Board meeting with NCSG

Tuesday, 21 June 2011

ICANN Meeting - Singapore

>> Could we ask people to take their seats, please? Thank you very much.

>>PETER DENGATE THRUSH: Okay. Please take your seats. We'd like to begin the session, this consultation between the board and the noncommercial stakeholder group. As you see, we've got a slightly different format. What we've done is asked for some questions that you wanted to talk with us and we were going to send questions to you, but we've only got a certain amount of time and if we'd asked -- told you what we're doing, that would have used up all the time and we think that you mostly know what the board's been doing. It's been the usual round of cocktail parties, golf, drinking late, sleeping in, and basically slacking about. So there's no need to discuss that and have all our deficiencies highlighted. So we really want to talk to you about what your issues are.

What I'd like to do is just ask the board members to stand up, please. Just so that you know who is here. Then if you say anything, just recognize there are board members scattered about and I'm expecting them to contribute. Thanks, Steve. Can we just also, for the purposes of the scribes, run down the top table, so that the scribes know who is here, and if we could start with you, David.

>>DAVID OLIVE: David Olive of ICANN staff.

>>STEVE CROCKER: Steve Crocker, ICANN board.

>>ROD BECKSTROM: Rod Beckstrom, ICANN board and staff.

>>PETER DENGATE THRUSH: Peter Dengate Thrush, ICANN board.

>>AVRI DORIA: Avri Doria, chair of the NCSG executive committee.

>>KONSTANTINOS KOMAITIS: Konstantinos Komaitis, chair of the noncommercial users constituency.

>>PETER DENGATE THRUSH: And the order of precedence at the table is I just thought we'd get the people who can help most with the particular topics under review, so that's the reason for that.

The other thing is just to get the most out of this, just recognize that what we're looking for is a board-level discussion, and that's at the strategic level. The board doesn't understand the minutia of the processes that you've been going through with the SIC to amend the bylaws, to get -- don't take us down into the weeds on any of these particular issues.

You know, let's stick to, if you can, recognizing that not all board members are fully across all of these issues. Keep it at a level that we're going to maximize the return from.

We've got staff and we've got lawyers here if we have a detailed legal question or bylaws question that we need to answer, so if we can avoid that, that would be great.

So can we start with the first question?

And what I've been asking people, really, on these sessions is: What's behind this question? What do you really want to know?

The short answer to this question is: Nothing stands in the way. These items are on the agenda for this Friday and unless some board member doesn't like them, they're going to go through on the consent agenda, as far as I can tell.

So have you heard a rumor that someone wants to take them off or --

>>AVRI DORIA: No. Actually, we provided the questions before we knew anything about a consent agenda --

>>PETER DENGATE THRUSH: Uh-huh.

>>AVRI DORIA: -- and so it was quite possible that there were, indeed --

I guess the question that I would still have at this point is: With there being board members here, you said if there was any board member that had a reason that these things were a problem, and there's three things there. There's the constituency process, and we're wondering, you know, is that something that -- I guess it has been brought through. Are there any issues?

There's the NCSG charter. Did anyone on the board have any pending issues?

And then we also have the NPOC, the new constituency charter, on that, and we're wondering if there are any questions or comments on that, and was there anything standing in their way.

And so hearing that there's a consent agenda, we know that it's less likely that there's anything standing in their way, but you did utter the phrase "unless some board member has a problem with it," so I'm curious to know if that's the case.

>>PETER DENGATE THRUSH: And Ray wants to say something. I'm sure it's not to say that he has a problem with it because he's the one who put it on the consent agenda. Ray.

>>RAY PLZAK: Thank you, Peter. I have not been approached by any board member regarding any of these things. They have all been vetted in the community through public comment period. In fact, the NCSG charter was extended, had an extended comment period. So there really is nothing from the standpoint of the board that I am aware of at all that stands in the way of these things happening.

And they're on the consent agenda and no board member has objected to them yet.

>>PETER DENGATE THRUSH: Let's take this apparent victory and turn it into -- let's snatch victory from -- defeat from the jaws of this victory. If you want to pull all this apart and start exposing all this to board members, you may well find that there are some people who want to say --

Or would you rather move on to questions -- would you rather move to Question Number 2?

>>RAY PLZAK: Question Number 2.

>>PETER DENGATE THRUSH: Thank you.

>>AVRI DORIA: I'm fine unless there's someone from the -- yes. I have Milton who would like to ask a question on this. And then I also see that you've got SÈbastien there wanting to make a comment.

>>STEVE CROCKER: I just want to echo Peter's sentiment here that the longer we run the session, the higher the risk is that you'll get somebody's attention to pull it off the consent agenda.

>>PETER DENGATE THRUSH: Sleeping -- sleeping dogs might be another motto that --

>>AVRI DORIA: Then again, that might be the right thing.

>>PETER DENGATE THRUSH: But Milton, have you got a --

>>MILTON MUELLER: Yes, that might be right thing, and that's what I'm going to do and I don't consider it snatching defeat out of the jaws of victory, I consider it attempting to do things right.

So what I would ask you to consider is to approve the NCSG charter, first, and then maybe six months from now to approve the NPOC as a new constituency.

As Ray knows, part of the agreement was, even though NPOC applied under the old constituency rules, they were supposed to be putting their members into the NCSG one by one, making them part of our community, and then following -- they had agreed to follow the process for new constituency formation in the new charter. And that didn't happen. Basically, there's been a black box. They have been isolated from the NCSG community. I don't think there's going to be any problem, but I just think we had a big concern, as you may recall, about the nature of constituencies.

We wanted an integrated stakeholder group that would form consensus across all constituencies, and unless the new constituencies follow this process for constituency formation, we're concerned that we're not going to get that.

And that's -- I think you should just consider delaying that approval until they follow the correct process.

>>PETER DENGATE THRUSH: Okay. Can I ask Ray: What process has the NPOC followed, if not the new one?

>>RAY PLZAK: The NPOC has followed the old process, the process that's in existence now.

And even when the new process is put into place, they will be grandfathered into the old one.

I will point out that there was a public comment period and none of these objections were raised then. The -- there is also the -- you know, if there's a concern that some of these NPOC members may not be -- may not be noncommercial, if you will, the purity test inside the NCSG group would not allow them to become members of the group.

