
ICANN73 | Virtual Community Forum - Joint Session: ICANN Board and NCSG
Monday, March 7, 2022 - 9:00 to 10:00 AST

Recording in progress.

FRANCO CARRASCO: Hello, my name is Franco Carrasco from the ICANN org staff. Welcome to the joint session with the ICANN Board and the Noncommercial Stakeholders Group. Please note that this session is being recorded and follows the ICANN Expected Standards of Behavior.

Interpretation for this session will include the six U.N. languages which are Arabic, Chinese, French, Russian, Spanish, and English. Click on the "Interpretation" icon in Zoom and select the language you will listen to during this session.

For our panelists, please state your name for the record and the language you will speak if speaking a language other than English. Before speaking, make sure you have selected the language you will speak from interpretation menu.

Also, please be sure to mute all audible notifications and speak clearly and slowly for our interpreters.

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

This discussion is between the ICANN Board and the NCSG only. Therefore, we will not be taking questions from the audience today. However, all participants may make comments in the chat. Please use the drop-down menu in the chat bought and select respond to all panelists and attendees. This will allow everyone to view your comments.

To view the real-time transcription click on the "Closed Caption" button on the toolbar.

Having said that I will now hand it over to the ICANN Board Chair, Maarten Botterman.

Maarten, the floor is yours.

MAARTEN BOTTERMAN: Thank you very much, Franco. And welcome members from the Noncommercial Stakeholders Group. It's a pleasure and honor to meet with you, and we look forward to a good and open constructive discussion, as we have been doing over time.

No doubt you will have seen some of the decisions we have been taking yesterday, taking the situation into account. There are many people who are truly affected by a situation that deeply affects them. And from that position, our aim is to provide the

best support we can, and well-taken issues seen from the messaging as well, from the position of our mission in that.

So with that, truly look forward to discussion with a focus on all the other subjects that we also have to talk about. And for that, we asked Matthew Shears, the one you sent to the Board to assist us, to chair it from our side.

So, mat chew, can I give you the word?

MATTHEW SHEARS:

Thank you very much, Maarten. And it's wonderful to see, virtually, everyone again and to be here, and hopefully we'll be meeting each other soon in the near future.

For the purposes of this discussion, and I'd very much like to emphasize the word "discussion," I'm going to turn it over to Bruna just to let us know how you'd like to walk through this, whether you'd like us to look at the Board questions first.

Bruna, over to you.

BRUNA SANTOS:

I think I can walk you through really quickly like through the topics and everything else, and then we can start with the

(indiscernible) issues one and then we can do the second round with the Board. And with the compromise of us all like being succinct in this discussion and not taking too much time. Is it okay, Matt?

MATTHEW SHEARS: Absolutely. Please go ahead.

BRUNA SANTOS: Thank you very much.

The group of questions we have for you this time, it went a little over the three-questions kind of dynamic, but we figure it's been a while, and also there is a lot of things going on apart from the political situation we all see ourselves here around Europe and the additional issues from the pandemic as well, but we decided to focus this conversation today on four topics, four main topics. The first one would be ICANN and human rights with two questions, one about WHOIS and the second one about the dynamic on present Board resolutions. We have a second topic about jurisdiction with regards to the recommendations in the working group and also how much time -- how much actually -- like what would be the dynamic for the next round of gTLD with regards to the sanctioned countries.

The third topic to you would be ICANN's relationship with governments and the discussion on digital sovereignty and DNS. This is something I have also been talking to Göran a little bit in our previous meeting with NCSG leadership and ICANN CEO.

And last, the future of SSAD. I think you all know NCSG has a lot of concerns around this topic. So with SSAD, it's more of a practical topic with us needing to understand to you what would be the next steps for this initiative and whether or not it would be able to provide with us with sort of a timeline for the upcoming steps.

So maybe we can start with ICANN and human rights. I don't know, Farzaneh, if you want to come in and guide this discussion since you were the one suggesting this part of the debate. And if you want, you can please take the floor if you want to add anything to the first question.

MATTHEW SHEARS: Farzaneh?

FARZANEH BADI: I'm sorry. I wasn't sure if you called on me. Thank you.

Yeah, so hello, everybody. Thank you so much, Bruna, for laying out the discussion.

