
ICANN69 | Community Days Sessions - Joint Meeting: ICANN Board and NCSG
Thursday, October 15, 2020 - 12:00 to 13:00 CEST

FRANCO CARRASCO: This session will now begin.
 I.T., please start the recording.

[This meeting is being recorded]

FRANCO CARRASCO: Hello and welcome to the Joint Meeting between the ICANN
 Board and NCSG on Thursday, October 15th, 2020.

My name is Franco Carrasco from the ICANN staff, and I will be
the remote participation manager for this meeting.

Before we get started, I would like to provide some brief
information. Please note that we are holding this meeting as a
Zoom Webinar. Be advised that the floor of this session is
reserved exclusively for interaction between the ICANN Board
and the NCSG members.

We, therefore, have the members of both groups promoted to
panelist today and are the only ones able to speak.

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Finally, we kindly ask everyone in this meeting to abide by the Expected ICANN Standards of Behavior. You may view this on the link provided in the Zoom chat.

Having said this, I will now give the floor to Maarten Botterman, chair of the ICANN Board.

Maarten, the floor is yours.

MAARTEN BOTTERMAN: Thank you, Franco.

Good morning, everybody, wherever you are. Good morning, good night, good evening, good afternoon.

Looking forward to the meeting with the NCSG, one of the constituencies that are together forming the fabric of the multistakeholder model. And the Board looks forward to do so with the other constituencies as well.

For this session, the best person to chair on behalf of the Board would be Matthew Shears. So, Matthew, could you please take this away?

MATTHEW SHEARS: Many thanks, Maarten. It's a real pleasure to be here with you. And as you know we, the Board, really appreciates these opportunities to catch up and have a good discussion with NCSG.

One of the things that we'd really like this to be a discussion rather than just a to and fro and questions and answers. But with that in mind, what I'd like to do is turn this over to Stephanie to introduce the first question for the Board, and then Becky will comment on that. And then, hopefully, we will have a little bit of a to and fro on that before we move on.

Stephanie, can I first get you to introduce the question.

STEPHANIE PERRIN: Yes. Thank you very much, Matthew. This is Stephanie Perrin for the record.

And we certainly look forward to this being kind of a to-and-fro conversation. We have different speakers for each of the questions.

And on the first speaker, Milton Mueller would lead this particular discussion.

So, Milton, I hope you're here and turning the floor over to you.

MILTON MUELLER:

All right. Thank you. This is Milton Mueller. I'm in Atlanta at the George Institute of Technology and was a member of the EPDP. Greetings everybody on the Board.

We were a little bit surprised to see in a letter that Göran Marby sent to people at the European Commission on 2nd of October. He says, "The community recommended that the SSAD should become more centralized in response to increased legal clarity."

And this is actually not true. There is nothing in the Recommendation 18 that says there will become more centralization.

Let me read the relevant part of the text. It says, "The charter must allow the committee" -- and this is the committee that would do the so-called evolution. "The charter must allow the committee to address any operational issues involving the SSAD. This may include but is not limited to topics such as service level agreements, centralization/decentralization, automation, third-

party purposes, financial sustainability, and operational system enhancements."

So can you explain to us why you either misinterpreted or misrepresented the findings of the recommendations of the EPDP in this way?

MATTHEW SHEARS: Göran, I'm going to turn it over to you.

GÖRAN MARBY: Good morning or good night. Actually, night here. And.

Thank you, Milton. Always such a pleasure --

>> You have reached the maximum time to record your message. If you are satisfied with your message, press one. To listen to your message, press two. To erase and rerecord, press three.

GÖRAN MARBY: I have no idea.

CHRIS DISSPAIN: May Milton wants to rerecord his message.

>> Are you still there? You have reached the maximum time permitted for recording your message. If you are satisfied with your message, press --

GÖRAN MARBY: I don't think that was me actually.

MILTON MUELLER: Just for the record, I was satisfied with my message.

[Laughter]

GÖRAN MARBY: It's always a pleasure to have those questions from you, Milton. It's never like I think that you provide me questions which is sort of a "gotcha."

Okay. So let's take a step back. So we all -- I think there's one thing we can all agree on regardless of what we think about the WHOIS and GDPR, is that there are unknowns in GDPR. And as we've said many times, we are not certain that it's legal to build the SSAD as a (indiscernible) recommendation. Our job now is to make sure that the SSAD as the recommendations are written is actually legal to do.

And there's a couple of things with this. First of all, an SSAD is a sort of centralization. It's a central intake system for making --

it's a central intake system. It's a centralization. Instead of requesting sensitive information directly to the contracted parties, it now goes into a system. So it's the kind of things we have to figure out.

And it's actually -- many of the questions are the same as we had in the strawberry model.

So -- because we need to make sure that -- take a thing like international data transfers, for instance. Is that possible? Is that -- I see, Milton, you are writing yes. It's a centralization. So I see that you now agree with me.

[Laughter]

It is a centralization. I don't know why you call it a hybrid system.

MILTON MUELLER: Well, "hybrid" is in the report. "Hybrid" is in the report. It's in the description of the report, and we worked days and weeks on making it a compromise. So let's not have any doubt about that.

GÖRAN MARBY: Thank you, Milton, for your interpretation of the work in the EPDP.

I mean, the reason we are asking a question to the data protection authorities and the European Commission is that there are legal unclaritys about the possibility to do this.

Also, going back to the Board's decisions when we did the temp spec, or actually the background for the temp spec, I mean, I don't take sides in the discussions when it comes to the legal interpretation. I just want to have legal clarity.

It might be so that the European Commission, the legislatures or the data protection authorities, think that the current situation would access, for instance, law enforcement data, which is fine. Then we won't have legal clarity, which means we can't do more. It might be so that we provide more legal clarity or even change the law.

I think it's -- the real issue for me is where people have been trying to use -- you can't build a technical system to circumvent the law, and there are unknowns in the law.

So we have always contained the same thing, is to provide legal clarity for the ICANN community to be able to make decisions. We don't do anything else.

And you know that well, Milton. Thank you very much.

MATTHEW SHEARS: Do you want to come back on that? Anyone else want to jump in?

MILTON MUELLER: I would just say that whether or not there's legal uncertainty about the SSAD, which is debatable but, indeed, debatable, there is no commitment in the report to greater centralization as legal uncertainty reduces. It simply doesn't exist.

GÖRAN MARBY: Just the fact -- if I may. Just the fact that we can debate if there are legal uncertainties. I think most lawyers and legal people who helps and guides us on this agree there are legal uncertainties about that. So we don't really need to take that decision.

I -- can I just finalize on this one? Because it often gets complicated when we have these conversations. I think, which I've said and I'm sort of stepping out of my role right now, it would be fair to have these conversations without the implication to GDPR. And I've said that from the beginning, I think this community from the multistakeholder model can actually have a discussion about policy, a policy or work which comes up with saying this is the balance we see between the right to -- the right to privacy versus the need for transparency.

And I think that's a very fair discussion. It's just it's very hard to put it under a legislation because it's a legislation that is also very new and untested.

No contracted party has been taken to -- to court about this. We tried in Germany twice to get some answers but we couldn't -- we didn't get any answers. We did that together with the conflicted parties.

