are? I see sense movement sometimes, but I don't know if it's resulting in a hand or a card going up. Anything else on this topic? Another overwhelming topic. This is reminding me now of the SSAC meeting.

Any other questions or comments on this? Okay. What did we have next? We had continuous improvement. What did you want to discuss there? Did you have the guts?

RAFIK DAMAK

I have the guts. But for continuous improvement program, I trust Manju here to introduce it and to explain more. And I think here is also get your feedback on the topic. Manju.

MANJU CHEN

Alright. Sorry about this, sorry. I thought this is like an ALAC proposed topic and I was willing to hear what you have to say, but then we can update from the GNSO side. We just started a group of a standing committee on continuous improvement. Short form of

it is called SCCI and we're calling it SCCI and different from, if you remember, there was a group in the GNSO council, it's called CCOICI, it's the Council Committee on Continuous Improvement.

And that the committee was a pilot and limited counselors, but we have formalized this idea of continuously improving GNSO, and we thought if we are doing this in a formal way, we have to open it for the wider GNSO. So we are now doing a SCCI, which means that the continuous improvement committee is open to all GNSO and we're doing a representation model.

All SGs and Cs, having [00:43:02 - inaudible] groups and constituencies will be assigning representatives to this committee. And actually, yesterday was the first meeting of this committee. That was on the GNSO side of how we're dealing with the continuous improvement.

And of course, in terms of the community-wide continuous improvement program, which I believe they just published the framework of continuous improvement last year, at the end of last year. And if that framework with positive public comments, it will go back to each SO/AC to kind of develop their own indicators and criteria according to this framework and principles.

And on the GNSO, that's gonna be the side doing this and I trust in ALAC, you have your designated working group or committee to do that. And I also know that you actually have a session yesterday to talk about Continuous Improvement Program, and like, do you

have anything to share, what you discussed, and what do you think it's worth sharing to the GNSO or like NCSG? Thank you.

CHERYL LANGDON-ORR

Thank you, Heidi. Cheryl Langdon-Orr for the record back here. Here we are, see, I'm waving to you on the Zoom. There we are. Hi, all. There we go. Yes, we had an excellent session yesterday. It was a little topsy-turvy because in fact this morning we had Operations, Finance, and Budget Working Group, which is where this type of thing is housed within.

We have a couple of pillar working groups which are involved in policy. And our lead on that is Claire, and Claire calls this the soft policy space. But it's the exciting stuff like strategic planning and budgets and things. So it's how soft you'll have to work that out at later. But continuous improvement also sits under that particular umbrella.

So we had a presentation this morning, which was a reporting to that committee about where just the At-Large Advisory Committee, in other words, the 15 person ALAC, where they've got to in their particular continuous improvement program planning. The work done by the ALAC small team, so it's a model that we'll see duplicated through a number of parts of ICANN, that work was actually used as an example almost throughout the development of the principles.

And we've found great comfort in the fact that or having gone through as ALAC, two full rounds of the specific organizational

review that we're already well along a pathway. So it was a little bit easier than it might be for some and looks like the battery, I'll just protect project. So that was this morning and we were meant to have our hour session with the regional At-Large organizations and looking at where harmonization may occur under each of the principles with some of the criterion.

And we weren't going to get down to the indicators, but just looking for opportunities where more than just the ALAC was going to be focusing on that. That occurred yesterday because we are meeting with you now and this is when it was meant to be.

So it was a very topsy-turvy set up. I can assure you we had the substantial conversation before we had the opening and frame setting. But there you go, we are flexible. In yesterday's work, we also focused on the fact that we will need to prioritize, that if we've established a number of harmonized points, which are important not only to the ALAC, the 15-person committee, in their AC continuous improvement program, but also it's something that the various regions may be equally interested in, then we don't want to compete for any resources, human or otherwise.

So in that harmonization, we are going to have to do a how important is it choice and how urgent is it choice? So our next step, which we did go through yesterday, but we'll need a little bit more capacity building on, is the working through of these potential similar activities to run through those standard four quadrant, P1, P2, P3, P4, which is something that we use annually in some of the

financial work that we do with ICANN anyway. I think that pretty well sums it up.

