
CR – BOARD / NCSG

Tuesday, March 13, 2012 – 15:30 to 16:30

ICANN - San Jose, Costa Rica.

STEVE CROCKER: So welcome. This is a joint meeting of the non-commercial stakeholders' group and the ICANN Board. From our perspective, it's your meeting, and we're here to interact but biased in favor of listening. Happy to answer questions, happy to engage in whatever the topics are.

This format is the one that we've evolved in recent times and is aimed at substantive discussion and has worked out pretty well. So let's just dive right in. Robin, it's -- you're chairing.

>> [Speaker off microphone.]

STEVE CROCKER: Please. And there's a set of questions which we've agreed to. I confess that my mind is a little befuddled these -- at this hour. We've been shuttling from one meeting to another. But try to cover it up pretty well and dive in.

We seem to be unable to project the questions, which would be helpful, but you have them, so let me recommend, you know, read them off, tell us what the workload is that's in front of us, and then stage manage us through the process. Oh, and I get by with a little help from my friends here. Thank you, Bruce. How to protect -- go ahead. It's yours. Thank you.

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

ROBIN GROSS:

Okay. Thank you very much, Dr. Crocker. Why don't we just sort of go back and forth because we proposed two questions and the Board proposed three questions or discussion topics, I should say, and so why don't we just kind of go back and forth between the different topics.

We can start with the first question that the Board proposed, which was, what is the outcome of -- or is there any resolution of any conflict between the constituencies, the different constituencies within the non-commercial stakeholder group. We have got the non-commercial users' constituency and the not-for-profit operations constituency, and so the Board's question was -- is what's the resolution of any conflict between these constituencies.

So on this particular topic, discussion topic, I wanted to turn the floor over to Alain Berranger who's the acting vice president of NPOC, and he'll respond first on that point. Thank you.

ALAIN BERRANGER:

Thank you very much. Yes, I speak to you in an acting role. Our elections are underway right now, as we speak, so really I'm not an elected, legitimate spokesperson but I guess a consensus spokesperson for a short period anyway.

And what I find most interesting with the question is not necessarily the answer but the way the question was framed by the Board. It carries some elements of view to that. And so I would say what conflict? There was a real conflict all the way to Dakar, and if you can -- if you can

imagine yourself in the -- in the stakeholders group room, well, you know NCUC is the elephant and NPOC is the mouse.

So we had a real conflict until Dakar and since then actually there's been a shift of leadership and the conflict is actually -- after we talked about it -- become more of a perceived conflict because we realize we have many, many objectives that we share.

So we met two days ago, and it was a -- there was a -- it was a tough meeting but it was all done on a positive tone. We kind of flushed out the irritants and came up with a joint statement which I will not read here but it's -- it's available, and that statement says that we're going to work together towards our common objectives.

That doesn't mean we won't -- there won't be disagreement and -- but we are going to work together. So I think the word "conflict" between the two constituencies can be erased.

[Applause]

ROBIN GROSS:

Thank you very much for that. Did anyone have anything they wanted to add to that or shall we move on to the other issues? Okay, great. Let's take the first issue that was proposed as a discussion topic by the NCSG and it's really sort of a high-level big picture theoretical, if you will, kind of discussion. But it's really important to the non-commercial stakeholder group. And this is how do we protect ICANN's multi-stakeholder bottom-up Policy Development process. And there's sort of a lot of sub-questions or sub-issues that are all part of this overall discussion. How do we know what is really policy and what is

implementation of policy? Who makes those decisions? How do we better protect the appropriate balance among the various competing stakeholders for influence in Policy Development? And then how do we ensure that proper ICANN process is followed to develop policy? And one of the impetus for this question was some concern about recent requests that circumvent the bottom-up Policy Development process and rather would -- groups or some groups would prefer to engage in bilateral discussions with the Board or with the GAC to get policies that they want at ICANN as opposed to participating in the bottom-up multi-stakeholder Policy Development process. So how do we really -- how do we protect that? How do we -- how do we discourage these kinds of bilateral negotiations and really try to make sure that policies come through proper channels, include all of the stakeholders, go through the full range of the Policy Development process, not shortcutting comment periods or other kinds of mechanisms that are built in to the Policy Development process that are intended to ensure fairness and intended to ensure the multiple views are heard and that the different stakeholders within the overall framework retain the right balance amongst the structure of how ICANN policy is made?

