
ICANN72 | Virtual Annual General Meeting - Joint Meeting: ICANN Board and GNSO Council
Tuesday, October 26, 2021 - 09:00 to 10:00 PDT

[Recording in progress]

FRANCO CARRASCO: Hello and welcome to the joint meeting between the ICANN Board and the Generic Names Supporting Organization.

My name is Franco Carrasco, and I am the remote participation manager for this session. Please note that this session is being recorded and follows the ICANN Expected Standards of Behavior.

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Having said that, I will now hand the floor over to the ICANN Board chair, Mr. Maarten Botterman.

Maarten, the floor is yours.

MAARTEN BOTTERMAN: Thanks, Franco. And welcome, everybody, to this meeting between ICANN Board and the GNSO.

Who would have thought 19 months ago that that was the last time that the ICANN Board and the GNSO Council would meet in person? We didn't know that at that time, and time flies. And it seems that we still get work done together. But for this, meetings like this are also important.

These are not scripted meetings. These are meetings where we truly want to engage with you and explore a couple of issues of your highest interest, and such subjects are on the table today.

Now, I will set these are the key speakers from the Board today. As a board, we will engage with you in an open way, and it means these are the first responders. These are the key people that, on specific subjects, have the document lead. But it's really the intent to come to a good discussion together.

So I'm looking forward to that and making best use of the hour to come.

Philippe? Can I invite you?

PHILIPPE FOUQUART: Thank you, Maarten. This is Philippe Fouquart here. Pleasure to be here. Thanks for having us. It's always a pleasure to meet, albeit virtually. As you said, it's a continuing surprise to have to do so 12 months after -- after our first -- our first meeting.

So we're happy to be with you to address three items that we -- that we discussed as agenda elements. So with this, happy to get started.

MAARTEN BOTTERMAN: Okay. So the first subject for today would be to provide an update on the GNSO Council approved policy recommendations related to EPDP -- EPDP Phase 1, Recommendation 12 and 7.

Correspondence has been exchanged about this, and we're still working on it together.

So with that, Becky, would you be willing to introduce this?

BECKY BURR: Yes. And thanks, everybody. Great to speak with you virtually. I'm looking forward to speaking with you in person one day soon.

So on Recommendation 7 and 12, the Board really appreciates the way that we've been able to work with the Council on these two issues. As you'll recall, we had questions about both of them. With respect to Recommendation 7, our perception was that the way the recommendations work, it would be inconsistent with established consensus policy, and we sought clarification from the Council with respect to that point. And on Recommendation

12, we were concerned about loss of content about information about registrants.

We've had good exchanges with the IRT and with the Council, and we appreciate the guidance that the Council has given us. As you'll see, we've sent a letter on Recommendation 12 summarizing our conclusions and what we understand based on all the areas of impact. And assuming that we're all in agreement, that should be -- clear the way to move forward.

And on Recommendation 7, we've provided a way forward with respect to that. And so we're waiting to get your feedback on the approach that we've provided there. Assuming that does -- that is (indiscernible), then getting that resolved with respect to Recommendation 7 will clear the way forward for a bunch of other implementation tasks and will enable some progress on the discussion between Org and the contracted parties with respect to data protection agreements.

So we're -- feel like we've made some progress here, and hopefully can resolve this in short order.

PHILIPPE FOUQUART: Thank you, Becky. This is -- this is Philippe here. Duly noted, the two letters that you -- you refer to. Certainly on the two items, the ball is in our camp.

Just elements of timeline. On Rec 12, I just shared the letter with the -- with Council. Hopefully -- It's unlikely that we have the time to discuss the assumptions developed in the letter in our meeting tomorrow, but we'll do that sometime in November.

Our Council call is quite early in November. Hopefully we've had a discussion item at that point on the letter.

For the -- the other items, I'll just defer to Pam. If you would help us go through the elements of those two items.

Pam?

PAM LITTLE:

Hello, hi, everyone. It's Pam Little for the transcript. Thanks, Philippe. Hello everyone on the ICANN Board.

I guess the other -- apart from these two outstanding items which we just heard from Becky that have had some recent developments, and the Council obviously will take a closer look at those, see what the -- how we can get back to you confirming Recommendation 12, whether your understanding and the implementation outlined in your most recent letter is consistent with the intent of that Recommendation 12.