JONATHAN ZUCK

All right, thanks, Cheryl. Is there anybody else that wants to comment on this or we're all immersed in it, so we should help each other out whenever we can, obviously. Other questions? Where are we on time? I think we're sort of near the end here. We have what? Nine minutes? What do you want to talk about? Specific reviews or ethics policy?

RAFIK DAMAK

We can jump to the ethics policy.

JONATHAN ZUCK

Okay.

KATHY KLEIMAN

Okay. So number five is Update to Operating Standards for Specific Reviews. And I was wondering who in this room, just raise your hand if you've been on a review team. Okay, so great. So everyone who raised their hand, raise them again so people know who to contact, to talk to you about this stuff. So I just wanted to talk about my personal views and NCSG is still writing the comments, this is out for public notice.

I was vice chair of the first two is review team, and I'm really concerned about what's up for public notice. Reviews were

intended to be independent reviews of ICANN. So the idea that ICANN staff would help us scope them, what you did was you brought people into the room and we scoped it, and we decided what the issues were.

So I'm concerned, and I would love to know what you are thinking so we can compare notes, and maybe correlate comments. So community alignment ahead of time on focus areas for review. That's a little concerning because that's ICANN staff really helping us scope. Certainly, we can get input from the stakeholder groups in the advisory committees, but I don't know if we want to scope this all before we get everybody in the room.

Targeted solicitation of volunteers with skillsets specific to our reviews established focus areas. Many of us got our training in these areas and became experts by being on a review team. Many people in the Non-Commercial Stakeholder Group may not be there if you have to be an expert before you come on.

In the past, you've always appointed the people you wanted on those groups, people who are concerned about the issue, but not necessarily expert, meaning not necessarily a person who's been doing it for 20 or 25 years. So I'd love to know what you are thinking, whether you have concerns about this independent review process being scoped really by ICANN staff in some ways.

JONATHAN ZUCK

Yeah, we're definitely hot on this topic for sure, and Alan has been the primary author of our response to it. And beyond commenting

on it, well, as part of commenting on it, but we're trying to recommend that this should really be a community produced document anyway, and not an Org produced document, and that's part of the source of the problem. But Alan, why don't I give the microphone to you to talk a little bit about the points we're trying to make.

ALAN GREENBERG

It's too bad you missed my 15-minute diatribe this morning on this. The point you made is clearly relevant. ICANN should be drafting things, not deciding things, number one. Number two, you can't decide on everything ahead of time because you discover things along the way. I can go on in that thing.

There are a number of other issues related to selection of members, selection of the chairs where they're proposing an abomination. I'm trying to use only kind words here. Their section seven on how to amend these procedures is marvelous. Unfortunately, they didn't follow any of it.

For instance, it says, start off by talking to the last people who used these procedures to see what they thought about them. They didn't do that. Consult with the SO/AC chairs, they didn't do that, and so on and so forth. Our conclusion is this whole process, we got them to extend the deadline for the comments for a month. Our recommendation is stop this process, kill it, and start doing it properly. And by the way, the procedures that are currently in place were used once they sort of worked.

There's no reason to change them at this point anyway, but if you're gonna change them, follow the process you're recommending and not one you invented just for your own purposes. And again, I'm trying to be as kind as possible. I'm glad to forward you our comment. We're about to have it ratified this week, but I'll send a copy to you, and happy to interact.

KATHY KLEIMAN

Please do. I love the diagonal here, and thank you.

JONATHAN ZUCK

Now, I will say, and we need to be cautious about this, that if any of the involved staff of Theresa's point-- oh, my name. My name is Victor Van Freeze. I'm the avenger of your doom. So Jonathan Zuck here. They will argue that they had some public sessions and they got some feedback.

This wasn't completely done in the dark. I think that's definitely the case. But isn't part of what's the unspoken piece of this, that this is basically an overreaction to what was otherwise an overreaction to SSR2. I mean, that's really what's going on here is that they overreacted to what went on in SSR2, and now they're trying to figure out how to prevent themselves from overreacting again with a new set of rules.

ALAN GREENBERG

I once read a long time ago that a company policy is a reaction to a single event that isn't mentioned in the policy. Someone shows up

late one day, so now you have a policy for all 40,000 employees that they have to clock in exactly at nine or whatever. Yes, it's an overreaction. Yes, it's over control. I'll reserve the rest of the words.