So I think -- I always had this dream that the ICANN community, which I trust could have a conversation about privacy versus -- versus -- the right to privacy to the need to transparency, because ICANN doesn't only have the WHOIS systems. We don't even have the WHOIS systems inside ICANN, but we have thousands of databases with names.

And I think that the world would be so much better if ICANN community can come up with that.

MATTHEW SHEARS:

Thanks, owner.

I see Stephanie's hand is up. Stephanie.

STEPHANIE PERRIN: Thanks very much. And thank you, Göran, for answering that tough question off the mark.

There was -- Let the record show I'm agreeing with Milton on this particular issue, and it speaks to a much broader problem on the entire EPDP that I no doubt pointed out painfully repeatedly.

We're actually trying to comply with a piece of legislation. It is new, as you say, but it is certainly not that new, because most of the principles and terminology and matters in respect to how it applies to ICANN are not new. They have been going on for the past 20 years under the -- under the directive. It is only the enforcement that is new. That's an exaggeration.

But the point is we suggested that there be some kind of committee of oversight that would keep an eye on this thing and I don't think we ever referred a satisfactory resolution of that, because of course things are going to develop. And it is extremely important the words that we use when we reach out to authorities such as -- well, such as the commission and certainly such as the European Data Protection Board. And the word "centralized" is rather problematic because most people would assume that that means it's all in one place. People still think in terms of databases. They have not wrapped their heads around the distributed nature of the way we do business and the way the registrars are the controllers in this situation.

So I think that maybe a positive takeaway from this is if we could have a look at what is being said about our policy, it would be helpful. I realize that's an un- -- you know, an intrusion into how you write your letters and how the Board manages ongoing discussions on this, but on -- the folks who have the scars from the EPDP are capable of putting together a committee who would at least know where all the sand traps and the quicksand lies in this matter. And I don't know who writes those letters, but the multistakeholder community certainly has a view as to how this thing's being portrayed.

Thanks.

MATTHEW SHEARS: Thanks, Stephanie.

Any other points on this -- Any other comments on this particular point? Otherwise, we can move on.

I don't see any other hands.

Stephanie, do you want to walk us through the next point?

STEPHANIE PERRIN: Yes. And it's actually -- this is Stephanie Perrin, for the record. It's kind of a good segue because of course transborder of data

flow is not a new issue. We've been following the work of the Internet and jurisdiction project closely, some of us, as closely as we can, and we know that ICANN has contributed; you know, sent the Board there, spent resources on it. And we are wondering what kind of outputs you are getting because, as I'm sure everyone knows, we just had the famous Schrems II decision which looked at transborder data flow and the viability of the privacy shield, and we don't expect this issue to go away.

We're also aware that there are negotiations going on at the Council of Europe in terms of the next round of the Cybercrime Treaty which would have a direct bearing on how we manage that issue at ICANN in the context of the SSAD.

So tell us what you know. Thank you.

MATTHEW SHEARS: Thanks, Stephanie.

I think Maarten is going to open on this one.

MAARTEN BOTTERMAN: Well, just thanks for this. Yeah, I think the Internet & Jurisdiction Policy Network has been interesting. I used to participate already before I joined the Board and I found it very fertile grounds for discussion about important topics. So -- And it was

a pleasure to find many others from our community there with an equal interest.

So I think it's not within the ICANN system, this network, yet it does provide grounds for people to learn and discuss together and bring their experiences into the ICANN system.

We for sure did not contract the network to deliver solutions for us, but, yeah, personally I found it very good to participate and learn and interact with others. So in that way, I think it can still serve for those that feel called to participate and engage with others on these subjects that are not only on domains but also on data and content, areas that in some ways relate but for sure not all within ICANN's mission.

I hope this helps.

MATTHEW SHEARS:

Thanks, Maarten.

Anybody else want to jump in on the Internet and jurisdiction?

Stephanie.

STEPHANIE PERRIN: Well, I'd like to know what progress has been made with it, because it's hard to tell from the -- and I don't mean this as criticism. I realize it's just a --

MAARTEN BOTTERMAN: Well --

STEPHANIE PERRIN: (Indiscernible) --

MAARTEN BOTTERMAN: Oh, sorry.

STEPHANIE PERRIN: Not particularly well represented on this group. And in fact, I'm not aware of anybody being on it, but if members are, please let me know.

And I'm just wondering, you know, what's going on. Have we solved any of these transborder data flow issues? Are there any proposals being forwarded to the Cybercrime Treaty group that are negotiating? Because I know my former colleagues came to the meeting in Ottawa, and if there's ongoing work that anyone could share. I understand that there's discussion of making WHOIS data processing a legal grounds under the GDPR through

the Cybercrime Treaty. That would be something that -- a little drafting help on the terms there might be useful from the EPDP.

So that's what I'm curious about.

MAARTEN BOTTERMAN: I don't think we would find the answers in the network, but it's good question, so maybe we have other answers on how, within ICANN, we look at those things.

I see, Chris, your hand.

MATTHEW SHEARS: Chris.

CHRIS DISSPAIN: Yeah, so thanks, Matthew and Maarten.

Stephanie, I'm not sure that there isn't possibly a slight misunderstanding, but ICANN -- I've been to I&J meetings in a personal capacity. I know that Maarten has and various others may have done. And I know that ICANN -- [cough] excuse me -- in the early days, at least, provided a small amount of sponsorship money. But there is no connection at all between ICANN and the work of the I&J project in the sense that ICANN and us as individuals have no more sight of anything than

anybody else. It's open and its transparent, and I have no -- as far as I'm aware, anyone can join any mailing list.

So I can't -- I mean, everything that comes to me and to anyone else and -- comes to anyone else on the mailing list. So there is nothing -- I mean, the best thing to do would be to reach out to Bertrand and ask him for information, because it's his project, and very much his project, let me say, and not ICANN's project.

I hope that's helpful. Thanks.

MATTHEW SHEARS: Thanks, Chris. I see Kathy has raised her hand. Kathy and then Milton.

KATHRYN KLEIMAN: Via the chat. Hello, everybody. Kathy Kleiman. And thank you for this meeting.

So I had a question for Maarten about the diversity of the participants in Internet and Jurisdiction. I did participate early on, but it was virtually impossible to be part of it and the ICANN processes at the same time.

Also, it was also very much something Bertrand was running. I didn't find it as open and transparent as Chris, although, maybe it is now.

So I was wondering what you see about the balance of representation, Maarten, in Internet and Jurisdiction. And where -- what does it need from, say, civil society or the noncommercial community and also how -- what is that overlap between, say, ICANN and Internet and Jurisdiction? In the early days, there wasn't really one. Thanks. Over to you.

MAARTEN BOTTERMAN:

I think Chris said it. Internet and Jurisdiction is happening and some of us participate there. And there may be discussions that are also of interest and inform some of the issues at ICANN, but it's not managed by ICANN, et cetera.

Being there myself, I found myself with a good mix of people from around the world around me.

And as I understand from Bertrand, he seeks diversity. But he's not asking ICANN, but he's doing a good job there. He's doing his thing with the network and provides a platform for discussion, one of the platforms in the world. And I think it's really up to make the best use of it for those who feel that it could be useful.

So as Chris said, the person to ask these questions to is really Bertrand. We are not contracting Internet and Jurisdiction. And some of us are participating because we feel it's useful to inform ourselves.

