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HYDERABAD – ccNSO Members Meeting - Day 1 (pt 4)  
Sunday, November 06, 2016 – 15:15 to 16:45 IST  
ICANN57 | Hyderabad, India

SANDRA HOFERICHTER: I want to introduce and invite your community to the new programs which are organized by the ICANN Academy Working Group.

The first one is the Leadership Program, and this is going on since three years already. Some of your community did participate in that one already; for instance, Katrina and also...

ALEJANDRA REYNOSO: Alejandra.

SANDRA HOFERICHTER: Alejandra. This is a program which is designed for incoming and current leaders, so either those who are new at the ICANN community or those who've already been participants for a long time at the ICANN community.

Can we please click on the Leadership Program?

They have the chance to elaborate their skills, discuss hot topic ICANN issues in detail with other community members, and do a

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*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.*

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joint cooking school to network a little bit with each other, which is always great fun. It's actually a program which, those who have been through, are very much appreciated by the community.

For the ccNSO, you will have two seats and it will take place three days before the ICANN Copenhagen meeting. Travel support additional – will not be provided – but the hotel, of course, will be covered by the program.

We will kindly ask you to assign within your community the two members who have an interest because the Academy Working Group would not like to make a selection if you receive multiple registrations. So, please, it should be within your group to agree who's going to participate in that program.

I'm sure, in order to respect the short timeframe, Alejandra and Katrina and others will be able to share their experiences about what you can expect from this program.

On the bottom of that page, you have a registration form. It's a little bit hidden, but you will find it at the bottom of the page. Registration is already open until the 20<sup>th</sup> of December. It would be great if we can have, again, two participants from your community. It's there. Deadline is the 20<sup>th</sup> of December. "Registration Available Here." Then click.

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If you go back and go to the other program, which is a new one, this will be a pilot program where especially chairs (chairs of a working group or chairs of a stakeholder group) are invited to participate.

This was actually an outcome of the last Leadership Program, where we do, already, chairing skills or participation skills sets. But we found that, if you are an active contributor or a chair within ICANN, you can easily be challenged with how to run a meeting really effectively. So we decided that we are going to offer something from this group as well.

It will not put any additional workload on you as a chair. You will be observed, and somebody will participate in your meeting – either telephonic or face-to-face – that you are chairing. We'll provide you feedback on how you're doing and what you could improve. You will have a second opportunity to see how the feedback was incorporated in your daily work, and you will get other feedback then.

We are working together with Inside Learning, which is a professional company who is offering these kinds of trainings. But we will also assign a community facilitator to each of the groups because we think it's a very private issue – to get observed, to get the feedback – and we would like to have the

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community to put that in the right context so that not only externals are looking at how we are performing.

This program has the potential to be an ongoing program, but it is limited to those who have a chairing position at the moment, not who had in the past or who might be in the future. So it must be a current chair.

We will also start with that program in December – probably only coordination calls at the first point – and we will then proceed in February and January. It could be possible that those persons who are taking the chairing skill set then proceed in the Leadership Program, but this is not a condition.

In the respect of your short timeframe, I will stop here but will be ready to answer if there are any questions.

UNIDENTIFIED FEMALE: Are there any questions right now? Apparently not. Thank you very much, Sandra.

SANDRA HOFERICHTER: If not, I invite you to reach out to me personally. Katrina and Alejandra both have my e-mails, and they also will be able to provide you more details about at least the Leadership Program.

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Maybe one of you is even interested in the Chairing Skills Program. Thank you very much and have a nice day.

UNIDENTIFIED FEMALE: Thank you. Now, may I request for all of the Councilors to-be and ICANN Board members to-be to come forward for the Q&A? Thank you. And Allan, please.

ALLAN MACGILLIVRAY: Okay. Let the games begin. Let me just start on a serious note and thank everyone here, actually, for agreeing to stand to represent your community and to volunteer your time, largely unpaid. So thank you very much for actually agreeing to do this.

Now, in the time-honored fashion of elections, we'll now ask you terribly difficult questions and try to embarrass you. This is what you get for agreeing to do this. We have the successful parties for the ccNSO Council, and we also have Chris. So what I thought we would do is maybe just start with some questions for the ccNSO would-be Councilors.

Then, after a little while, we'll turn it to Chris. And if we thought we we're running out of time, then we can come back, because I'm sure a lot of people who will want to be directing their concerns to Nigel.

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With that, I'm really just going to open it to the floor. There was quite a lively debate online, and there was a lot of answers online. I'm hoping that most of the people in the room saw that and were able to participate in those. It's not my intention to actually ask those questions again, unless of course there is a dearth of interventions here.

We have two mics. We have the mic here and we also have a roaming mic. We may have some participation online. I don't know. We'll see what Kim does. So who would like to start the festivities? Questions for Councilors.

BYRON HOLLAND:

Can't let you off that easily. For the Councilors – and as a Councilor and as a former Chair – one of the big challenges that we always face is engagement. How do we get more people more involved in participating? It's often the case that working groups, while having a long list of people in the working group, find themselves in the predicament where a few people are doing most of the heavy lifting.

Do you have any thoughts and suggestions on how to get more engagement in terms of participation at the working group level, not just as a name on a list but as an actual participant helping and contributing?

And that's for nobody in particular – all of you. But we might as well start with my North American colleague.

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STEPHEN DEERHAKE: I found, being on the board of my daughter’s school some years back, that public shaming had some effect. But it’s a really great question because you get the 20/80 rule or the 10/90 rule in effect otherwise.

In my case, we’ve got PDP coming up. We have important stuff coming up. We have working groups this community is going to need to fill, and this is a really relevant question because of that.

I think what it’s going to come down to is making the case at these meetings that, yes, we need you, and actually going around and soliciting people, asking them – as Councilors asking them and as fellow working group members asking them – particularly if we’re trying to chase a particular skill set. In other words, we can’t just sit back and wait for people to volunteer. We really have to go out into the aisles here, so to speak, and solicit people.

ALLAN MACGILLIVRAY: Thank you, Stephen. Hiro, please?

HIROFUMI HATTA: From the perspective of the AP region, it’s very diverse, and the AP region has a very big number of small ccTLDs. I think they

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have very little information about what’s going on in the ccNSO area and the ICANN area. So it is very important to inform – I don’t want to use the word “educate” – and share what’s going on continuously with the members of each region.

Maybe not all, but some of them will come up to show up to discuss and share opinions. Thank you.

ALLAN MACGILLIVRAY: Actually, I think I’m going to cycle through everyone, too. Abdalla, please.

ABDALLA OMARI: Thank you. I would like, actually, to echo what he has said. I think we need to carry out a survey and find out why participation – although as we say the 80/20 rule usually applies in most activities, we may need to disprove that theory. Let’s carry out a survey and find out the most effective way members would like to participate in working groups because maybe there’s a certain way in which members will be willing to contribute to the very important issues in the working groups.

So it’s key for us to find out the feelings within the working groups.



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ALLAN MACGILLIVRAY: Thank you. Alejandra, do you want to take a stab at that too, please?

ALEJANDRA REYNOSO: Yes. Thank you. What I think might be a little bit lacking for the Latin American participation sometimes is language because everything that is done within the ICANN community, and especially in the ccNSO, is in English. That shouldn't stop the participation, but it limits it a little bit.

So what I will try to do is convince them that they should not be afraid, that if they are not perfect English speakers, it's okay. Because they are afraid to, well, make mistakes. I can tell from experience that that is not an issue, actually, as long as your message can be delivered. So that's where I would try to make a change.

ALLAN MACGILLIVRAY: Thank you. Oh, Nigel. How could I forget about you?

NIGEL ROBERTS: I was just hiding behind Chris. I understand the question to be more about how we can increase engagement. There's a simple answer to that, and that's more free alcohol.

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But seriously, one suggestion might be for existing Council members and officers to encourage people who potentially in the future might be persuaded to serve to get involved and see what we do. I'm certainly open to anybody who wants talk to me or even get involved. I can even give you some of my work. That'd be really nice.

For those of you who read what I wrote on the list, being elected unopposed is always a bit of a relief to anybody in a position that's subject to election. But you never actually know whether it's because people are extremely happy with what you've been doing or they really don't care. It's always a bit reassuring when there's a bit of an election...

I took my seat in a contested election, and I would have welcomed a bit of a contest this time, which I would have had to win, of course.

I noticed that we're all unopposed this time, and I think we'd like to do something to change that next time.

ALLAN MACGILLIVRAY: Thank you. Did you have a question for the potential Councilors, Katrina? Peter, please.

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PETER VAN ROSTE: Hi, everyone. I'm from CENTR. As Allan already indicated when he opened this session, I think it's very appropriate to thank you all for your contribution to the ccNSO and this community. That's an important starting point.

As some of you might have noticed, there is a quite a bit of overlap between – content-wise – what the ccNSO is doing, what some of the regional organizations and probably what all the regional organizations are doing.

Do you see this as a problem, and if so, what would you suggest to solve that problem? Thanks.

ALLAN MACGILLIVRAY: Very good question. Why don't we follow the same order? Stephen, please.

STEPHEN DEERHAKE: Peter, at least with respect to the Asia-Pacific organization, which I actually participate in even though the geographically-challenged ICANN believes I'm in North America, I would say that what duplication there is is not an issue because there are a large percentage of people within Asia-Pacific that are active in APTLD that only play in that space. They do not come to ICANN meetings. They do not participate in ICANN meetings. They rely on updates at the APTLD meeting of ICANN activities.

