
ICANN69 | Community Days Sessions – GNSO - NCSG Policy Committee Meeting
Thursday, October 15, 2020 – 14:00 to 15:30 CEST

MARYAM BAKOSHI: Good morning, good afternoon, and good evening. Hello and welcome to the ICANN69 NCSG Policy Committee meeting. My name is Maryam Bakoshi, and I am the remote participation manager for this session.

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With that, I'll hand the floor over to Rafik, NCSG Policy Chair. Rafik?

RAFIK DAMMAK: Thanks, Maryam, and thanks to everyone for coming to today's meeting. While it's called the NCSG Policy Committee meeting, in fact it's our session replacing the usual one we have on a monthly basis prior to a GNSO Council meeting. So it's open to everyone. So I hope that more people could join us. And a reminder to the NCSG to be [inaudible].

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In terms of our agenda, as usual, we'll try to focus on the GNSO Council agenda itself. We're trying to go through the different topics put for discussion to have the NCSG representatives to Council to speak and share their thoughts and also to hear from our members. Then we go to a general policy update, if there is anything we can get an update on, like a plenary session or an important incoming meeting we should follow. We'll finish with Any Other Business kind of to wrap up and close the session.

Let's start with the first agenda item. That's going through the GNSO Council meeting. Again, maybe many people heard this many times, but it's important to remind of. The GNSO Council meeting follows the usual template. It's important to get used to. So I'm not going to go through the administrative matters or Item #2, but again I urge everyone to review on a regular basis the project list and action items. So for project list, you can find a comprehensive and exhaustive summary of all the activities initiated by or overseen by the GNSO Council in its different phases. So you can get a quick snapshot. There are also other tools we can introduce later on. So I ask everyone really to review. That's a good way to get a quick update on what the GNSO Council is doing but also the activities that were initiated by the GNSO Council or PDP Working Group, etc. For the action item list, it gives a good or a clear summary of what was decided by the GNSO Council in the last meetings, so you can track or follow up those actions. So, again, please review those, and we can share the links in the chat.

The next agenda item is the consent agenda. It's, as the name says, not really an agenda item for discussion but it's a list of topics or

actions that were discussed previously or that the GNSO Council got a different document about, like coming from a small team. So this is just to approve those actions. In terms of procedure, if any councilor feels that we need to discuss further, they can ask to put that in the main agenda.

However, for this time, I want to go a little bit in to detail on the consent agenda since it's including several items, but it's important for everyone to be familiar with what we have there.

The first item is about the next steps for WHOIS Conflicts Procedure Implementation Advisory Group. As you can see here, there is the action-decision radar. I just want to stress here that that's a new tool, an outcome of the PDP 3.0 process. And it's quite a good one because it summarizes the different action or decision that the GNSO Council will make soon, like within one month, within three months, within six months. So it gives sense of the priority what's in the backlog for the GNSO Council and goes into detail of what are the actions and the link and the dependency. So, again, this is one of the tools that everyone should review for their interest.

Going back to the topic, here this is the advisory group. This topic was in the GNSO Council for a while, and it was put on hold because of the EPDP work. So now we have a proposal coming from the small team that was put for review for a while in the GNSO Council, and it was also shared on our NCSG list. So this proposal is just suggesting some actions that you can see or read in detail here.

Can you scroll down, please? If you want, you can review this. This is coming from the proposal which was shared before. There was no specific concern with what is suggested here to move forward for this issue. So basically [we're] trying here to get more information, like from ICANN Org, and also to have a small group of council volunteers to review the WHOIS IAG draft charter and confirm if it still fits the purpose or not. Based on that, the GNSO Council will make decisions. So, still it's for the GNSO Council to continue the work based on what is proposed on that document.

The next item is something that was for a while in the GNSO Council radar or backlog, which is about the IDNs. Here the action is to launch a call for volunteers for a small team to develop a draft charter and an EPDP scoping document for an IDN policy track two. So here this means we will have a call for volunteers, and that will also come to us at the NCSG if we think we should encourage some of our members to join this policy track. I think IDNs is an important topic for many of our members who are not English speakers, including myself. So it's just here. That's the basic action. Also, it's important for us to be aware that that's something we have to work on soon.

Can we scroll down, please? Can you go up a little bit? Scroll up, please. Yeah. So this is the third item. This is a topic that was in discussion in the GNSO Council for a while now, which is the EPDP Phase 2 remaining Priority 2 items. Here it's quite unusual, but we go into detail about the action or decision made by the GNSO Council. They are coming from what was proposed by the small team and put for review and consideration in July from the small team. That's what

was agreed. So here we are just putting on track what was reviewed and decided, just to approve that. So, basically, it's about having the two tracks—first for legal/natural and the feasibility of unique contacts, and another track for accuracy. So I'm not going into detail for this one, as I think I went through it many times on previous calls to introduce what's proposed by the small team.

I think the next item, if I'm not mistaken, is about the approval of the GNSO Council liaison to the GAC. That will be Jeff Neuman. He was selected by the GNSO Selection Standing Committee, and we can expect here just for the GNSO Council to approve that or confirm.

I forgot another item. I think it's quite important for us, and that's a follow-up of the previous GNSO Council meeting in September. In that one, the GNSO Council approved the EPDP final report. So here we confirmed the recommendation report that we prepared by staff and put for GNSO Council review. That will be sent with the final report to the Board, which means that we kick off the process by the Board to consider the EPDP Phase 2 final recommendation.

I will stop here to see if there are any questions or comments. I know that I went quickly through several items, but again this is the consent agenda, which means they were introduced before, discussed and etc., so I don't expect any particular concern for this one, but let me know if you have any questions or comments.