JONATHAN ZUCK

And this is Jonathan. And that postscript, that was Alan Greenberg that was just speaking.

ALAN GREENBERG

Sorry. Alan Greenberg speaking.

JONATHAN ZUCK

And Jonathan Zuck is about to speak briefly before Kathy speaks, hopefully briefly as well since we're up. But the should we be explicit about that, should we out, that, I guess is the question I'm asking because I feel like that's the thing, the element in the room is that Denise knew some stuff about ICANN that they didn't realize she knew, and everybody really freaked out and shut it down and that we're all paying the price for something that was an overreaction to begin with. Let me go to Kathy and back to you Alan.

KATHY KLEIMAN

I actually wanted to say, I'm glad we had this conversation, but I wanted to spend a minute or two also on number six and see where

you guys are in the ethics issues. So in the community participant code, since we're in such agreement on this one.

ALAN GREENBERG

It's Alan Greenberg for the record. Alan Greenberg, for the record. In reaction to your last comment, I deeply resent it when anyone tells me what my motivation was for doing something without ever talking to me or asking me. So no, I don't think we should try to attribute motive to this. I think we should critique it on what it is. Thank you.

JONATHAN ZUCK

This is an organizational motive, but let's talk about that more, let's talk about that more. I'm not ready to give up on that idea. Number six. Can you be quick? Sorry, Sebastien, I didn't see your card.

SEBASTIEN BACHOLLET

I will be quick. I think what it's important in what Kathy told us it's independent review. We need to use this word, we need to underline this word because it's not what it is happening now, and I guess it's not just SSR2, it's much more broader than that. It's where is the power in this organization?

JONATHAN ZUCK

Thanks. And that was Sebastien Bachollet for the record. Do you want to talk a little bit about ethics?

MANJU CHEN

Thank you. This is Manju Chen for the record. I guess you guys have definitely noted that the Board has published this ethic policy and community participant call, and we're gonna have a session actually tomorrow for this. So we're wondering again, comparing notes, what are your representative and what are your thoughts on this ethics policy? If we had to share first, NCSG's strongly in support of what's being published by the Board?

CLAIRE CRAIG

Claire Craig, for the record, I keep telling everybody to say their name. Yeah, we are in support with some changes. Some of the things that we believe that our community members need to be constantly aware of that this exists. And even at meetings, we need to remember to remind them to state any conflicts of interest and those kinds of things, because things can change along the way, so it's not something that's static.

Another area that we were concerned about was also the ombudsman and that the ombudsman's role must be independent, and we wanted to share that. There's some other things, but I know we are out of time, so we could probably speak about it offline.

JONATHAN ZUCK

Let's pick this conversation back up. We don't have to wait for another ICANN meeting to coordinate on this. This is Jonathan Zuck for the record. We need voice recognition or something like that. And I'm curious you have some lawyers among your group,

how are you handling the issue of attorney-client privilege in this context?

KATHY KLEIMAN

Let the law professor. In Washington, D.C. very briefly, if you're-- Kathy Kleiman.

JONATHAN ZUCK

Or the law professor, we can just put it that way.

KATHY KLEIMAN

Oh, sorry, I lost my point.

JONATHAN ZUCK

In D.C.

KATHY KLEIMAN

In Washington, D.C. if you were advocating for policy, 99.9% of the time, you will disclose who your client is. You're required to, we have lobbying rules. And when you go up, when you talk to decision makers, you tell them who you're representing. The only time you wouldn't do it is if your client's doing something illegal and you want to change the rules so that they won't be doing it illegally. We always disclose in policy making.

So the idea that attorney-client privilege would protect you is wrong. You tell your client upfront that you have to disclose who

they are when you're making policy. So I've never understood that argument of certain friends of ours and other stakeholder groups.

JONATHAN ZUCK

Well, that's maybe the cheeriest note of the session. Thank you, Kathy, for bringing it home. And thank you again for coming together to talk about these issues. As usual, we have so much more in common than different. So it's great for us to collaborate. I'm putting this back on staff again, but let's get our staff to coordinate to have some small team discussions to make sure we're squeezing the most out of these other issues as well. But thank you so much.

[END OF TRANSCRIPTION]