And in the end, you know, we will be reviewing constituencies, their efficiency and everything else, and the stakeholder group also has input into the way the constituencies operate inside of their stakeholder group.

So even though this constituency would be formed under the rules of the current process, once the new process is in place, any future reviews of them would occur under those criteria.

So they would have to adhere to them. I don't see anything to be gained by delaying this. If anything is delayed, it's just the ability of the NCSG to get on with it and get their work done.

>>PETER DENGATE THRUSH: So Milton, just an obvious question. What do you see happening in that period of delay? We approve the charter, don't approve the constituency. What do you see the parties actually doing in that period and how -- where are the advantages?

>>MILTON MUELLER: Yeah, that's a fair question. What happens in that six-month period, let's say, is that the individual organizations that are part of NPOC apply for membership to NCSG. Are -- most of them would be approved, it's my expectation. Then they would join this community of discourse that's going on and they would know what they're doing. I'm not convinced that they know what they're getting into. They have not had any interaction with the NCSG.

Now, I understand Ray's concerns, too. I think, you know, the sleeping dogs lie thing has a lot of clout, especially given all we've been through on this. So you guys make a rational decision, but I think you can understand my perspective that you don't want constituency formation to be a process by which little factions form in which they're not fully integrated and in discourse with other members of the stakeholder group. That's my concern.

>>PETER DENGATE THRUSH: SÈbastien, was there a question? We'll come back to you, Ray. SÈbastien?

>>S...BASTIEN BACHOLLET: It was not a question. It was more on the process. It's not because we have 800 pages to read last week that we read all of them, and I don't want you to assume that we will not ask any change in the consent agenda yet, and it's not because for this one we could be agreed that for any other it could be the same. I want just to be clear on that. Thank you.

>>PETER DENGATE THRUSH: That was the sound of a sleeping dog yawning, I think. You're quite right, SÈbastien. There may well -- we may well be now turning our attention to this with greater detail. Debra.

>>DEBRA HUGHES: Good afternoon. Debra Hughes, board-appointed NCSG councillor who has been working very hard for the past two years to try to move forward, just to address the issue that was raised.

A lot of this is, I think, the fault of a very overworked NCSG councillor who spends only a fraction of her time towards trying to get this ball moving and I -- we -- this is a conversation we were just having in the NCSG about getting the members joining the NCSG. I can assure you the members that I've talked to that have already signed up and indicated their willingness to be engaged do know what the NCSG is. They

haven't been able to attend in-person meetings, they haven't attended the current NCSG in-person meetings, and they have been invited to participate in policy discussions and some of them have called in.

And so this is, I think, a new process for a lot of these very new organizations to ICANN. These are organizations who have not -- many of them who have not been engaged in the past and I think it's going to be a learning curve for them.

However, part of the application process -- and I want to make sure the board hears this very clearly -- is I've asked each one of these organizations to make sure that they attest that -- one, that they support the NCSG -- first, actually, that they support ICANN and that they believe in the multistakeholder model, and they have to say that on their application. They have to attest to that. And then that they also agree that they will support all of the rules that are established by the NCSG, and they've agreed to all that when they join the support organization, is what I call it right now because NPOC is not a constituency. It's kind of in this limbo state. And I think a lot of you who are business people or who are in business know how hard it is to get an organization to join something that doesn't exist. And so I've been trying to do the best I can to get organizations to get engaged in something that has not yet been approved, and I know that -- and I know that that process will improve and that part of the conversation I was having with the NCSG right before this meeting is that we have a list, and I've been very, very, very diligent in making sure that the potential members have met that threshold and they understand that they're going to be reviewed and they understand all the rules that they're going to have to abide by by being engaged in the community, by being engaged in policy discussions, and so I didn't want the board to think that they've been sequestered.

However, they haven't probably been as engaged as the NCSG would want them to be engaged, and I think a lot of that is a learning curve, trying to get a new group of people who frankly have been trying to figure out what all this NCSG policy stuff is, and the long road, so I just wanted to say that and would love to entertain any other questions that you might have.

>>PETER DENGATE THRUSH: Deborah, thanks for that. I guess the obvious point is that if the -- if it's delayed by six months, then you don't have the issue of having them join an organization that doesn't exist because it would exist.

What would be the detriment to the new constituency of waiting six months for accreditation?

>>DEBRA HUGHES: Yes. So I've been trying to build momentum, and the problem has been -- is frankly trying to explain to an organization that wants to be engaged why they're being delayed. And so now to go back and say, "Okay, let me tell you, we changed one more time, now there's a new set of hoops that we have to jump," I'm not saying that it would be fatal. You know, I'll keep doing what I got to do to

keep the effort moving forward. However, I was really hoping that we would be approved sooner rather than later, so that the outreach efforts that we have that are still pending could continue moving forward.

We're -- I'm proud to say that right now we have around 29 members in each of the five ICANN regions. That number is certain to grow, once I'm actually able to say to some organizations, "We're actually ready to go."

I'm just anxious, frankly, to start, and I think that there's been a lot of bumps along the road and a lot of bad feelings and a lot of things that had been -- that have happened, unfortunately, prior to me even being engaged in the process, and I think frankly I'm really looking forward to moving forward and doing whatever I can to try to make the NCSG members think that these new organizations really want to support the nonprofit mission -- nonprofit mission, as well as the noncommercial mission by being members, and I think that the learning curve and, you know, the forming, norming, storming stuff that goes on, I think that's what we're in the process of doing.

>>PETER DENGATE THRUSH: Thanks. Ray, you had a comment, and then Bruce and then --

>>RAY PLZAK: Well, my first comment is there are obviously more dogs that are much more widely awake than one would have been led to believe by Milton, and so there has been a lot of active engagement. And like I said, there has been a public comment period on here and there was no comments made about this at all during the entire public comment period, and so if I'm hearing Milton correctly, this is an old issue, but if it's an old issue, why didn't I see a public comment on it?

>>PETER DENGATE THRUSH: Okay. Bruce.

>>RAY PLZAK: And so --

>>PETER DENGATE THRUSH: Oh, sorry.

>>RAY PLZAK: And so, you know, as Debbie has indicated, there's been a lot of work that's gone into this, and there's been a lot of coordination, and -- you know, and she was -- she's a member of the executive council of the NCSG. The board put her there. So it's not like they've been operating in a vacuum. And so I think that more harm would be caused by delaying entry into the ICANN community and into the policy development process than would be gained to go around with membership cards.