So I think that's our level of engagement. I hope that helps, Kathy.

MATTHEW SHEARS: Thanks, Maarten.

Milton, I see your hand is up and then maybe we can move on to the next issue.

MILTON MUELLER: I just wanted us to move on from this topic very quickly. I think the point has been made.

I don't know why this got on the agenda. It's Bertrand's network. The ICANN Board is not responsible for it, so let's just move on, okay?

Can we actually -- a little bit concerned about the Operational Design Phase, which is a complicated topic and your question to us.

Could we elevate the Operational Design issue on the agenda?

MATTHEW SHEARS: Milton, if I may. We have an answer to the next issue around Google Docs. It will just be a very brief one. So if we can just touch on that, and then we can always come back in more detail with the Google Docs later on or offline, and then get into the other one, if that's okay.

KATHRYN KLEIMAN: This is Kathy. Can I preface the Google Docs issue?

MATTHEW SHEARS: Okay. We'll address it right now.

KATHRYN KLEIMAN: Can I -- can I put it in context?

MATTHEW SHEARS: Yeah, go ahead.

KATHRYN KLEIMAN: Okay, great. Matthew, thank you. So, first, this is Kathy Kleiman. I'm coming from the DC area, which is still very much shut down. It's very quiet. And I hope everything is going well with your and your families and your communities.

So here, this is more than the Google Docs. This is a massive change to the commenting process that's taken place in the last few rounds of comments.

And so I wanted to preface, comments are the secret sauce of the ICANN process, right? We want to hear from the community. We have a core group of people that do the hard work and really parse the technical, the policy, and in some cases, like the rights protection mechanisms which I co-chaired, the legal.

And we want our results to be reviewed by groups as far as possible, to the edges of the ICANN community and also out to the regular Internet community. That means making the comment process as easy as possible; and, instead, we've done the opposite. We've made it as difficult as possible, and I don't understand why. And the Google Docs are part of it.

So now we have a system that divides the report from the questions.

And so staff created a template, but its question is devoid of context. You can't even see the recommendations. So you have to click back and forth about 40 times in order to review the document. So it makes it very difficult to have a group of people create the comment and then have a lot of other people review it quickly, add their expertise and their knowledge.

We got massive complaints in the rights protection mechanism working group across many, many constituencies and stakeholder groups. And I was told we hadn't gotten complaints before. But I reference Stephanie who says that there were complaints. And if we have time, she can talk about them in the EPDP.

I thought things would be cleared up before subsequent procedures, but we have the same issue. It's really driving people away from our process, not towards it. And I think we need to -- I'm not sure kind of how we went on a left turn without the involvement of people who've been doing comments for, I don't know, about as long as time exists at ICANN. But we really need to fix this and make it easier. Thanks.

MATTHEW SHEARS: Thanks, Kathy.

I think David Olive is going to jump in and just give a --

DAVID OLIVE: Yeah. I know you want to get on to other topics. Let me briefly state this was an interim solution also based on comments for people to simplify, make it easier to input, focus the attention. It's very difficult for someone to gather 50, 100-page documents

to do public comments on it. So this is an attempt to parse out and provide a way to focus attention on what the working groups are needing, the comments that are inputted.

So that we will, of course, look to improve this. The Google Docs is one element of an experiment. We do allow people to attach their full statements like in the past, so it's not a massive change of what we've done before. We're trying to experiment and try something different.

I'm happy to explain the background and the efforts to change and improve this through focus groups that we've been contacting, and I'll do that as well. So I'll just stop there and let you get on to your other topics of importance. Thank you.

KATHRYN KLEIMAN:

David, if I could follow up. Would it be possible for us to work offline so I can tell you -- so I can share what would make -- what staff could do that would make things easier both for those who are trying to help others connect into the comments and participate more easily and then for the processing of the comments after they come out?

DAVID OLIVE: We're happy to talk to Kathy. We've done this for the EPDP1 and 2 and sub pro and others that we've found. We would like to hear who are those massive people saying they don't want it. We'd like to hear that, so happy to do that.

I will provide the entire NCSG with the background and rationale. So that's great. Thank you. We'll look forward to that.

MATTHEW SHEARS: Excellent. Thank you very much, both.

I still see hands up from Stephanie and Milton. I just want to make sure that they are not new hands and they are old hands. Otherwise, we can move on. Okay. Thanks.

Stephanie --

STEPHANIE PERRIN: I will take this offline. I'd just like to say that I support Kathy on this. It's not that we don't find this useful in many respects, the Google Document. But it does shape the input in a remarkable way. And it is off-putting to random commenters who might have a different view on an expertise on some of our topics. So I think it curtails external help rather than bringing it along.

But a hybrid would be useful. It definitely gets answers, and some people find it easier. Thank you.

DAVID OLIVE: Thank you, Stephanie.

MATTHEW SHEARS: Stephanie, would you like to introduce the next question?

STEPHANIE PERRIN: Yes. Thanks very much. It's Stephanie Perrin again. And I would like to pass the next question over to Rafik Dammak.

We got the Operational Design Phase obviously early in October, and it's very interesting. I think there are a number of questions. We appreciated you coming to the GNSO Council meeting to discuss it.

So over to you, Rafik.

RAFIK DAMMAK: Okay. Thanks, Stephanie. It's Rafik Dammak speaking.

So, first, thanks for this opportunity to talk about this new paper. I mean, the discussion already started when we had the Board and GNSO Council meeting. So we heard some of the

explanation during that session regarding the proposal, that it's more like to be open and transparent regarding existing practices for ICANN Org and Board.

We also heard about the assurance that it's not intended to change policy recommendation as approved by the council. But I want to make some points here that, first, the design process/feasibility consideration, it should be added to the PDP working group deliberation. And, in fact, those are already in the PDP manuals, maybe not in enough details but they are already there.

And also, if you remember for the EPDP in terms of help to work on the feasibility and to know about input from the Board and ICANN Org, we had the liaison from Board and ICANN Org so they can give any feedback at an early stage.

But you can suspect there are always concerns about approach for this kind of consultation and when it was initiated. And I think it's important to take that into consideration. Some of us think that should go through the usual process to ensure that, like for any public comment.

I think also it's important to highlight while there are always insurance that it's not intent to change the policy recommendation, I believe that's not enough a safeguard. So

there is always that challenge between policy and implementation. Like, we know in the IRT. And the concern that this design phase will become another opportunity, and even before the recommendation approval, to make some changes. So we need hear more specific safeguards, not just some principles. Maybe that's something to be developed and operated, but this is one area to be worked on.

The other, I think, concern of this committee design feedback group, it will be maybe a vehicle for early engagement of the recommendation. And if I can say that, for those who participated in IRT, that we have flashes of DL root and how things worked after the recommendations are approved.

So, I mean, we also -- I got, like, some question. Maybe I can elaborate on them, like specific case, how this operational phase will work in practice. For example, if at the end, if it's at the late stage of the PDP, what will be the impact on the work of the PDP working group, like the finalization of their recommendation. Are they going to wait for that design phase to end, et cetera?

So there are this kind of a change. We think if we talk about design or any other consideration, like the financial side or the costs, et cetera, that should be embedded in the PDP working group. We should not create more phases. We need to streamline the process, not add more complexity to it.