I guess in a sort of broader sense, the reason we brought this up was to really look at ways of how to sort of constantly improve our process and the way that policy recommendations are developed by the community. And once they come to the Council, the Council adopt the recommendations. Then it goes to the Board. And once the Board adopts them, then it goes to implementation, and that implementation effort is led by ICANN Org.

So it's kind of a very important tripartite roles and responsibility of different parties. And what we strive to do as a council is when we receive a final report from a working group -- for example, as we just recently did with the EPDP 2A Final Report -- the Council constantly strive to sort of stick to a timeline in -- in the PDP manual, if you like, where it says preferably the Council will need to consider and vote on the final report by the second council meeting. And this is what we're going to do at -- I think tomorrow at the council meeting with regard to EPDP 2A final report.

I guess most recently, more recently we kind of feel struggle a little bit is once those recommendations are approved by the Council and then send our recommendations report to the Board, it becomes less predictable in terms of timeline when the Board will make a decision on the recommendations report from the Council. And then another layer, dimension -- or complexity or factor makes it less predictable is now the introduction of the Operational Design Phase. So that then also adds more time

before the Board actually considered the recommendations that are adopted by the Council.

And we do realize some of those projects -- for example, EPDP Phase 2, the standardized access system, and the Subsequent Procedures, these will involve -- these are complex projects and implementations are going to take time. But it is also a desire on the part of the community to have predictability, because the community if -- community really spend, in some cases, years pouring their heart and soul into the effort of making policy recommendations and come to the Council. But then there's a sense of once the output left the Council, it's hard to predict when the Board would like -- will make a decision in considering them, and when implementation will be complete.

So just personally, my own example, I'm on -- I have been on the Council for four years, and I'll be stepping down from the Council at the end of tomorrow's AGM, and I was trying to sort of look back, reflect what the Council has accomplished or the GNSO community in terms of policy development. And it's really hard for me to find one policy effort, development effort, that has been completed, adopted by the Council, adopted by the Board, and implemented.

There is not one I can think of.

And so it just really -- this question, how we can make this policy development process more efficient and timely and predictable, especially after the council has adopted or made decision on a particular final report.

And because it would impact how the council plan it work, and the community as well, because all these timelines adds to uncertainty when we can -- what sort of resources we need, even implementation requires community resources.

And also, the other thing is how the council can play a more active role in the implementation. How can we collaborate better or more closely with the org to assist with the implementation.

So with that, I'll -- I see Becky with her hand up.

Thanks.

MAARTEN BOTTERMAN: Indeed. So thanks for that thought. We do strive towards the best clarity we can. And in a way, we're trying to set up the ODPs that are necessary. The problem is so complex that we really need to dig out the information and make sure that all the elements are clear and as transparent as possible.

And in that way, the timelines guide us. And, yes, we are learning by the day. But like the GNSO, also the board needs to have its time to come to conclusions and to make sure that we are doing the right thing together.

In that, we don't wait until we have the report. We already have had meetings to explore the issues around it beforehand. But we really have to wait until the product comes to us and then make sure that we do the right thing.

So, anyway, Becky, if you would like to --

BECKY BURR: No.

MAARTEN BOTTERMAN: You are interested in the same point?

BECKY BURR: Well, just following on what you were talking about, Maarten. And specifically with rec 7 and rec 12, I think that it is useful for us to (Internet latency).

It took us a long time to resolve this. And it's possible that early-on conversations might have been a better -- you know, with small groups between the council and the board to figure out

what was going on and to work through these issues and get them resolved. It has taken us a long time to work these down. And I think at some level, it sometimes felt to the board like we were kind of talking past each other.

So I think it is worthwhile for us to think about, just with respect to this one issue, you send us a policy. We have questions about it. What is the best way to run those questions to the ground and get them resolved? And I think it's worth thinking about whether there are better ways to do it than the route that we followed with recommendation 7 and 12.

MAARTEN BOTTERMAN: Thank you, Becky.

Pam, you wanted the floor? Or shall we ask Philippe and (saying name) to --

Pam? Are you okay?

PAM LITTLE: Yep. Thanks.

MAARTEN BOTTERMAN: I'll ask Philippe to come in, then.

PHILIPPE FOUQUART: Thank you, Maarten. This is Philippe here.

And it's a follow-up from what Pam just said, and what, Becky, you just said. In terms of the sort of broader picture, aware of the document that the board ordered to org on the modification of consensus policies and how that can be handled in a -- I forget the terms of the document, but professional way and predictable and transparent.