Okay. Maryam, also can you share the link to the GNSO Council agenda so everyone can access and check this document? Okay.

The next agenda item—on this we’re going now to more substantive discussion—is about EPDP Phase 1 Recommendation 7: the Initiation of Thick WHOIS Transition Policy EPDP. This topic, again, was in the GNSO Council table for a while, since we received a letter from the Board talking about the impasse regarding Recommendation 7 at the IRT between the ICANN staff, the different side of groups within the IRT, regarding their interpretation of Recommendation 7. This is related to the transfer of data from the registrars to registries. That’s why it’s linked or impacted by the thick WHOIS: because [in particular], if you attended the GNSO Council and the Board meeting, you could hear from Becky about the Board position on this matter that Recommendation 7 should not repeal or overturn the thick WHOIS policy. So we have this impasse.

We received a letter from the Board, and there was communication from the GNSO on the matter. Since this is an IRT (an implementation), it’s slightly different from the PDP working group. There is oversight by the GNSO Council, and we have a liaison to the IRT. But it’s a different dynamic compared to a PDP working group. So we asked our council liaison to try to help the IRT to move forward and to fix this impasse, and we got a report from him, Sebastien Ducos in the last council meeting in September. As an action or follow-up, we had a small team of councilors to work on the action here to make a proposal to the council.

We will see here this motion/one of the proposals. So you can suspect that, even in the small team, there was some disagreement about how to solve this issue or how to interpret Recommendation #7, but one of

the proposals to move forward is to have this motion. It's not for a vote. It's important to clarify it's not a motion for a vote, but the idea is to have this motion, all the background about Recommendation 7 from the beginning, like what was in the final report, what was in the Board scorecard, the different positions, communication, and all the details and to put that—it's like a document ... And then try, in the resolved, to propose a path forward. You see that there is no document yet because in fact there was a call today from the small team ... I was there participating. In fact, I [chaired] the previous calls. For now, we went through disagreements and we tried to resolve them. So you can expect the motion to be shared with the council list after 24 hours. So we left 24 hours to all the small team members to consult and to respond if they have any concerns. But there is also a different position from the BC and the IPC members on how we should resolve this issue.

So this topic will be an opportunity for the GNSO Council to see now a proposal on how we should respond to the IRT and what we should respond to to the Board, and what we propose clearly that we should initiate as a process (EPDP or PDP) for the thick WHOIS to fix that issue. Again, I advise everyone to read the background. It gives you quickly an explanation and also links to the relevant documents. I cannot share the motion yet, but I'm just here to give you the context and what we will discuss in the next council meeting.

Personally, I think the motion is something we should support because it respects the intent of Recommendation 7 as was agreed to by the EPDP team. We recognize that we have to do the work for thick

WHOIS, since it's now in contradiction with what EPDP Phase 1 is recommending. It's one of the policies that has to be updated to be compliant with GDPR and data protection.

I will stop here. I know I'm giving maybe too much information but let me know if you have any questions or something you'd like to clarify.

Okay. I see nobody in the queue. So either I was too clear or people are not sure what to ask about.

Anyway, again this will be a topic for discussion, and the motion will be shared in the next 24 hours. When it's done, I will forward the document to NCSG so you can review. Please feel free to ask me any questions so I can give you more background on how we reached the different position there. Just again, it's really explaining why we are sticking with this issue since last March.

Let's move to the next agenda item. This is what we put for discussion for the GNSO Council: to talk about the draft operation and design phase. For those who attended, [I'll just note ...] [inaudible] Maybe a few or maybe a not few minutes, but today there was the NCSG and the Board meeting, and this topic was one of the topics for discussion. I think we went at length to express our initial concerns about this paper, which is proposing to add the operation and design phase, supposedly to help the Board to consider the policy recommendation coming from a PDP working group. So we have this proposal [which looks] like a new process, but what was explained and what we heard today and also during the GNSO Council meeting and Board meeting

is to open an existing process that was used by the Board and ICANN Org.

We went today, I think, to elaborate about the many concerns we see with this proposal, but we still have ... I'll ask everyone to review the document. We need to discuss in detail among us on how we should respond if there are other concerns we need to list because now we have just an initial reaction with our understanding, and also now we heard more comments from Göran and the Board. But we need to work on our own input to this paper. But, for this discussion topic, this is for the GNSO Council. I think it's quite important because what is proposed here might have impact on the role of GNSO itself in terms of managing the PDP process or the gTLD policymaking. So probably we need to push for the council to respond to this paper, not just the different stakeholder groups and constituencies to share their input. So we need to share initial thoughts on that agenda item and probably push for some formal response or input from the GNSO Council on the matter.

I will stop here because, I think, there are already several people who in the previous meeting expressed their position about this topic. So let me see if there is anyone in the queue.

Okay. At least I hope that you can hear me.

Anyway, I think we, as the document was shared in the NCSG list, already saw some reaction. We need to continue that discussion and trying to work on our input and also help our councilors to develop a response at the GNSO Council level. Personally, I'm planning to

comment on the topic in the next meeting. I encourage everyone to do so and make our concerns clear.

I assume Bruna, you're asking about the NCSG meeting next week. This may be a question for Stephanie, probably. I cannot respond to that, but I assume it's always possible to rearrange the agenda so we can discuss this topic [since it's] one of the hot topics this week. But I will leave that to Stephanie to respond to and confirm.

STEPHANIE PERRIN:

I do apologize. I had to take a doctor's visit over the phone just now, so that dragged me away.

What are we talking about here? What would you like to put on the agenda?