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For example, in Bangkok we had, I think, three different sessions on what was going on at ICANN – of course, the transition being one of them. So at least with respect to that organization, I don't think the overlap is an issue. I think it's important that outreach occurs. I can't speak for CENTR because you have a lot of CENTR people come to ICANN on a regular basis. But at least with respect to APTLD, I don't think it's an issue.

ALLAN MACGILLIVRAY: Hiro, please?

HIROFUMI HOTTA: Thank you. Steve stole my story of the AP region.

STEPHEN DEERHAKE: Sorry.

HIROFUMI HOTTA: Okay. As I see the AP region – the APTLD and the ccNSO – of course the title of the discussion – not topic – overlaps, but the discussion's content itself is not so overlapping because, as Steve said, there's not many people here in the ccNSO, and maybe layer the structure.

So we need to inform the AP region's ccNSO members and APTLD members of what is going on and discuss how to be

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engaged and involved in the discussion – to educate them on that.

Of course, in the ccNSO layer, we discuss across the regions in a more higher-level discussion.

UNIDENTIFIED MALE:

Okay. I sort of agree there's an overlap, especially in Africa, on activities – basically, ICT activities. In east Africa, there's an organization called East African Communication Organization. They have a Working Group 7, which discusses domains.

There was a time I was invited to that working group. I can see Abibu is smiling. He knows the problem in that working group. They were discussing some issues with were discussed at the ccNSO. So I told them, “Do you know these issues are discussed at ICANN?” They were not aware.

So I think, as Council members, yes, there's a lot of wasting of resources when we have overlapping activities within our regions. Maybe as Council members, we should try to approach the other organizations and inform them of activities which we do and see if we can save resources instead of discussing the same things within various groups.

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ALEJANDRA REYNOSA: Thank you. In our case with LACTLD, the overlap happens but it happens at a very low level since it's a different audience that attends the LACTLD activities. For example, for ICANN meetings, it's mostly ccTLD managers. But in LACTLD activities, since it is divided into, let's say, legal people, technical people, and marketing people, you reach to a broader audience.

So I think the overlap is good because then the message can go beyond just the ccTLD managers who most likely will share it within the office. But also, to these events in LACTLD, not only are the ccTLDs invited, but, generally, population from the local host of these activities are invited, too – from companies, from banks, from all their audiences.

So I don't think the overlapping is bad. I think it helps to go beyond.

NIGEL ROBERTS: I understand Peter's question is, "Is it a bad thing that we duplicate some things between the regional organizations and the ccNSO?" No?

But if you want to speak a little bit more on that, I think there's a synergy here. We bring to the ccNSO what's discussed regionally – I'm an active member of the CENTR community, as you know – and take back to the ccNSO things that come up – in particular,

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Europe; things that are happening at the European legislative level and so on.

It's worth bearing in mind that not every ccNSO member is at ICANN. Some of them can't afford to travel too far, so even though they're members, they don't attend every ICANN meeting. But they perhaps more often attend regional meetings.

And, of course, regional organizations do have ccTLD managers who are not ccNSO members. I know we're getting now to, what, about two-thirds of all ccTLDs are ccNSO members. That's a good thing, but we still have to take account of the interests of the non-ccNSO members. And that's one way to do it.

UNIDENTIFIED MALE:

Thank you. Sorry. I just wanted to give this East African Communication Organization example. They were passing a resolution to be in charge of IP addresses. It's known as it's AFRINIC, which is charge. And this resolution is to the East African Parliament. So that's how serious it was – passing a resolution which you can't affect – and it got all the nods for East Africa. It was going to the East African Parliament to be implemented as a government resolution.

Though I appreciate that there's different constituencies, I participate in various ICT activities which are good. Thank you.

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UNIDENTIFIED FEMALE: There is one comment from a remote participant. David McAuley from Verisign: “On getting more volunteers, is there any way to let volunteers to know at least roughly the time commitment, both the term of the working group and hours per week? This might help. One barrier may be an unknown level commitment.”

He also added that this comment was written after a new issue was started.

ALLAN MACGILLIVRY: I think that was more a comment than a question. Unless anyone wants to comment on the comment, we’ll move on. Annabeth – oh, sorry.

Jay. Imagine, I can’t see Bart for you. It’s amazing.

ALLAN MACGILLIVRY: Young-Eum, please.

YOUNG-EUM LEE: I have a question regarding regional representation in the major ICANN groups. Although, within the ccNSO, all the regions get along fine and we’re all good; however, with the creation of new and important groups in ICANN, with the transition of the stewardship, these new committees are being formed.



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Because not enough representation is available to the CC community – we only have one or two – what I see eventually is that more people in the regions where English is the primary language seem to be selected as representatives.

I would like to ask your opinion as whether you see that as a problem or not and, if you do, what you think we can do about it. Thanks.

ALLAN MACGILLIVRY:           Anyone want to take that? No?

STEPHEN DEERHAKE:           With regards to some of the standing working groups and with some of the new things we’re having to put together to satisfy the transition – speaking on behalf of the working group responsible for cranking out guidelines – there’s been a considerable amount of attention actually paid to this notion of diversity, both with respect to racial origin, gender, and place of origin. It’s not perfect by any means, but I don’t think the community is ignoring the concern.

When coming around to actually trying to put together a group that perfectly meets what the desired distribution is, it’s rather difficult. But we are not ignoring the community. But I agree we

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need recruitment, recruitment, and more recruitment to help keep that going.

And I think you're right, also, in terms of language as well.

ALLAN MACGILLIVRY: Nigel?

NIGEL ROBERTS: I'm going to disagree ever so slightly with my good friend, Stephen, on this. I don't think it's a matter of diversity at all. I think it's a pure technical matter. But at least in dealing with ICANN staff and ICANN documents and so on, those of us who have the accident of having English as our native language or come from a country with a tradition where English is a strong lingua franca do appear to have an advantage.

I think that we need to try to look at ways of working in different languages and enabling people who do not have quite those strong English skills.

I have to say, in a minor way, as one of our famous writers – I forget the name – once said about being divided by a common language, having British-English as my native language sometimes can be quite a disadvantage in dealing with ICANN

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because lots of documents are written in fairly technical American legal system concepts.

In particular, one came up yesterday when people were referring to petitions, which has a completely different meaning in my language. A petition in Britain is just an expression of dissatisfaction with some official act where you write your name on a piece of paper and it gets ignored. In ICANN and American legal speak, it actually means a formal application or something like that. I still haven't quite grasped what it is.

So Young-Eum is right. We do need to make more efforts here, but it's not entirely clear to me where the best effort would be. But I think providing translations and support for working groups to enable people whose native language is not English to participate fully is definitely something we should be doing.

ALLAN MACGILLIVRY: Thank you. Oh. Hiro? Sorry.

HIROFUMI HOTTA: About the language problem/language barrier, at least I am not accustomed to oral discussion. When the discussion is document-based, it's more [efficient]. Maybe you've seen that my slides have many characters on one page.

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So I think not on all of the oral discussions, but the document-based discussion or written material-based discussion, will help the non-English speakers or non-English language native people join the discussion better.

ALLAN MACGILLIVRY: Abdalla, please.

ABDALLA OMARI: Speaking of language, I think, from our region, maybe we – English is my third language. I have my mother tongue and then Swahili for East Africa and then English. So, I think, maybe adopt what Africans do. We have all these languages within Africa. You have your mother tongue. You have your regional language and you speak French or English. You go to Rwanda and in schools they speak French and English.

Yes, I agree. It can be a barrier. Language is a barrier because interpreting a certain word into another language can be a challenge.

But I think, progressively within your region, let's have a [recording] of – let me speak of Africa specifically. Maybe get more ccTLDs as members of the ccNSO across the region – the Arab-speaking, the English-speaking, and the French-speaking – within so that you have a whole array within.

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But, yes, language can be a barrier. We should look at, progressively, how to sort it out.

ALLAN MACGILLIVRY: [inaudible]

ALEJANDRA REYNOSO: Well, since I started with the language barrier for our region, I think it's pretty obvious. But what I would suggest also for new members to join working groups and participate actively, maybe would be to have some sort of introductory material for people to know what we are working on because some that are already in the working group are really deep in the matter. Someone new might just be there out of curiosity and to see if they can work on something, but if they don't understand how things are flowing, maybe they just don't participate because they get lost.

So maybe we could, within our working groups, prepare some small introductory material to see where we started, where we're going, and what the job is that is required for the volunteers so that they could have a better understanding and then more participation.

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ALLAN MACGILLIVRY: I actually think that's a great idea. What happened? Oh, Annabeth, please. Thank you.

ANNABETH LANGE: I'm with .nl. First, I would like to repeat what Peter said. Thank you very much. It's a lot of work that you're doing.

About participation, one thing is to participate in working groups, but I think we are a lot of people here and we need some other option, another way to communicate with those who are in the room, the members here.

Have any of you thought of restructuring the way we have the meetings? We have done this as long as I have been here. We've been sitting in rows. Some are participating actively in the discussions. Others are not participating. It could be language. Of course it is that.

But also, like we do in CENTR when we have jamborees, perhaps we could have sessions with roundtables that old members, new members of different languages could sit together and discuss, for example, new working groups and help each other better than we do today.