So the first question, we went into a little bit of details on the -- on the topic, but in general, we wanted to discuss whether it would be possible that, in Board resolutions, you have vari- -- you consider various things such as risk and affected communities and others that -- other issues that are affected by your resolutions. We were wondering if you could also consider not a fully -- a full human rights impact assessment but consider whether your -- whether your resolution has had -- could potentially affect human rights and it could affect privacy for example, but it could enhance security, so something like that.

And the other -- So this was like a general proposition that we thought we'd put forward.

And the other matter, again, that I think we have seen in your resolutions before and we totally disagree with is that sometimes in your resolutions about WHOIS, you have some wording that suggests that WHOIS is to identify the registrant. And I have -- saw in your latest resolution on February 24th, I think, you had this wording: Whereas the ICANN Board chose not to adopt implementation at advice of --

DAN HALLORAN: (Indiscernible.)

FARZANEH BADI: I'm sorry?

Okay. So given that the deletion of the contents in the organization field might result in the loss of identifying information about who the registrant is, it might not be consistent with ICANN's mission or in the global public interest.

So regardless of how you have actually come to this conclusion of this might not be in ICANN mission, WHOIS was never to identify - - to identify the registrants, and the registrants (indiscernible) data based at ICANN had some part in coordinating, was never in charge of that.

And if this is a -- if this is like a wording problem that this is like a special wording thing that you have used and you don't, like, agree on, then that's -- well, if it's a mistake, then fine. But if this is -- if the Board actually believes that WHOIS is to identify registrants and ICANN has some kind of role in that, then we need to have a conversation about this.

So there are two topics. One was the more -- the broader one, whether you can actually consider human rights' impact of your decisions in your resolution. And the other is the identification of the domain name registrants in WHOIS, which is not -- which is not the purpose of WHOIS, as we believe. Thank you.

MATTHEW SHEARS:

Thanks, Bruna, for walking us through it and, Farzeneh, for the additional details.

So we have a couple Board members who are going to address this. And we are going to put these two together. And I think Sarah is going to lead us off and then probably Avri and then Becky will address the issue on WHOIS.

SARAH DEUTSCH:

Thank you, Farzeneh, for framing the question.

On human rights, I guess just in the broadest sense, it's obviously a very important issue as your constituency knows. And in today's times, it's important that we discuss this. It's super complex. Our core value, it is a core value, and it must be balanced with the commitments in our bylaws and other core values. And the human rights core values need to be balanced against themselves.

So how we do that is an interesting question. And ideally, the Board would like -- and actually it's in our bylaws that they be identified on a case-by-case basis ideally through the bottom-up multistakeholder process and policy making. So I don't think it's simple enough to say, well, the Board needs to consider it. What we're working on together is a framework to figure out how to do this consistently. So, yeah, I think we want to support the community in any way we can, and we all need to be thinking about human rights and using this same framework so that we all have the ability to do this. And I know that one way we were thinking about leveraging this is through the global public interest. And I wanted to leave it to Avri to explain some thoughts on how the GPI would work in considering developing human rights values in the decisions we make as a community.

So, Avri.

AVRI DORIA:

Thanks. Avri speaking.

I wanted -- yeah, thanks for mentioning the GPI, the global public interest framework.

One of the things that we're working on is that human rights and respect for human rights within the mission as indicated by law

and such is part of our values. The GPI is basically trying to put in a process that basically makes us look at those, makes us look at each of the various categories there as we go through this. This is a process starting. It's not that we don't talk about human rights. We do talk about human rights. It is starting to come through in some resolutions.

What the GPI framework is supposed to do is sort of organize us, give a systematic way for talking about it as opposed to, yes, that's in the public interest; yes, that serves human rights. I know it because I see it. But why? What are the reasons? What are the categories that it fields to? That's part of the work that this pilot with the framework is looking at.

And, for example, on decisions where we're going to use that pilot, I would expect that the rationale would, indeed, include a discussion of that. And if the pilot becomes the way we normally do things, then that GPI, which would include human rights discussions, would be included.

In terms of looking at the impact, again going back to that bottom-up structure is if you look at the work that's being done on it now, we look at the work that's been done in the policy process, in the PDP, what has been discussed, what issues have been brought up, have they been dealt with. You know, what was

the majority? What was the minority? What were the views? And then the Board, because it has to come at this from a sort of vision of the whole and bringing those together, then does that weighing and that looking at the discussions that have been had and from there can look and say, yes, human rights has been considered. You know, these categories of human rights were discussed, were dealt with, were dealt with adequately and move forward with it.