RAFIK DAMMAK:

Bruna was suggesting in the chat if we can have some time at next week's NCSG meeting to talk about the operation design phase.

STEPHANIE PERRIN:

Oh, absolutely. I think we should try and get that in there, yeah. So maybe I'll [work with] Maryam to find five or ten minutes to at least [poke] it in there.

Is there a particular time when you would prefer it? Beginning of the meeting or the end of the meeting? Just in case people have other

things they have to rush to. If not, we'll see where we have the most fluidity. Thanks.

RAFIK DAMMAK:

Thanks, Stephanie, for the confirmation. Anyway, I think this is just the beginning. We have to discuss more on this.

Also, from what I understood when discussing or asking Göran, there is another paper about the implementation guidelines from the Board. And there is a cryptic mention from Göran in his communication to the SO/AC leaders talking about the fuller consideration of the PDP life cycle. If you read the message from Keith Drazek, the GNSO Chair, I think he made it clear his concerns about that. It's still unclear. It was mentioned, but we don't know yet what it's about. I'm not trying to connect the different dots here. It seems like we can expect many papers or more consultation on all these topics, but it's clear that we have to pay more attention to follow up closely on those matters from NCSG but also at the GNSO Council level. I hope I was clear because this is something I'm really insistent to reiterate on, and probably I will shout about it in the next weeks, too.

Okay, thanks, Manju. I'm not sure. That's a good question. As I mentioned, it's really for us to make that clear in the next council meeting because, for some topics, sometimes we just leave them to every stakeholder group and constituencies to develop their input, and sometimes, when we develop, we make it clear that the GNSO Council comment or response is not superseding the other stakeholder group/constituency response. So, usually for the GNSO

Council is to find the common area that we all can agree on. So, if there is any GNSO Council response, it should complement what the other stakeholder groups or constituency [will submit.] I hope that answers your question. But, anyway, that will be probably for discussion at the next council meeting.

I see no one in the queue. I guess I can move to the next agenda item. This is about Board consultation regarding the questions surrounding the financial sustainability of the system for standardized access and disclosure. For background, as you might know, in the last council meeting, we have approved the EPDP Phase 2 final report and, in the motion, resolved 1B, we suggested that the council should have a dialogue or a discussion with the Board regarding those recommendations, particularly the financial sustainability, taking into account the minority statements by different groups. Those minority statements are included in the report. The purpose here is really to have a discussion with the Board before they consider the recommendation. In a way, the council tried to clarify more about the recommendation. Also, there was a suggestion there on whether we should have a cost-benefit study or analysis to get more information on input on those recommendations about the financial sustainability.

So [someone] can ask why that can be helpful. Having the dialogue or discussion with the Board before they start considering will be helpful. It's important for the council, as management of the process, to do so. It's not something usual. In fact, we don't have that have that much interaction with the Board when we approve recommendations until they either approve them or they send them back to the GNSO

Council. Based on the bylaws, [for some, if] the Board doesn't approve a recommendation, and, if [that's the case] should be with the two-third vote, then that initiates or triggers a process of dialog between the Board and the GNSO Council.

So we have that situation for EPDP Phase 1 for two recommendations, I think, in Recommendation 1 regarding purpose—I forget which one—and also Recommendation #12. We found out that it would have been more effective to have dialogue before the Board to consider or approve or not the recommendation to clarify or answer their question because, afterwards is a little bit late. It makes things take a longer time, which impacts the implementation process. So the idea here is more like, let's say, a preventive action. So let's have a discussion with the Board.

We tried to clarify and talk about this particular issue, knowing that we have a divergence about the recommendation regarding the financial sustainability of SSAD. So that's why we have it. But what we will discuss at the GNSO Council meeting is to go in more concrete ways of how we will approach this discussion with the Board because we have—you can see here—a draft transmittal letter which tried to describe how we will have the dialogue or discussion with the Board. You can find there that we are making clear that we don't want this to take too long. So it's not supposed to be that we take forever in terms of discussion. So basically we will discuss the draft letter, and the council leadership thought that it's better to have it for discussion and not just in the consent agenda, so the whole council can be on the

same page on how we can discuss with the Board regarding the SSAD recommendation.

I will stop here to see if there is any questions or comments.

Yes, Stephanie, please go ahead.

STEPHANIE PERRIN:

Thanks, Rafik. I have fairly strong views on this, as I tried to express at our recent meeting with the Board. Those of us who've actually administered these systems knew this would be expensive, knew some of the risks, and tried to point that out for the past, I don't know—well, I would say seven years because I did it throughout the EWG. The SSAD imagined by the EWG was not dissimilar, expect, of course, they wanted more data, and they got smacked in the face with the GDPR. So the data was reduced. But the same basic parameters applied in the EWG estimate of costs. You still have to find someone who's willing to authenticate people, to identify them, to make sure that they legitimate grounds. All the rest of this is expensive. Basically, at least personally, I feel I was totally ignored. We should have done this at the beginning of the process.

Then, as I just pointed out at the Board meeting, Göran went ahead and did the study for whether or not RDAP was feasible. Well, we bloody knew RDAP was feasible. I have great faith in the geeks at Verisign, namely Scott Hollenbeck, who is drafting all of the protocols. And Elliot Noss had already implemented. So we didn't need the—God knows what it costs in brackets—study that Göran set going. And they

ignored the legal issues. That wasn't part of their remit. They were just looking at technical feasibility. Well, fine, but you're building a system to do a legal task. So I don't know how you can say that you've studied it when you didn't look at the key parameter, which is the expensive one: determining whether or not disclosure is legal.