Have you any thoughts about that?

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ALEJANDRA REYNOSO: Hi. We experienced something really interesting in the TLD Ops Working Group. It seems now that all the ccNSO activities are posted in the Google calendars. A number of people showed up to the room and they were really surprised because normally it's just them and nobody else gets into the room. They were surprised at having an audience.

I think, if time allows, and scheduling – but we can sort it out – maybe we could have at least some 30 minutes or so for an introduction to the working group, and maybe involving the people who are coming into the room, explaining what they're doing, and maybe get their feedback as in whether they understand what the group does and what their opinion is of what they're doing.

ALLAN MACGILLIVRAY: Okay.

UNIDENTIFIED MALE: [inaudible]

ALLAN MACGILLIVRAY: All right. But you have to limit it, okay?

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CHRIS DISSPAIN: Do you mind if I make a comment? Just a thought that occurred to me. With Meeting B, the middle-of-the-year meeting, one of the things when we put the strategy together that we thought about – one of the things we used an example of the flexibility of Meeting B – was the possibility of having a small room where you could have language meetings. So anyone whose interested in X who speaks Spanish could have a gathering there.

It struck me that that actually also might be something to think about for the coming-up meeting in Johannesburg that might help to add to, perhaps, this stuff that we’ve been doing since the beginning. Thanks.

ALLAN MACGILLIVRAY: Bart, who do we have?

BART BOSWINKEL: Mike.

ALLAN MACGILLIVRAY: Mike. Mike Silber?

BART BOSWINKEL: Yes.



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ALLAN MACGILLIVRAY: Thanks.

MIKE SILBER: Can I be a little bit selfish for a second? Because we're talking about participation. Just to remind people, I have two more years on the Board. If there are people who are interested, please start talking to me. I would love to help mentor people so that we have one or maybe even more candidates for the position that I currently occupy on the Board.

I'd really encourage this community to start thinking earlier about candidates because the role of the Board is changing in the new organization with the Empowered Community. I think we need to give some careful thought in terms of who's going to replace me.

Sorry to start advertising this early, but I really would like you to start thinking this early.

ALLAN MACGILLIVRAY: I think that's an excellent comment.

Unless there's another question here, I might exercise the Chair's prerogative and ask my own question, even though Bart is going, "No, Allan. Move it along."

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Even though we don't have a contested election, if we had it, I think each of you would have been asked to make some kind of statement. I don't know. I think that many of you are like me, consumed with the U.S. election. Every politician has a platform and it usually involves, "I want to change something," or, "I want to accomplish something."

So I'd like to ask each of you what that one thing would have been if you were making that stump speech. What's the one thing going into your term as a Councilor that you would hope to achieve?

Why don't we just go right down the row here so I don't so the axis on my neck doesn't get [inaudible]? Nigel, do you mind starting?

NIGEL ROBERTS:

Well, I think you want people to be brief, so I will. I think what we need to do is to find out what the spirit of ICANN is going to be, post-transition. I've been involved in the ccTLD world since before ICANN existed. I've seen ICANN come into being. I've seen the difficulties we had with them and the staff in the early years, up to 2003, and the formation of the ccNSO, challenges since, and the mad dash of the transition.

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I think we need to find out where we are going to be next to serve all the ccTLDs collectively.

ALLAN MACGILLIVRAY: Alejandra?

ALEJANDRA REYNOSO: Thank you. From the top of my head, what I can think that I would like to achieve is more Latin American and Caribbean participation within the ccNSO. Whenever there is a position to fill, rarely, rarely – if not any – of the candidates are from this region. So I would like to make them aware of this and maybe motivate them to participate more.

ALLAN MACGILLIVRAY: Stephen?

STEPHEN DEERHAKE: I think I can sum it up quite succinctly. I would say trust but verify. It's not the ICANN of the really dark days, but then it's not going to be the ICANN of last year or the year before. We're going into interesting uncharted waters. We all have a lot more responsibility without the U.S. government as a backstop. I think it's a matter of continuing to trust and work with ICANN and PTI, but also verifying as well that our interests are being upheld.

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ALLAN MACGILLIVRAY: [inaudible] Abdalla?

ABDALLA OMARI: Okay. For me, I think , an increase of membership to ccNSOs will encourage more ccTLDs to be members and participation of the ccTLDs in ccNSO’s activities.

Another thing, [inaudible] international is the utilization of resources within various ccTLDs because we have ccTLDs which are strong in marketing and others which are struggling to bring up the numbers. So if we could learn within each other what the other ccTLD has done.

Another thing is the technical support because there are ccTLDs which have a challenge on the technical part, and we have ccTLDs which are fairly advanced. So it’s basically utilizing the resources within the ccTLDs.

The other one, which was to the first question which was posed to us is try to look at the regional efforts and announce them so that various – we appreciate this. Not everybody can come to ICANN to participate in this space, but let’s see if we can inform other organizations that we also do these activities and see if can put resources into better use. Thank you.

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HIROFUMI HOTTA: If I take the [inaudible] term, I'll be on the Council for more than 15 years in a row. My statement: I'll find or persuade at least two candidates to the Council. Thank you.

ALLAN MACGILLIVRAY: Thank you, Hiro. Thank you, everyone. Well, I think we will turn now to our cross-examination of Chris. Let us say, though, that hopefully we'll have time at the end if there are any other questions that come up for the other Councilors. So I'll ask them to sit there.

I'm going to try to kick things off with what I hope is a general question, Chris, which is – actually, we're at a bit of a turning of the page right now in terms of ICANN. I think this goes to what Nigel was saying. We had this intense work around IANA. You were very, very deeply involved in that.

In a sense, we're moving into a new phase of ICANN – at least that's the way I see it – and I'm just wondering if you could briefly outline how you see that, what you feel the ccTLD interests are that might be impacted by these issues and agenda, and, obviously, how you see your role in ensuring that those interests are represented, I guess, is the issue. Is that fair?

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CHRIS DISSPAIN:

Thanks, Allan. I'll just move this microphone a bit closer. Hi, everybody. Yeah, it is in a new phase. We still have Work Stream 2, so let's deal with that first. I think it's incredibly important that the ccTLDs maintain their involvement in the Work Stream 2 work. Some of that work could have an effect on the ccTLD community.

If you think about human rights, as an example, there are two levels to that. We had a discussion this morning with the Non-Commercial Stakeholder Group. They asked us about human rights and we told them that we were watching carefully what Work Stream 2 is doing and that we were also learning ourselves. So yesterday or the day before we had a presentation to the Board on the Ruggie principles.

Now, there's a level of human rights introduction at ICANN which deals with the way that ICANN runs itself, but if you think about it, there's also human rights from a policy perspective. What the Stakeholder Group is wanting is that policy recommendations are subject to a human rights test.

Now, that obviously has to happen. If it happens in the SO itself, it can't happen at ICANN. We couldn't have the Board saying, "Thanks very much indeed for your PDP and your recommendations, but now we're going to put a human rights test to it." So I think there's a need for the ccTLDs to be involved

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in those discussions. So, Work Stream 2 generally, but that's just one example. The jurisdictional one is another one.

Now, apart from the wash up, if you will, from the transition itself in respect to new stuff, there's also bedding down the existing the new-new bylaws. In that respect, that's going to take a while. We're going to have to test them. No one knows, for example, at the moment.

There's a bylaw that says that a reconsideration request now needs to go to the ombudsman, but there currently isn't any path. There isn't anything in place to deal with that. So one of the things that we're doing is working with the ombudsman and saying, "Well, you're obviously going to need to have your own separate legal counsel. How are we going to get that in place?" and so on.

So there's a lot of work to be done. It's all very well drafted in the bylaw, but then you got to bring them to effect. And that's a challenging environment.

We also have ongoing IRP stuff, and the new IRP system and so on. So all of that is going to need to be watched.

From the ccTLD point of view, obviously there is the retirement policy development process – retirement of ccTLD PDP. There is the finishing of what flows from the framework of interpretation.

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I was at the CENTR meeting in Serbia a few weeks ago and heard that it appears that we've still managed to avoid taking sponsoring organizations out of the thing. But I suspect that that's purely because we've been getting the transition over and done with first.

And I think, as I told those of you that were in Serbia, it was mostly that basically the U.S. had said, "Please don't do anything at the moment that makes it look as if anyone is rocking the boat." But I've undertaken to try to get that fixed as soon as possible. So that's going on.

I think that it will take a little while for us to – "calm down" is too strong a word – settle again after the rigors of the transition. I'm very positive about it all, and I think it enables us to get back to our work. In the case of the ccs, that's handling the fast finishing up, the fast track, and so on, as I've said.

I'll stop there.

ALLAN MACGILLIVRAY: Thank you, Chris. So, ladies and gentlemen, who wants to go first?



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JORDAN CARTER: I'm from .nz. Chris, there's a new ICANN CEO. There's a new post-transition environment. You're on the Board from the ccNSO, but you're not a ccNSO rep. You have to take the whole interests of the whole ICANN family into account.

What are the one or two biggest things you think that ICANN needs to do or change in the next three years of your term?

CHRIS DISSPAIN: Thank you, Jordan. I can answer that very simply and straightforwardly: transparency and trust. You were as involved if not more involved in the accountability stuff as I was, so if you look at all of that stuff and you basically boil it down, it's basically about transparency and trust. It's about power, but the power needs to be there to be used if there's not enough transparency and trust.