And that's very much something -- appreciating that line, which is quite sure, but, nonetheless, that is for a few months now the subject of a number of signals that we've received, no later than yesterday during our session, a question from Susan Payne relative to this. How we can track and -- my word -- the after sales of the policies that are developed by the GNSO.

And that is something that's -- that's one of the goals of our strategic planning session. We want to make sure that, as you said, Becky, is -- I wouldn't say lightweight, but proportionally, that we don't add red tape, this sort of answer-response letter that we exchange, maybe there's a lighter way of addressing those more efficiently, even remotely. That's the question. But it's very much on our agenda.

And there's clearly a need for us to sort of professionalize, to sort of integrate the way we deal with the ODP, with you, the board, the IRTs, et cetera, and make sure that it's totally transparent for our GNSO community. Because if it's not for council, it won't be for everyone within the GNSO.

Thank you, Maarten.

MAARTEN BOTTERMAN: That makes a lot of sense. Thanks.

Göran, can you --

GÖRAN MARBY: Thank you.

I think this is a very good discussion. It's a timely discussion. It's also a discussion that the board and the org has foreseen for the last year.

I mean, we have -- the board and the org have for one year more or less told that we're going to reach a point where so many -- the real catch-up effect from all the hard work from the community supported by the org -- I mean, we did -- during the last year, we supported 4,000-plus calls with the community. I mean, we know

how hard the community has worked. Also means that org has worked hard to support the community.

And we said for a long time, we're going to reach a point where everything is on the table, and we have to start prioritizing.

So we started that work. Because, I mean, there is only -- however we dream about it, there is a limited amount of resources in the community, in org to do the work. And you heard us talk about yesterday that there were 250 review recommendations, some of the largest PDPs we have ever done, going into territory that we've never -- no one has built it, as I said before. And just the ODP complexity shows how complex that is. If you look at the scoping document for the next round, you see that this -- that's a 300, \$400 million project. Last time, we took, like, four or five years to do the implementation. We're looking at a shorter time to do it.

So I think that we have a lot to learn from this, including the conversations we're having with the community, which we believe belongs to the community to have its part in. That's actually prioritization.

When we already started this last year -- when we started to succeed is, we reorganized ourselves inside ICANN Org and put in new measures so we can work more effectively, setting up the

planning department, also new responsibilities for implementation of reviews, et cetera, et cetera.

And then the board set up a planning committee, which is a part of this. And we reached out to GNSO leadership to start talking about this.

And we just reached a point where we have to recognize the input right now is fairly large, and priorities are necessary.

And I don't agree with you, Pam, that nothing has happened. I mean, if you take that Phase 2.A., the board immediately accepted some of the recommendations, immediately. When there were -- sorry. For Phase 2. Sorry. To be able to make sure that the things that were not complicated were actually accepted. We do -- we will continue to do GNSO policies implementation where there's no ODP. We don't foresee another ODP. It's just that some of the things the community through GNSO has done have been -- are very complex.

And one thing I -- We talked about this before. Many -- it could be very easy to make decisions in ICANN. I can make decisions, you know. The board can make decisions. But that's not how ICANN works. We have to take into account always in the back of our heads that we have to reach back to the GNSO Council, because that's -- or the GNSO, because that's the multistakeholder model.

And I know some people complains about that and we should be swifter and harder to make decisions. But I actually happen to believe that the multistakeholder model, assigned through the GNSO policy work, is the perfect model.

But as Philippe said, we have process improvements. Still, after the transition, there are -- because there were new rules set off the decision. I am not complaining about those rules. But that means that we have to figure out ways. For instance, the board is not allowed to change policy. We have to go back to GNSO. And many of those more complicated things I think are based on the work that you did intersession to make sure that we always make sure that the multistakeholder model always are the best.

And I -- I can't do this work without do believe that the underlying principle how we do things through the multistakeholder model, through the community work, is the best one.

But it's also we have to work together to make it better. It's not one to blame -- We can talk about, yes, I think we need to figure out another way from ICANN Org to support the actual PDP work. I think that -- looking back on Phase 2, I think that we already now see that we should have engaged differently, because we are now -- we said a year ago -- one and a half years ago that the identification part of a worldwide system would be complicated. And it turns out that we were not wrong in that.