Anyway, I really, really ... Now we're in a situation where the Board is going to decide whether something is affordable. And we already have those guys—the SSAC and basically the advisory committees and the IPC of course—insisting that ICANN pay for this. It is absolutely nonsense. I think we have to call it bluntly. This should have been done early on, and we could have saved a whole lot of time. I don't know how tactically we do a better job of getting the points across because, quite frankly, I don't find that any of my points have been in error so far. But nobody listens anyway. Thank you.

RAFIK DAMMAK:

Thanks, Stephanie. Let's see if there is anyone else in the queue.

Okay. So I think what we can make clear here is that we need to think just beyond the EPDP final report and think in general about PDPs. So we need to have in mind, if we have a process like PDPs, delivering the final report and going through GNSO Council to be approved, should we be okay that, for example, the Board rejects several of the recommendations just because there's some concerns or not? That I think will impact us in the future regarding any other PDPs, so we just should more think in the long-term and be careful of what we wish for.

Unfortunately, for me, that will be the last time in the council that I can be involved in the—not that unfortunately, maybe fortunately—to deal with the EPDP at the council level, but this has just started. So I really want to stress or emphasize for our next new councilors to follow this and feel free to ask any questions or for help on the matter because it’s important to participate effectively in the discussion with the Board. We need to think about the process. Yeah, feel free to ask any questions or offer a comment. I think our representatives to the EPDP team and other members will be happy to answer your question.

Let me see if there is anyone in the queue.

Quite a silent queue today. Maybe it was a long day. But please feel free to ask any time any question in the chat, too. So you don’t need necessarily to intervene, but please feel free, if you have any comment or anything, to do so in the chat. I will try to read that. Oh, I see Manju is in the queue. Manju, please go ahead.

MANJU CHEN:

Hello. I heard in other meetings Alan Greenberg. His name is also at the EPDP team. He was saying that it’s not common for GNSO Council to pass a report that has so many recommendations that are either divergent or have a lack of strong support but with significant disagreement—those kinds of recommendations. So this EPDP Phase 2 report has a lot of recommendations that lack those kind of full consensus support. And he says that it’s not common for GNSO Council to approve a report with so many recommendations that lack full consensus support. I’m just wondering if that statement

is true. And, if that's true, is that a change of council's policy to approve reports with not full-consensus recommendations? Or, if that statement is false, what's true? Like, what's the real situation of council trying to pass through the report? Thanks. I hope my question is clear.

RAFIK DAMMAK:

Crystal clear. Thanks, Manju, for this good point. I think, first, it's always important to have the background and the caveat of why Alan said that. Alan is a representative of the ALAC, and the ALAC objected to several recommendations and had or has a minority statement that is included in the report, like some other groups. So that also can explain the rationale behind this statement.

However, [inaudible] I will be factual here. However, it's quite important to remember the role of the GNSO Council. The GNSO Council manage the process. So it has ensured that the charter was covered and that the process was followed. There is not any issues during the work of the EPDP or PDP working groups, etc. It doesn't go in substance. If you read the working group guidelines, it's made clear that, for example, we don't try to split the recommendation and try to vote them separately. We should vote on the whole product in particular because usually there are some dependencies. For the EPDP Phase 2 final report, what we did is we recommended some dependency for the recommendation for the SSAD. And there is the rest of the Priority 2 topics. So that's why we split. But we didn't like to vote recommendation by recommendation. That would be an unusual

practice by the GNSO Council. Again, on the GNSO Council, we vote based on what comes from the EPDP to ensure that the process was followed, etc. We don't rework the recommendation. We don't discuss the substance. So, in terms of process, the GNSO Council approved the product. There is a different level of consensus there. It's important also to emphasize that there are several—many, in fact—recommendations with full consensus or consensus level. There are fewer with strong support and with significant opposition. And there are two with divergence.

So I think it's really a matter here to see if there are a lot of—not consensus or consensus, but it's just to be factual. You need to see—if I'm not mistaken, it's 22 recommendations—how many they have consensus level and full consensus and the rest. But, again, the GNSO Council just approves what's coming as the final report and check and oversee the process, because we are not supposed to, in the GNSO Council, reopen the substance. So I'm not sure that the statement that it's unusual for the GNSO Council to approve when there is some divergence because, factually, and for Phase 1, we approved the whole report. There were two, I think, recommendation with divergence or strong support with significant opposition. So it's not unusual. So that's in terms of procedure. But, again, people can have a different interpretation based on where they come from, and they are entitled to do so. But I hope that clarified more of the process for you, Manju.

I see Tatiana in the queue. Tatiana, please go ahead.

TATIANA TROPINA:

Thank you very much. It's hard to add anything to our excellent intervention, Rafik, but I just wanted to highlight that the fact whether GNSO has approved anything very contentious before or not fully consensus supported doesn't make Alan Greenberg's statement true or false. I think that this is a way to frame questions in a bit [antagonistic] way. I think Alan might have his point of view, but, as Rafik said, GNSO has a process. In many ways, the EPDP is quite unique, and this approval should be considered at the same time in the context of GNSO, which always approved looking at the process (was the process right?). We did not look at the substance. In this way, while EPDP is unique and a contentious issue, the GNSO doesn't change [its trends]. It just goes on and looks at its process. And there is no turning point here.

But just to remind you, maybe you some of you remember that, in March 2016, it wasn't about PDP but GNSO approved the CCWG Accountability proposal, for example, or—no; transition ... I don't know which proposal. I think it was accountability—yeah, it was the accountability proposal. It was also a contentious one, and even the councilors didn't have an agreement on the scope of recommendation, but it was still approved. So there are contentious issues on the GNSO table from time to time, and approval/disapproval doesn't really mean that GNSO has a turning point right now and we are going to start approving or disapproving whatever is coming on our table.