So as this pilot develops, you can contribute to it by basically submitting comments, submitting responses to issues reports, making sure that the human rights are discussed in the policy process so that when the Board is looking at the sum work and deciding whether to approve a recommendation or not we have the bottom-up part to use and to look at. Hopefully I covered it.

But, yes, the answer to your first question is can it be discussed more in rationales, I'm sure it can. And I expect over time within the GPI context it will be.

And I pass it to Becky to talk about the specifics of your WHOIS question. Sorry, I forgot to do my pass-on job.

BECKY BURR: Thanks very much. Good morning, everybody. This is Becky Burr for the record.

So I take your point regarding the references that can be implied to talk about the purpose of WHOIS, contactability versus identification.

I think in this case, there was a very specific issue that concerned the Board and the concepts got a little alighted here.

What we were really concerned with, with respect to Recommendation 12 is, you know, the recommendations coming out of EPDP phase 1 said essentially if there is information in the organization field, there should be an opportunity for registrant to confirm that information. And then if they aren't able to confirm it, the contracted parties' view was that they couldn't display it. And the Board was comfortable with that recommendation.

What the Board was uncomfortable with was the reference to deleting the data. And here's -- and the reason that we were concerned about it was quite technical, which is to say that -- based on everything that we understand from registrars, things

can be very confusing in terms of information, where it's put, and the like.

And so somebody may put an individual's name down as the registrant but, in fact, the actual registrant is intended to be the organization. And so by deleting that field and substituting other information for it, the sort of -- the registrant itself, information about the registrant itself, as opposed to some contact information could be lost.

And all we were looking for, which we have received, was confirmation from the council that the point was that the information wouldn't be published but information that may be necessary, for example, in a dispute about who is the actual registrant, an individual in an organization trying to claim they are the registrant as opposed to the organization itself, that that information might not be available to resolve the dispute. So that was really what was driving it.

And I think probably the word "identity" got added there in a way that's confusing.

So just to be clear, this was not putting a stake in the ground about what the purpose of WHOIS or registrant data is. It was really to address a concern that we could introduce -- that if

information simply disappeared, it might not be available to resolve a dispute about who the registrant was. And that was not in terms of -- that was really just in terms of the sort of legal rights associated with the registrant in that case.

So definitely hear you. We'll put it on our list to be more careful about the way in which we describe this. And I definitely take your meaning, but we were after a sort of different point.

MATTHEW SHEARS: Thanks, Becky.

Bruna, back to you in case there is follow up.

BRUNA SANTOS: Yep. Thank you so much, Avri, Becky, and everyone for your answers and for the openness as well about this conversation.

Just maybe circling back to the first question about the GPI and so on. Maybe there is an avenue for us to have some sort of a periodic meeting or either a channel between the cross-community working body on human rights and the subset of the board that's dealing with the GPI. We're trying to better shape the work of the CCWP for the upcoming months and in light of the GPI, maybe that's a good opportunity of a channel. And also, like,

reemphasizing that this is not just an NCSG effort. It's an effort that's open to the community. So just an idea for everyone here.

Yep, Avri.

AVRI DORIA:

Yeah, I really do like that idea. And if I can recommend an activity, taking our framework -- and at the moment, the framework is for the Board, but we're trying to get the community to give us feedback on it. So take a look at that framework and comment on it, you know. Are we going about it correctly? Do the associations we make between the various categories within the GPI and then looking at the human, do they make sense? You know, and is there anything that can be added? So that would be a great first. And then also on policies, you know. It's a wonderful group just to contribute comments and be specific about the issues within any particular PDP.

So I'd love to see more contributions from that group being submitted during comment periods and such.

Thanks.

Oh, I forgot to say, this is Avri.

MATTHEW SHEARS: If I may, I don't know, Farzaneh, if you wanted to come back or if that's okay, you're comfortable. If I may just add on to something Avri said because I think it's important. I think certainly from our perspective, we would welcome the identification of human rights issues as the work comes forward through the multistakeholder model as opposed to it being something we would have to consider just before going into the process of adopting.

So it's far better than those issues be raised and identified earlier than later. So just as a -- I think certainly from my perspective, that would make a lot more sense in terms of the process as we go through.

Maarten.

MAARTEN BOTTERMAN: Yeah, just to add one thing. Let there be no mistake. It's in our values. So if you would feel there would be some possible collision, we would look really even more deeply to it. And with that, I appreciate the call for a more structural approach. But we do take it into account. In the motion we took last night, you can see an explicit referral to it. It was truly a subject of discussion as well.