So again, this is really sort of a big picture question, but it's very important to our side, to have this kind of a -- a discussion about protecting the bottom-up multistakeholder Policy Development process. So does anyone have anything they want to add on this?

STEVE CROCKER:

I think Thomas, I see, and --

THOMAS NARTEN:

Thanks. I guess I'll jump in a little bit and say I think it's pretty clear what the difference is. If I agree with the decision, it's implementation, and if I don't, it's policy.

[Laughter]

But, you know, more to the point, I think there's -- this is one of those -- the case where there is never really a clear line because it really gets to whether it impacts people and whether they -- you know, they're comfortable, if they've been consulted with or not. And depending on where you sit something can look like policy and from somebody else's perspective it can look like just implementation and the details don't matter a whole lot.

And so what I would maybe suggest is, you know, this is a topic we have been going around and around on for a long time and it may be that the best thing to do is -- or one possible approach would be to actually put together a short issues paper, sort of review what is -- you know, this is policy, this is not with some definitions and try to get some agreement on what it is and what the principles are because, you know, we keep talking about it kind of at a high level and pass each other. And what we really need to do is find agreement in some principles about well, if something is policy we won't try to shove it under implementation and not do the right consultation.

STEVE CROCKER:

Thank you. Ray and then Bruce.

ROBIN GROSS: And Milton.

STEVE CROCKER: Sorry, Milton. Was he after Ray and before Bruce? Got it.

RAY PLZAK: Thank you, Steve. Going along with what Thomas said, in the end two things have to occur. One is there has to be some feeling by everyone that all voices were heard. And at some point you probably need to be able to somehow or other demonstrate that they have.

The other part of it is, and more importantly, is that everyone that participates in the process has to feel the process is fair. Because in the end, if everyone feels the process is fair, and that they've been heard, and -- but for some reason or other their viewpoint doesn't prevail, they have to feel comfortable enough that they will, you know, allow the thing to go forward and that they will like to participate in the consensus and in the working of the welfare of the group.

One of the things that's possible to happen is that when a proposal is put forward is, as Thomas was referring to an issues paper, is for the person that's proposing the policy to actually explain what the policy means, what the consequences of the policy could be, things that would further the understanding. And at this stage when that occurs, then to encourage everyone to participate at that early level, then when you can make the most meaningful changes to things, and accommodations more so than changes, to make sure that everyone feels the policy's workable.

The other advantage of doing this is that, you know, what the implications of the policy are, that it causes you to look at things such as resource requirements that are going to occur when you implement the policy. It also causes you to look at risks that may occur as a result of this policy. So there's a number of things that could be done there.

And so in the end, there's some legwork that has to be done in the early stages, I think, that would help push that through. And if somehow or another these kind of sentiments could be worked into the Policy Development process as a whole, the document says here's how we're going to do business, I think that might help as well.

STEVE CROCKER:

Milton, please.

MILTON MUELLER:

Yeah, I think the comments we've heard have been somewhat helpful, but I think they don't really address my main concern which is, it's not so much that we don't understand the proper conceptual or principle distinction between policy and implementation. It's that there are political pressures on the Board which create a very heavy pressure on you to redo things and then you call it implementation, whether it is or not. I think that's our concern.

So in the specific case, for example, of the ANA, and all the pressure that was brought to bear in Washington on -- regarding the new TLD program, you know, we have -- it just seems like it never ends. And for people who participate in good faith in the process and then feel like the rug is being pulled out from under them, the -- the feeling is that

people who don't play by those rules get rewarded if -- and people who do are essentially kind of disadvantaged because they -- you know, they just have to fight this endless fight and constantly be in reaction mode. And so I think it's more a question of does the Board understand that this is a problem. And I understand that this is a unique circumstance until the IANA contract is renewed, things are unstable and you're under a lot of strange pressures. But I just want to hear that you understand that it's a political problem fundamentally and that you have to stand up for your own processes and when -- particularly when they end. You know, it's just --

STEVE CROCKER:

So the nature of this conversation is, there's a sort of a statement, a premise included in all of this, is if it's true but we don't have any real facts included in this dialogue here. And so, you know, if one just read the transcript they would say there is a sort of unresponded-to assertion that the processes have been thwarted, that special interests do come and get access through bilateral negotiations, and that may be what you believe, but it's not necessarily what the rest of us believe. And there's no facts on the table here. This isn't the right place to get into an extended conversation with all that, but I -- I want to go back to Robin's introduction that this is a bit abstract and without some observable, some facts on -- that we can dig into and agree on what it is we're talking about, it's a little hard to respond because it -- it would include a tacit agreement that all of the assertions that you're making are, in fact, true.