So, yeah, it's a bit of a different context, and I think that what we have to see is how it fits the overall mandate of GNSO. I think it does, and there is no turning point of this.

However, as Rafik said, people can have different opinions, so it doesn't mean that Alan is providing you with false information. He's providing you with his own statement and his own opinion. Thank you.

RAFIK DAMMAK:

Thanks, Tatiana. In fact, about the interpretation, you just covered the case, like Recommendation #7. It's implementation. It was approved, but people have different interpretation on how they should implement it.

So Manju, and many other members, it's important to have the background and where people are coming from and what they are advocating to understand the rationale behind those arguments. I'm not saying it's true or false. That's not the point. It's just to expand on what leads to some position or argument. Again, here it's a process/procedure. The GNSO Council is managing the process. We don't go into the substance here.

Stephanie, please go ahead.

STEPHANIE PERRIN:

Thanks very much. I just wanted to bring up the whole issue of the GNSO review that is upcoming. I know I have nagged people to read

the previous GNSO reviews, but GNSO jealously guards its management of the policy process. We have had quite a few recently of these cross-community groups that are studying issues, and we have participation as we did in the EPDP from ALAC and SSAC and the other advisory committees. It's important to note that those other advisory committees also get another kick at the can because they can advise the Board—that is their role—and they can sit on the PDPs. So believe me, the advisory committees are busy advising the Board right now as to what they should do with the output from the GNSO because the EPDP, even though it had very broad participation, was still a product of the GNSO Council.

So keep this in mind. There is an effort in my view to undermine that process. Perhaps I'm biased in that I sat on one of the review committees that was reviewing WHOIS, where certainly I was the only NCSG rep, and my colleague, Volker Greimann, was the only registrars' rep, and yet we were talking about registrant rights. The advisory committees were extremely well-represented, including the GAC and ALAC. And it was a very unbalanced discussion, I have to say.

So we have to just bear in mind that, whenever we have a GNSO review, there is an attempt to undermine that delicate balance of the stakeholders, and it's coming soon. Thank you.

RAFIK DAMMAK:

Thanks, Stephanie. I see Manju in the queue, but I'm not sure if it's an old or new hand.

MANJU CHEN:

It's a new hand. I guess just a follow-up question because I heard concerns about, like Stephanie said, the advisory committee getting the second-kick-of-the-can situation. But I remember, at the previous meeting with the Board, Rafik, you're saying that the GNSO is making this effort to involve advisory committees in the early stage of any PDP. So the whole process will be more, I don't know, multi-stakeholder and have more engagement.

But how do we balance between this kind of advisory committee ... They have this opportunity to participate in PDPs, but then they have another opportunity to give advice, when the GNSO apparently only has the opportunity to participate in the PDP and then the participation is already involving the advisory committee. Are we really welcoming them to ...? This is a very general question, maybe to everyone. I'm not sure I'm understanding this process clearly.

RAFIK DAMMAK:

No, no, Manju. It's quite a good question. We tried to respond and clarify because it's important to get the full picture. So, as you said, they are advisory committees. So you have the SSAC, the ALAC, and the GAC. There is also the RSSAC, but usually they are not involved in the policy discussion.

So what does it mean to be an advisory committee? They can give advice to the Board and, by the bylaw, the Board has to respond to that. So they have that kind of power. And their remit is larger than the

GNSO's. The GNSO is just focusing on gTLD policymaking. That's all. NCSG, as a group within the GNSO, that's basically our focus: gTLDs. The ALAC and the GAC, they have larger or broader issues they try to cover. But they have [their advice] they can send to the Board, and the Board has to respond to that. So that's the formal process.

Why does the GNSO Council want them to participate at an early stage? Because in particular it happened more with the GAC. In fact, ALAC, through their members, always participated in PDP working groups. For example, Alan, who you mentioned, is one of the most active ALAC members in the open PDP working group. And there are others. They always participated. For example, in the SubPro Working Group, one of the Co-Chairs, Cheryl Langdon-Orr, is also from the ALAC. So the ALAC is a different case. They always participated. They expressed interest.

But the GNSO Council finds that we have this situation with the GAC. They don't really participate in the PDP from the beginning or during the PDP, like in public comment. Then they issue their communique in every meeting to the Board or their advice.

So the thinking a few years ago was, how can we improve the situation? So the GNSO Council initiated a dialogue with the GAC and recreated several mechanisms, including having a GNSO Council liaison to the GAC. So we can give them a heads up, try to involve them, try to give them an update, and so on. Always we wanted them to participate from the beginning of the PDP and not wait until the end

when we have a final report and making advice contradictory to the final recommendation.

For the case of the EPDP, we tried to innovate to some extent. We thought we needed representation from all the groups that expressed interest. So, in the charter, we made this representational model, not the usual one, because usually it's an open working group model. But the GNSO operating procedure never said that you have to follow that one by default, so it gives you the flexibility to choose what fits. So, for the EPDP, we thought, "Okay, we have a different group. We want them to be involved from the beginning. We want them to participate because we don't want at the end having different advice that makes it complicated to get a recommendation approved." So we gave them representation. All of them participated: the GAC, SSAC, and the ALAC. We sent it to the ccNSO—the ccNSO are not impacted by the topic, so they declined—and also the RSSAC. So we had all these groups participating in this kind of new structure from the beginning. So they participated in the deliberation and making the recommendation, in the public comment—in all the steps, in all the phases.

So they cannot claim later that they didn't participate because they were in the process. They were involved in the process. It's still up to them to make advice. We cannot prevent them. That's the mechanism they have, but we tried to include them from the beginning by design so they can express their concern and they can participate. They can give their input and not wait until the end to do so.