MATTHEW SHEARS: Thanks, Maarten.

Bruna, shall we move on to the next question?

BRUNA SANTOS: Yes, of course. Thanks, Matthew. Bruna again.

So the second topic is about jurisdiction. In light of the working group, the Working Group on Jurisdiction having concluded its work almost three years ago, and also considering some of the community recommendations to explore the OFAC license, our question to you is whether the next round of gTLD is -- whether there are any discussions about this next round being closed to all sanctioned countries. So, yeah.

MATTHEW SHEARS: Thanks, Bruna.

I think the short answer is no. The next round will not be closed to entities in sanctioned countries, but I think it's probably best for me to turn this over to John and to have him walk you through it. Thanks.

JOHN JEFFREY:

Good morning. Yes, the short answer is no. ICANN does not close the application process to entities in sanctioned countries and does actively seek licenses for services to specific countries as applicable. And we've been successful in obtaining such licenses in the past.

For example, as an organization that operates in the United States, we're subject to sanctions relating to U.S. laws, and in particular, the regulations, including the economic and trade sanctions that are administered by the U.S. Office of Foreign Asset Controls, or also commonly referred to as OFAC of the United States Department of Treasury.

So these sanctions, which are similar in nature to economic sanctions that are issued by other governments around the world, have been imposed on certain countries as well as individuals and entities that appear on OFAC's list of Specially Designated Nationals and Blocked Persons, also referred to as the SDN list.

ICANN org is prohibited from providing most goods or services to residents of OFAC-sanctioned countries or their governmental entities or to SDNs, Specially Designated Nationals, without an applicable U.S. Government authorization or exemption.

Similar paths we may face in other parts of the world. For example, European sanctions could also apply to ICANN or sanctions in other areas where we have offices or commit operations in some way.

ICANN org generally will not seek a license to provide goods or services to individuals or entities that are on a Specially Designated Nationals list. In the past, such as during the 2012 round, when ICANN was requested to provide services to individuals or entities that are not SDNs but are residents of the sanctioned countries, we sought and obtained and were granted licenses as were required.

The Work Stream 2 recommended that ICANN org explore the ability to seek general licenses for the purposes of enabling individual transactions to proceed without the need for specific licenses. ICANN org will shortly be releasing the study as recommended by the Work Stream 2 for reporting to the community as well as providing information in the community on ways that ICANN is ready -- is already moving -- removing friction from these transactions between ICANN and persons of the sanctioned countries as was requested by the Work Stream 2 as well.

And even without a general license as is envisioned by Work Stream 2, ICANN has had a practice of seeking these licenses.

So in summary, ICANN does not close its application processes to entities in the sanctioned countries or persons that are not on the SDN list and does actively seek licenses for services to specific countries. And we've been successful in obtaining such licenses in the past.

MATTHEW SHEARS: Thank you, John. Appreciate it.

Bruna, any follow-up questions on this one?

BRUNA SANTOS: I don't think so. Farz or anyone in the room, do you guys have any follow-up to this?

FARZANEH BADI: Well, I am pleasantly surprised (laughing), but -- well, that was -- because as remembering a 2012 Applicant Guidebook, we had a specific provision -- I don't want to go into details of that because I can't clearly remember it, but I think that that was like not possible for the -- for ordinary people. And we are not -- whenever

we talk about sanctions here, we never talk about like people who are on SDN list. We only talk about ordinary people.

So -- And in 2012 Applicant Guidebook, there was a -- I think there was a provision that we wrote about, and we talked about, and it was like one of the bases of our recommendation that -- to kind of seek a license. And I hope that we can also start doing a general OFAC license, because I understand that the registries are -- that you are not involved with govern- -- internal governance of the registries, but the registries, they need gTLDs. They don't provide -- they don't allow domain name registrants from sanctioned countries, like the ones that are like ordinary users.

So when -- we kind of have to come up with a solution for that, but thank you. That was great.

JOHN JEFFREY:

Can I just do a two-finger follow-up?

There will be provisions again, because ICANN is located in the world and is a private entity, and because of that, we do have to follow the laws. So where there are sanctions present, we will have to obtain licenses. And that was also the case in 2012, and I think we've presented on this to Work Stream 2 and a number of other places as well.

MATTHEW SHEARS: Thank you, John.

Bruna, back to you.

BRUNA SANTOS: Thank you, Matthew.