Bruce, and then Bertrand.

BRUCE TONKIN:

So I think firstly, Milton, you're saying do we recognize it's a problem. The answer to that is yes, we do. And there's certainly been a concern that the Board has sort of evolved in the last 18 months from being a Board to a policy council and it's trying to revert back to being a board.

And the second aspect of that is that we -- the Board actually agreed with the recommendation from the ATRT review team that one of the recommendations was actually to provide more guidance on the separation between sort of policy and implementation and when to use a PDP. So we as a Board have actually agreed that it's a problem and agreed that we are looking to address it.

That particular topic is being delegated by the Board to the Board Governance Committee and it's one of those where you -- it's early days, I guess, but ultimately the aim would be to put out, as a couple of people probably have requested, but a bit of a paper. I think Thomas requested that, but essentially a paper to say this is our current thinking and get the community comment on that.

Just to give a couple of high-level observations, I guess, there's a difference between a policy that applies to ICANN and a policy that applies to multiple stakeholders in the community. An example of a policy that the Board might approve that applies to ICANN could be that, you know, we post minutes of the meetings by a certain number of days or that we post the agenda for an ICANN meeting within a certain time frame. That's a policy that really just applies to the organization. And the implementation of that could evolve over time as just exactly

how notice is given and we could update that implementation every month if we wanted to.

The other type of policy is where it affects stakeholders, and a good example of that would be transfers. And transfers affects registrants that are, you know, registrants of domain names, so they're obviously impacted and affects registrars that have to manage that process and it affects registries that have to manage that process.

But there's also a very strong compliance angle there associated with transfers because a lot of the work has been done with response to consumer complaints, more or less. So in that environment the implementation is that -- the policy's got a lot of implementation in it and a lot of what I see coming from the GNSO is quite fine-grained implementation. You know, it's even down to the form of the e-mail that the registrar has to send or down to the mechanisms that are used to lock and unlock names. The reason it's in so much detail is that if you don't have that detail, there's no way to be able to manage compliance. And so that's where something that has gone to the GNSO has had a lot of work on implementation whereas something like posting minutes of a meeting, you know, has had far less detail.

First I want to separate the detail is different depending on the context. And secondly, when multiple stakeholders are affected I think the principle is that the Board will act when there's a consensus of those affected stakeholders. And then your next question is then what process is used to determine that consensus. And we have a few different mechanisms at ICANN. One of them is a two-thirds vote of the GNSO council, and that's a mechanism that's in the registrar agreement

with respect to approving a new form of that agreement needs to go to the GNSO for two-thirds vote. Doesn't say has to use the GNSO's PDP, but it says it needs a two-thirds vote. Other times measures of consensus -- for consensus policies are much more confined, you know, you have PDPs and things like that.

So it is a complex topic. I think the best way is for us to actually produce a paper on it, and then get community feedback on it.

BERTRAND DE LA CHAPELLE: Thank you, Steve. Bertrand de la Chapelle. To go a little bit further on Milton's question, I think there are a few elements. One is the amplitude of the policy we're talking about. And for instance, when we're talking about consensus policy within the registry or -- that we'll apply to the registries or registrars, it's a little bit different from the process that we have done with the new gTLD program which is a very, very large scope. When the processes are addressing very large policies, there actually is not such a clear distinction between policy and implementation. They can be policy guidelines and then implementation policy elements.

A lot of what we discussed indeed in the Applicant Guidebook had a strong policy dimension. It was not the overall policy. It was how the different elements of the overall policy provided by the GNSO were going to be put in place. And this is only with insight. We didn't know that much of the distinction, but it probably would have been beneficial to have a period that would be intermediary that would have identified a few key building blocks that needed to be refined, that would still have been policy, of sort. Because the problem is when it goes to

implementation, or if we consider in the case of the new gTLD program that it went directly to implementation and that the Applicant Guidebook was implementation, by definition it doesn't go any more through the validation by the GNSO or the -- or the different stages for the overall document. I mean, in the end, the overall last iteration of the Applicant Guidebook has never been validated formally by the GNSO in a particular way. It ended up being iterated, and then the Board said now we reached a certain level.