>>PETER DENGATE THRUSH: okay. Thanks, Ray. Bruce?

>>BRUCE TONKIN: Yeah. I just wondered what the expectations are for resourcing, and I guess this applies to the stakeholder group but I'm also interested at the constituency level.

Just as an example, I think we -- we're currently paying for 250 people to attend this meeting. You know, that's gone up over the years. That presumably includes the 21 people on the board. So quite a lot. And we're getting more requests to pay for more people to attend.

Is the expectation of -- and I'll maybe ask two questions, one of the steering group that, you know, you want to have more people funded to attend ICANN. And in particular, when a new constituency is formed, do they have an expectation -- because I know this is in the nonprofit segment -- do they have an expectation that, you know, perhaps the leaders or some number of people from that constituency would be funded? And I'm also interested in, is there any kind of membership fee structure that's running? I mean, I know, Milton, in the very early days in the -- at least when I chaired the DNSO, actually -- when I chaired the DNSO it was pretty much a totally self-funded body. There was no ICANN funding, and each group charged its own membership fees and used those fees to pay for its activities. So I just kind of want to understand some of the budget issues.

As we add constituencies, are we building expectations of additional funding, and therefore, do we need to build that into our budget? So just to get a sense around the resources.

>>PETER DENGATE THRUSH: Bruce, I think Avri might be able to help with that, as the chair, rather than perhaps one of the constituencies. Avri.

>>AVRI DORIA: I can answer that.

From the NCSG level, I think there's two statements we made, which is that we accept that the six council members are receiving support to attend. We have not asked for any further funding from ICANN. The only possible request that we would make is if we noticed other stakeholder groups starting to get other funding, we would request a certain amount of parity in that respect, for them having thought to ask more than we've asked.

We -- I -- the NCUC, as far as I know, does not have a membership fee and relies on grants and other funding. I do not know what the funding of NPOC is. Debbie would be able to tell you that.

But we certainly haven't made any extra requests and weren't planning to.

>>BRUCE TONKIN: Just so we understand the expectations we create, particularly, yeah.

>>RAY PLZAK: If I could interject real quickly, the new constituency process has budgetary considerations in it that have to be answered as they go through this, and so that these -- before a constituency ever receives final approval, there's going to be known what their anticipated budgetary requirements are, because we fully expect at some point in time that every constituency will be an active participant in the roll-up, if you will, of the budget.

And so that is built into the start. You know, so, you know, how much funding are you going to need for this, that, and the other thing. And we can certainly make sure in the criteria that the question regarding travel, anticipated travel support or something like that, is included in the criteria.

And so -- but, you know -- and the whole thing is that as the criteria are applied, there will be adjustments made to it.

You're a great one for saying, you know, you get something started and then you evaluate it and so forth. Well, this is another opportunity for you to excel.

>>PETER DENGATE THRUSH: So Debra, did -- what's the subscription fee for membership of the constituency?

>>DEBRA HUGHES: There is none for NPOC, but what we have been starting to do is to reach out to organizations to try to get some donations and that sort of thing. But what we didn't want was a fee that would be a barrier to entry for new participants, especially since they're new to ICANN, but we are thinking creatively about funding and we've also encouraged many of our members to apply for the fellowship program as well, since they're -- they would be new members, and to follow that path as a path to getting engaged.

And so I think quite a few of them are going to be applying for the next couple of ICANN meetings.

>>PETER DENGATE THRUSH: Okay. Mary, last on this, I think. For a topic that we weren't going to talk about, we've now used a third of our talking time.

>>MARY WONG: Thank you. And I will keep it brief on that understanding, but I did want to return to the question that I think Ray asked earlier about the public comment period.

And the answer to that is that the hope and the understanding was that the processes as they transitioned from the old to the new constituency processes would be followed.

With the items on the consent agenda, I think there is a legitimate concern amongst other members of the group that they're not, first of all, the homeless constituencies or homeless constituency members if they do not comply with the requirements of the new SG charter, and that secondly, in terms of participation and discourse, whether the right answer would be to have people enter the rough-and-tumble of mailing lists, working groups, and so forth without being sheltered from that unless and until there is a formal approval.

I don't know the answer. It could be approved. Now, let's see what happens and comment through their constituency process. It could be approved later after some form of integration. And I just wanted the board to know that that's the answer. But the public comment period and the concern that's ongoing and some kind of undertaking or some kind of monitoring as to satisfaction of the noncompliance issue would go a long way.

>>PETER DENGATE THRUSH: Okay. Thanks for that. That's all been very helpful.

I think we'll actually now have some discussion around a consent issue that perhaps we might not have done, but that's how it should be, as Milton says.

Let's, if we can then move to the second question, which is about engagement with developing and transitional countries. How can ICANN engage -- enhance its engagement with developing and transitional countries? What procedures and improvements could be envisioned to increase the effective participation of governments, et cetera.

This is really a whole lot of outreach stuff. It's obviously much wider than the current working group in relation to the new gTLD program. So what's the -- what's the -- what's the intention behind this? Who raised this and what would they like us --

>>AVRI DORIA: Bill, could you speak on this one a little, to start us?

>>BILL DRAKE: The intention, I suppose, was to try to get a better sense of how the board is viewing these matters because for those of us who have been engaged with developing country governments and other stakeholders in a variety of settings, including Avri, I, others here, are all very much involved in, for example, the relevant U.N. processes. We find an incredible gulf between the way many developing countries view ICANN and the reality of how people perceive it and operate internally, and we haven't necessarily noticed a lot of effort within ICANN to try to think about is there, in fact, a gulf here that can be addressed in some real manner.

There was a public participation meeting in Nairobi that I thought was very indicative of the problem we have. I went into the room, and there were 50 of the usually suspects and two Africans. And we sat around having a conversation

between myself and Marilyn Cade and others about, gee, what do we do about talking to developing countries?

When I tried to talk with some Africans who were in attendance at the meeting and said, Why didn't you come to this? They said, We weren't aware of the meeting or, We don't understand what ICANN is really trying to do or if there is any real interest, et cetera.

I think there simply is at the strategic level, I think we all recognize this. It is imperative to try to improve the engagement of developing countries. And we don't know what the character of the dialogue within the board has been about that. It is certainly something that matters a lot to people in the noncommercial environment. We are very much looking forward to the discussion at the meeting that Katim is organizing tomorrow, but we would like to hear more about how you guys are thinking about this.