I hope that clarified why and how that happened. So we tried to involve them, but, at the end, it's up to them on how to decide. [We would] prefer that they should not issue advice that's contradictory to the final recommendation because it's the multi-stakeholder model. We tried to with consensus. I can tell you by experience. As I shared at the last stage of the EPDP team, we went in the [wording of the] recommendation almost word by word, arguing if it should be "must" or "may." People were providing all kinds of wording to respond to the concerns, including the concerns from the different groups. So you can see that they were fully involved, and you can understand that it's really strange that they participated, they had their kind of minority statement listing all their concerns, and then they can make advice. It's kind of not aligned with the spirit of the process or what we are trying to do.

Sorry for getting too long, but I hope that that clarifies and gives a better background about what we are trying to do.

Let me see if there is anyone else in the queue. Thanks, Manju. These are really good questions. I want everyone to understand how things work, like why we are having this procedure, how we are setting those working groups, and for which purpose, because there is a lot of history. And I'm happy to answer as much as possible with my limited knowledge about this. Thanks again.

Let me know if there is anyone else in the queue or any comment.

Okay. So it was quite an interesting discussion. I didn't expect that for this particular topic.

I guess maybe we can move to the next agenda item. Maybe it's less, let's say, interesting but still important. Here we have one item from the action decision radar. As said, that's one of the tools for the council to do the project management. Here we have a request to delay the request for the policy status [of the board] for the expiration policy. Here we are taking into account the bandwidth [and all what we have.] So the suggestion coming from the council leadership is to request that this request is to be delayed by a period of 24 months, assuming no substantive issues arise during that time. So it's really here—maybe to explain the context—that the GNSO Council is trying to improve how we are managing all the work and, in particular, the priority, because we have many requests. We need to work on this. We need to fix on this issue. We need to initiate this PDP. We need to have this activity. But resources are limited and the bandwidth is limited. We are not just talking about resources. We are not talking about just the policy staff. We are talking about the community. So the GNSO Council, in terms of managing all the activities, needs to focus on what's the priority and the workload and the bandwidth. This is coming from [inaudible].

Probably in terms of priority against others, we should delay this one. So what I can say is that I can advise that we can agree with this. The status report which is starting a review of an existing policy is important but maybe not right now, taking into account what we have as workload and other priorities.

I will stop here to see if there is any questions or comments.

Okay. I hope it's clear, but the broader context here is really about priority. It's all about priority. There are so many things to cover that we want to fix, but we need to select which one to start with. It's kind of [pipeline.] We have limited bandwidth, so we need to decide.

For the new council, it will have to deal with this and decide about the priority, so it's also important for the members to be aware. We can share and give input on those matters.

If there is no questions or comments, I guess we can try to see if there is other items—oh, the last one is Any Other Business. So it's a farewell to outgoing councilors. They will regain their freedom. Then it will be an open mic. Open mic is for all community members if they have any comment or anything they want to ask the council. So, again, it's a farewell because that meeting will be the last council meeting for the current council.

After that, there will be a second meeting, just after, and after a shorter break. The next meeting will have, as a main agenda, the election of the new GNSO chair. In that meeting, the new council will be seated. For example, those who we elected from NCSG will start their term in the meeting after this one.

So, in terms of the election, I think it's quite straightforward. We only have one candidate—Philippe Fouquart from the ISPCP—and he had two calls with us. I think we are okay with him being a GNSO chair. I think he's a fine candidate, and we should just follow with him and work with him.

I will stop here and see if there are any questions or comments.

Okay. With that, we covered all the agenda items for the GNSO Council meeting. For the rest of the meetings for the GNSO Council, there is a joint meeting with the ccNSO, but I think, after, on [Wednesday], there is another meeting—the one I mentioned for the election of the GNSO chair. But also, they have a [wrap] session Thursday. Also, the GNSO Council also had a meeting with the Board and the SSAC. I advise everyone to listen to the record if you didn't have the chance to attend these meetings.

With that, I guess we can move to the next agenda item. We have 26 minutes left in the call on the meeting. Here it's about having an update in general about policy, and in particular about ICANN meeting. But, before that, I see that Stephanie is in the queue. Stephanie, please go ahead.

STEPHANIE PERRIN:

Thank you very much, Rafik. I just wanted to remind councilors who are outgoing that, if you have a problem in attending the first half of the council meeting, get in touch with me as soon as possible so I can request a proxy for you. And, if it is after the changeover, as Rafik just described, then it will be Bruna who will be sending in the proxy. That will be for the new councilors. So just a reminder of that. We're all busy, so the sooner you let us know, the better. But we all know there are last-minute emergencies. Thank you.

RAFIK DAMMAK:

Thanks, Stephanie. But I just hope that all councilors will attend those meeting because it will be the last meeting for some and the first meeting for others. So I hope everyone will make it. But, yeah, just in case, it's important, if there is an emergency or anything that prevents you from attending here: you should tell beforehand and get a proxy vote.

Let's move to the policy update. Since we are in an ICANN meeting, we can get any update from anyone about a different session. I expected, like next week, we will have the plenary. So that's something we should attend, and also the PDP working group session and any other session. So if you want to share and also if you have any update from working groups, please feel free to do so and share it with us.

Okay. For some reason, I cannot scroll. [I'll] check the queue.

Okay. Let's see if there is anything people want to share.