In addition, Göran, in his communication to the SO and AC leaders, he talked about the full consideration of the PDP life cycle. But we don't have that much detail. For me personally, that's even more concerning because at the end, from the perspective of NCSG, when it comes to gTLD policy, that's the role, the remit, and that's what the GNSO is responsible for. So we see a lot of risk here.

We understand that there is a desire to improve things, but that's open for more risk and influence in the multistakeholder model process.

So I will stop here. I see a response, but I will be happen to follow up.

MATTHEW SHEARS: Thanks, Rafik. Very comprehensive. Really appreciate the feedback. It's important that we hear this kind of feedback. I think we will go to Göran first and then I think a couple of other Board members will probably jump in.

MAARTEN BOTTERMAN: Please allow me to express --

MATTHEW SHEARS: Maarten.

MAARTEN BOTTERMAN: Just to express why from a Board's perspective it's so important that we get from the original policy proposal to have a good grip of what we're actually saying yes to, what the consequences are both in terms of effort and effectiveness, and that depends a little bit on how you implement it.

So rather than saying "just do it" and let implementation, whatever follows happen, it's for us, really important, that we got a good understanding of that and to do that in a transparent process and the proposal by Göran -- that Göran will be much better to explain how to develop this and how this in a way responds also to Rafik's concerns.

GÖRAN MARBY: Thank you, Rafik. And thank you, Maarten.

First, as I said before, this process has always existed. Before the Board makes a decision, there are -- you can divide it sort of -- let me take a step back. When the GNSO Councillors make a recommendation, our job turns into make sure that those recommendations happens, which means that we have to figure out how to do things.

And the Board in its deliberation has to look at many things, not only the policies. If I take the -- if I take the GDPR, we're talking about building a technical system to some extent, as you know. Some people call it a ticketing system. Some people call it something else. It's actually a technical system that has to be built with all of those things that is comprehensive. And before the Board makes a decision from a fiduciary responsibility, they have to know how much it costs. It's not like they're not saying it shouldn't cost, it's just that they just need to that. And to be able to know that, you need to do design.

When it comes to sub pro, which is probably an investment of 30, \$40 million in total, which they then are going to ask me the question: Are you going to find the resources, Göran, to do this? So there's a lot of institutional questions.

Rafik, by the way, I agree with you on so many things that you said. If I understood correctly, you said, yes, we have a problem in the implementation phase. Yes, and some of those things probably should have been worked out before.

So -- and then you also said that some -- there should be many more things done in the PDP. You can say that. I can't say that. You're a part of the community when it comes to the multistakeholder model, but actually I do agree. There are things that should be taken into account in the PDP.

But we are in a situation when we looked at this and said, Hey, guys, there are things here. But when we prepared the Board for the bigger decisions, we also want to make sure that we are transparent to the community.

Rafik, you are very right about one thing. And we talked a lot about that before we sort of formalized this paper, and that was this sort of risk for a last bite or additional bite of the apple versus transparency because transparency creates accountability.

And then it's a balancing point that is not easy. So in my take on that one, you can't be overtransparent when it comes to this. That's why some of the checks and balances that you asked for is really to provide the community to know what ICANN Org is now preparing. It's not like the Board goes away, waits for ICANN Org. Many of those things happen during in the design phase. What's happening now is the Board is very much involved before the Board makes a decision. It's not like we're sitting in our part of the world and do something and the Board then one day wakes up and gets a lot of input and says, No, we're going to make a decision. The Board through its setup is very much involved in those fairly complicated issues all the way to the end.

And we wanted to increase the transparency of that. We wanted to be able to check have we got it right because you know as well as I do that when it comes to some of the conversations about recommendations, we have even seen sometimes that when it comes to implementation, it turns out the community doesn't agree on the interpretation of those recommendations.

That might be better to fix before the Board makes its decision. And we have seen that in phase 1, for instance, where the Board has gone back to the GNSO Council and asked questions about certain things as well.

This is not -- this is not -- maybe this in the end will actually make it easier for implementation because, remember, when the Board makes a resolution, they direct ICANN Org to go and implement. We all know that there have been challenges with that. And those challenges maybe should be worked out.

Maybe in total time, this will be more effective. But for me, it's very much about the transparency, the accountability, to making sure that the community especially when it comes to PDPs, it should be -- it's a dialogue with the GNSO Council.

And the interesting thing is that the GNSO Council seems to have reached the same conclusion, because the GNSO Council when it

comes to the expedited PDP said that they want to have a discussion with the Board before the Board makes a decision.

And to be able to prepare the Board for that, we had to do some designs because, otherwise, the Board will not be able to answer those questions.

The final thing is that we'll -- you talked about the relationship with what's happening with the PDP. In the construct we said that this would happen after the PDP as made its decision because we don't want to interfere in the policy work of the -- in the PDP. And that's for me has been one of the building blocks of this one. This happens after the GNSO Council has made its decision.

The funny thing is that after we start talking about this, there were some who said, "Why don't you start earlier?" And we can all -- I don't think -- that's not the intention of this. The Board will be the one, by the way, who makes the decision of setting up an operational design phase. It's not going to be me. It's going to be the Board. And we're not going to do operational design phases for everything. It's for the more complicated matters. It's for things that can have an institutional affect on ICANN org. As an example, take, for instance, the fantastic work they have done in the auction proceeds group. The Board would like to know how you -- how I'm going to build a system around this,

how I'm going to make sure we fill up the principles of the auction proceeds group, that we make sure that we have all those things in place that are institutional questions so we can support what comes out of the Cross-Community Working Group. So these are the things we want to do, but really it's about the transparency, the accountability of the discussion.

So I agree with you, most of the things you said, Rafik. And believe me, we are doing this in a really good way.

You also mentioned something else, and that is that I shared with the SO and AC leaders that the Board has -- is working on -- because there are misunderstandings and sometimes not clarity about what happens after the Board makes a decision that goes to implementation.

So the Board is working with something called guidelines for implementation work which is really the Board telling us how to work with implementation. And to be transparent about that, we want to go out, the Board want to go out to the community before these become sort of instructions to me; to have community input there.

One more thing about the ODP. So the way the Board and myself looks at this is that this could be seen -- if you take away the part from the community interaction, the GNSO interaction

with it, this could have been seen as something very, very internal. That, you know, this is what the Board requests out of ICANN org to do before they make a decision. But I congratulate the Board that they decided to take also those internal processes out to the community for knowledge and comments and discussions like this. I think that's a very good transparency mark.

It was a long answer, but you hit some really important point, Rafik, so I'm sorry about that.

MATTHEW SHEARS: Thanks, Göran. We've got quite a line of hands here. So, Stephanie, is that a new hand?

STEPHANIE PERRIN: That's a new hand, but I'll wait my turn. I've already spoken.
Perhaps Tatiana would like to speak first.

MATTHEW SHEARS: Tatiana?

TATIANA TROPINA: Yeah, thank you very much. I saw I wasn't first in the queue, but thank you very much for giving me the opportunity.

I wrote quite a number of notes. Now I'm trying to follow like the line of thought.

Göran, it was a very long answer, and I have quite a few comments and questions to what you just said.

You mentioned that this process have already existed, so what the need to redesign it. But my question is not what's the need. You sort of outlined the need in your view.