Which brings a very important question, how do we document successive closures because we need to have, as a community, a certain number of situations where it is possible to say now we decide whether this topic is closed or not. And a big challenge is related in that respect to what Bruce was mentioning because some of the clauses or whatever is being discussed can potentially apply only to the people who are discussing it in this -- in the room or in that process. And some of the discussions can apply actually, or have consequences and impact, on a very broad range of people. And even if we had something to document, whether there is rough consensus at one stage and closure because we cannot bring a better consensus. Because we're not a membership organization and there's no way to say that the people from one constituency are actually representing everybody from the same type, you always have the risk of people who have not been involved in the process will come back afterwards and say oh, by the way, I was not involved. And so ICANN is in a weird situation where we naturally say, well, you know, you had people that are representing, quote, unquote, this sub-part. Can be the business constituency, can be the IP constituency, but these people are not elected or designated by

all the constituencies -- all the members of that category outside. And so because they have no mandate, it is difficult for them to commit to a closure beyond their own -- their own commitment. So with insight and with the goal of avoiding the kind of problem that Milton was mentioning, one of the challenges for ICANN in the future is to address objectively the question of how to make sure that within the constituency we don't have only the actors who are willing to come but also to engage and invite and outreach and bring in the actors that must be in. Explicitly. And to take the INO -- or INTA, they should have been more explicitly dragged in to validate their commitment to whatever stage of the process, I guess.

STEVE CROCKER: One just sort of academic flaw that comes to mind as I listen to you is that makes it possible for some actors who should be in to refuse to come in so that they can reserve the right later to say they weren't in.

BERTRAND DE LA CHAPELLE: This is the very big challenge and it's an element of free-riding in any multi-stakeholder process.

STEVE CROCKER: Mary.

MARY WONG: Thanks, Steve, and some of the points I was going to make have already been said, so let me just return somewhat to Milton's and your comments earlier. I think -- I hope the Board heard the initial part

which is that I think everyone in the community and for us, our group understands the pressures the Board is under, particularly at this time, and all the requests and lobbying that go on. And we know that's very, very difficult.

At the same time, I think that one of the issues we've been talking about a lot in this environment is volunteer fatigue. And we all know that this little echo chamber in ICANN, things build upon themselves, whether real or not, and in some ways maybe perception unaddressed could become reality and effect the issue of people's belief in the system and their willingness to work.

I think if you were to ask members of the community, not just this group gathered here, for some examples, I mean, one of the things is, we can't know all the facts. We obviously will not know who's talking to whom and who's asking the Board for what specifically. But in terms of the perception, I think some examples would obviously be the RAA issues, for example, the requests from the IOC and the Red Cross that some believe should have gone through the GNSO who could at least then say maybe that's not policy, it's an implementation detail.

And I think the final example, which Milton alluded to, would be defensive registrations. A public comment period was opened, I think a few days after a letter was received from the NTIA in the midst of the application period seeking information. And that may well be just information. It's got nothing to do with the first round or anything. But that does create questions, given that the trademark issues were fairly thoroughly canvassed in the process leading up to the launch. And then on Sunday, in the meeting with the GNSO council, there was a question

from the Board that asked about defensive registrations at the second level. And so if you look at all the developments and the public comments as well as this latest development, there is a real fear, I believe, in the community that on the trademark issue, as my final example, that there is going to be pressure to reopen the second level protections that were developed over time through community consensus when there already is in the guidebook a built-in guarantee of a review at some point in time.

And I don't know that the Board can or wants to address these things, but I thought one purpose of this might be feedback to the Board. I do believe these are very real fears in the community.

STEVE CROCKER:

Thank you very much. So you listed three specific things, just to recap. The last one took a bit of time. I'm trying to remember to go back to the first one. Oh, the RAA and then the IOC, the Olympic Committee, and the Red Cross and then the third one was defense of registrations. Probably the best thing to do is ask Avri what she -- give her the turn, and then maybe we could take each of these, if it's appropriate. It's a little bit of time management, as well. So I'll look at you, Robin. I know what I would say with respect to one of them, and I would pass the ball to others for the other two.