So, in terms of PDP, we have basically two ongoing: the Subsequent Procedures Working Group and the Rights Protection Mechanisms Working Group. So those are going on. They had public comments on different dates. The last one was for the SubPro, and now they are working toward the final report. That should be delivered before the end of this year and sent to the GNSO Council for approval. So they are in the last mile or kilometer, for rest of the world who is using the metric system. It's the last phase but also the most critical because, as you can see, for the EPDP, it will be the latest wording for the recommendation and getting consensus around that. So that's, I think, the current situation for those two working groups.

So, if anyone wants to share more details, please feel free to do so. I can only give a general update with regard to their process but not on the substance.

Okay. I think, for the review team, the only one still going on is the Security, Stability, and Resiliency Review Team. My understanding is that they're also working on their final report. So all this means that, in particular for the PDP final report, work for the GNSO Council to review and then approve for the SSR, for the review team and depends on if there are any recommendations that would be referred by the Board to the GNSO Council that we have to respond to that. But usually it depends on if the GNSO Council needs to respond or not.

Anyone in some of the working group who wants to volunteer and share some updates?

Okay. So, basically, this is what I am aware about in terms of activities. So that's in, let's say, the pipeline. I hope that, for the working group, they will finish and deliver their final report. It almost takes them more than four years to do so. But it doesn't mean that the work is ending because there will be soon the new track for the IGO-INGO curative rights that will start soon. That track is within the RPM. Then also the GNSO Council has to work on the Phase 2 for RPM—so possible work on the charter and the scoping of that Phase 2. We also have the reconvening of the EPDP team for Priority 2 items. I don't have the whole list, but there are other things that we'll start soon, depending on when there's available bandwidth and resources.

Yes, Stephanie, please go ahead.

STEPHANIE PERRIN: Hi. I just wanted to take up your invitation to talk about some of the ongoing work in the groups. I am on the IRT for the EPDP, and it has been going quite some time. It started up right after Phase 1, and progress has been somewhat slow. They have not hit their deadlines, but that is partly because some of the ongoing issues that we're still kibbitzing about on the EPDP. We could use some help because Amr—bless him—has just joined one of the registrars or registries—it guess it's a registry—so he's no longer with us as a member of the NCSG. Amr had been following this from the beginning. So these are big shoes to fill, but please don't be shy. But we need some backup on this IRT because a lot is happening. This is where the deals are cut. So I could use some help, frankly. It promises to continue for quite some time. It's good learning experience for someone who wants to get their feet wet doing some work on a group.

The second ...

MARYAM BAKOSHI: Stephanie, we've lost you. We can't hear you.

STEPHANIE PERRIN: Sorry. [I'm back]. Can I talk? Where did you lose me? At the point when I was begging someone to join the IRT?

RAFIK DAMMAK: No. After that. Just when you finished and were going to start the other topic.

STEPHANIE PERRIN: Oh. I think I unconsciously muted myself, but I wanted to talk about the—well, I would call it disappointing turnout of our members at this meeting. This is the annual general meeting. It's a big deal. At the Board meeting just earlier this morning, which was at 6:00 A.M. my time—certainly not a bad time for Europe and Africa—we had very few members. I think we had more commercial people there than we had of our members. To me, that's a huge problem.

What's happening? Can give me some insight? Are people losing interest in the NCSG? Are we going out with a candle? Because, if this is what's happening because of the virtual meetings—I try not to take things personally that it's my lousy chairing that it's the problem—we need to understand why people are not participating so that we can fix it. So, please, any input would be most welcome. Thank you.

RAFIK DAMMAK: Thanks, Stephanie. Personally, I have no idea. Maybe one reason is because maybe the name is policy committee. It should just say it's an NCSG policy meeting. But I think in the description it was made clear that it's open to anyone. Anyway, it is what it is. As Raphael mentioned, we think we need to work on how we find out about the reason how to improve things.

So please let me know if you have any questions or comments. We are talking about the policy update.

I see Bruna raising her hand. Yes, Bruna, please go ahead.

BRUNA SANTOS:

Thank you, Rafik. Just about the strategic review and to call some attention for this. We mentioned this group on NCUC's meeting yesterday. This is a group that will most likely go through our resources and representation and constituency division. If any of you is interested in joining this discussion, we could definitely use some good help on this, especially because this is an effort that is also interested in streamlining the amount of issues and duplication we have in our participation throughout ICANN. And just to raise this point to everybody else.

Maybe, on the membership participation and so on, I see ALAC doing a lot of public meetings this meeting about how they can better shape membership participation and volunteering and so on. So maybe this is a discussion we can conduct for the upcoming year—at least at some point a reflection—and then we can have the broader membership bringing some input to this. So just a little suggestion.

RAFIK DAMMAK:

Thanks, Bruna. I think, in terms of the policy update, I don't see anyone, and I guess we already moved to Any Other Business, since we mentioned about that review working group. But that's probably also a topic for discussion for the next NCSG meeting next week.

For Any Other Business, I just want to take the opportunity—maybe it's really an administrative matter for the Policy Committee—just to inform everyone that, since my councilor term will end next Wednesday, I think, at—I'm not sure—yeah, I think at 13:00 UTC, if I'm not mistaken—so next week—that means that also my term as Policy Committee Chair will end. I asked the Policy Committee to start thinking about the election process and to think about choosing the next chair and also an idea we tried lately, which is to have a vice-chair.

So I asked but just wanted to put it here for information. I am asking the Policy Committee to, when—yeah, the new one, when we have the new councilors—start as soon as possible on that process because the work is still going on. So it's not an exhaustive list. The NCSG Policy Committee will have to appoint or confirm representatives to the GNSO Selection Standing Committee, and we already have to replace two people because they reached their term there. Also, for the GNSO Committee for Budget and Operation, if we need to confirm the representative there ... Also, councilor can join that one. We also have several public comments. I didn't mention them, but there's several public comments.