So I think that those are the key areas, from a holistic point of view rather than specific issues. I think that the Board is doing stuff about that. I don't know how many of you know this, but we had a retreat in Brussels a few weeks ago. We opened up a series of sessions one afternoon for people to dial into and listen to.

Now, of course, being the ICANN Board, we chose the most boring and extremely white-flower sessions that we could think

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of, but mainly that was because it was the first time that we'd done it and we didn't want to create any controversy.

But we did it, and we did it properly and people listened in. There weren't actually that many people listening in, interestingly enough, but I suspect that might have been something to do with the topics that we chose.

But we're committed to continue to try to do that. We're committed to opening up sessions to help to increase sessions. As I know you all know, there are some things you just can't do that with. You obviously can't do it with legal stuff because it just doesn't work. But there are a whole heap of things most of us, I think, on the Board believe that you can. So we're working our way through that.

I would like to be sitting on that [inaudible]. I'd like to be sitting here, not in three years' time, but in two years' time probably, if not sooner, with you all agreeing that you can see a significant shift from closed (unless we think it can be open) to open (unless we think it needs to be closed). That's the cultural change that we're trying to drive through the ICANN organization and the Board.

Transparency, of course, is also a piece of trust. The more transparent you are, the more trust there is. So that is a part of that. We have a Trust Working Group, and the transparency

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thing is one of things that it suggested. I'm on that working group. Again, I'd like to see a significant movement towards trust.

There's a fallacy, of course, which is that there's a perfect state. There's never going to be a perfect state. This is a confrontational environment in many cases, not so much in this room, but certainly in the GNSO, and sometimes with ALAC. So it's hard to deal with.

With the new CEO, I think my assessment so far is that we've got a man who is going to concentrate on systems, who is going to concentrate on improving the organizations. He's very calm. He doesn't want to be a rock star. He's very keen on being quiet.

He has been good with the Board in the sense that he has put in place – I'm not 100% sure, but I think we're going sign off on it on Tuesday for the first – for the first time in 18 years of ICANN's existence, a document that defines what is the CEO's role and what is the Board's role.

That's a pretty good thing, as far as I'm concerned, because it'll make life easier for me and my other Board members. Hopefully we won't spend as much time as we have a tendency to do down in the weeds.

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That's my view for now. I'll happily, if I come up with anything else, let you know.

BYRON HOLLAND: I'm with .ca. A much more basic question than that one: where are you from? Where will you be from in the coming three years?

CHRIS DISSPAIN: I come from a land down under. No, I'm still an Asia-Pacific region person. I still maintain a presence in Australia, albeit it's somewhat less than it was. The honest answer to your question, Byron, is that I don't know what the process is or what it needs to do to change, or even if one needs to.

I'll give you an example. Cherine, who lives in London, is classed as an African member of the Board because he holds an Egyptian passport. I hold an Australian passport. So I don't know the logistics of that. I will find out and I will let you know. Is that okay?

BYRON HOLLAND: Yeah. I think it would be certainly relevant to let us know where you're going to be from from a regional perspective.

CHRIS DISSPAIN: Not a problem.

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BYRON HOLLAND:

You raised [inaudible], I thought, a number of very important issues: trust and transparency, and a system that, to some degree, is set up for conflict. I'm going to bring those two together.

Over the last 24 months, we as the broad ICANN community, in a sense have had a "common enemy." There's nothing better to paper over the cracks of relationships and institutions than having a common enemy like we've had in trying to get the IANA transition through over the past 24 months.

As this settles down, some of those cracks are going to start to reappear, perhaps particularly in the GNSO. There are no doubt going to be some tough discussions. When they happen, in order for trust and transparency, or trust in particular, to increase with the ICANN Board, I'm wondering what your take on some of the tough issues that are pending are going to be, like .web.

It would appear that the way .web has been acquired seems a little bit unusual. How are you going to deal with those situations with your colleagues on the Board, and how strong an advocate are you going to be for making the hard decisions and advocating on behalf on what is right and what will generate trust in the community?

CHRIS DISSPAIN:

Thank you, Byron. I know you know that I can't talk about the specifics, and I know you're not asking me to. But just for everyone's benefit, I'm obviously not going to do that. But I think the Board, in circumstances such as this, obviously gets legal advice.

Now I'm going to speak entirely personally. In a hypothetical case along these lines, I would probably be advocating for external-external legal advice. In other words, I would be saying, "I think we need to go outside of our usual lawyers and go to an expert."

In British, English, and Australian terms – I'm not sure about Canada, but certainly in the U.S. and Australia – you'd go to a counselor, to a barrister, who is an expert and get an opinion.

Obviously, we have to do what the law requires us to do. However, as anyone in this room who's a lawyer knows, it's very rare for you to get an opinion that says, "This is it." It's usually, "Well, it could be this or it could be that."

Then it's about risk assessment. You then find out what is the least risky approach. That doesn't mean you necessarily take the least risky approach because you might make a decision that

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says, “Actually, even though doing X is less risky, doing Y is more in keeping with our mission,” or whatever it may be.

So this applies across the Board of all legal issues, as far as I’m concerned. It’s not enough to simply say, “The least risky approach is X, and therefore we’re going to do X.” It’s a perfectly legitimate decision to make, but you have to also say, “If the alternative is not much more risky, then it’s worth considering how you deal with that within our mission.” The point you made about the community and all of that is perfectly valid.

So I think they’re we are also considering – we haven’t done this, but we are considering – having the reconsideration requests and all legal matters dealt with by separate committee rather than in the BGC so that you can put a smaller group of Board experts, for want of a better term, together.

You were right that it is challenging. These thing are challenging. I suspect that there are going to be more of them before we sort through it all. But I can tell you that there is significant feeling on the Board that the right process is to go through the stuff that I’ve just talked about and, in the end, make a decision based not solely on which is the least risky approach.

Does that give you a fair answer? Would you like some more? If I have not covered something, then – okay. Okay.

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ALLAN MACGILLIVRAY:       Actually, Nigel is next.

NIGEL ROBERTS:            Thank you. You might think Chris could be reading over my shoulder, but I'm afraid my writing is so bad. He has got no clue what I'm about to say.

Chris, it seems that what has come up, at least in two of the points – it has come up more than once in what has been said – are the twin topics of transparency and human rights. I've been mentioning human rights in this context for a number of years, and now it has become part of the debate, which I'm glad to see.

I see both of these things as informers. They're topics that inform the whole of the work of any AC or SO – not just the ccNSO, but almost any part of the community.

My question for you is this. How do you think the Board might be able to offer assistance to the SOs and ACs to enable them to take this fully onboard in a culture of rights – bottom-up, if you prefer – and transparency, as opposed to, shall we say, the ICANN tradition of attack-and-defense?



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CHRIS DISSPAIN: Can you run that past me again? I'm not sure I actually understood what your question was.

NIGEL ROBERTS: Let me try to translate it. ICANN has been very much conflict-oriented – he said/she said...“We don't like this”...“They've done that”...“They're bad...” and so on. How do you think the Board can provide some kind of assistance to the SOs?

When we're doing our PDPs, for example, we take into account the right to protect property or the right to free expression, or we take into account fully that this PDP should be examined as to whether it promotes maximum transparency – things like that.

CHRIS DISSPAIN: Well, when it comes specifically to policy, that very squarely sits within the remit of the SOs. So the Board's only role, really, can be to do what it's asked and to facilitate, if necessary. It would be inappropriate in my view for the Board to seem to be interfering, but that doesn't mean that the Board can't say, “Have you considered the following?” I think that's probably the way that one would do it. “Have you considered,” whatever it is that you think is the point.

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What I don't want to have is a circumstance where, if it can possibly be avoided, the Board has to decide because I don't think that that's an appropriate job for the Board to do. I think, in the same way that the ccTLD community jealously guards the principle that if there is an issue with a ccTLD, ICANN's response is, "Sort it out at home," well, the Board's response to the SOs should be, "Sort it out at home," which is in your SO.

I think we need to maintain that because every time we don't, we end up in an awful lot of trouble, and I think that we should not be in an awful lot of trouble, if at all possible. But I don't think that means that we can't say, "Please remember, you've got this obligation or that obligation." But I wouldn't go any further than that.

ALLAN MACGILLIVRAY: I think it's Stephen and [inaudible].

STEPHEN DEERHAKE: Chris, I have a simple operational question for you. It's generally considered good corporate practice to occasionally put out, for proper tender, major contracts for services. You come from a registry that would periodically put out the actual backend operations contract for tender on a regular basis.

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ICANN has had the same external lawyers employed since the inception, and my question to you is: do you think it would be a reasonable thing for ICANN to consider putting out for tender their legal services in an intermediate term?

CHRIS DISSPAIN: In the spirit of debate, let me ask you: why would it be?

STEPHEN DEERHAKE: I've seen them in action on several occasions in Washington, and I have to tell you I'm not impressed with what value ICANN is getting for what ICANN is spending on them, to be quite blunt about it.

CHRIS DISSPAIN: That's fine and I understand that. Let me tell you what the challenge is and then go from there. The challenge is that this is a strange and unusual world, and it is not the sort of world that a law firm can walk into on day one and grasp. It takes time and effort and, as Jordan and others in this room know, with our other law firms for the CCWG, notwithstanding their extraordinary efforts, it took a while for them to pick that up.