AVRI DORIA:

Okay. Thank you. This is Avri. Without getting into any of the specific issues and without necessarily prejudicing -- or the question of did one move from policy to implementation or implement without policy, one

thing I noticed in the application guidebook, the board was generally superb at always being able to root any of its implementation issues in some element of the policy that had been created until we got to one where a new category of reserved names was created in the application guidebook that had never been through policy process.

So basically, without asking that to be discussed in its detail, what I'd like to ask is that that be a case study for this paper that's being discussed, because I definitely believe from my interpretation of that event at this point, that that definitely crossed the border of creating policy, a new type of reserved name, and assigning to people to reserved name -- that new type when reserved names had well been established and solidified.

And so I believe that that one crossed the line, but without getting into the discussion did it/didn't it, I'm asking that that be a case study for this paper.

Thanks.

STEVE CROCKER:

And just to be sure that we're all on the same page, we're talking about the Olympic Committee and the Red Cross?

AVRI DORIA:

Yes. They were assigned to that new category of reserved name.

STEVE CROCKER: I understand. I just wanted to make sure that there was no room for misunderstanding of what we were talking about.

I think it's your job, Robin, to decide sort of how to drive this and so forth. We'll be happy to respond, but I don't want to just dive deeply in, at the risk of --

ROBIN GROSS: Well, why don't we do that. Why don't we just, if we could real briefly, go over those three issues and then we could maybe close this issue and then move on to the next.

STEVE CROCKER: All right. Well, the one I'm comfortable saying something about is the RAA. The current quite intense negotiations that were kicked off after Dakar came after an extended period of time -- measured in years -- of things going around and up and down and around again and creating a great deal of frustration but not closure.

And a useful event to mark the time, but not necessarily the only one, is that the GAC took us to task on behalf of the law enforcement community in a very forceful and public way.

By itself, you know, out of context, I don't want to say that the GAC can do that and that's the thing that drives us. That just is another way of falling into the trap of special interests, in a way.

But it coincided with a clear understanding, independent of that particular interaction, that that's a process that had been going on for

far too long, and so there was a degree of dysfunctionality and there needed to be a change in mode of operation.

That's my comment about the RAA.

Anybody want to respond to the other two? To the marks and to the -- boy, I'm having trouble at the moment --

>> (Speaker is off microphone.)

STEVE CROCKER: What was the last one?

>> (Speaker is off microphone.)

ROD BECKSTROM: Well, on the IOC/Red Cross, I think there's other people here that are more of an expert than me. Obviously there's some proposals and some discussions out there, and I think some language that's been posted, but Kurt, you can help me if you've got more details on that.

On defensive registrations, there was a public comment period, and there has been a number of submissions received, but the board has thus far not chosen to take any action.

So there's no action on the staff side, but I think it's going to be -- obviously it's an important issue that's been considered deeply for six years already, and obviously in a multistakeholder community which is

loosely coupled and highly decentralized, the parties that have a strong interest in it will continue to seek venues to raise that issue.

But no specific forecast here except to say that at this time there is no change to the applicant guidebook and we're running the program per the applicant guidebook to close the program on April the 12th. Thank you.

ROBIN GROSS: So is there anyone who wanted to address the issue of the Red Cross/Olympic committee requests?

STEVE CROCKER: I don't know if we have the right people here.

ROD BECKSTROM: No one's jumping to the mic, are they.

ROBIN GROSS: Okay. So, yeah, again, the concern was this was a circumvention of the policy development process and how did we get there, but if there isn't anyone who can answer that question, we could move on to the next question.

ROD BECKSTROM: Well, if I -- yeah. If I may, I think -- I think Avri Doria actually did a pretty good job of summarizing the reality of the situation and subjecting -- suggesting that it be a case study in questions of when things, you

know, are developed based out of policy and when, perhaps, they might not be.

Which I think seems like a very interesting characterization of the issue.

ROBIN GROSS:

Okay. So if there were no other comments on that, let's move to the next question that was proposed, or discussion topic that was proposed, by the board, which is NCSG's views on the RAA.

And I actually wanted to ask our GNSO Councilor, Wendy Seltzer, who has been very active on this issue, to be our primary respondent on that.