I believe there was supposed to be a board grouping created on global engagement or something like this. I remember seeing an e-mail about it some time ago. I don't know if anything happened with that, global partnerships.

It is just a dialogue we never had with you or anybody else in positions in ICANN to drive the agendas. I can certainly tell you that the GNSO Council consideration of developing country dimensions is absolutely non-existent, which is part of why the whole JAS thing became so problematic, because, frankly, a lot of people just couldn't understand what the concerns were and why some of us were trying to push this.

So it is simply -- both in terms of institutional procedures and in terms of policy outlets, we're curious how we can improve this. And we are curious how you are thinking about that problem.

>>PETER DENGATE THRUSH: Thanks, Bill. I thought it might be helpful to get staff to give us a bit of a rundown about what we currently do. You probably know all of these sort of things. Staff will come forward. We've got things like the fellowship program, a lot of the -- a portion of the work that all the regional offices do in the regions is outreach of that sort of sort. There is a number of other activities coming in relation to the ATRT recommendations, for example, in relation to the GAC, work with the GAC to encourage outreach to the GAC to strengthen the GAC.

In other words, we don't actually have an ICANN policy on outreach. What there are is there are a number of activities going on in different places. And maybe something that may come out of Katim's group of that workshop may be to enhance that.

Rod, just more than the things I can quickly recall, what are some of the other areas of active outreach that we've got?

>>ROD BECKSTROM: Sure. Obviously depends on how we choose -- how you choose to define "outreach." But there is various components. I would think the primary components would be the work that's done in the policy development support organizations in terms of interfacing with constituencies through them to others and obviously the communications group; and then, thirdly, the global partnership group where we build relationships across the regions as you know.

So -- And there is obviously some support done for events around the world, such as some of the regional IGF meetings. And so -- and participation of ICANN board and staff. I don't have the exact number, but dozens, if not over a hundred different conference seminars and events around the world, many related to this community and some alongside on the outside.

Where in particular, Bill, would you -- do you think the greatest opportunities are for -- because one of the things I look at as CEO, is you have got so many resources and most people at ICANN are working extremely hard, is my impression. And so the question is always: How can we better focus our efforts or energies to get more bang for the buck, so to speak?

So what can we focus on and what can we drop so that we can add more value to the system, if you had to advise?

>>WILLIAM DRAKE: Well, personally -- I don't want to monopolize the conversation because there are other people who care about this, too. But I would think that you could establish a more clearly demarcated track of activities, particularly when we go to places like Senegal, that would flag in a way that people would recognize from the developing world that there is a set of defined activities and efforts to engage because things get lost in the overall agenda.

But that's -- there's a larger question, too. As Peter said, you are probably aware of the individual items. Yes, we are. I mean, we know that there is a fellowship program. We know that there is the public outreach group, et cetera.

But the fact of the matter remains that some of us find ourselves -- I mean, even just -- I don't want to go too long on this. Even just before this meeting, there was an Asia-Pacific Internet Governance Forum meeting held here for two days. I don't know how many of you actually attended that.

But some of the dialogue you heard from people -- and these were fairly Internet-aware people -- was quite astonishing in terms of the perceptions of ICANN and kind of the open hostility that was sometimes expressed.

One runs across this a lot. So, I mean, I think there is a need for some more substantial strategic engagement beyond simply kind of small initiatives like, you know, outreach fellowships and things like that because this is just kind of a pervasive feeling, particularly if you spend time around the U.N. in Geneva, like I do.

>>ROD BECKSTROM: Sure, Bill. Thank you very much for that. Just a couple of quick thoughts. One is I think there's really very different views in the community, too. There is a lot of people who would like ICANN to keep pretty low profile and don't think the image -- that there should be focus on the image.

And the other thing is I think we've all worked with this issue. As you know, we are down to at least a one-page strategic plan and at least an attempt at one paragraph describing what we do. But trying to describe the domain name system to people and all the complex things that take place here from a political standpoint, from a legal standpoint and from a technology standpoint, I think, is really -- it is really challenging. It is a real challenging communications issue, and we even have it right now with new gTLDs. You know, there is great coverage in the last day, over 4,000 articles, if you look on Google News. A lot of them seem largely accurate and some are kind of steering in different directions.

So I think it's a great challenge we have. Clearly over the next seven to nine months, the focus is going to be very much on -- in terms of external communications on the new gTLD program. And, certainly, we invite all parties to suggest their ideas to whether it's Barbara Clay or someone else in communications.

But, you know, if there is systemically a way we can get better at this, we are very open.

I would mention, building on your idea, there is a security track now at ICANN. There didn't used to be one. I believe we have one here, too. We started it a couple meetings ago where at least we published a calendar for people that are just interested in coming to ICANN to learn about security. People with that interest used to come and look at all the different programs and not know where to go. So there is a track that is kind of the recommended track if you are coming to ICANN and you are interested in security issues.

Maybe one thing we could think about, Bill, is there a way we could link some of the current tracks together and/or add tracks in the future that could help serve the developing country parties or participants such as you're suggesting.

>> Yes, thank you very much. Another angle that we can possibly think of, especially right now that we've opened up this space, which is a great thing -- and it is a new chapter for the DNS -- is the issue of inclusiveness and access. And access does not only -- should not only mean infrastructure, it should also mean how we --

the policies that ICANN creates are inclusive to the people from the developing world.

So, for example, on the intellectual property front, we need to engage those people in our future discussions when we talk about intellectual property rights. These people are entering the Internet. They're entering the intellectual property arena which does not necessarily -- is not necessarily compatible with a way we understand intellectual property rights. So the point that I guess I'm trying to make is that any future discussions about any policy, especially intellectual property policies that are so heavy influenced by various actors, should make room to include those people that are just entering, those people from the developing worlds that are trying to build something via intellectual property protections that exist and have existed and they're supported with various international organizations. Thank you.

>>PETER DENGATE THRUSH: Mary and then George and then Katim.

>>MARY WONG: I would like to make one specific suggestion to the board. And this comes from the same regional IGF that Bill was at. And I agree with him about the level of ignorance and hostility amongst some of the attendees. And to that, I would add there is a lot of uncertainty, confusion and at least from the sessions that I was at actually inaccuracy about the IDN implementation.