How do we engage in conversation to perceive that? So that's one of the things.

I think definitely we should look at the processes as we're now talking about rec 12, how we interact between the board and the GNSO to make that more effective. Using the ODP also, when it's necessary, in a positive way.

And I also think it's time to look at how we engage backwards from the implementation part back to the GNSO Council. Because also making sure that we always do the check that the IRT fulfills the policy that was set.

I think there are a lot of things we can do to make that better, as long as we don't end up in a discussion whose fault it was. Because at the end of the day, there is a -- I think this is a positive discussion. ICANN as an institution has been so good of evolving itself over the decades it's been existing. And I think we have reached a point where we just have to evolve to the next layer.

So thank you, Pam, for bringing it up. And I know that me and my staff worked very, very hard with the community to do as much as I can.

And I also want to give a little bit of a sunnier output. We have a lot of output of the work from the PDP as well. It's not like nothing is happening.

Thank you.

PAM LITTLE:

Thanks, Göran. And if I may, yeah, I do just want to clarify. It was never my intention to accuse the board of doing nothing or the org doing nothing, and nothing happened.

I do realize we produce a lot of output. It's just, as you said, how we can coordinate, collaborate better, especially during the implementation phase, and also after the board -- sorry -- council has made decision on certain output.

And just, Göran, as you mentioned, we -- the council just received a letter from Theresa on the -- how to amend policy. I must admit, I haven't had a chance to really carefully read that document, obviously. The new council would take care of that going forward. But I hope that will be an opportunity to do some of those rethinking and redesigning going forward you mentioned earlier. And I think it's important we start this conversation.

Thanks.

GÖRAN MARBY: Thank you, Pam.

Can I -- It's a thought paper. And it's really meant to be -- and we call it the "thought paper." We invented a new term, just to make sure that this is not a formal negotiation between two parties. This is a thought paper that we have worked with also with some help from board members just to bring to a conversation how we can improve the process.

PAM LITTLE: Sure. Thanks.

With that, I'll hand it back to Philippe and Maarten.

Thanks.

MAARTEN BOTTERMAN: Very well.

Thanks for a good discussion. It's, indeed, continuous improvement to evolve. Dealing with complex processes requires planning. And an ODP is something that, if we learn to use it better over time, will become more and more effective as well. At least it makes things transparent. It's not disappearing in a black box, and then, ooh, there it is again, after an unknown time.

So that transparency we do.

The discussion about liaisons, very interesting. We had a similar discussion about a year, year and a half ago. They could improve our engagement by better expectations about what their liaisons will bring and do to processes.

And in your recent request, we had a back and forth. Indeed, we do propose to have two liaisons or a liaison and a backup to make sure that there's continuity and that we can also directly interact not so much on decisional basis, but on informational basis to make sure that we are closely aligned while moving forward so that no unnecessary work needs to be done. So I step by step, I would say.

And this document on how to improve policy-making -- I mean, was it two years ago that the PDP 3.0 document appeared from your council? It's an example of good practice. And I think by now, you might be even wanting to update it at points. Maybe not to 4.0, but to 3.1 or something. Because when we start to implement, like now with the ODP, you run into things that you say, ooh, I hadn't thought of that.

So encouragement to continue this open discussion and to look for opportunities to continue to improve.

So back to you, Philippe.

PHILIPPE FOUQUART: Thank you.

Just a very quick word to thank you for sharing. I saw that Theresa just came on for a moment -- to thank you for sharing that paper. I guess a few years ago, it might not have been the same, I guess. So we'll get back to you on this. We appreciate the nature of the thought paper, as you put it, Göran. And thanks again for sharing this. I think that that's going to be an input to RSVS, and as you say, to streamline -- as we say to streamline, make it more transparent and sort of professionalize after sales of the policies that we develop.

Thank you.

MAARTEN BOTTERMAN: Super.

Any other points? Or do we move to the topic of the strategic planning session?

Philippe, I guess you wanted to share the council's plan for this year's strategic planning session?

PHILIPPE FOUQUART: Yes. I might be, actually, brief on this.

As you would recall -- this is Philippe here, for the record -- we have had a strategic planning session within GNSO Council at the beginning of each term for five years now. Used to have it in January. And that's going to be the second time that we will hold it early during the year. And it's -- we started this already, it is due to go up until mid-November.