So moving on to the debate about legislation. We know, we fully understand that there is going to be a specific slot for discussing legislation and impact during this week, but what we wanted to ask you is a similar question to what I discussed with Göran a few days ago, which is in light of those recent developments, legislative, regulatory developments happening around the EU and other parts of the world, we would like to ask you whether or not you expect any sort of increased pressure from governments to outsource some of their Internet regulatory problems to ICANN in the near future. We have seen in these past days not only the request from the Ukrainian government, but this was a very specific case, but there is also like some other things going on. And just to mention what I have in the question, we brought up the examples of NIS2, the recent study from the European Union on DNS abuse, and their request for input in policy measures. So that is our fourth question to you.

MATTHEW SHEARS: Bruna, I think it's probably our expectation that it will be the reverse rather than there will be increased pressure from governments to outsource some of their regulatory problems to ICANN. It could well be the reverse and they will be taking away some of those responsibilities. But anyway, to give you a better answer, I'm going to turn this over to Göran.

GÖRAN MARBY: You just gave the answer, by the way.

Farzaneh, can I say so happy to see you again. It was a long time. I'm looking forward to -- at least for me, intellectually stimulating debates in the future, if you allow me to.

But I think that some of the thing we've seen, especially from -- especially interesting enough from the European Commission or parts of the European Commission, it started with GDPR, which we all are familiar with which was the first legislation that had a big impact on ICANN's ability to make policies. And we might think some of the legislations are good or think that some of the legislations are bad. We see a trend, and I think it's an unfortunate trend, where some countries, some legislatures actually do believe that they should take over part of the multistakeholder model for their own reasons.

And so I think it's the reverse, Bruna. I mean, just look at the plethora of legal proposals that happens.

And I also think it's a new role for ICANN, in a way, because we actually have the people who writes the legislative proposals in the room when we debate, which is I think a little bit unfair with the multistakeholder model because if they don't get what they want through the policy-making process they end up making legislations about it. And that's something where I think we, inside -- I want to say we here, but we inside ICANN had a talk about how we can -- you know, how we can -- how we can mitigate that, still preserving what I think is important and very successful, and that is the multistakeholder model. Because I think in the end, we've been successful at doing this for decades. Not everybody agrees with us.

You're right to an extent, and I'm reading the questions also a little bit differently, is people is now taking things to ICANN which shouldn't belong into the ICANN mission. Questions about content, certain parts of security, and other things, because they don't think there is another venue for it. And we still have a job to do to talk about the delegated nature of the Internet; that it's -- the Internet doesn't have a central point. We have a central coordination point that happens to be ICANN, but it's not the -- it's -- from a decision-making standpoint and a practical

standpoint, it's delegated. We're here to make it work. We don't have the tools to make it stop working.

I know it's a -- I -- we're going to do -- later this week we're going to do a session together with the community where we're going to go through the legislative proposals not only from the EU, also from the U.S. and from the U.N., and this is the first time I think they actually do this. We do provide thoughts paper about other countries' regulations as well. The latest one I think was from China. We have done it from Russia. We have done it from The Netherlands I think.

But I want to -- it's interesting also, because right now as we speak there is a GAC session where many countries are standing up and recognizing the role of ICANN and the limitations of our role and giving us support for the actions we have done for the last week. And that gives me comfort, because it tells me that there are many countries still who supports the ICANN model and supports the way we do things. It's just very -- as Maarten said, at least -- I think many of us are very emotionally -- emotional about this time. And I -- maybe this is also pointing out the fact that ICANN has, and you have a very important role. And we need to keep -- have the ability to debate those things.

So sorry for the long-winded answer to a simple question. We see an increased risk of legislators trying to take over partially the multistakeholder model for their own benefit. And interesting enough, in the long run, it will not be to their own benefit because it will actually have a potential disconnect Internet users from the Internet and take away the interoperability of the Internet. Our job is to make sure they understand the consequences of that.

Thank you for the question.

MATTHEW SHEARS: Thank you, Göran.

Any other board members? Sarah or others who would like to jump in on this particular issue?

SARAH DEUTSCH: Thanks, Matthew. I would just jump in to completely endorse what Göran has just said. The risk here is that legislators, at least the trend we have seen, is they are bypassing ICANN's processes all together and imposing solutions. And as you know, what happens when regulators and legislators get together is they tend to do it very broadly. So on DNS abuse, for example, you'll see the definition and the remedies are much broader than anything that's been discussed in the ICANN community. And to some

extent, ICANN's hands are tied, because when you talk about content issues or competition issues, et cetera, these things are outside of ICANN's remit.