WENDY SELTZER:

Thank you, Robin and Steve. I think the procedural issues here have been amply discussed in the previous question, so I'll move right into some of our substantive concerns with what's happening in the registrar accreditation agreement or what might be happening and what's being demanded by law enforcement. Taking the progress report that was recently posted, we have particular concerns with a few of the elements in the negotiations and the law enforcement requests around privacy and proxy accreditation and around WHOIS validation. So our concerns are with the ways that these would impact individual and noncommercial registrants and users of the DNS, that they might have particular impact on those trying to preserve privacy while using DNS and while registering domain names and speaking online, which in a way comes back to some of the procedural questions because I'm not asking the board to help us solve these problems as the board.

And I appreciated the board's resolution in Dakar sending some of these issues to GNSO Council for a policy development process, telling us, "Council, you have to figure these things out, as a council where all of the stakeholder groups are represented" rather than having it thrown into a bilateral negotiation and rather than telling law enforcement and registrars to work it out amongst themselves.

These issues need to be discussed among all of the stakeholders. And so we are reaching out to registrars and reaching out to law enforcement to ask how might we help them to solve the real problems that they're identifying, problems distinct from how can we get accurate data into WHOIS because that's not at the end of the day what anyone is actually trying to do. They're trying to figure out how can we keep the Internet safe for users, for speakers, for those engaged in e-commerce, for those engaged in free expression and association.

And if we can work on those underlying problems in true multistakeholder fashion, I think that we -- we can move this forward. If we get stuck going through multiple translation layers where law enforcement goes to GAC, goes to board, goes to staff, and finally gets translated as a list of 12 specific requests where boxes need to be checked in order to say we've had a successful negotiation, I think that's unlikely to resolve any of the problems.

And even if that gets negotiated, we'll be back again with another set of 12 requests. Okay, now we really need to resolve the problems of cybercrime and here's a different set of demands to do that.

But if, instead, we can all -- all who share interests in keeping the Internet open and safe and usable can be involved in that discussion, I

still hope -- have hopes and high hopes that we can reach better solutions.

STEVE CROCKER:

We have kind of a hybrid operation with the contract that is subjected to a bilateral negotiation between ICANN staff and the registrars, or ICANN staff and the registries. There's two contracts for each. And that does create a funny situation in which you have some things that are subjected to this open multistakeholder, bottom-up process with all the complexities and opportunities that we put into it.

And then on the other hand, we have this sort of business arrangement that is in there. And that creates some interesting boundaries as to what things belong on which side and how to merge those together.

That's probably worthy of a discussion about what those issues are. As a general principle, since we like abstract discussions here, every time there is a boundary, there are some things that get tested right at the boundaries.

BRUCE TONKIN:

Just a question, Wendy. You mentioned that the board did send a request to the GNSO, and I heard a little bit of discussion about that in one of the GNSO Council meetings. But what's the view of your stakeholder group and whether there are items that should proceed with a PDP or whether you feel that you need to wait for the work on the RAA to complete?

WENDY SELTZER:

That's a challenging question because of the synchronization problems. Do we try to do something and where in this process will it fit? As the Non-Commercial Stakeholder Group, one of the items that we're engaged in work on is working on the freedom of expression impact analysis or human rights framework for analyzing these issues as they come up. And we're trying to produce something that we can use as a tool to evaluate proposals, whether they come out of PDP or from the bilateral negotiations. That's where I think we are focusing most directly.

BRUCE TONKIN:

I think -- an observation I'd have which, you know, you use the term "contract negotiations" versus the term "PDP." I think the fundamental problem is for historical reasons, the WHOIS policy today is basically embedded in a contract. Whereas, the intent of the GNSO policy development process is to create policies. And once they are approved, then the contracting parties have to abide by them.

So I think that's one of the challenges, and one of the things is -- I think the WHOIS review team had a similar observation that when they try to find the WHOIS policy, they couldn't find it anywhere except the Registrar Accreditation Agreement.

So maybe structurally that's an improvement that could be made, is to pull it out of the agreement and call it a WHOIS policy and then manage that policy through a policy development process.

WENDY SELTZER: Thanks. I will just respond to say that meshes with one of the comments that we are making in the WHOIS policy review team and that we may bring up in council, that WHOIS policy should be unified -- or if WHOIS policy is going to be unified, it should be through a PDP at the GNSO Council.