The -- There's a number of things that we did through this. That's the way we -- well, not only to socialize and get to know each other, which is definitely useful, even when we went remotely. But it was also an opportunity for us to kick-start a number of different initiatives. You mentioned PDP 3.0, Maarten. That was also the opportunity for us to improve our project management and resource management, to some extent. That's certainly something that we can improve moving forward.

So for this, this time, again, though, it's going to be virtual, as I said. We've got several goals for this SPS, one of them being, what we just discussed, I -- how we can monitor, make transparent, get involved in the most efficient way possible with the policies that we develop. That's one topic.

The other topic is to move forward with the way we manage our projects. So far, we, essentially, monitor those. We have what we call a radar, i.e., list of projects that we intensely develop under a certain time frame and a need for council to act. But in terms of managing resources, we're a bit -- we're not that -- anywhere close to managing resources in times when those are limited. I think we need to go a bit further than this. Obviously, with volunteer work, that's definitely a challenge. And we don't want to add any (indiscernible) burden to this.

So that's something that we will need to discuss as well.

So these are the two, three goals that we have for this strategic -- SPS, strategic planning session.

So as I said, (indiscernible) mid-November, we have two guests from the board, Becky, and Maarten, you will be certainly welcome, as you were last time. And quite a few times, we were blessed with your presence, even in Los Angeles. That's only going to be virtual this time.

So that's pretty much the plan for this year.

Councillors should feel free to interject. And certainly happy to take questions or comments on what we should do during the SPS time.

Thank you. Thanks, Maarten.

MAARTEN BOTTERMAN: Thanks. Watching the chat for hands coming up.

But, indeed, the last point you made, that is a challenge; right? How don't you overburden volunteers but at the same time give them a voice or the opportunity to speak up. To find a balance in that is a fine balance. We recognize that.

And recognizing, yeah, Philippe.

PHILIPPE FOUQUART: Thanks, Maarten. Philippe here.

And just a follow-up on the results management in a volunteer work environment.

We're perfectly aware of the pitfall of putting numbers in Excel sheets that would have no meaning and spending a lot of time to do this. We cannot manage projects only on guesstimates. So that's really the challenge. If we want to manage resources, we need to have a somewhat clear view of what's available.

And it seems like a trivial task, but that's really a huge challenge. So we're going to try and do that in a proportionate manner. I think that's the trouble.

Thank you.

MAARTEN BOTTERMAN: Thanks. Thanks for that.

So if there is no other questions, then we have an opportunity to go to the board together.

So thank you for the exchange, and with you very much recognizing the challenge of doing these things in this time. Complex matters are often very well addressed by being present and exploring things together offline. And this opportunity here as well, but then you need to actively reach out and phone or Zoom somebody to have that conversation. Overall, it's about finding a way forward together that is in the best interests of ICANN, for ourselves, but also increasingly so, because we do see that out there, people are (indiscernible) and are challenging legitimacy if they feel that's possible. So it's good to show that we are a good steward of this Internet, this global Internet identifier system and that we do that for all.

So hence our joint commitment. And thanks again for this session. And looking forward to the next time that we engage.

Thank you very much.

Meeting is then adjourned.

Oh, sorry. Sorry.

We have a board question.

I almost forgot about the board questions. Sorry.

Can you put the board questions on, please.

So this is particularly related to, again, the subject I just talked about. There's a whole world out there, and, increasingly, they affect the way we can fulfill our mission. And they -- and the interest in how the Internet is run takes up as well.

So how do you think we can more efficiently identify and work closely with governments globally and make sure that they understand the issues before they take action and then it comes to geopolitical issues relating to ICANN's mission?

I know you're familiar with Göran's CEO report, which lists who we meet with, and that is part of the answer. Our strategic plan has a clear focus on it, and there's a couple of activities related to this.

But how can we leverage each other best in this?

Philippe?

PHILIPPE FOUQUART: Thank you, Maarten. This is Philippe here.

I don't know how we can approach this. And the reason for this is that you have had, I know, a number of questions and feedback on this particular topic from -- as GNCs within the GNSO, I wouldn't like to sort of reiterate the discussions that you had.

But council had a couple of questions that I think you addressed in other meetings. I don't know if you want to reiterate those.

But as to who is the "we" in the question, I know that you've addressed this with the CSG. But I'm mindful of other councillors here. You may want to clarify this.