That aside, the specific suggestion I would have that came from one of the sessions I chaired is that the ICANN board and staff and overall community consider engaging with the Asia-Pacific region through existing organizations. And those organizations could include APTLD, DotAsia, universities and a lot of participants that came to that regional IGF. So particularly in view of the communications period that was launched yesterday, this seems like a great opportunity for engaging more participants from the Asia-Pacific region.

>>PETER DENGATE THRUSH: Thanks, Mary.

I had skipped over Erika. So, Erika, if you are still wanting to be on the list? No? Yes?

>>ERIKA MANN: I have no problem. I can be on the end.

I would just like -- I think what we have to do, we have to find a very clever solution because we are a small organization. Even if you count all of our communities, all of us together, we are still a small one. That's why I liked the idea to reach out and to work with existing organizations which are established in the various countries and developing regions. I think this would be very good.

And then a more strategic approach, if you really understand what we can contribute. Because, I mean, you know, we are not a core organizer of the super-Internet somehow. But we have a very limited role. And I think the limited role is important to understand and to capture but to translate it, of course, into policies. What is really -- where we can -- what we can do to really help developing countries in their various regional setting because, I mean, they have very different needs and very different goals depending on the size.

And the same is true, of course, for the operators in those countries. I mean, operators or business entities in India are perfectly capable of managing themselves if they want, at least most of them. Some NGOs might need some support. But it is different in other certain countries, of course, where business is still small and fragmented and even in the Internet ecosystem, tiny. So, I mean, that's what we really need to understand.

I think it would be helpful with you together and, Bill, and all the comments I listened to maybe just to do an audience and our staffers together just a short brainstorming, not now but a small meeting, Peter.

Everybody who would love to sit together and the people from the JAS group who just want to sit with us at the same table, what is there, what is missing, what is working, what is not working, what else can we do.

And then I think we can carry it much easier forward instead of having this broad expectation. And the same is true -- I mean, I'm engaged, just to let you know, with Katim and some of the members in the JAS group and SÈbastien. We are trying to get the financial fund side right because, I mean, it's -- we did the seed fund. But, of course, the seed fund will have to have completely different -- somebody comes to us which have an idea which they want to do and they need funding, again, the model must vary. So we reached out and we will continue to reach out to the World Bank and to existing international organizations which can handle the issue.

Of course, again, I'm sure Katim will send out information when we are more clearer about whom would love to participate in the discussion to shape it.

And I think this is what we need, one single session where we just take this forward. And then I think we are in a much better part.

>>PETER DENGATE THRUSH: George, Katim and then Bruce.

>>GEORGE SADOWSKY: Thank you, Peter. Bill, when you talked, I had trouble understanding to what extent you felt that you wanted ICANN to change in ways to help developing countries and to what extent you wanted to get outreach to developing country people to come in and participate in the existing ICANN program.

What's your sense of that?

>>WILLIAM DRAKE: I think it is a matter of both for me personally. There are some specific areas where I think we could have internalized into the processes more early-on consideration of whether there's a developmental dimension to what we are talking about. Particularly, for example, in the council, when we're developing policies, the questions of how this might impact developing countries are never brought into play in any way, shape, or form. And one would think there would be a way of perhaps trying to do that.

But more generally, I do think it is more a matter of establishing mechanisms within ICANN to enhance the transparency and the appeal of the organization to people because it is extraordinary to me how much, when I talk to people, especially in governmentals -- and Bertrand is sitting next to me, knows this very well as well -- they look at this organization and think it is just culturally, politically and in every other way from another planet a lot of times.

I hear over and over and over from developing country government people in Geneva that ICANN is an American organization, American business organization. This is just the way they want to see it. But the problem is, as long as they perceive it that way, then they're going to continue to push policies that, A, turn out not to be good for the Internet but, B, cause friction vis-‡-vis ICANN.

So I think we have to think about it is both outreach, a better strategic presentation of the organization and the case for the organization and engagement with them, but also considering whether there might be ways within the organization's procedures and even its policy outputs to consider -- build in consideration of developing country dimensions more. It isn't there at all now really, in a lot of ways.

>>PETER DENGATE THRUSH: So let's go then to Katim and Bruce and Bertrand.

>>KATIM TOURAY: Thanks, Peter. And thanks, everybody, for inviting us and having us amongst you, especially for raising this -- what I believe is a very, very important topic.

I think clearly at least in my mind, we have an image problem. There is no question about that.

The second fact is that I think much of what we're talking about, much of the issues we talk about, we really are talking about based on anecdotal evidence and that we haven't really had a strategic rethink of the issue that's at hand and what we need to do as an organization to address it.

And I think it is going to become even more important. I think anybody who was at yesterday's meeting between the board and the GAC should really have been convinced about the urgency of the need to engage with the developing countries. I mean, they really held our feet to the fire and told us in no uncertain terms that much of what's going to happen in the way of moving forward, much of how they are going to judge us is going to depend on to what extent developing countries are able to effectively participate in the new gTLD program.

And the fact of the matter is that as important as it is, that is just a very specific aspect of a general problem of participation by developing countries in ICANN and also of engagement by ICANN of the developing countries for the simple reason that ICANN and the environment that it's operating in -- that it is going to be operating in is going to become more and more political. Therefore, we are going to need more and more political friends, especially amongst our governmental friends, governments around the world, if we are going to be effective in what we do.

So it's for that reason that, you know, I propose the idea that let's have an ICANN summit, an all-hands-on-deck meeting. I said I wrote this initially in Singapore or in Dakar. So what we will do here is when that meeting is on, it will be the only item that is on the schedule when we have it so that everybody would get a very clear signal that we all want to come together under one roof and discuss this issue.

And to add strength to the debate and to the dialogue, the idea also is that -- because one of the first things that I got, you know, was some pushback, there is no money because people really kind of like, I would suppose, blew the suggestion out of proportion. Thought it was going to be some other expense item that was going to be expensive that ICANN couldn't afford and all of that.

I said, Okay. While we do this, we are a multistakeholder consultative organization. That is the DNA of ICANN. Why don't we do this, decide on a number of topics that could form a good basis for the dialogue we are intending, have some people in the community prepare the background papers. And then, first off, we will publish this draft of first-round papers for discussion for feedback and comments by the community. And then the authors of those background papers will finalize them.