ROBIN GROSS: Is there anyone else who wanted to speak to issue?

Let's move on to the second and final issue that NCSG proposed, which is how to internationalize ICANN, how to increase participation of developing country actors, not only the composition, and outlook of the board and staff but the whole perspective and framework that it operates under.

And for this particular discussion topic, Bill Drake, another one of NCSG's GNSO Councilors, would like to be the designated respondent.

Bill?

WILLIAM DRAKE: And by "would like to," she means she asked me to do this ten minutes ago.

Okay. Well, I was actually -- when we were kind of discussing ideas on the listserv, trying to decide what we wanted to talk with the board about, this general set of questions came up. And as you can see, the question is rather crowd sourced. I actually suggested that maybe it wouldn't be productive to discuss it because we tried several times before. And I had the impression that the board didn't find it

particularly engaging, but a lot of members really did want us to talk about it.

And now that I understand NPOC is going to be moving more in a development kind of direction, which is I think a big shared area of interest between NCUC and NPOC, I think the whole question of strategic engagement with developing countries and how we internationalize and how we sort of -- the optics in how ICANN is perceived in a geopolitical environmental all are still very much live issues that merit some discussion.

I guess one way of getting at this to make it more concrete because I know that's preferred, I was just looking at the Web site for the Global Relations Committee of the board, which is actually -- it is nice to see that there's some material on the Web site now. Although I'm not a big fan of the new Web site but that's another point.

And there are minutes from some of the discussions. And I noticed, for example, that in October 22, the committee discussed the need to use the right nomenclature when discussing this topic as it is not really "internationalization" and that the committee wants to talk about definition of overarching principles and messages, the need to engage with the community on these definitional and prioritization efforts.

I thought fantastic; here is a chance to engage with the community. This is what we have been asking for.

And I also note that from the September 11 meeting last year, there were discussed -- a couple of discussion papers considered. So,

obviously, there are things percolating that the community has not really been engaged with the board on.

And so I wonder if perhaps we could ask the members of that committee and others who want to talk about it: How are you thinking about internationalization conceptually? If the term "internationalization" is not the right term, what is the right term and why is it the right term? What are the top priorities in your view given what's going on geopolitically in the ITU and elsewhere? And how can we in the community provide inputs and find out what's going on in this space? So we welcome anybody who wants to provide --

BRUCE TONKIN:

Judith and then Bertrand.

JUDITH VAZQUEZ:

Well, I'm glad you brought this up. I'm the first female Asian on the board. And the view of Asia, in particular, to the new gTLD program, particularly in IDNs, is extremely positive but not embraced in the same manner by probably another sovereign state, which brings to the table the delicate balance of how do we approach internationalization? So the board -- I'm new to the board. And honestly, most sincerely, we're stymied. It is a stymie because we say this is a bottom-up model, and so we are waiting for the bottom to push up. What are your views on internationalization? How should we proceed? But then the stakeholders are asking us: How do you plan to proceed? So is this bottom-up or is this top-down? Even we are confused when you ask us how we are to proceed. So I'm glad this is on the table right now.

STEVE CROCKER: It is bottom-up. The only question is who is on the bottom.

WILLIAM DRAKE: NCUC knows who is on the bottom.

[Laughter]

STEVE CROCKER: Oh, oh.

WILLIAM DRAKE: I was amazed to find out we were an elephant today.

[Laughter]

STEVE CROCKER: Bertrand.

BERTRAND DE LA CHAPELLE: Thank you. Actually, the question, as Judith said, it's less what we actually have as a strategy or an orientation at this moment that is the valid exchange. It is what are the different dimensions of the term and can we take that into account so the discussion can go on?

The discussion is going on, indeed, in the Global Relations Committee. But there are several dimensions to this work which is a little bit tricky because it has the word "national" and it seems to refer to a system or an approach that is based exclusively on the nation state.

There is always this tension between global, international, internationalization, meaning are we going into an intergovernmental type of thing. That's not the point of the term. "Internationalization" in this respect has been ambiguous for all of us.

So if we try to deconstruct a little bit, there are several dimensions. And I may be missing some. One thing is, for instance -- And there is no particular order. The composition of the board, which is a very important element -- And, for instance, whether the NomCom and the different structures are contributing to the sufficient geographical diversity. That's one element. It is the type of recruitment of personnel.