For the other items, there were elements relative to, concretely, the examples that you have in mind for the short term and how,

from a practical standpoint, those sessions would actually collect the inputs to those targets, if you see what I mean. Those are the sort of questions that we had.

But maybe, just to elaborate on this, Tania, I know you've looked into this. And maybe it's opportune for you to review what this phase is about discussions.

Tania.

TATIANA TROPINA:

Thank you very much, Philippe, here.

The first point is, of course, what Philippe said here. When you refer to "we," are you referring to board, org, or community, or all together? That's really something I think many of us are curious about.

Then on the council side, we would also like to clarify, when you refer to these geopolitical issues and also mindful that we saw the CEO or Göran's blog post recently, do you have any specific examples like all the initiatives you are talking about? What exactly is prompting the need for this engagement? Like short term and long term. And what would you like to address as a priority? Or is it more of a general question?

So in this regard, in which form "we," whoever "we" are, both more closely and -- what would be the goal here short, medium, and long term?

And also, just to remind that we know that this conversation in some way, shape, or forms are not new to us. We remember it happening in 2018 and 2019, although it was about more tracing regulatory development and who is going to do this. And then the question was, of course, again, like, is it the org? Is it the community?

And we had a correspondence. And we at the council would like to reiterate here one point that we made in that letter sent to you in July 2019. And I'm going to quote. Permit me to read. My memory fails me. I can't even remember the phrase about technical service provider. So I'm going to quote.

That we as GNSO would welcome further insight into ICANN Org's plan for consolidating, analyzing, and sharing inputs received from the community.

So I hope that there is enough -- there are enough points to kick this discussion off. And over to you, Maarten, or whoever from the board is going to address this.

MAARTEN BOTTERMAN: Yeah. No. Thanks for that.

Philippe asked me to reiterate, in a way, what the model is that we all adhere to within the ecosystem, which is that the community sets the policies and priorities; the organization facilitates and implements; and the board sees to it that it's legitimate, that it's reasonable, it's in line with the bylaws and the law.

And this is also why sometimes things get delayed, because we're not a top-down decision model. Then the invitation comes.

But Göran, if you want to get into the government engagement that is -- task the org carries with (indiscernible).

GÖRAN MARBY: Thank you.

Tatiana, I have a feeling we talked about this before.

TATIANA TROPINA: It's possible.

GÖRAN MARBY: I mean, so where do I start?

I mean, so the first one is, if you look at the landscape of interactions with governments through different platforms, I think we -- as we talked about, we've seen -- I'm sorry for now repeating some of the things we talked about earlier this week in other sessions.

So (indiscernible) see there is a new what I would call threat against the interoperability of the Internet, not only ICANN as an institution. And evidence one is, of course, the Russian platform for these -- to be the secretary-general of the ITU, who has a platform to have a government-managed Internet ecosystem. They name ICANN. But, of course, also the RIRs and the IETFs, and the root server systems are included in that one.

Second -- So that's one.

We have seen different proposals in different U.N. settings, including the proposal that the U.N. should declare the DNS as a critical infrastructure and therefore making the DNS a part of the sort of competence, as it's called, the legal competence of the U.N. system, which we, of course, didn't agree with.

We have seen the proposals for New IP, which has absolutely nothing at all to do with I.P. It's just a very good name.

We see legislative proposals around the world to the effect of people's ability to connect to what we call the interoperability of the Internet also have an effect on ICANN's ability to make -- to make policies.

We see all of that. And we're starting to see there is a trend about this. And we have been asking -- when we believe from an ICANN Org perspective and the board perspective, the simple thing is that we want to have a better interaction point with the community about this. We don't have the answers to all questions. We don't know. It's impossible for us, for instance, to trace all legislative proposals around the world and then automatically realize what kind of impact it has. We actually need the community input for that. And we have received community input on a sporadic basis.

We have proposed that at every ICANN meeting, there should be a 90-minute slot where we have a discussion about new politics, Internet governance, et cetera, together with the community, so we can have that dialogue and we can present some of the things we see in a more focused forum.

We often go out to different parts of the community and have different parts of discussions. For instance, right now, we have talked about the NIS 2 with many parts of the community. I bet

around the corner; we will also talk about the upcoming Digital Services Act.

We haven't spoken that much about legislation in India and China. There is a paper coming about the Chinese legislation. We have proposed a blog about it. And we think it's time to have that dialogue. Because I think that most of us who are engaged in ICANN actually believe in the system, the multistakeholder model, but also the technical interoperability of the Internet.