The first question is how do you ensure that your proposal is going to fix the flaws which you saw in existing process?

And here I come to several issues which seem conflated to me in Göran's points. The first of them is transparency and balancing point between transparency and collective input. So in a way, it looks to me that you're trying to increase transparency via consultations and collective input. To me transparency of the Board -- of the decision-making process of the Board means something else. I do believe that it creates a vulnerability here, as Rafik pointed, for negotiation. And it has nothing to do with increasing or decreasing transparency. And maybe, at the end, this openness for input and vulnerability for negotiating the

issues will actually decrease transparency, decrease it, because you're opening the venue yet again, and I do see the risk here.

You also said that you want to see that if community disagrees how to implement policies, better to fix it or at least sort of identify it as early as possible, but this is where I saw exactly a point for reentry and negotiating issues. The GNSO voted for the policy. Imagine that some of the community, parts of the community are very unhappy with this. What will prevent, for the sake of -- of fixing the process, of fixing the implementation, bring issues for renegotiation? And this is where I see the role vulnerability because, to me, the issue of transparency is very much conflated with the issue that have nothing to do with transparency.

So my question is how do you ensure this process is safeguarded against renegotiation if you're talking about input, if you're talking about fixing something that parts of the community think would be not very much implementable? And so on and so forth.

Thank you.

MATTHEW SHEARS:

Tatiana, it's Matthew. Before Göran goes, I just wanted to assure you that the Board is very cognizant of the desire among some,

after policies have been recommended, to have another bite of the apple, and that is a concern. And we -- So it's not something that goes unnoticed. But I don't think that's really the intent at all of the particular proposal.

I mean, from -- from where I sit in the Board, my particular interest is in understanding better the scoping of the recommendations, the cost issues around the recommendations, some of the detail as to the various options that may have been made in terms of recommendations. So it's really more about understanding and having a bigger sense, a greater sense of some of the detail that needs or should accompany some of the recommendations rather than setting up a mechanism or policy that would allow for others to undermine the policy process.

But anyway, Göran.

GÖRAN MARBY:

Sorry. I had to find the unmute button.

Tatiana, I think it comes also to what I think the role of ICANN org and the Board is. There's always someone lobbying us to change the recommendation, but we actually have rules and procedures against the Board -- I mean, I can't change policies, and I don't want to change policies because I happen to believe

in the multistakeholder model, but also, the Board has restrictions how to act if they agree or don't agree with special recommendations.

So you probably know me well now. I'm sort of hard sometimes to change my mind when it comes to recommendation coming up because I actually do believe that if the multistakeholder and the GNSO Council have come up with something, that is -- I don't have an opinion. My job is to make sure it gets implemented.

So, yes, it might be so that some people might think that this will cause another Avenue for lobbying, but that's not the model.

It is really about making sure -- And also, one of the things we want to make sure is that we have the communication with the GNSO Council to make sure we actually understood it right. I mean, you know as well as I do that sometimes recommendations are interpreted differently even from people who sits in the same room and argues about the same sentences. And we want to make sure that that happens as early on in the process rather than late in the process, and becomes transparent for everybody what is happening.

So -- And the complexity of some of the decisions that has been made, we have to prepare the Board. I mean, we have to prepare the Board. It's not only financials. It's organization. It's

not about the recommendations itself but to make sure that the system we're building also actually supports the recommendations. And we want to be open and transparent about it.

But I do agree with the notions of making sure and safeguard that we don't change the interpretation of the recommendation from the GNSO Council. And that's why we want to have this check with the GNSO Council to say, hey, guys, did we get it right? Before we get to the Board.

So I hope that safeguard is something that can help us in this.

And again, the balancing point between transparency and the sort of another bite of the apple is always a hard one. And I agree with you, that's how ICANN always have struggled. Not only us but everybody else. But here we are trying to do this to increase the transparency and be part of the decision-making process before it goes to the Board on things that you care about.

MATTHEW SHEARS:

Okay. There's still quite a list of people who would like to speak.

Tatiana, you had a two finger. You say you will be brief. Very, very brief.

TATIANA TROPINA: Yes, I will be very, very, very brief.

Göran and Matthew, I have no doubt that it's being done in all good faith. I have no doubt about it. All I wanted to say, we need safeguards and it goes back to what Rafik says. Instead of complicating the process let's try to streamline it more and not open the door for any renegotiations.

Thank you.

MATTHEW SHEARS: Thanks, Tatiana.

Stephanie, and then Rafik and then Milton.

STEPHANIE PERRIN: Thank you very much. Stephanie Perrin for the record.

This is a much broader issue, and it may be that you're going to respond by saying "talk to the GNSO about its PDP process" which I shall endeavor to do. But looking back over the lengthy period we've spent on the EPDP, I'm struck again by our lack of a -- a Risk Management Framework in attack the work that we're doing. We knew that this was a very big, complex project, as are the other PDPs that are ongoing for years, and we have pushed particularly on the EPDP for a privacy impact assessment and a

human rights impact assessment. These are definitely risk management tools that would allow us to uncover the risks in human rights and privacy, which of course were extremely important in this case.

But a proper risk assessment at the front end of these things would enable us to identify risks such as financial infeasibility early on so that our members on the team would have a much better idea of what is going on.

Now, we were pushing for the privacy impact assessment in order to educate people in terms of what the GDPR actually means, and we struggled through a couple of years of people still not getting it. We now have a lot of compromises that made it into the document but aren't really sustainable from a legal perspective as we try to build it.

The Board okayed a very interesting project to look at the technical feasibility of the SSAD separately, not part of the PDP process, but they didn't look at the legal issues. Now, that's nice, but since this is a legal instrument for the disclosure of personal information subject to the GDPR, the technical process could have benefited from a little bit of a risks screen to see whether you were trying to build something that wasn't legally feasible.

So all I'm begging for is a more risk-based approach to embarking on long, exhausting and expensive procedures. It only makes sense. Risk isn't everything, but uncovering it early across the range of risks -- financial, policy, human rights, privacy, culture impact -- would be very useful, even if only as an educational tool.

So I think that this really belongs properly early on in the PDP phase. Obviously it will require more examination towards the end, but hopefully prior to the final report going out, which doesn't see us spending all this time building something that we can't afford.

Thank you.

MATTHEW SHEARS: Thanks, Stephanie.

I do want to get through the list here. Rafik and then Milton.

RAFIK DAMMAK: Thanks, Matthew. This is Rafik Dammak speaking.

First, maybe to respond to a comment to Göran maybe clarifying some things. First, I do believe we have already a framework that the CP, which is about the implementation, and it described

the role of the different parties. I understand also from the paper that this design phase will be included in that framework.

The whole -- Also, we need to know this because -- about the GNSO Council once mention. First, I mean, Göran, I was the person who submitted that motion and added that text about dialogue with the Board, and the intent is really just, as we explained in the Council/Board meeting, just to help the Board in term of consideration, learning from the EPDP Phase 1 experience.

But just to come back to GNSO Council, we acknowledge the issues about PDP, and that's why we had the PDP 3.0.

And one important thing is about having more well-scoped PDP, not over one year. And that means that trying to cover less topics in PDP, and so that will help to reduce the complexity.