Now, I'm not saying that's a reason not to do it. I'm just saying there are consequences for doing so.

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To be honest, I don't have an opinion in the sense that I haven't thought about it. I don't know whether it's actually best practice or not. Are you saying that it is, or are you saying that you think it should be – is it best practice, as far as you know?

STEPHEN DEERHAKE: Well, it certainly is with accountants, and it is with people that are providing you regular service. Even to somebody providing me, as a registry operator, a secondary DNS server, I would certainly, after three or five years, go back and say, "What can you do for me better that you're not doing now? Have you gotten complacent with our relationship?"

At least I have the opportunity, because these contracts don't run forever, to say, "Look, right. Let's talk about this, but I'm also going to bring in other firms to also bid on it."

CHRIS DISSPAIN: Okay. I accept what you said. I'll ask the question and see what the current – obviously the current situation is that we don't, so the question is: would we consider it? I'll happily take that question away.

STEPHEN DEERHAKE: Thank you.

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ALLAN MACGILLIVRAY: [Yoki]?

[YOKI]: We have a question from Mathieu Weill. “Selecting the CEO and addressing his performance is a key role for the Board. What are the key expectations and goals in your view for the CEO and the organization that would influence your view on whether or not to renew his contract, for example?”

CHRIS DISSPAIN: Thank you. Yes, they are key. We have a full-blown process for this. There’s a Board Compensation Committee, and that’s the committee that deals with this particular issue. I’m on that.

Currently we set goals three times a year, but that was because that’s what we agreed with Fadi. It’s ridiculous, so we’re going to move to six monthly, and we may actually move to twelve. But at the moment, six.

We have just one through a process where the first three months of Goran’s tenure was subject to a series of goals. I’m obviously not going to tell you what they were specifically, but they include such diverse goals as getting to know the community

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and learning the acronyms because those are the sorts of things you have to do in your first three months as CEO.

We're now in the process of putting together goal for the next six months, which are obviously much less introductory. Examples would be things like strategy, what you're going to do about stuff, work/life balance – all sorts of things both internally, operationally, and externally – from the point of managing communication with the community.

The way the system works is that, coming up towards the end of the period of time that the goals are set for, the CEO self-assesses against an agreed-on scoring. Each particular goal bucket – because they fit into organizational, strategy, and so on – has a scoring. The CEO self-assesses then comes to the Compensation Committee. The Compensation Committee then has a discussion, talks to the CEO, and goes through them with him.

Then the Board gets his report, and then the Board assesses his scores and might reduce his score or increase his score in a discussion and then gives the feedback and says, “So, you gave yourself 10 out of 10 for dress sense, and we're giving you 7 out of 10 for dress sense.” That's not a goal, by the way, just in case anybody is wondering.

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Then we, having done that and given the feedback, then set the goals for the next six-month period, some of which may repeated from the last six months. Obviously, some goals are ongoing. “Maintain this,” “Continue this.” Other goals are new because “I’ve now completed this project, so now I’ll move onto another one.”

So that’s how it works. That’s what we do. Clearly, although I couldn’t be specific about it because I don’t know and I haven’t thought it through, there needs to be a level maintained throughout the term of the contract. It doesn’t mean you can’t get things wrong. It doesn’t mean you can’t get feedback and adjust. In fact, that’s what this process is all about.

So it’s hard to say what would need to happen in order not to renew the contract, but it ought to be obvious that continuing an ability to meet reasonably good marks across the goals over a period of time would make one think twice about renewal.

I hope that answer matches the question.

JORDAN CARTER:

Just a slightly different point on Stephen’s point about the legal stuff. From my observations of ICANN, in recent years, it seems to place a lot of premium internally on legal advice. For the first time, I suppose, there is now another external firm or two with

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much more familiarity about ICANN and its business than there has been in the past.

So I think that there is some logic to at least the Board taking a look at it. You have a better view about the quality of advice they provide. I don't have anything to say about what Stephen said about what he had observed.

But as a matter of principle as a director, do you think that major supplier contracts should be looked at from time to time?

CHRIS DISSPAIN: Yes.

ALLAN MACGILLIVRAY: Well, I think we maybe have time for one more question, and maybe I'll ask it. Actually, the way this is structured, it's actually a long question that's more common and hopefully a short answer.

Actually, what I want to do is return to Mike Silber's comment that he mentioned earlier. Actually, the penny drop that he has only got two more years – and I believe this is your final term, so I looked at that succession and the fact that we have an uncontested election this year. It actually concerns me. So I want to thank Mike for raising that.



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I just want to ask you if you are as open as Mike in terms of what he called mentoring potential candidates and just ask if you have any creative ideas that could be brought to bear to perhaps see what we could do to encourage people to bring themselves forward.

CHRIS DISSPAIN:

Thank you, Allan. I am as concerned about it as Mike is and as you are. In essence, you've got a year. If you stick with your process of doing it effectively a year in advance, you've got a year. We've got a year, and we need to figure out how we're going to handle that. Right?

I'm fairly sure I can speak for Mike by saying that, if we wanted to try to organize either face-to-face in Copenhagen or on a phone call, if anyone who is interested in considering the possibility of standing for the Board and wanted to join a – “school” is the only word that springs to mind – but wanted to actually be a on a series of chats about what it's like to be on the Board – what's the food like, and all that stuff – I'd be very happy to do that. In fact, I think that would be a very useful exercise.

This community is an incredibly important part of the ICANN structure. I said this in Serbia and I'll say it again. What we bring to this structure is a level of legitimacy that doesn't come from the GNSO. We come to this structure totally independent, not

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because we have a contract, but because we want to be here and because we support the multi-stakeholder model.

It's incredibly important that that is maintained because the relationship between ICANN and the GNSO – the Contracted Parties side of the GNSO, and, in fact, the Non-Contracted Parties side of the GNSO – is all about the contracts and the way the complaints work for gTLDs, be they old or new.

This is a much different place, and it provides a legitimacy from a global point of view that, if it wasn't here almost working properly, it would be to ICANN's great detriment. It would make ICANN a much easier target for global attack. The governments are the same. They're just an important. They need to be here, too.

So I think it's incredibly important that we are well-represented on the Board. The Board does provide training in certain areas, but it's important to know that it's not set up to be a training ground. In other words, you need to know what it is to be a Board member or what you're going to do on the Board. It's just not the case of, "Oh, well I'll get on and I'll do 17 training courses and everything will be okay."

But, that said, you don't necessarily have to be an extraordinarily handsome but gray-haired old guy – or Mike – to do this. So I'm really happy to – and I know Mike will agree – to

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put in place, if you would like us to, an ad hoc group of people who want to consider being on the Board. We'll run some chats and sessions.

That's the only thing I can think of off the top of my head right now, but I think that's something actionable and we can do that.

ALLAN MACGILLIVRAY: Thank you very much, Chris. Any other questions for anyone up here? I've even prepared to field a couple myself if you want.

No? I'm sorry. Katrina? Okay. We have – please, [Yoki].

[YOKI]: There's one comment in the chat from Mathieu Weill. "While Chris and Mike's contribution are welcome and useful, I believe the question of succession should be owned by the Council on an ongoing basis. The goal is to create a pipeline of volunteers.

ALLAN MACGILLIVRAY: Thank you. Well, look, I just – oh, I'm sorry.

ALI HADJI Mmadi: I'm from .km. Just apologies for our [inaudible]. He was not able to travel, but I know he is active for the activity in Africa. For

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example, even to AfTLD and capacity-building. Just this. I don't have a question.

PETER VAN ROSTE: Peter Van Roste from CENTR. It's not a question. It's a comment. I thought that the exchange on the mailing list was actually quite useful, so I would like to thank the candidates for answering these questions. Also, for those who are not here, which is quite a significant part of our community, it helped in understanding what you stand for. It also allowed the candidates a proper opportunity, I think, to speak out on things that I know they care about because they've already exchanged their views on that with many of my members and with me as well.

So thank you for that. I found that useful.

CHRIS DISSPAIN: May I respond to that, Allan?

ALLAN MACGILLIVRAY: Sure.

CHRIS DISSPAIN: If I can respond to that, I also that that it was a very useful exercise. It enabled me to say things that I probably would have said if I had done a [selshie], for want of a better term. And I

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thought it was a very valuable exercise, so I would encourage you to carry on doing that. I think it's great.

ALLAN MACGILLIVRAY: Well, actually, I'll be third into saying thank you very much for participating in this. As I said at the introduction, thank you for volunteering – I assume you're all volunteers, but I never know – your time in the service of the ccNSO. So thank you very much, and thank you, everyone, for participating. Bye.

SANDRA HOFERICHTER: Okay. Thank you very much. Dear colleagues, the initial idea today was to have a session on PDP now so that you can ask your questions and get proper answers. With this discussion taking as long as the presidential discussionS in the U.S., we do not have so much time.

So what's your decision? Are we going to discuss the PDP? Is it okay for you to talk about the PDP now? Yeah? Okay. So let's inaudible].

BART BOSWINKEL: So we now take a little bit more time around the presentation of this morning. It is envisioned that Becky will be here at 5:00 as

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well to run through some of the slides, particularly around the review mechanism.

So what I'll do is first go a little bit more in depth into the starting slides or the opening slides, then go to the retirement and raise some of the issues and seek your comments.