We do tell, you know, through the -- I think it's page 65 in the report that we always tell which governments which -- we'd meet and which forum that we'd meet them and what we talked about.

We had a (indiscernible) that we presented a couple years ago where we presented what we actually talked about. So you know that we don't talk about policies.

Example: We will never have an opinion about GDPR as itself, or NIS 2. We have concerns because of the -- for instance, within the parts of NIS 2 that they would like to regulate root server operations, et cetera.

So we think it's time for us to have that conversation so that we in this time is depending on which roles you want to have.

But I think that for me, "we" is always ICANN board, the org, and the community. Because I think we share some of those problems. And we've been -- we had an idea which we proposed a couple of years ago to use the Internet Governance Working Group -- sorry. I can't remember the name right now. In fact, we didn't -- we were not successful with that proposal. And therefore, now, that's why we're proposing this one.

And you can also see that some of my goals given to me by the board, we -- this is a marketing thing. We will talk more about those in my executive Q&A today. But there are Board -- there are goals that are linked to this one as well, including adding more resources to the parts of ICANN Org who works with, for instance -- works with legislations around the world.

Thank you.

MAARTEN BOTTERMAN: Thanks for that.

Tatiana, please, and then Philippe. Tatiana.

TATIANA TROPINA: Thank you very much. I don't want to be the only one who is talking, but I want to raise two points here, just for clarification.

Göran, from your intervention, it actually gets even more convoluted to me right now. Is this effort about going to the outside world and talking to stakeholders and educating them? Is this effort about having some interface to communicate with the ICANN community? Or is it both?

And this brings me to the second point. When you talk about the notion of "we," Maarten or you, in terms of ICANN Org, ICANN community, ICANN board, I see a bit of contradiction here, because ICANN community is not monolithic. You're talking about threats of Russian proposal. But Russia is a part of GAC, and GAC is part of ICANN community.

So not everybody would share ideals. And I do believe that there should be -- I mean, the "we," when somebody is communicating with the outside world, they are a part of ICANN community, but they might have different interests, different (indiscernible) and different grounds. And not everybody would share the same views and opinions. This is the first point.

And the second point is about -- about the effort itself.

So what does it entail? For example, when you are talking about this CCWG on Internet governance, even the community itself couldn't agree whether we need it or not. And then the notion of

"we" gets a bit complicated here and might require some adjustment.

Thank you.

MAARTEN BOTTERMAN: Yeah. I do think --

GÖRAN MARBY: Just give a short --

MAARTEN BOTTERMAN: Very quickly, what "we" are is committed to this mission together, right? This stable and secure unique identifier system. And we are all standing for that. How these details will work out is, indeed -- we have processes for that that we codified in the bylaws.

But, Göran, please. Sorry.

GÖRAN MARBY: I mean, I don't want to -- you know, I mentioned the Russian platform. We have other governments within the -- I mean, we are strongly opposing the proposals from the European Commission, for instance. And they are very active in the GAC as well. And we are well aware about that. We also know that there are governments, for instance, on the multistakeholder side of

things, and they're actually actively -- actively thinking that the proposal from the European Commission is wrong.

So I know there is -- we will all -- So the way I see things, and (indiscernible) things is that we lack a discussion that we can from ICANN Org open and freely tell the ICANN community, whoever wants to be there, about the threats we see, and I will now call them threats, not opportunities, where we need to engage, and also where the ICANN community, the parts that are interested, want to engage.

So one of the things we've done over the years is, for instance, to ask different parts of the ICANN community with different views, for instance, to send updates or their views into the -- to the legislative process. And not taking sides. If you believe, for instance, if NIS 2 or GPR is a good one, but we have to have provided the helpful contacts where your voices could be heard. But that can only happen if you actually know there is a legislative process and how to handle it and be happy to help.

So I think if we take away -- sometimes you also have to ask the question without knowing the answer. And we define the question to the community, really, to get input how we can do this better. I don't have the absolute answer. I don't think that the board has the absolute answer, because it's very hard to have the absolute answer. That's why this is a question, and this is, like,

the most important thing we want to do, is to set up just a coordination point between what we do and the community in such a way that we can have an open conversation.