I can understand that for sub pro or for (indiscernible) recommendation or the process, something complex that's earlier to look at. But in the future, in the approach taken by the GNSO is try to avoid such situation, is to do well-scoped PDPs so we should not expect like too many recommendation and we try to fix one problem at a time.

And so with reducing this complexity, probably we won't need that phase. And it's better to embed it, all the kind of

assessment like we say -- the cost, the feasibility, the technical side, the operational side, and so on -- in the discussion for the PDP Working Group.

The whole purpose is to help the deliberation and working group members to understand the effect of what they are recommending as policy proposal. And that's why I insist that we need to have that in the beginning. It's an iterative process. We should not wait to the end when you have the final recommendation.

It's also important to remind that in term of recommendation, usually there is no extensive change between what you have in initial report and the final report. So in fact, you can have a good idea at early stage what is coming.

Again, we -- I want to remind that we are encouraging now, starting with the EPDP, to have the Board liaison and ICANN org participate in the process in the same way we are encouraging all the ACs to participate in PDP. We want everyone to be involved with that phase when we are deliberating about recommendation. And so taking the input from the different perspective to help to build something that is feasible from a technical side, that can be operational, and so on.

So that's really what really I want to push. Let's think how we can streamline that process. And the GNSO and GNSO Council can lead on that. We recognize all the issue, what we should improve in term of PDP. So the concern -- I mean, I know there is good faith. I don't judge intention. I'm just talking how with all the good faith you can open the door to a new issue.

So I believe the GNSO Council and the GNSO can handle this because it's responsible of the PDP. We have existing process. We have like the CP, and we can work in how we can -- I mean, I mentioned before, maybe it was not clear, we have those in the PDP monitor. It's just more how we can maybe probably give the resources as mentioned in the paper, like bringing external expert, advice, having the ICANN org, et cetera, and having like the budget to do so. And that can even happen when we charter a PDP, and we include that in charter in term of what we need as budget and resource.

So again, you can bring all this during the PDP. You don't need to wait till the end. And you can have then something that won't need any change, and with the Board involvement. With the liaison, you should not really wait after the delivery of the recommendation to make your opinion. I understand that the Board have the caucus where you are discussing it, getting early input. So that's why I still have a problem to understand why

you need to create a new vehicle and create that additional process. You have already the Board initiated public comment to get input.

So this, I try maybe to summarize many thing at the same time, but just to say we can streamline the process. Trust the GNSO Council to do it, and let's do it when the PDP Working Group live.

That's it.

GÖRAN MARBY: May I make a comment?

MATTHEW SHEARS: Good.

GÖRAN MARBY: I have no issue with most of the things you said. I want to point out something. ICANN Org is not a stakeholder or a part of the policy-making process and we should not be seen like that. It's something that since I joined ICANN I tried to make as clear as possible. It's very hard sometimes because sometimes when you provide facts into a PDP, the facts is not always seen as facts but an interesting opinion into discussion.

And I think it's unfair to -- it's sort of unfair for my staff to be part of the negotiation. We shouldn't. That's not our role.

Our role is to make sure -- it is a resource to help, yes. So, for instance, take the time line between -- just to give you practical things. So the ICANN, so there is a proposal for recommendation that goes out to public consultation for sub pro. And we can't do a design of that system-wise or social-wise in that short period of time.

Everybody knows that to implement something in sub pro, GDPR and stuff, that's going to take time. It takes time to find a system. It takes time to design the system. It takes time to (indiscernible) it and all those things the Board needs to know to make a decision. So I think it's very hard to do those things.

And when I see that the Org is -- when you asked us the question about the potential cost for the EPDP, we said it's a guesstimate because you have a lot of work to do before we reach the end.

If someone asked me what the cost would be for implementing the phase 2, I don't know. We don't know. We actually have to sit down with computer specialists. We have to sit down with legal. You mentioned before, Stephanie, the international transfer of data. These are things that we need to figure out

within the system, the identification of people from a technical perspective.

So regardless of that, it's something that we always have done and we always should do. We want to open the transparency for it. That's what we wanted to do. And I think that's going to streamline the process down the road. I think implementation is actually going to get better.

Because if it reads implementation and the Board hasn't had the sufficient fact to make the decision, then that's going to be a bigger problem.

With that, Rafik, I agree with you.

I agree with you that we would like to provide facts into the policy-making process. But, on the other hand, it's up to the community to make decisions about recommendations, not the ICANN Org or the Board for that matter.

MATTHEW SHEARS: Thanks, Göran.

Milton.

MILTON MUELLER:

Okay. Look, I hope we all are fully aware of the simple fact that implementation review teams are already places where people try to relitigate policy issues. Does anybody disagree with that? I mean, we all know that. And so what you're doing is you open up another space where that will happen.

Let's use this example of the cost of the SSAD, which has been brought up that gives us a concrete reference point.

I don't understand why you're saying you will do these calculations and discussions before the Board actually makes a decision. That's really dangerous and kind of interesting. So suppose you decide that the SSAD as has been recommended to you by the EPDP costs too much, that it's not worth it, that's a value judgment. That's a policy judgment. And on what basis will you make the decision that it costs too much?

The policy process has recommended to create a hybrid model SSAD. It's your job to implement that. It's not your job to second-guess the policy decision.

And on what basis would you second-guess the policy decision? And do you really think that in evaluating whether it costs too much to be useful, that you will not be heavily lobbied by every interest group that doesn't want it to happen, that wants to change how it happens? Of course, that will happen.

So I don't understand what exactly you are making transparent. The transparent -- the implementation process that we have is already entirely transparent. It takes place in a working group, and it's already highly politicized. So what are you making transparent? The process by which the Board rewrites the policy agreed by the GNSO? Is that what you're doing? Are you making a lobbying process transparent? You've already got the Board public comment. I really think this is just a bad idea. You're just adding an additional stage to an already-exhausting, politicized and manipulated process. You have to stick to your process. You have to make it predictable. We have to make the outcomes based on the levels of consensus that we have in our well-defined processes. And you have to stop reinventing processes every time you come across a difficult problem.

Some people just have to bite the bullet and accept the results of the process. Thank you.

GÖRAN MARBY:

I always think you and I have a slight communication problem because when I say something and you reiterate it, it always comes out differently than I intend it to because I don't think that I actually said the words that you're saying.

What I'm saying is that the Board needs to know what it's going to cost. It's a part of their fiduciary responsibility. It's also something that has -- is going to end up in the budget and you don't want the empowered community to stop it there. But you can really talk about the last bite of the apple.

I think I said from the beginning that when the recommendations is done, my job is to make sure that they happen and that's the Board's job as well. So I think that either we have a bad communication line or you misunderstood me. And it's always the sender's responsibility for bad communication, never the receiver, so I'm sorry about that.

Thank you for giving me the opportunity to restate what I said from the beginning.

And to why can't that happen during the PDP process, I think it's hard for a PDP, for instance, to tell -- to tell the Board when it comes to, for instance, which data computer system should be chosen, I think it's hard for the PDP, for instance, to tell which part of ICANN Org will actually handle this thing that comes from the community, organizational issues. So there are many of those issues that has to be handled. I hope that cleared out some of your things that you just said, Milton.

MATTHEW SHEARS: Maarten, I see you in the queue.