As soon as Becky arrives, we'll go to the review mechanism and some of the issues that, say, have been identified to date and check whether it needs to be updated.

Finally, I would like your views on whether you think including the community and call for volunteers and starting on drafting the charter of the working groups is a good idea.

Where is that clicker? Ah. Does it work? It doesn't work. Kim, next slide, please.

Again, you saw this this morning. This slide deck will be made available right after this. I'll send it to the ccTLD community list and to the ccNSO members list so you can have a look at it.

Topics I want to cover are, first, the issue report, and then the principles, as I said, then retirement, PDP matters, and then, as soon as Becky arrives, we go into the review mechanisms.

Next slide, please. Next slide. Okay.

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First, the requirements for an issue report. I touched upon it briefly this morning. As you can see, one of the major topics is the description of issues – the description of issues that is around the issues themselves, who raised it, and the potential impact on the community, etc.

The second topic that needs to be included – and I touched upon briefly this morning already – was the opinion of General Counsel. Then, based on the Counsel resolution of Helsinki, the question is open whether there needs to be one or two PDPs and, then related, is there a recommendation added to work around a task force or working group?

So I will not go into depth in the one or two PDPs or the recommendation for a task force or working group. We touched upon it this morning.

A tentative timeline around, say, if the Council would decide to set up a call for volunteers and then a tentative timeline – sorry. My fault. The tentative timeline is the tentative timeline of the full PDP. And then the view on the anticipated Board view has to do with whether or not, based on the issues, identify the potential direction of travel around the resolution of these issues. The Board would adopt this or would be inclined to not adopt the policy.

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So the current status, where I am with respect to the issue report, is: a high-level identification of issues that need to be refined. As I said, a tentative recommendation on one or two PDPs, as you saw this morning, or one PDP task force or working group. That will be two working groups and one PDP. And the requested a Council to include the community in drafting work group charters to refine the issues and to set the working methods for both working groups.

One of the things that probably is a very good thing and that's more for discussion right now and for refinement in the charters as well is whether or not to include some principles that will guide the development of policy and the interpretation of an adopted policy and its implementation.

Based on the experience with the IDN Fast Track, it proved to be very helpful to have guiding principles included. I think, with the framework of interpretation, they worked on the basis of some major principles as well.

You can distill them from the framework of interpretation. Probably the three most important ones that I could identify is, first and foremost – and it has to do with ICANN's mission, but also your mission as individual ccTLDs – is security and the stability of the DNS, which should be paramount.



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This is driving the IDN Fast Track process and methodology. It has driven the overall policy itself, and it has driven the development of the framework of interpretation. Including it, it has at least sets some parameters or boundaries on the direction of travel of the working groups.

A second one – and I think it would be good to include something like this in a policy, as it is not included directly in RFC1591 or in the overall policy on the selection of IDN ccTLDs – is the subsidiary principle. How will it be framed is something else, but it's that we include something like this in a policy from the ccNSO.

This probably we'll set the tone of the development and further interpretation in the future. In particular, with respect to, if you think about a review mechanism, such a principle could be very relevant for a review panel itself.

A third principle, which is derived, I would say, from the framework of interpretation – and it's is up for improved language, etc., – but, again, this is the notion of: local law is paramount and local policies are paramount, which is already part of the ICANN bylaws with respect to the ccNSO. But, again, it would be good to include such a notion in a policy of the ccNSO.

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The two last principles are more specific with respect to retirement. I'll mention it once. There are some ccTLDs still out there that predate ICANN which are not anymore linked to an existing country or territory. They're still recorded in the ISO 3166. They're still in use as ccTLDs, but they're not linked to a country or territory.

So this policy, if it comes to it – retirement – should not be used proactively to address issues around it, on the retirement of one or two of these ccTLDs. So that's the background of including these two principles.

And then the transition arrangement is particularly relevant for the review mechanism as well. What you don't want is that you introduce a new mechanism while there are still some delegations, revocations, and transfers pending because that will change the game of these procedures and processes.

So that's with respect to the guiding principles. This is what I could think of. Probably there are more and they can be better formulated. Some need some more substance to it, like the subsidiary principle. It is nice to mention it, but it needs to be defined. What is meant by the subsidiary principle. We say it easily, but it's very difficult to describe it and to use it on an ongoing basis. So that's the risk.

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Now I'll move on, as I said, to the retirement of ccTLDs. What you will see and what I discussed already this morning – and this is around the issues – is that one of the basic documents is the Delegation/Redelegation Working Group final report on the retirement of ccTLDs from 2011. In this slide deck, there is a reference to that one and you will be able to find it on the ccNSO website.

Effectively, I think the most important conclusion from that report is that there is no policy in place. Although there have been some cases – they are well-documented in that report and the interim reports leading up to the final report. There is a limited number of cases, but that is probably the main issue around the retirement of ccTLDs.

Now, to understand what a retirement is, because it has come under different names and in different forms – that's the interesting thing about it. What is considered a retirement, for example, is the .um case. I don't know what the um stands for. It is a U.S. territory, somewhere I think in the Asia-Pacific region.

What is interesting about it is that it was, I would say, undelegated at the request of both the ccTLD manager at the time and government. It concluded in 2007, and one of the reasons for doing this is that there were no registrations at the time of the request and at the time of the decision.

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Based on this, and because both entities were involved and there were no, I would say, other significantly interested parties involved, it was undelegated. And what is seen, and if you would go through the report, it is still included in the IANA root zone database up today as not assigned. In principle, that means it could be delegated again, but currently – and you will find this in the report – it has to go through the – maybe that’s changed now because of the IANA stewardship change.

The U.S. government needs to be directly involved, and it indicated at the time that it doesn’t want to have it delegated again. That’s interesting.

In a way, it is a very weird – not weird. It is one case of retirement because, if you would go to the ISO 3166 list, .um – the cc .um – is still assigned to the name of that territory. So it is used for other transactions than ccTLDs. So it’s still a valid country code in terms of the ISO 3166.

Based on this – and I’ll get back to that in a minute – but keep this in the back of your mind so that you will see, in the IANA root zone database, it’s not assigned and it has the status assigned in the ISO 3166 list.

Probably, it’s easier for us to go to the next one – the .yu case. This was the result of the final breakup of Yugoslavia, where Serbia and Montenegro separated. What makes it interesting is

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because, at the time, .yu was run by a certain entity in Serbia. That entity ran .rs as well. So that's [RNIDS] I believe.

As part of the delegation process and as part of the delegation report, what you will see is that [RNIDS] was “forced” to wind down .yu within a certain date. So there were conditions set on the delegation of .rs by the IANA function operator and the ICANN Board at the time as part of the delegation of another ccTLD. The process was initiated in 2007 and completed in or around 2009.

If you would go back to the Board resolutions at the time, Peter Dengate Thrush was one of the ccNSO-appointed Board members who already raised issues around the lack of policy. There was also a clear request from [RNIDS] that the ccNSO would look into it. At the time, we had the DoD Working Group. The ccNSO decided not to look into it because of ongoing work in that area.

Now, what is interesting in this case is there is no reference in the IANA database with respect to .yu. It is not included anymore. If you would go to the ISO 3166, the status is “transitionally reserved.” So it moved from “assigned” to “transitionally reserved.”

Hi, Becky.

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Let me go back now to the latest case; that is, the .an retirement. So that's for the Netherlands Antilles. As some of you who were present at the meeting this morning with the GAC may have heard, this was the result of Netherlands Antilles, as it was registered, ceasing to exist. It was split.

The Netherlands Antilles are part of the kingdom of the Netherlands. A part of it is now provinces, and for part they have a special status. So that was the end of .an. So it was the restructuring of the kingdom of the Netherlands in 2010.

Again, what you see in this case was that part of the delegation process around .cw, which is Curacao, included a winding down of .an. So, again, this was a condition for the delegation of another ccTLD. And, again, the reason was it was run by the same entity. .an was run by the entity that is now running .cw, who is the ccTLD manager.

Closure of the retirement process was, I believe, early 2015. For example, I tried to find and recover some of the e-mails at the time, and some of the questions you'll see around the, say, issues in the retirement were the result of these questions. So that is around whether or not there were still domain names under management.

If you again look at the IANA root zone database – this is a very similar case to .yu – you see it is still in the IANA root zone

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database, but now with the qualification of “retired.” Again, if you would go to the ISO 3166, you’ll see it move from “assigned” up until 2010 to “transitionally reserved.” So that’s the same status as .yu.

Becky, I hope you don’t mind. I’ll finish this part first and then we’ll go to the – yeah.

So based just on these cases, maybe the issues I have identified to date around this should be more refined in the charter of this working group. That’s at least the proposal.

The first question: what triggers a retirement – because there are different mechanisms in play, as you could say – and who could trigger such a retirement process?

It could be the change in the ISO 3166 list itself, like in the case of .yu and .an. That’s very clear that it’s in line with RFC1591, but it could also be something like the .um case, where it was done at the request of both the ccTLD manager and the relevant government.

If you would look – and this is important to understand, or not to understand – you need to keep in mind that it could also be a change in the name of the country, if you’re talking about IDN ccTLDs. If you would look at the dynamics of the ISO 3166 list,

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you'll see that there have been some major changes in names of countries.

It doesn't result sometimes in a change in the country code, but it could result in a major change of the country and in the meaningful representation of the name of that country, which is one of the criteria for the selection of an IDN ccTLD string. So these are some of the very deep questions if you talk about retirement.