At the end of the day, the idea would be that they are going to come out and in the discussions around in the summit will come out with solid recommendations and actionable items to suggest to ICANN the way forward in its engagement with the developing world and also --

>>PETER DENGATE THRUSH: Sorry. This is a long --

>>KATIM TOURAY: Just one more --

- >>PETER DENGATE THRUSH: This is a long description about the process tomorrow.
- >>KATIM TOURAY: Just give me one minute.
- >>PETER DENGATE THRUSH: It sounds that you are suggesting we should stop discussing it here and take it to that discussion. I'm just not quite sure how we --
- >>KATIM TOURAY: Can I have 30 seconds? Not even one minute.
- >>PETER DENGATE THRUSH: Help me understand what useful discussion can we have today where there is going to be this much more comprehensive discussion tomorrow taking this,, as you have done, from the ground up?
- >>KATIM TOURAY: The fact of the matter --
- >>PETER DENGATE THRUSH: What decision do you want -- what do you want -- what can we do today?
- >>KATIM TOURAY: My intervention is that there are people here who might not be able to attend tomorrow's meeting, huh? So tomorrow's meeting --
- >>PETER DENGATE THRUSH: Can we just check that. Are there people who want to contribute today who can't contribute tomorrow? Doesn't look like there are any.
- >>KATIM TOURAY: Let me stop here. Anyways, the meeting is tomorrow 12:30 to 2:00 in the VIP lounge. Thank you.
- >>PETER DENGATE THRUSH: Given this large focus on this even tomorrow, I just ask the question again. What usefully can we do today, if anything? It seems like this is a session prepared from the ground up asking very sensible questions, going to get a lot of actors in the room. And we should -- is the appropriate thing to wait for the outcome recommendations, et cetera, of that rather than trying to do something here with this particular group?

I don't want to hijack -- talk or take this out of this particular constituency's activities. But what Katim is proposing is a very much broader ICANN-wide activity.

Is there a specific discussion in relation to this constituency between the board that we can do now? Or perhaps we can move on to the next topic.

>>AVRI DORIA: I personally think we got the sort of answer, is the next step is there and that there is a look into the strategic possibilities. So, yeah, I think at this point, we've made the point it is important to us. You've made the point that you're going to do something. And, yeah.

>>PETER DENGATE THRUSH: (inaudible).

>>AVRI DORIA: Right, and you all would do something after that. But yeah.

>>PETER DENGATE THRUSH: You think?

>>AVRI DORIA: I think.

>>PETER DENGATE THRUSH: Okay. I don't want to close it down. It looks like we will have a very much better forum for a better productive discussion tomorrow.

Rita?

>>RITA RODIN JOHNSTON: I just want to mention also -- And, Bill, I believe you said this. This \$2 million seed fund kind of came with a very soft landing when we were at the GAC to, I think, zero fanfare. But I think that was a real signal by the board that we do take these issues really seriously.

We really want to help developing countries in a whole series of ways, whether it is trying to help them with applications, whether it is bringing governments to the table, whether it is having issues, all these things.

I think this kind of dialogue is really helpful.

>>PETER DENGATE THRUSH: Do people want to carry on talking about this and not the next topic? Mike?

>>MIKE SILBER: Very quickly in response to that, if we are going to start throwing money around without any community consultation about how much, where it comes from, what it gets used for, it is no wonder it gets a rather soft reception.

>>PETER DENGATE THRUSH: Okay. Steve Crocker?

>>STEVE CROCKER: I just wanted to follow up very briefly on Bill's comments and on Katim's. I would be interested to hear -- And this is probably not the right time and place. But I would be interested to hear the next level of detail about what the barrier is and how -- what transformation or what posture or what methods of communication that would bridge that gap with respect to being -- to looking like an American business organization as opposed to what it is they need to look like.

And then with respect to the summit tomorrow that Katim has put so much work into, maybe that's a question that can be posed within that summit as to what is the best way for ICANN to position itself or to engage -- to bridge that gap that Bill has

described. And rather than continue it, I will just leave that as hanging there for follow-up.

>>BRUCE TONKIN: A couple of observations. One, when you look at the front of our Web site, we are still using jargon for big announcements. We say "new generic top-level names," and we say "gTLDs," and then we say, "which includes com, net and org." Certainly from a developing perspective, particularly this region, there is no mention that this would include names in Chinese, for example, where we are in Singapore. It might be something you would have a look at, Rod, because I don't think that's well understood.

You probably have been doing it in media relations, but I don't think it is well understood that we are allowing not just that in character sets but different character sets. I think that's one point.

Second point is I think it would be really useful for this group to be able to bring forward issues that are specific to regions around Internet identifiers because I think we got to be very careful. When you use a topic like "developing countries" and what things we can do for them, that's too general.

The question needs to be limited in scope. We look after Internet identifiers which are these boring things called domain names --

>>PETER DENGATE THRUSH: Bruce, this sounds like a really good conversation to have tomorrow at this seminar rather than here.

>>BRUCE TONKIN: That was the end of my comment, Peter.

>>PETER DENGATE THRUSH: Thanks.

[Laughter]

I invite you to make it again tomorrow at the seminar. It sounded helpful. All right. The third topic is -- Erika, you want to keep talking about it?

>>ERIKA MANN: (Speaker off microphone).

>>PETER DENGATE THRUSH: Okay. Let's go then to -- how does the increased role of the GAC -- I guess that needs definition -- affect the multistakeholder balance? And I guess the question is: Balance of what? So who asked this question, and how can we help? How does the board weigh GAC advice in relation to GNSO recommendations? How well does the current GAC model mesh with the ICANN bottom-up -- Any specific areas of tension between the two? How can they be managed? What specific steps could be taken to provide better communication coordination? All right.

How would you like to discuss this? We've got nine minutes, so that's three people at three minutes each. Or Bertrand or me have a dialogue for five minutes each or Robin.

>>ROBIN GROSS: Are you waiting for me to speak? I'm sorry. I thought I was getting in a queue there. I think a number of us are -- feel like the ICANN model of being multistakeholder and private sector-led is a really good thing and that it's actually a feature of ICANN and not a bug.

So I think that we've seen over a recent time a little bit, it would seem, more power going towards the GAC in terms of how ICANN is run and managed. And so I think there might be a little bit of concern that we may be moving away from the private sector-led organization and sort of moving back in time towards an organization that's a little bit more concerned with nation states as governing the Internet. And so I think that's sort of -- at least from my perspective, that's the concern that I wanted to raise.