Beyond the type of recruitment of personnel is a key question of offices. Are there offices in what? Regions? Countries? And this is directly connected to the functions of those offices because there are several types of interactions. There are interactions with governments in those regions. There are interactions with other actors in the community. There are some actions that ICANN is doing in terms of information or training where it's an outreach type of function. So who do you locate in those offices?

And to be frank, the question of the location of offices is itself is a multi-dimensional issue because choosing where you put one can trigger a war of competition between different countries who want to have an office. It depends on what is the size.

So the question of the local offices is one key question. An element, for instance, that I always bring into this debate is that, of course, there's the geographic, but there is also the type of scripts. And we will go

more and more into a Domain Name System that has different IDNs and taking into account that there will be actors who will be using the same type of script, they may have a need for certain types of service.

So the question of localization and offices is one thing that is important. And as you know, there is also the question of how do you articulate the structure of currently developing regional vice presidents with the aspect of following international processes who themselves are not geographically based.

If you take everything that is happening in the U.N. environment, in the WSIS, and in the rest, you have a tension between the geographic location and people who are following processes that are completely different from what happens at the local level.

And, finally, we should not forget and put aside in the corner of our heads that during the discussions in the President's Strategy Committee in the past, an important dimension of this internationalization is related also to the legal status of the organization and its potential evolution. It is too long to discuss.

But at least off the top of my head --

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(Speaker off microphone.)

BERTRAND DE LA CHAPELLE: Off the top of my head, those are the subcategories that are clearly being discussed.

What I would like to learn from you is how you would like to organize this interaction.

STEVE CROCKER:

Let me intercede for just a second because it is past 4:30 and we are due -- the board is due in another meeting very shortly. But I do want to relatively quickly chime in and then I want to do a quick summary and then I want to bring it to a close.

Go ahead.

ALAIN BERRANGER:

I agree with the previous speaker. I don't think a 501(c)(3) has stopped other organizations from becoming truly international. GKP Foundation, which I'm a trustee, is a Spanish foundation based in the Asturias but we work globally.

The only contribution I can make is to say that as NPOC, we really plan to increase the membership from developing and emerging economies. Oh, that's a difficult outreach, hard work. You have to do it one member at a time and also be a little bit ready to empower institutions and communities from these economies.

So if a similar individual or institution wants to become a member of NPOC, we have difficult rules for being -- for them becoming a member. So we may have to think about membership criteria and internationalization.

But it starts at the base because the more international members we have from emerging and developing countries, the bottom-up process

will bring up the issues and will change the mind-set. But it is a long process.

STEVE CROCKER: Thank you. Bill Graham who is usually quiet wants to speak up here briefly.

BILL GRAHAM: Yeah, I just want to say the Global Relations Committee will be launching a questionnaire on this very soon. And it has kind of two aspects. One is to help with the definition and determining the priorities in the field of internationalization. The second aspect is to try and find out how ICANN is doing so far. Thanks.

STEVE CROCKER: I wanted to do just a quick recap. Many of the key points have been made. It's a process in which we're feeling our way. There's inputs from all corners. I won't try to say what direction is up or down. In ALAC, we have had the AFRALO summit in Africa followed by the LAC RALO Summit here, both major and important efforts in bringing communities together in different regions.

We have the appointment of vice presidents in different regions. We have the survey, which is an important activity going on.

We are spending a lot of time in the board asking essentially the same questions that are being asked here: What is it we are trying to accomplish? How best to do it? And even spending time on which

word is the right word to use, although I would much prefer to get at what impact and what effect we are trying to have.

With that, Rod you wanted to close up here?

ROD BECKSTROM:

Sure, very quickly. I just wanted to thank you all not only for the extremely articulate comments -- and I really appreciate Wendy's comments about the importance of the user perspective in the RAA negotiations. That's so important. And that's just such an important view that you bring to the table as a constituency and it is just invaluable for the organization. And thank you for the articulate advocacy.

I love watching Avri take an issue again and put it on the table so clearly.

But what I just want to thank you for is for the professionalism of this group and the great value you bring to the organization as a balancer and also to all the organization. And so just a lot of appreciation. Thank you.

ROBIN GROSS:

Thank you.

[Applause]