MAARTEN BOTTERMAN: Yes, please allow me to add to that. The policies are functionalities and to make it work, to be implemented. And there's different ways of implementation that may affect functionalities. And rather than have Göran go back and just do it in the dark, he's asking for the light on that.

Now, with Rafik's earlier remarks, maybe it should be -- or partly be in the EPDP phase or the PDP phase. Yeah, I got sympathy for that.

For me as a Board mainly, it's important that we understand what this means, these functionalities, to be implemented, whether it's a responsible thing, whether it helps, indeed, also to be effectively implementing the intent of the policies.

So in that way, as Göran started saying in the very beginning, we've always made functionalities into working systems. And now the ask is to make that process more feasible, to exactly stick to the process and to show how we do that by making sure that every step we do is visible. So I hope that helps.

MATTHEW SHEARS: Thanks, Maarten.

Stephanie, I wanted to just turn this back to you before we go to the Board's question, recognizing we have about 20 minutes to go. Is there any other issues you wanted to raise at this point?

STEPHANIE PERRIN: Thank you very much. Stephanie Perrin for the record. I really wish someone would address my question and rant about risk assessment because I think it's an important one. And I suffered through the RDS review team where we were doing work but would not have made it on to the charts if a risk assessment had happened.

I would think that funding all of these badly commenced processes would be of major concern to the Board. But prior to - - I don't know whether anybody wants to step up and answer that one.

But I'd like to introduce Bruna Santos who is taking over for me as the NCSG chair. And if we can elevate her to a panelist so that she could respond, particularly to the Board's question because she will be leading us as of next week.

FRANCO CARRASCO: She's a panelist already.

STEPHANIE PERRIN: Ah, good, wonderful. Thank you very much. So maybe, Bruna, would you like to say a few words before we go to the Board's question? Thanks.

BRUNA SANTOS: Hello, everyone. This is Bruna Santos for the record. I really don't want to take any more time from the Board's question, just to say that I'm looking forward to this upcoming year and working with all of you. So we can move on to the next discussion. Thank you, Stephanie, for the introduction as well.

MATTHEW SHEARS: Congratulations, Bruna. And thank you, Stephanie, for leading us up to this point and bringing on Bruna. Very much appreciate it.

I do want to comment, though, on the risk point, Stephanie, before we go forward, just very briefly.

Risk is an incredibly important issue for the Board. We have a Risk Committee. Many of us have been engaged in risk issues on an ongoing basis. We took risk into account in the strategic planning process. So it's front of mind for the Board certainly.

And I can understand that whenever one is contemplating a PDP process with things like that, the risk should be an element in

that process, in that development. It's an ongoing matter of concern, and certainly from our perspective it's a key issue. So let me just leave it at that.

Okay. I'd like to turn it over to Mandla and Maarten just to introduce the Board topic and then open it up for discussion. Thanks. If we can go to the next slide, thank you. Mandla, Maarten?

MANDLA MSIMANG:

Okay, great. I think -- thank you, Matthew. For the record, this is Mandla Msimang.

So the Board topic is around the enhancing the effectiveness of ICANN's multistakeholder model. And, really, I'll give some context and background just to introduce it and to take us through to how we got to where we are today, especially in light of the discussions actually that we've had.

So you'll recall that early last year the Board initiated a project that aimed at enhancing the effectiveness of the multistakeholder model. And it's one of the strategic objectives that's outlined in the strategic plan. So this effort is really important to make sure that the model is able to evolve and that it meets the needs of the global community.

And like -- I think it was Kathryn who stated earlier that comments are the secret sauce of the ICANN process. We've made sure that we've considered them in quite a lot of detail and aligned everything we've done in this process with the input that we've received from the community.

So we -- following the launch of the project, we got input from the community as part of the larger discussions around the operating and financial plan -- operating and financial plan discussions. And this discussion was facilitated by Brian Cude who had been involved in the ART -- ART1 and 2 processes. So that process came out with six priority topics that the community thought were -- or believes to be hampering the effective and efficient functioning of ICANN's multistakeholder model. And amongst those were the prioritization of work, the efficient use of resources.

So earlier this year in June, we published a paper, put it out for comment and got more -- more input. And I think it was in August -- yeah, it was August when we got -- we closed the comments and got the final input. So that's how we got to where we are today.

And in terms of the way forward, so it's been -- it's been very clear that although this is a very important and central process to what we're doing, the community is not -- the resources and

the bandwidth of the community are pretty much stretched and quite exhausted. And so what we're trying to do is to make sure we recognize that community members are quite busy and, like I said, in many cases overstretched. And so we don't want to duplicate any of the work that's underway with the way forward in a multistakeholder model. And, rather, what we're trying to do is harmonize the existing efforts and strengthen the multistakeholder model.

So what we did was -- with the community input, we took the six priority areas that had been identified and kind of prioritized those even further and came up with three -- three critical areas that we'll be looking at with the Org and community initially. And that includes the prioritization of the work and efficient use of resources, the prioritization and scoping of work, and consensus representation and inclusivity. So these are described in a lot of detail in the paper which you've seen.

And we've tried to look at how they impact and are impacted by some of the other processes going on at ICANN.

So the work that we'll be doing to increase the effectiveness of the model will be done in consultation or in harmony with ATRT3 work with the PDP 3.0 process and will try to make sure there's, I guess, a synergy between those processes and this enhancing the multistakeholder model process.

We're also trying to make sure that where there's any gaps, we pick up on those and that the gaps and issues that have been identified by the community, as slowing down the efficiency and the effectiveness of the multistakeholder model, are addressed. And, again, the point is not to increase anybody's workload in what we're doing.

So, like I said, the three priority areas, that's not to say that the other areas that had been identified won't be -- won't be addressed. They'll be done in the course of the five-year plan. And they'll also -- we might find that they get addressed to addressing the priority three topics that I mentioned earlier. So - - because there's a lot of interweaving between these issues.

But I guess just to finalize now where we are is that the paper has been finalized and we're moving into implementation -- implementation planning phase. So the plan that we've come up with everybody's input has -- will be convergent to a set of proposed actions, will allocate resources, and then we'll put together an implementation schedule and still require a lot of input and views as we go forward in how we get there.

So I think the point of putting this on the agenda is really to get more input on the next steps, to get your views on what the key issues and opportunities are that you've identified and really to hear your views on this matter.

I think, Maarten, if there's anything I left out, please do chip in.

MAARTEN BOTTERMAN: Mandla, I think you said it very well. Just one thing, this is not something we try to implement and complete, everything done in one year and not look at it again. It's a first step in realizing an important priority in our strategic plan. Otherwise, perfect.

MATTHEW SHEARS: Thanks, Maarten. Thanks, Mandla.

So opening up for questions or comments, we did also ask for your thoughts, as Mandla said, in terms of key issues and opportunities for accelerating the effectiveness of the multistakeholder model. So looking forward to your thoughts and comments. Thanks.

STEPHANIE PERRIN: This is Stephanie Perrin back at the mic, although I'm happy to turn it over to Bruna. I think we have no prepared remarks on this. I know that it has -- you know, because it's been an ongoing discussion over the last -- uh-oh, I've turned off my signals but my dog appears to have decided it's time to bark. My apologies. Must be a squirrel in the backyard.