I think it would be failure for -- in my job if I can't provide enough information to the ICANN community so they can take it into account in the policy-making process. And I feel that I today have a problem doing -- fulfilling that obligation I have put on myself, so you know what you have to take into account when you do policies. We -- that's --

Because one of the important roles for us is to make sure that you have the right information to make decisions.

This is one of the ways we're trying to address this. Will this be sufficient and enough? Probably not. But let's start somewhere.

MAARTEN BOTTERMAN: Maybe Philippe. I saw your hand go up as well.

PHILIPPE FOUQUART: Yes. Thank you. Thank you, Maarten.

This is Philippe here.

And just leaving aside the question as to whether on those examples that's a good idea, I can't speak to this. We haven't discussed this at council. It's just an observation.

At some point during those sessions, I think it would be useful if we could talk about the how and the end product that is expected, just to be really concrete.

Just to give you an example, between addressing contributions, proposals to the ITUT plenipot or WTSA, compared to providing amendments or suggesting amendments to a framework in the making in one particular country, in their native tongue, is a completely different task one to the other. And I think at some point, we need to -- probably the community will need to figure out which we want to address, or if it's both, and how, and consider how we can contribute to this. I think it would be helpful.

Thank you.

MAARTEN BOTTERMAN: Yes. Thanks.

And for clarity, even in the board, we have some diverging voices. But we try to get to one conclusion together, and then the board speaks.

So thank you for that interaction.

For all clarity, I'm not checking the chat. If there's anything in the chat the GNSO wants to bring forward, then, obviously, that's fine.

Any other matters at this point in time?

Tatiana, please.

TATIANA TROPINA: I just saw that some of our councillors on the chat asked about the RPM. I would just encourage them because we have only three minutes to actually raise their hand and ask the question.

MAARTEN BOTTERMAN: Okay. Who wants to ask a question about RPMs from the council?

I see maxim.

MAXIM ALZOBA: Maxim also.

But for the transcript, the question is, how many our ODPs can be there at the same time? I hope there can be at least two. Because

RPM Phase 1 finished quite some time ago. And what do you think is the timeline for the migration for the ODP for RPMs, Phase 1, if any, hopefully?

Thanks.

MAARTEN BOTTERMAN: I'm checking.

GÖRAN MARBY: The general answer, if I may, is that we actually do run two ODPs in the SSAD. And the next round. And the RPM, if I don't -- if I don't misremember, that is -- Sorry. I wasn't -- The -- the board has started to consider the RPM Phase 1 recommendation. You know, following the end --

I'm just getting a message here. Sorry.

Following the end of the requisite public comment proceeding. This includes implementation consideration and other factors, including resources and timing. And the Board Caucus Group has been tasked to further discuss the recommendations (indiscernible) the full board.

I don't foresee an ODP for that one, to be honest. Because I don't think the complexity of the RPM will be an ODP. But that is up to the board to make a decision about.

Not all the policies that comes out of the -- from the GNSO Council will automatically go to an ODP. It's more -- it's just the complex ones. And the two ones -- I think we all agree that the two ones that the board has approved are fairly complex.

MAARTEN BOTTERMAN: Avri, please.

AVRI DORIA: This is Avri Doria.

Yeah, just to add, like Göran just said, that that's going to be tasked to, you know, the Sub Pro caucus, and we're going to be working on it. We have barely started on it. And I don't envision us recommending to the board that there be an ODP on it, either. I mean, things could change. But at this point, I concur with Göran. I just don't see that as being in the works.

Thanks.

MAARTEN BOTTERMAN: Thanks for that.

So, yes, ODP is not, per definition, only one at a time. And, yes, things come successively. When you don't see work, it's still happening to prepare for the next steps. And RPM specifically is still to take action on from the board following advice from the caucus group we have working on that.

So thanks for that.

With that, time flies. And thanks for sharing your concerns and your questions. I hope we've adequately responded to them. If there are more questions remaining, don't hesitate to bring them to us. It is about getting things done together.

So with that, thank you very much.

Philippe? Any last words?

PHILIPPE FOUQUART: Thank you, Maarten.

And thanks to all councillors. And a special thanks to the outgoing councillors who won't be with us next time, and especially to Tania and Pam.

Thank you, Maarten. Back to you.

MAARTEN BOTTERMAN: Thank you, all.

PAM LITTLE: Thank you.

MAARTEN BOTTERMAN: Meeting adjourned.

PAM LITTLE: Bye.

[END OF TRANSCRIPT]