A second major issue is: who can trigger a retirement process? Should it be the IANA function operator and only the IANA function operator after being informed, as in the case of .an, by the Dutch government and by the ISO 3166 MA., that there is a change or they see the changes. It could be ICANN itself. The IANA operator in this case would be PTI. It could be ICANN itself. Could it be just the ccTLD manager, or as in the case of .an, the government knowing this will happen, and, as part of the delegation process, preparing for the delegation process of, in the case of .an and .cw?

Could it be significantly interested parties – for example, ISPs or somebody else – because these were identified? If you go back and describe in the framework of interpretation, they have a role in delegation requests. The counter-question is: should they have a role in retirement processes? So that's one area.



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So as you could have seen, I think that's an important one as well, to bring this clarification around this whole issue, is the consistency of terminology. That's what I stressed. If you look at just the descriptions in the IANA root zone database and in the ISO 3166 maintenance list, using terms like "unassigned" and "assigned" is not very helpful in the IANA root zone database because that's very confusing with the terminology that's used in the ISO 3166 list.

Especially if – that's the experience from the Use of Country and Territory Names Cross-Community Working Group. There is a lot of misunderstanding out there in the community and in the broader community around the definitions and use of the ISO 3166 list. So that's something that we need to keep in the back of our minds moving forward.

When and under which conditions may a ccTLD retire? No more domain names under management. Maybe other conditions. Agreement to retire by all significantly interested parties. Does the community think that's not a good idea to make it conditional to the delegation of a subsequent ccTLD? So that's the retirement case of .yu, and then as part of the delegation process of .rs and .an and CWG.

What you will see if you go into the documentation around these two retirements is that there's always an issue the domain

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names under management and the effort that needs to be put into it in order to clean up the roots, say, the DNS files, etc., of the ccTLD.

If you talk about conditionality, then the next question and a follow-up question is on compliance. That has to do with the timing, etc. And what do you do if somebody doesn't comply, especially if you make it conditional to a delegation? Do you undelegate that new one again? Do you transfer it?

So that's the whole question around, as soon as you start introducing conditionality, what you do around compliance, etc.

So these are at least the high-level issues I've identified as your issue manager based on going through some of the documentation. I think this needs to be more refined and then worked into the charter of the working group around the retirement of ccTLDs.

I now want to go back to the review mechanisms because –

Shall I take them first through this and then you go into the – yeah?

So this morning I already alluded to some of the context of the review mechanism. If I recall correctly, one of the reasons for doing a PDP right now, right after the transition or in the context of the IANA stewardship transition, is that, first of all, as you can

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see – and that’s the final bullet – currently the IRP is not applicable to the disputes relating to country code top-level domain delegations and re-delegations.

Now, the interesting thing here is that the language used – that is re-delegations, and it doesn’t talk about retirement. So a question is – but that’s maybe too legalese – whether retirements could be [used of] fall under this.

BECKY BURR: [inaudible]

BART BOSWINKEL: Yeah.

BECKY BURR: [inaudible]

BART BOSWINKEL: Yeah, yeah. So assume there is a benign interpretation that the ccNSO should develop everything around these decisions – revocations, transfers, delegations, and retirements. Currently, these decisions around the retirement, etc., are excluded. So that’s one. That was one trigger to start the discussion right now.

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A second one – this came up in the whole work of the Framework of Interpretation Working Group – is that if you would go to RFC 1591, in Section 3.4, what is really important to understand is that this is around the definition and the role of significantly interested parties. So this is a broad group of entities with an interest in a ccTLD.

This section sits right in the middle of significantly interested parties. It states that the – and this goes back to IANA – Internet DNS Names Review Board is a committee established by the IANA will act as a review panel for cases in which the parties – my interpretation is that these parties are the significantly interested parties – cannot reach agreement among themselves.

Now, the interesting part: the IDN [DB's] decisions will be binding. This effectively means – going back to the principles we just discussed – it is that the IANA operator will make decisions or this panel will make decisions – binding decisions – on the significantly interested parties and whatever comes out it. I hope my interpretation there is correct.

Becky.

BECKY BURR:

Well, I think, as we go through this, that's one of the questions. As far as I know, the Review Board either never existed or existed

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with Jon and his four buddies he called in on any case. So I think there is a real question about whether it actually could be binding. I think the working group would have the freedom to decide whether it's binding or not.

BART BOSWINKEL: Or you could say because it was never invoked, as far as I know. So it was never created – this group – but it means at least that this working group – and at the end, the PDP – needs to make a statement around this topic and needs to come up with a conclusion because the implications are vast of this one.

May I finish then, [Yoka], do you have a question already?

[YOKA ARTUR]: There is one question in the chat from Patricio, and he is asking if we should consider also cases of non-retirement, as in .su.

BART BOSWINKEL: This goes back to the principles slide. I hope he can see it. One of the things around .su – this is a situation that is long-pending. One of the things I believe you cannot do – but that's just me, but that's up to the working group and ultimately up to the members – if you would include something like a principle, the policies cannot be applied retroactively. That means, on existing

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cases, the retirement question cannot be resolved through this new policy.

BECKY BURR: I think, again, that that principle makes it much more likely that the outcome of the group is that the process itself is voluntary.

BART BOSWINKEL: But that also means, say, the grandfathering of legacy cases. And that's an issue between .su, whoever is involved in .su, and ICANN/PTI. You cannot use these types of mechanisms and impose it on current impending issues – this is one – or apply it retroactively.

So I hope that answers Patricio's questions. Let me go back and say another one, which is, again, is context for the review mechanism: the language in the framework of interpretation itself, where the working group believes it is consistent with RFC 1591, Section 3.4. "The duty to act fairly to recognize the manager has the right to appeal a notice of revocation by the IANA operator to an independent body."

So that's the only instance where the FOI made a remark – I wouldn't call it more than that – around the need for an appeal mechanism.

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Now let's go into the high-level mechanism. Becky, do you want to take this on?

BECKY BURR:

Sure. You guys are really writing on a blank slate here. We know from 1591 that there should be some appeal mechanism, but there's nothing in 1591 that says what kind of appeal mechanism it has to be. The IRP panel is there. You could use that. You could use an entirely different panel. You could have a peer panel. It's a pretty blank slate, and you get to design this in a way that works best for the community.

As part of the PDP, we've got to think carefully through what decisions and actions would be subject to the review mechanism and whose decisions –

It would probably be pretty hard to force your governments to go into this. I think sovereigns couldn't be subject to it, but certainly ICANN and the CCs. And who should it be open to? All ccTLDs? Just ccTLDs delegated under 1591? Or whatever. What is the scope of review and what powers will there be?

As I said, 1591 does call for a binding process, but because it was never implemented, I think it really is up to the group to decide whether we want it to be binding or not.

Do you want to give me the clicker?

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The other question that's part of this is: who's going to have standing at a review mechanism? Who can bring a case under here? Is it only ccTLDs? Can significantly interested parties bring a case under that?

Now, just to be clear, the scope – does it apply to delegations, transfers, revocations, retirements, the full range? That's a question that you're going to have to ask.

What are the grounds? What's the standard of review? It was done in a manner that violated 1591 and the policy for retirement and whatever it is. So you're going to have to cite that.

As we've been doing in the independent review, you're going to need a set of procedural rules. When do you have to file? How long can your submissions be? When do you serve people? Do you have a standing panel or do you use an existing dispute resolution provider, the International Chamber of Commerce or the International Center for Dispute Resolution – and just use one of their panelists?

How do the judges get picked? How many of them are there? Can you go and ask the panel for an emergency order that say, "Don't do this. Don't transfer it. Don't re-delegate it"? How much does it cost and who pays for it? Who maintains, essentially, a Secretariat for it, if it exists?



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So that was a sort of – yeah.

BART BOSWINKEL: Maybe it's time for questions. I know it's late in the day, but maybe some questions around these high-level issues that we've identified until now.

No questions? Sorry?

UNIDENTIFIED MALE: [inaudible]

BART BOSWINKEL: Scroll back through them? Put it this way. There are no weird things in here. Whether it's complete or not, that's something to determine because this will definitely set the scope of the whole PDP, so both on the review mechanism and on the retirement. That needs to be reviewed by community members, added, and more refined because the way it's written here is very high-level. I do have some documentation around it.

Becky, it's up to you whether you want to stay on this. Now I'm going into the – ah, there's Peter. Do you have a question? At least somebody who is awake.

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PETER VAN ROSTE: Thank you, Bart. Peter from CENTR. It strikes me that lots of these questions are dealt with on a quite regular basis at the CENTR and [NR] meeting because they are, on a higher level, a reflection of what is encountered in appeals mechanisms for ADR decisions by ccTLDs. So I think, from the ccNSO and others, there's probably plenty of expertise to get from.

Maybe while we're waiting to move forward with the PDP, it might be interesting to run a survey via the ccNSO or via the –

BART BOSWINKEL: Could be, could be. [inaudible]

PETER VAN ROSTE: – regional organizations to see who already addressed these questions.

BART BOSWINKEL: Yeah. I'll put it the other way. I think, if you go back to, say, drill down the proposal moving forward, it is those ccTLDs that are very much invited to participate in just drafting the charter of the working groups. That already gives you some flavor of the different flavors.