So the challenge is going to be how does -- and in the multistakeholder process, how does the community still want to continue to do its work in a way that -- and what is the best way, actually, to stave off some of this external regulation and legislation. And all of this is also taking place -- at least the trend I see is the larger trend to regulate up the food chain on the Internet. So there are not -- like in the U.S., you would see there was recently a U.S., it's called the Drugs Act and that goes after registrars and registries, but there is litigation and regulation that's targeting up the food chain. There are DNS resolvers that are being asked to remove content from the resolvers. The mere conduit ISPs are being asked to block content. Cloud providers are facing challenges. So, you know, but the other big risk here is that people just bypass the -- go up the DNS chain to get results, and there could be over blocking and removal issues at play here, too.

So those are just some things that we, as board members, have been discussing and are concerned about.

So back to you, Matthew.

MATTHEW SHEARS: Thanks, Sarah.

Anyone else? Okay.

Bruna, hopefully that gave you a sense of where we are on that particular issue. And as Göran said, we will have a session later on in the week.

BRUNA SANTOS: It definitely did, Matthew. Also, I would like to take the time to commend both the Board and the Org for the answers you have given so far with regards to last week's request.

I guess some of our initial community concerns about this specific request was for this tendency to try to bypass the multistakeholder model and bypass a lot of the policy-making processes we have, like, created in this community, this community has created for itself. So it's, indeed, really nice to see that we were able to not only consider that but also come up with a creative and even more interesting solution for what the request was proposing. So just taking the time to also commend you all for this.

Last, but not least, I guess, we have one question about the future of SSAD. We understand -- we were aware of the Org trying to hire a market researcher to better understand the global demand for the SSAD and do this report.

But our question to you is more practical in trying to understand to the Board what are the next steps for this initiative and whether or not it's on the table considering our discussing a timeline for the upcoming steps or how this community can also be helpful in shaping this timeline for the SSAD.

Thank you so much, Matthew.

MATTHEW SHEARS: Thanks, Bruna.

I think Maarten is going to kick it off and then I think other Board members will jump in.

So, Maarten.

MAARTEN BOTTERMAN: Yeah, no. Thanks. In a way it also touches -- appreciate the comment you gave in your remarks just before this question.

In the Board, we also realize that we want this multistakeholder system to work and we are fully supporting that.

Now, how do you do that in an effective way? It is maybe not always by waiting until something comes percolating up but maybe sometimes it makes sense we come with initiatives that help the stakeholders to come together, not counting that initiative to be adopted but at least to stimulate the discussion in coming to a conclusion.

With the SSAD, and with follow-up on the ODA way to SSAD, that's also exactly the same thing we're trying to do. You will be aware of the fact that we already had an encounter with the GNSO Council to discuss this openly, what this ODA means, what our concerns were from the Board side and engaging in the dialogue.

If you ask for the next steps, well, my comment was the next step is the next meeting with the GNSO, which is actually later this week where we will follow up on this. In the correspondence, Philippe has also confirmed the interest of the GNSO to continue to work to see how, from this, from what we learned, through the good work of the Org, on how a good way forward may look like with respect to the policy adopted and how we can make that work in practice.

So I really look forward to this way of engagement, which is different than just going from, oh, now, the Board takes a position, then the GNSO Council takes a position, and then everybody else comes in trying to facilitate it in this way. And we hope that will be useful and aim to continue that.

More on the content, we've got better people on the Board than me to respond to that.

MATTHEW SHEARS: Thanks, Maarten. That was great. Anyone else? Becky, did you want to jump in here?

BECKY BURR: No. I think Maarten really said it all. We are really trying to have a conversation with the GNSO Council. The Board has not reached a conclusion one way or the other and has reached out to the GNSO Council. We've had one conversation. We will have more. We're quite engaged. Obviously at some point a timeline will need to be stood up if things take a long time.

But based on the level of engagement and commitment that were experienced both from the GNSO Council and on the Board, we expect this will move along as quickly as possible in order to get it right.

MATTHEW SHEARS: Thanks, Becky.

Bruna, any more or any follow-up questions on your side?

BRUNA SANTOS: Not from me. Taking the time just to see if any of our members have any follow-ups. Please, if you do, just raise your hands.

But, yeah, I think not. So I think we can move to your questions, Matthew.