I will take the opportunity to ask if any of the NCSG members want to volunteer to do so and reach me any time because we need volunteers to work. It's around five or four public comments. They are quite important, and we need people to participate. And this is one of the ways to participate. So we have public comments that need to be reviewed.

What else? We have all those now-new paper[s] that we need to respond to and participate in consultation [on].

So just to highlight here that the work is not going to end with ICANN69. In fact, more will start later, so we need to ensure the continuation. So that's just to ask the Policy Committee to start working on that when they start next Wednesday. So we have all of this change in the leadership, but things need to continue and we need to do the handover and transition.

So let me know if you have any questions or comments or any other topics you want to raise.

Okay. Stephanie, I'm not sure if that was an old or new hand.

STEPHANIE PERRIN:

Actually, it's a new hand. I didn't bring this up at the Board meeting because we started out fairly aggressive, so I figured I'd bury it. But I'm concerned. As in the past, where the Board issued something for feedback from the community, it's not the same as an official public comment. I'm not trying to put these papers on the same level as a PDP product that goes for public comment, but we had actually had an outreach from the IP guys, I believe it was, or business, previously saying—I think we actually could agree on this—that it would be a good idea if, when the Board does this, they do it on the public comment platform so that we all know where these things are and so that we can follow a similar procedure and see everybody else's comments. I see that's something that would be a nice cross-

community effort, rather than the way they're coming: "Here's a letter that so-and-so just sent. Here's a paper." We need some structure here. Thanks. Sorry for interrupting.

RAFIK DAMMAK:

Thanks, Stephanie. I thought I mentioned the point quickly during our meeting with the Board, but probably it was drowned out with so many other points raised there. But, yeah, I think it's important because it's not just this paper. We expect other papers. It seems like one or two others. We also, for example, now have the letter just mentioned from the Board about the GNSO review. So all this should be in the backlog and the radar of the Policy Committee but also the whole membership.

We have in the queue Bruna and then Raphael.

BRUNA SANTOS:

I think Raphael raised his hand before. I also have some background noise, so, if Raphael can go on first, I would appreciate it.

RAFIK DAMMAK:

Okay. For some reason, I can see [inaudible] or just what I see on the list, but okay. We'll go with Raphael. Raphael?

RAPHAEL BEUREGARD-LACROIX:

Hi, everyone. I had to step out of the call for a little time, so I don't know if you talked about the whole

upcoming cycle of review of financial matters pertaining to ICANN, which is starting soon. But, even if you've already talked about it, [I'm happy], like in this case to reiterate the importance of reviewing these documents. So, if we have anyone on the call who likes numbers, even if you don't think of ourselves as an accountant—I certainly don't—I would be glad to have other people onboard with me. I've been mostly taking care of that for the past year or so. It's a lot to read, but, yeah, if you have a certain appetite for numbers, it's a good opportunity to get into the kitchen of ICANN Org as well. And there's always things to improve and comment on in these documents, so please, if that's of any interest to you, join. Thanks.

RAFIK DAMMAK:

Thanks, Raphael. I didn't mention it, so it's okay. I only mentioned the open public comment in general. The PTI budget and operating plan is one of them. We can expect that we will have, also soon, the ICANN budget and operating plan. This is even more critical for us because we can share comments and input about what should be the priority and where the resources should go.

So I shared the link to that open public comments. Please let me know if you want to volunteer. We really need volunteers for drafting. In the NCSG, for drafting the public comments, it's really one of the accessible places for our members to participate. The working group can be a huge commitment, but participating drafting in public comment responses is quite important and it's more acceptable. So please volunteer and let me know.

We have seven minutes left, so I guess we will wrap up soon, but let's go with Bruna.

BRUNA SANTOS:

Just taking the opportunity again, Rafik, to thank you for your work in [steering] all of NCSG's policy contributions and participation in the past years. So I do think these are really big shoes for any of us to fill, but I do hope that the upcoming Policy Committee chair is just as willing to work and conduct good work for NCSG as you were in the past year. So just to put in the record a thank-you note on behalf of the entire NCSG for your commitment and participation and for always being helpful to any of us regardless of our conditions of being a very experienced member of NCSG or newcomer. So thank you very much, Rafik.

RAFIK DAMMAK:

Thanks, Bruna, for those nice words. It was [a fun few years] to be volunteering for NCSG. I hope I did as much as possible. Yeah, it was enjoyable. It was not easy every time, but there are a lot of good memories. I think I will miss chairing these policy calls. I can tell you they were not easy when I had to make most of the call, but I tried really to share with all our members, to give a briefing and background, to explain what's going on with the GNSO Council. I hope that that helps. I trust that the Policy Committee will find the new chair and things will continue, so no worries.

Thanks, all, for your comments. Okay, I'm going to be emotional now. Anyways, yes, it was a pleasure to do it.

Let me check if there is anyone else in the queue, if you have any other topics.

There is always an end for everything. That means that others can join and volunteer. So no worries.

I guess, with this—well I guess it will be the last time I say this. Let's close the call for today. Thanks, everyone, for joining. Please keep attending those calls. I know that we are talking sometimes of what can be obscure or hard but trust me: we all started at the same level. So please feel free to ask a question any time and discuss on the NCSG list. I'm happy that we got some good questions today that we could go to details on. That's the way that we need to chair. I know that people ask for more documents, etc., but it's not that effective with more discussion, like having these calls or on the mailing list. Please keep asking questions. There is no stupid question. The only stupid thing is not to ask a question.

With that, thank you, everyone. See you soon. Bye-bye.

[END OF TRANSCRIPTION]