BECKY BURR: The other thing is, there are a million different existing arbitration providers where you can look at them. There's a

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Stockholm dispute resolution provider. There are big providers, small providers. So there are lots of sources for these. I actually polled a lot of them for the IRP, so there are lots of resources available.

BART BOSWINKEL:

Maybe just to add, now I'm wearing, say, a formal lawyer's hat as well. One of the more interesting ones I think is the International Court of Arbitration in The Hague. The reason is because it has standing for both governments and private parties. That will take out a lot of heat, especially in the case of ccTLDs.

The only disadvantage of that one is it doesn't have any summaries or proceedings or injunctions.

I raise it as a question. If there are no questions around this part, I'll move on now to the final part – what we briefly touched upon this morning – the procedural matters of the PDP itself.

Why would the recommendation be to run one PDP? If you recall, as I said this morning, we've raised this issue in Marrakech and again in Helsinki. I've informed the Council about the timelines, etc. of the two different models.

There are a couple of assumptions as to what we need to work through. The review mechanism is dependent, effectively, at the end of the day, on the output of the work on retirement as well.

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If you want to include decisions around retirement as part of the review mechanism, then you need to complete it. So that was one of the reasons, originally, to start with the retirement. But then again, the community very convincingly said, “Now, we need a review mechanism first – stuff around it.”

Secondly, the assumption is that we will run the PDPs along using working groups and not a task force. If you would look at the policy development process as it is described in the ICANN bylaws, it assumes a task force. That’s well described. The good thing about it is it leaves a lot of room and flexibility for using working groups. That’s what we’ve done, and we have a lot of experience around working groups.

Another assumption – the good thing is we touched upon it in the previous session in the discussions with the Councilors and with Chris – my assumption is that the pool of volunteers will be limited for various reasons. One of them is the skill set needed.

So that’s one, but also it may be time consuming. The other assumption is that most volunteers will be active in both work streams around the review mechanism and around the retirement.

This is an old slide. This is the one I presented this morning as well. We’ll end up there. This was the other method: two PDPs. This will take the most time. The only advantage of this method

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is that you will have a review mechanism for decisions about delegation, revocation, and transfer – it's earlier available.

The disadvantage, and one of the major disadvantages, is that you have to open it up again after we finish the PDP on retirement. The reason is, in my view, you cannot run both in parallel. So you finish one first, then you have a members vote. You only have a members vote on the review mechanism. But then the advantage is it's earlier available because that will close it off.

But then, as I said, you need to revisit. And the question is, if we do our work properly right now, we'll gain a lot of time around the retirement process itself because, by developing the issues, documenting them properly, ingraining them and embedding them in the volunteers, you're almost halfway through to the solution.

So the tentative recommendation is one PDP. It has more flexibility to align the review mechanism with retirement and more flexibility in the total timeline as well. You can even run working groups in parallel when possible and feasible. Finally, this is determined by the community.

Probably a very, very important aspect is that there will be a total package, a full set of recommendations, around review mechanism and retirement that will go for a members vote

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because, at the end of the day, as all of you know, the members vote is determining whether or not the PDP succeeds.

So a task force or working group? I'll briefly go – other structure. So that's working group.

Next steps. This is probably important, especially for the Councilors still in the room. Although – yeah, there are not enough [math] people with cards because I now I have a question for cards.

This whole exercise now is, as I said this morning and I said again now, to engage and involve the community as soon as possible in the process itself. Up until now, I'm probably the only one who's been delving into it, and there is a real risk; first of all, if I fall ill. But I won't fall ill.

The second one is that, say, this is not earned, or owned, by the community itself, and it should be owned the community. I shouldn't be the one, or the issue manager should not be the one. So you have to deal with these issues.

You, I think – the community itself – should describe and define and identify the issues around the review mechanisms and the retirement themselves because that is the starting point for finding solutions. If you don't own the issue, then why should you resolve the issues?

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As an issue manager, I will propose that the Council will send out a call for volunteers for a drafting team or two drafting teams – but probably one drafting team – that will draft the charter of a working group dealing with the review mechanism and a working group dealing with the retirement.

In assisting them, as issue manager, I will draft a straw man to speed up the discussion. At least in this way, the community is involved rather sooner than later in the whole process.

Once these charters have been completed, they will be included in the final issue report that I have to draft, going back to the first slide – what should be included? That includes the draft charters. I can then go back to, say, ICANN’s general counsel around the opinion that is required under the PDP, bylaws or Annex B, and align the tentative timelines for the full PDP with these draft charters.

Based on the completion of the issue report, the PDP can be initiated, but these are administrative steps. Effectively, the community could already start working on these informal charters at that stage.

So that’s the proposal. The timeline around these drafting teams, or this drafting team, of the charter would be that the Council will take a decision tomorrow, approve a call for volunteers, and the scope of that call for volunteers.

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The call for volunteers will go out next week, when everybody is back home, up until the 2<sup>nd</sup> of December. That's three weeks, so you have time to think about it. It will allow the Council to appoint the drafting team or drafting teams at its meeting on the 15<sup>th</sup> of December.

In the meantime, that is doable, and I can already start preparing the straw man for the charters. That can be shared. The first [weekly] meeting of the working group can start in early January because, as of the 15<sup>th</sup> of December, a lot of people will have their seasonal break.

The game plan is to have the charters ready and everything by late February so the Council can initiate the PDP at its Copenhagen meeting.

So that's the proposal. In the slides itself, I've included references to the relevant documents. Any questions regarding the proposed way forward/next steps?

I see your hand. The microphone is there, or [Bria] has one.

UNIDENTIFIED FEMALE: Hello. Thank you, Bart. The way I understand the way forward here is that it's already decided that we should have one PDP and two working groups.



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BART BOSWINKEL: That is the tentative recommendation. For argument’s sake, you could say the review mechanism is – you will have a PDP with at least one working group. There is still the flexibility, later on, to say, “Okay. We do the review mechanism without retirement first, but we have the charter. We can speed it up. And we do not have to go through the exercise of drafting a charter of the working group for the second PDP.”

So in that sense, you’re right, but I would strongly advise against it at this stage.

UNIDENTIFIED FEMALE: So we don’t rule out the possibility –

BART BOSWINKEL: The Council has made any decision. It’s just my proposal as issue manager.

UNIDENTIFIED FEMALE: Okay. Because what I wondered when you presented this is that the review mechanism – what you said was that the advantage of doing that as a PDP first without retirement included because that’s not settled yet, but were [going to do] with the retirement.

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Then it has more to do with what is really most essential for the ccNSO community? What we also have said is that there's very few cases with retirement, but it seems like there is some fear about things like revocation or who owns the ccTLDs. There's discussions out there about that.

For some countries, my feeling is that it seems to be more important to get a solution for a review mechanism for, for example, revocation.

BART BOSWINKEL:

Yes, but that's your – say that's an assessment that, I think, ultimately depends very much, say, on the expected duration around retirement and how much time you would gain because the disadvantage of doing two PDPs, the real disadvantage, is you need to open up the first –

You go through the whole set, up until the point of implementation, and then you need to reopen it again to include retirement. That's the real risk. I don't know to what extent and what will change. It's a risk factor.

UNIDENTIFIED FEMALE:

Question from Danko from .rs. “If interested to volunteer for one of the working groups, should we also apply for the drafting team?”

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BART BOSWINKEL: No. These are separate things. The drafting team of the working group for the working group charter is what it is. It is just describing the issues that need to be taken under consideration under the full PDP.

An easier case is, if I go back to the IDN PDP, you had the GAC IDN Working Group that produced the document that was included, ultimately, in the PDP. That described the issues.

The danger is, if I describe the issues as the issue manager, it's just my view. It's my personal view. It's nothing else. It's biased. It's based on what I know. Especially for somebody like [Danko] who has the experience of going through, for example, the retirement, it is very important for him to provide feedback and input on what the issues are. And that's just the drafting of the charter. It doesn't mean you need to be involved.

UNIDENTIFIED FEMALE: “Yes, but I'd like to add: you don't have to be a member on both working groups. But I think it will certainly help.”

BART BOSWINKEL: Yeah. Any other questions?

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UNIDENTIFIED FEMALE: Questions? Comments? Suggestions? Yeah, it has been a long day. Thank you very much for –

BART BOSWINKEL: Maybe one question, but I need your cards. Is this a way forward, say, that we start working with drafting teams for the charters? I think that is the most important for the Council itself.

If you're in favor of such an approach, just put your hand in the air.

I think that's – yeah. Are there any abstentions? Objections to that approach? I think for those die-hards – thank you.

UNIDENTIFIED FEMALE: Thank you very much. Okay. There are not so many ccNSO members in the room, but we can say that the minority certainly decided that this is the way to go.

BART BOSWINKEL: This is the temperature of the room present.

UNIDENTIFIED FEMALE: No, the interested minority – those who have stayed.

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UNIDENTIFIED MALE: [inaudible]

UNIDENTIFIED FEMALE: Yeah. Thank you very much for remaining conscious for so long. Well, I'm certainly looking forward to seeing you all at the ccNSO cocktail. Oh, it's not so far from here. But if you still have time, probably use the time to go back to your hotels and drop your bags and come back.

BART BOSWINKEL: "DNS Encountered" is not in this room.

This closes today's session.

UNIDENTIFIED FEMALE: Tomorrow we start early. Do not forget. Thank you.

**[END OF TRANSCRIPTION]**