MATTHEW SHEARS: Great. If we could put the Board questions up on the screen, that would be great. Thank you. Okay.

So we have two questions that we asked. And obviously the first one, what are NCSG's priorities for ICANN work in 2022? And how do they help achieve some of our common objectives? And how does NCSG see us as a whole, ICANN as a whole, community, Board, and Org, all moving together in a way to achieve these objectives?

And the other question is: What suggestions do you have to enhance ICANN's effectiveness and efficiency with regard to the

process of implementation after the adoption of a PDP or review recommendations? Would love to get your feedback and thoughts on both of these.

BRUNA SANTOS:

Okay. Thank you, Matthew. Bruna, again, for the record.

So really good questions. And some of the first ones specifically, we just had a meeting a few weeks ago about NCSG was trying to rearrange its priorities for 2022. But we all -- we got a little caught up in the debate about how to better engage our members and also to be, like -- we had a really honest conversation about how complicated it was for us at the moment with regards to volunteers, how limited we were in terms of numbers and even though this continues to be a great community. But in the end, our number of volunteers that were engaging in PDPs and council was really limited. So we tried to come up with a discussion on how should we improve this.

So the priorities for this year are going to be trying to reshape or rebuild our community in some ways by bringing more people in, trying to come up with more creative solutions to engage and to try to bring newcomers specifically to this. So a little bit of outreach and inreaching.

And also in terms of the policy development processes, Tomslin, if you are on this call, if you want to come in, just raise your hand.

But we all agreed that the next round of gTLDs and also what could come up of the SSAD process and also the next phase of the PDP were going to continue to be our priorities. But we didn't dive into much -- into this discussion. And this is something we plan to continue doing during the NCSG meeting over this week. So our membership will be a continuation of this previous meeting.

So I don't know, Tomslin, if you want to come in or add anything or complete anything I just said. But feel free to do so.

TOMSLIN SAMME-NLAR: Thank you, Bruna.

I just wanted to add that we have, indeed, begun discussing how we think, as NCSG, the Board can better improve on that policy development cycle and perhaps make it quicker. And we are currently keen looking at what the GNSO Council is doing with the Board in terms of how they move forward with that, especially because we participated in the SPLs with -- on invitation from the council and we brought that to the attention as well, that it was

something that we came to see happen, those resolutions coming to be implemented quicker.

So it's something we are monitoring and have keen interest on.

MATTHEW SHEARS: Thank you, Tomslin.

Göran.

GÖRAN MARBY: Me and Bruna -- me and Tomslin and me and Bruna had the same conversation. And your part of the ICANN ecosystem is very important, as you know. I don't have to say that. But I also think what's very important, your voice is very important in the ICANN ecosystem. I think I said that for the last six years now.

So I don't have any solutions. But as we spoke about, I know David and his team is very open for suggestions how we can work things together how, we can do things better, and maybe how we can prepare material for this group in a better way. I think we all trust each other in the sense that we can do things differently based on our trust.

So just saying that, please let David and his team and your support team be a part of the conversation because they might know things or help you with things and we can just -- from these specific characteristics of this group, which I'm not meaning in any way condescending, I'm just saying you are a special group within ICANN, a special way of doing things. So let us help.

MATTHEW SHEARS: Thanks, Göran. Benjamin.

BENJAMIN AKINMOYEJE: Thank you. This is Benjamin speaking. I hope you can hear me.

I just want to say that for the past few meetings, our time, at least that I know NCSG, has been cut shorter. So if our voices are really important, maybe you should give us more time in some of these meetings. I know it's difficult, but we barely have time to discuss more of the things that are concerns of us during the ICANN meetings now. So that's something I think you should consider, if our voice is very important. Thank you.

MATTHEW SHEARS: Thank you. Bruna?

BRUNA SANTOS: Thank you, Matthew.

Yeah, just to sum up this discussion, I guess to put it more clearly, our priorities for this year are going to be some inreaching and outreaching to improve reporting, how we have been participating in those meetings and trying to engage more people but also in terms of the policy work, EPDP, DNS abuse, the community coordination group for the WS2 and also the next round of gTLDs, they continue all to be priorities for the NCSG while we're trying to do this internal housecleaning work. So that's pretty much it and to put it directly to you all.

MATTHEW SHEARS: Okay. Thanks very much.

We still have some time. Farzeneh.