>>PETER DENGATE THRUSH: Okay. Sort of the lawyer's first response I suppose is to try and be precise about the definition. The actual role of the GAC hasn't change except in relation to the ability to appoint reviewers in the ATRT. So that's the only recent change, if you'd like, in relation to the role of the GAC.

The performance of the GAC has changed under the new gTLD discussions, but not the role because it was a role that was envisaged under the bylaws that -- you know the bylaws as well as I do.

So I guess the question really is not so much about the role, but whether the characteristics of the performance have changed. I don't -- so --

>>ROBIN GROSS: I actually think it might be a little bit more subtle than what's contained in bylaws. It just seems to be almost a soft power deference, if you will, that there's the concern of going too far in terms of -- or may go too far. But let me also say that I really wanted to support a lot of what the board has done to sort of push back on some of the GAC demands with respect to new gTLDs.

So I really wanted to let the board know that we support that. That's exactly the kind of thing that we think the board should be doing. And so just kind of raise this as an issue that those of us -- many of us are concerned about.

>>PETER DENGATE THRUSH: Okay. Well, this is not the first constituency that's raised this question with us, so we might be able to answer a little bit more quickly.

Let's go Rita, Bruce, Milton.

>>RITA RODIN JOHNSTON: That's what I was just going to say, actually, Robin. This is something that we just talked about with, I think, the registrars and the registries.

One of the things that we discussed was because the GAC originally was created as an advisory to the board, it wasn't part of kind of the -- the process, per se. It sort of to the side. And we had a discussion about we can't really change the bylaws and change the formulation of the GAC, but it is about getting the GAC engaged, and we've sort of challenged each of the constituencies.

It makes sense what you've seen. Obviously, there's been a ton of interaction with the board with the GAC recently, and is there a way that all the constituencies can try to get that GAC input earlier, so that it kind of bubbles up and is in a level playing field.

But the way the bylaws are, they do have this kind of different position, which is advisory to the board, and that's why they interact directly with us.

>>PETER DENGATE THRUSH: Bertrand.

>>BERTRAND DE LA CHAPELLE: Actually, there's a long answer, but the short answer is: We have had this discussion and this very same question by all other constituencies, basically.

The first point is, you don't -- we -- nothing has changed in the rule. It's just the exercise of the advice that has changed, as for the GAC.

They have more exercised this power.

However, it is clear that in the end of the gTLD process, let's be honest. It has moved a little bit too much in the direction of a bilateral backbone between the GAC and the board.

Let's not hide it. There's a postmortem to make. The sense is that it went too far because it needed to be efficient. But it has to not become the structure of the organization.

And the second thing I want to share with you is that at the same time, I have been concerned, the board has been concerned, and we have shared it with the appropriate stakeholders, that when a process is going on within the PDP and within the GNSO, when any kind of compromise is being reached through this process among the constituencies, it is not the model to go around and try to find an even better deal through activating the GAC that then acts as a proxy for a specific constituency's interest. You see what I mean? We've said it. I wanted to say that we've said it.

>>PETER DENGATE THRUSH: Milton, then Ray.

>>MILTON MUELLER: Yes. Thank you, Bertrand. That was great. That's what I wanted to hear, is a recognition that there was a bilateral negotiation going on that was, in some ways, a kind of forum shopping. So I heard that you recognize the problem. I really appreciate that.

If you could be more specific about how you plan to deal with that in the future, it would be nice, but we may not have time.

>>BERTRAND DE LA CHAPELLE: The quick answer is: The end result is sufficiently balanced, I hope, to prove that this didn't completely produce a bad result. And the second element is that fortunately we don't have exactly the same kind of exercise to go through, so the problem we'll have to face, we'll keep that spirit in mind and we will have to address every single type of issue in that spirit in the future. That's the only answer I can give at that stage.

>>PETER DENGATE THRUSH: Milton, a couple of constituencies have sort of ended up concluding that at some point we ought to do a proper postmortem of the whole exercise, and I think we're all a bit shell-shocked and exhausted now, and we've got other things to do, but you might like to think about what kind of a review process would be helpful around that.

Ray.

>>RAY PLZAK: Thank you, Peter.

Building on what Rita said and basically reiterating what I've said earlier in other meetings today, the work of the joint Board/GAC working group on the role of the GAC has concluded and the final report will be out soon, but I will say that a lot of time was spent in discussing how the GAC executes its role, and the GAC has a deep interest in getting into the policy processes at an earlier stage.

You know, they're not going to be providing advice, because that is actually too cumbersome of a mode to be in in the early stages of a policy development process.

Instead, they are looking for ways to get input and also to get an understanding of these policies as they're being developed.

And so in the future, you're likely, in the various policy forums, to receive what amounts to GAC perspective from various members. It will never be GAC advice. It will never be advice from a government. But it will be information and it will provide perspectives, and at the same time that information will get carried back

into the GAC so that they will have a better understanding of what is happening inside the policy process.

>>PETER DENGATE THRUSH: Thanks, Ray. Just to add to some of the discussion from the accountability and review team looked at that and concluded that the GAC, while it was critical of the board's role -- and this was also very critical of the GAC's role in relation to that -- and I think looked at the so-called advice in relation to xxx, which was a statement that some governments didn't like it, didn't contain any advice to do something or not do something.

And there was quite a lot of discussion that the GAC needed to developed a more nuanced means of discussion and the sort of discussions, I think, were around that, which have gone on elsewhere, that the GAC needs to have a more sophisticated hierarchy of communication, of which the ultimate should be advice, because it triggers this bylaw thing that we've seen in relation to the gTLDs. But prior to that, there could be, you know, a green paper, a white paper, a yellow flag, a red flag, and then a black flag, or some other, you know, mechanism of -- so that -- and all those could be done at different levels in relation to different constituencies, et cetera. And I think this is what we talked to the GAC about, growing and improving the methods of communication. It's that kind of thinking. Which sounds like the GAC is also sharing.

>>RAY PLZAK: That's correct. There's a number of different things that were brought up during the course of that working group work.

>>PETER DENGATE THRUSH: Watch this space.

Wendy, and I think we've just about come to the end. Wendy.