The fact that this is happening at the same time as COVID has, I think, disproportionately impacted our members. I see that we are somewhat down in participation levels from previous years. And I'm very concerned about our global outreach efforts.

I think I've whined about this in several calls with Göran and discussed it over the past couple of meetings, but I think it's really starting to hit us. And I can't imagine where we're going to be in a year's time. So we are trying to focus on this and improve our participation level.

Any thoughts from anyone in NCSG on this would be most welcome.

MATTHEW SHEARS: Thanks, Stephanie. I see Rafik's hand is up.

RAFIK DAMMAK: Yes. Thanks. Matthew. This is Rafik Dammak speaking. So thanks for the introduction about all what's going on about the multistakeholder initiative.

So I just wanted maybe to ask here or to make a comment, so we talk about the effectiveness, and I believe we are all trying to do effort, and the Board, I notice already, like what was done for PDP 3.0. But from also my perspective, so it's -- many times we

talk about pipeline and try to see how things should move quickly. I'm interested to know what kind of maybe the Board is trying to do in term of effectiveness. It's not here just to point -- point anything in particular, but I think, for example, you have several, like, coming from the different, like, PDP or like from review team, et cetera, like recommendation for you to consider and approve, which then kick off the implementation. And I think in many, many aspect, things got longer. I understand that's why also we talk about the operational phases, that you want to approve things when you are sure about the impact and the outcome. But just I want to know what the Board is trying to do in term to improve in that area. How we can shorten the lead time between you have recommendation from review team or PDP and to improve it to start the implementation. The implementation itself is still taking a long time. That's why, for example, for the sub pro there is also concern, like, took a long time to work on the recommendation. It will take longer time for the implementation.

So it's a pipeline. I'm trying to focus on that area for the Board, how you are trying to improve on your side to -- because we are trying to localize it. Improvement, but just wondering how you are doing in your side to improve for whole process.

MATTHEW SHEARS: Thanks, Rafik.

I think we have a number of board members who can jump in here. Perhaps Becky or Avri on the work that we're doing on prioritization and streamlining. And maybe we could start with one of you to touch on what Rafik has been talking about?

BECKY BURR: Avri, do you want to start?

I don't hear Avri --

AVRI DORIA: I was hoping you would on the prioritization, but please go ahead.

BECKY BURR: Okay. So I think all of you do know that the Board started working over a year ago on thinking about how we deal with the many, many sources of input, community input, recommendations, and this started, I think, from some of the review teams, but looking at all of the recommendations that we're getting, figuring out planning and prioritizing how those -- those recommendations are implemented. And we began to think about this holistically.

We published a thought piece on the first part of this about a year ago on sort of building better recommendations and thinking about planning and prioritization. We kind of took a pause during the ATRT3 work because ATRT3 was, in fact, addressing the prioritization issue as well. And now that we have the ATRT3 report, we are beginning to turn back to this. This fits in very nicely with the creation of the planning department, and I think we'll be coming back out to the community with more questions and framing and seeking input on this.

In the meanwhile, we're really thinking about how we can develop a system for planning and prioritization, obviously including the community in that and understanding how this works into the budgeting process.

So we're tackling this holistically and working with the community to understand and develop a mechanism that allows that prioritization to be part of the bottom-up multistakeholder model.

I'm going to let Avri talk about the streamlining reviews issue.

AVRI DORIA:

Thanks Becky. Yeah, this is Avri speaking.

So one of the -- I mean, basically, we're trying to do the same thing in terms of the reviews. You know, we had all noticed the overloading of the reviews and the amount of time that they took and the fact that, you know, somehow or other, they all end up happening almost at the same time, though in different stages. So that is a problem we had to fix. We also took a pause to get the ATRT3.

Now we're looking at the ATRT3, seeing what would happen if we were to implement the structures they gave, would that work, would that produce other gaps, does that run in conflict to any of the other priorities that have come out in terms of reviews, in terms of the -- both the operational and the specific.

So, you know, we don't have that much time before we decide on the ATRT3 recommendations because those are timed and need to be dealt with by December or early December. So we're going through that now. And, you know, hoping all the time that we're getting both more efficient at doing that and that these things, at the end of the day, will help in terms of efficiency and sort of decreasing the bandwidth load on people.

I don't know if that covers all that you asked, but I'll stop there.

MATTHEW SHEARS: Thank you, Becky and Avri.

I'm cognizant of the time.

Rafik, I hope that helped a little bit with your question.

I do see had a Kathy has her hand up. So, Kathy, if you want to jump in, and then I think we're going to have to wrap up a little.

Thanks.

KATHY KLEIMAN:

Briefly. So I wanted to thank Mandla for the comprehensive overview that you provided. For those of us following other things, I really appreciate it.

I think you're going to have more bandwidth from the community soon. As you know, two major PDP working groups are wrapping up. So that should free up people to look and to bring their knowledge from those PDPs, both subsequent procedures and Rate Protection Mechanism Working Group.

I wanted to refer you to both the ATRT but also its minority statements. I'm struck that what appears it be a quarter of the members of the ATRT3 appear to have submitted minority statements. I think there were 16 members, and four of them submitted minority statements, including Michael Karanicolas out of NCSG talking about how there's a need to develop conflict-of-interest and transparency protocols within the SOs

and ACs and other issues. So I would point you to those minority statements, not that they had full agreement, but you had members who spent so long with the review team. And having been on a review team, you spend a lot of time trying to bring in the minority views into the main. So I think that flagged something of concern.

And I also wanted some -- I wanted someone to join me in thinking about a poll that I'm seeing, a separation in our community. With COVID, some of our members actually have more time. They're not going in to work. They're not -- They have great bandwidth and good access. They're working from home. They actually seem to have more time, and yet so many of our members, particularly working parents, have less. They're trying to manage children and full-time jobs and still trying to do their volunteer work.

So I've been trying to wrestle on this with the Rates Protection Mechanism Working Group and keep members involved who I know are being pulled away from our work at a very important time.

So I just wanted to raise that as something I'd love for the Board to join us in thinking about, is when -- you know, the pandemic is continuing, and how do we keep our members involved when they are being pulled away even more.

Thank you.

MATTHEW SHEARS:

A very important question, and one time we spent time thinking about. As you know, there's a discussion about the future of the schedule, what work will look like (indiscernible) discussion of what encumbers some of the issues we're facing with that.

It's 12:30 EST, 13:30 UTC. Let me just say how much we appreciate this time. Thank you very much for the scope of discussion and question. Hopefully we've provided some answers, and look forward to next week, to seeing you next week. Virtually, that is.

Stephanie, turning it back to you for a couple of comments.

Stephanie?

FRANCO CARRASCO:

Stephanie, you will need to unmute yourself.

STEPHANIE PERRIN:

Sorry (laughing). Stephanie Perrin, for the record.

Thank you very much. It's my last meeting as NCSG chair, and I've really appreciated the efforts that the Board takes to have these informal discussions with us.

I know sometimes we're a little aggressive, but we're just trying to make the most of your time.

Thank you so much.

MATTHEW SHEARS:

Thank you, Stephanie. Thanks so much for chairing. And we really appreciate the efforts, and looking forward to continuing discussion next week.

Thank you. Thank you all.

[END OF TRANSCRIPT]