FARZANEH BADI: Matthew, I have nostalgic pictures of sitting in, I think it was in 2018 ICANN meeting, and you had exactly the same question about effectiveness and efficiency and how we can increase it. And it's been four years.

[Laughter]

And, you know, one of the ways to increase our efficiency and effectiveness is for -- not to reopen issues. And I remember that we told you in that meeting as well, when we keep reopening issues, when we keep -- any requests that GAC has, like the Board just thinks about reopening certain aspects.

For example -- I give you an example. Recently the chair -- ICANN chair, Maarten, sent a letter to the GNSO Council and asked the GNSO Council to sit down with GAC to decide on the closed generics and come up with a framework and then later on we'd send it to the policy development, if I'm putting that right.

I mean, that is not -- that is not how you make things efficient and effective. That is how you reopen issues.

And to be honest, I think at some point, like, groups should really accept that they have advisory role so they can provide advice, but they can't control the processes.

So one thing I suggest to the Board to consider is not to reopen issues and send back stuff to the GNSO Council just because an advisory committee has asked for it.

That was my suggestion. I suggested that four years ago as well. Maybe in four years I will make that suggestion again.

MATTHEW SHEARS: Thanks, Farzeneh.

Yeah, I think I'm going to let Maarten answer this. I'm just going to say I think in this particular case what we're trying to do is find a way of making progress based on where we are.

Maybe, Maarten, you can comment on that.

MAARTEN BOTTERMAN: Yes, no, basically thank you, Farzeneh. No way we would say that everything we do is super effective and efficient. What we do is doing our work in the context of the bylaws and respecting the system and we're trying to find a way in that.

Now, particularly in this case, I would say it wasn't a case closed. And we are also bound by the bylaws to listen to the GAC and take their advice seriously.

And that's a good reason, we are very privileged to have the GAC within the system. Many governments, over 70 governments, committed to talk with us in the room rather than only via their legislation initiatives and things like that.

So, in fact, facilitating this aspect of the new program is something we believe is important and both -- because we don't only exchange letters, we also talk with the people, in our exchanges with those people, it seemed to be an opportunity because both parties do want to find a solid way forward that is doable from a GNSO perspective, is reasonable from a GNSO perspective, but also takes the public interest from a government perspective into account.

So we really think -- we look forward to this engagement, and we have all hope that we will see parties coming together. And then it's really solved. So this is us finding our way, and this is one of the steps that we believe may help in that.

So the reopening is somewhere where you maybe find if you have a conclusion and you want to do something but actually doing it between that, things may happen. Interpretations may be needed, et cetera.

And this is why -- that is one of the focuses of what we really feel we need to improve upon by facilitating discussions, by sometimes coming with proposals from our side, and also by the whole PDP process that is making transparent all the information that needs to be brought forward for us to understand the issues before a policy decision becomes actually to the implementation.

I hope it helps. And we continue to look forward for the suggestions for improvement, of course. Thank you.

MATTHEW SHEARS: Thanks, Maarten.

Bruna.

BRUNA SANTOS: Thanks, Matthew and Maarten.

Just to add to this discussion, I guess, our main concern is around this dynamic in between what is actually the Board taking into account, what is the advice, and it actually becoming something that it could assume at some point a different weight than just an advice. And that's our main concern about this and just having some balance to the multistakeholder model.

I know you all know this very well. I'm just trying to reinforce what is the position of the NCSG into this, especially in years in which we see this tendency from governments to try to bypass what is the multistakeholder model and the community dynamics and so on.

So when we bring concerns around the GAC and whether or not it is a binding advice or whether it looks to us as something that's binding, it's out of this perspective of having the concern of having some sort of an unbalanced discussion or positions in this community.

But I would just take the time to thank you all for this incredible discussion. It's always important and relevant to be able to have this conversation with you all. And, yeah, on behalf of NCSG, thank you, Matthew, and thank you, Maarten, for the conversation.

MATTHEW SHEARS: Bruna, thank you very much. And thank you all for the conversation. It's always wonderful to sit with you in these meetings and thanks again.

Maarten, back to you.

MAARTEN BOTTERMAN: Yes, no, also from my side, thanks.

All the questions you come with, all the suggestions you make do help us in rethinking and improving our contribution to making this model work as well. And really appreciate the constructive

discussion, the openness, and the interchange. And look forward to seeing you around later this week during the FICA, during the public forum, or other locations. So thank you all very much.

MATTHEW SHEARS: Thanks very much. Session is closed.

[END OF TRANSCRIPT]