>>WENDY SELTZER: Thanks. And I think what I'm saying now is different from what I would have been saying before the meeting Monday, where a lot of our fears were allayed by the board actually sticking to the advice that it had been given from the broad community.

And so thank you for that, and thank you for working to provide ways to engage the community in continued discussion of the GAC advice and then being willing to push back, because I think that is an affirmation of the multistakeholder group and the noncommercial users and stakeholders are eager to continue working with the board.

>>PETER DENGATE THRUSH: Wendy, on behalf of all of us who negotiated this for hours and days and weeks, thank you very much for that acknowledgement. And I'll just say as one of the leaders of that, it was -- but everybody felt this -- when we could stand on some, you know, GNSO-derived or community-derived principle, we felt that's all we needed. We felt very strongly supported and armed that we could

say, on any one of these particular issues, "We've got policy advice on this." And so that's how it worked and so there was a complete commitment, I think, from the board members in that process that that was the starting point we needed. We needed to be really well persuaded why we should shift on any of these points from a community-developed position.

So I just wanted to share that was the -- that was the sense that the board as a whole took into it.

Rita?

>>RITA RODIN JOHNSTON: Yeah. I mean, I agree. I appreciate that, and if you --you know, the clear and convincing versus preponderance evidence standard, I mean, you may see that that was sort of over and over and over in our basic response. Every time was "This is community consensus." There was not even a debate at all. So that was really helpful.

>>PETER DENGATE THRUSH: Any closing comments?

>>ROD BECKSTROM: Quickly. First, just coming back very quickly on Bill's good question about, you know, better engaging developing countries both at our ICANN events and also how do we do outreach, just wanted to say of course when I referred to stakeholder groups, I meant the ALAC as well, which is so critically involved and spread through most of the developing world, as well as all -- or I should say advisory committee, to be more formal.

And to the PPC, there's also the -- you know, meetings locations and remote participation and the work that, you know, Filiz does in public participation.

So, you know, just wanted to make clear there's so many efforts broadly across the organization that touch that. But one thought I wanted to share, Bill, relating to the ICANN events, is when you look at the GAC, one thing you can look at the GAC as is as a very tight group of peers that support one another, and it's my impression that that group does a very good job at helping new members come in when they visit from developing countries. Whether they're recruited or not, they sort of get a mentor. Or if you look at the -- what the fellows have done with the new fellows reception area being staffed by fellows alumni, that's kind of a peer mentoring idea, and I just wonder if there's any possibilities where we could have a mentoring -- or consider a mentoring program, because things at ICANN sometimes are best community-driven and with all the community expertise. So that's a small thought.

Just wanted to also, you know, thank everyone here for all of your incredible work on new gTLDs. We now have a lot more work in front of us, on the staff side, to execute and implement that program. There are parts of that program that still need to be designed that we so much appreciate your help with. One is the JAS

working group that of course many of you were involved in, in proposing programs for needy applicants from developing countries. Another one may or may not be of interest to parties in the room but I just wanted to mention is the -- the marks clearinghouse that needs to get developed, and we're going to be looking for community input and of course a lot will come from the GNSO, but I don't know if there's any issues that some of your members have and groups have that I'm sure that want to contribute. I know you do and I see Wendy smiling of course, as an expert on this topic.

So just wanted to mention we really -- we're going to need your input and there's a lot of time frames. If you look at the needy applicant support concept, there's not much time, you know, to move from now into actual implementation when applications open up on January 12th. That's a very tight time frame to have a program in place, so would really appreciate your help to move that forward as quickly as possible so we can have a successful program.

And Rita's got a comment.

>>RITA RODIN JOHNSTON: I just want to support what Rod's saying, and I just want to say to staff -- because we've said that to each constituency and I think that is super-helpful -- what we heard from the commercial users -- right? -- was "Let us know how we can help and give us some time lines."

So I think that's excellent, Rod, all these issues that are going to come up.

I think what staff should be doing is publishing a time line and saying, "Okay, for the clearinghouse, for example, we're going to start here, here, here, and here's where the community is going to be needed." You know, whether it's roughly, months, or whenever so that these guys can kind of prioritize their work and make sure they're part of the debate.

>>ROD BECKSTROM: Sure. Clearly on the JAS side, that's in the control of the GNSO and the ALAC and the working group itself, and we -- that's a good idea on the clearinghouse idea. If it's not out there already, I'll talk to Kurt and the team. Thank you.

>>PETER DENGATE THRUSH: Okay. We need to close. Just wouldn't mind some feedback, either formally or informally, about the format and whether you found this a useful session.

As I've said to others, we may not be able to manage this at every meeting, because we've only got a certain number of slots and there's a lot of groups that we need to meet with, so it might be that we do this, you know, every third meeting or two meetings out of the three or something, but I'd be interested to get some feedback. I've found it particularly helpful, but --

>>AVRI DORIA: Certainly my first impression is, I think the chance to sit here and talk for at least an hour on substantive issues is something that's good.

>>PETER DENGATE THRUSH: That's good.

>>AVRI DORIA: I hope you find the time to do it more often, as opposed to less often.

>>PETER DENGATE THRUSH: Yeah, well --

[Laughter]

>>PETER DENGATE THRUSH: All we need is that --

>>AVRI DORIA: Twice a week would be fine, thank you.

>>PETER DENGATE THRUSH: All we need is that machine that gives us 26 or 27 hours a day and we'll be fine.

Okay. Thanks very much. We'll close down.

For board members, our next scheduled appointment is in just under an hour in front of the GAC. We'll be going to the GAC for 5:30. The meeting has been shifted to 5:30. So you've got just that time to recompose.

>>AVRI DORIA: And for the NCSG members, we will go and resume the meeting we were in before we came to this one. Thank you.

>>PETER DENGATE THRUSH: Thank you.

>>BERTRAND DE LA CHAPELLE: Peter, Peter, if I can make a comment on this GAC meeting.

>>PETER DENGATE THRUSH: Bertrand.

>>BERTRAND DE LA CHAPELLE: The last time, they told us that it was 45 minutes later. They finished a bit earlier, which means that when we came on time, we looked like we were making a delay, to the people who were attending.

I think we need to be there a little bit before what they say, so that they don't pretend that we are delaying the process.

>>PETER DENGATE THRUSH: Yeah. I'm not sure of that, all those sort of games, Bertrand. I mean, we can't -- we show up on the time...