
ICANN69 | Community Days Sessions – GNSO: NCUC Open Meeting
Wednesday, October 14, 2020 – 16:00 to 17:00 CEST

MARYAM BAKOSHI: Thank you very much. Good morning, good afternoon, good evening. Hello, and welcome to the ICANN69 NCUC Open Meeting. My name is Maryam Bakoshi and I'm the remote participation manager for this session.

Please note that this session is being recorded and follows the ICANN Expected Standards of Behavior. During this session, questions or comments submitted in the chat will only be read aloud if put in the proper format as I've noted in the chat. Read questions and comments aloud during the time set by the Chair or moderator of this session. If you'd like to ask your question or make your comments verbally, please raise your hand. When called upon, kindly unmute your microphone and take the floor. Please state your name for the record and speak clearly at a reasonable pace. Mute your microphone when you're done speaking. With that, I'll hand the floor over to Bruna, NCUC Chair.

BRUNA MARTINS DOS SANTOS: Good afternoon and good evening or good morning, everyone, and depending on where you are. My name is Bruna Santos and I'm very happy to welcome you all into the NCUC Open Meeting at ICANN69. I would like to first thank you for attending this meeting in such difficult times and also with the different digital meetings we're all seeing ourselves in over the course of the week. So I deeply appreciate it.

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This is my last meeting as the NCUC Chair so I'm also very happy to hand on NCUC and the floor to the next Chair in the upcoming discussions. But just a short presentation on our agenda, we're going to do right now a short presentation on NCUC for newcomers. This is something we have added to our agenda, given the lack of opportunities for us to talk with Fellows, or Next Geners, and even ICANN newcomers as well. I will also take some time to thank the current Leadership team and also present to you the upcoming Leadership NCUC Leadership team. And then we're going to jump on to policy updates from the Cross-Community Working Party on Human Rights and also the Chair of the NCSG Policy Committee, Rafik Dammak. Shortly after that, I will start a discussion on a process that we have been calling a constituency review that I'm happy to hand the floor later on to Raphael to explain what is this process and how can we all get involved with it.

So without further ado, I'd like to give the floor to Benjamin. Benjamin is the current NCUC EC representative for the African region, and I asked him to do a short presentation on what the Non-Commercial Users Constituency is and what it stands for. Thank you very much, Benjamin. The floor is yours.

BENJAMIN AKINMOYEJE: Good afternoon, everyone. Good morning, good evening. My name is Benjamin Akinmoyeje for the record. So, welcome, everyone, to NCUC Open Day event. If today's your first time with the NCUC and you're

wondering what does NCUC mean, it simply means Non-Commercial Users Constituency.

At the Non-Commercial Users Constituency, we are all about individuals and those who are interested in using the Internet for non-commercial purposes. We welcome everyone always interested in freedom of speech, human rights, privacy. All of these are things that are very dear to our heart. We are very interested in making sure that the domain name space is protected and not hijacked by those who are interested in use of it for commercial purposes. We just want to ensure that those who use it for other reasons like activism, human right-related issues also have the same footing as other stakeholders. So if you really want to have your voice heard, this is the right community for you.

So how do you participate? What are our values? Who we are, it's important that I tell you that from our brochure. We advocate for positions or domain name related policies that has to do with non-commercials, we are for activists, people who are interested in issues around human rights. Those values are really important to us. And we are part of the GNSO. So forgive my acronyms. I think with time you get to understand some of these as well. We are part of the Non-Commercial Stakeholders Group as well.

So we have [revolting] powers here because we have representatives that are represented in this table that grows. And our membership is about 500 or more. We ensure that your views are known. We do

things like capacity building and we also issue policy statements through the NCSG as well.

So what are the things we do? During the typical ICANN meetings, we have our sessions just like today that you see, that you can participate in our meetings, and have your voice heard. You can share your views on what you think ICANN should reflect in their policies. We help elect representatives to NCSG, who also go to GNSO Council. That's Generic Name Supporting Organizations. We appoint representatives into the ICANN Nominating Committee. We develop advocate policy positions and we collaborate and interact with other stakeholders in ICANN. As you know that ICANN is a multistakeholder [recent] process, so we also ensure that our views are heard and are taken into consideration when all these policies are formulated.

We also make sure we are visible at conferences and events that has to do with Internet governance. The area that we're really concerned about to enrich our values includes non-commercial user/users. If you are someone out there using the Internet for non-profit purposes, NCUC is your home. It's where you can have your voice or concerns heard. We are also very much interested in diversity and consumer choice. We don't just want giant, big techs to take over and dictate the pace with us. You can have equal footing and voice just like the big Internet companies as well.

So human rights is very critical to our heart. We take the issues of human rights. We promote this approach, human rights, and that would approach to policy formation in the domain name space.

Freedom of expression, we know there are individuals who have views that are not very popular with authorities or with the mainstream. We also champion their cause and this is an avenue for them to share their views. Privacy is very critical to us, which, as you know, is a fundamental issue for freedom of expression. For you to be free to express yourself, some certain degree of privacy should be guaranteed. Access to knowledge is important to us. We want to make sure the internet continue to serve the purpose of information dissemination and development.

We work with other stakeholders also in the policy development process, and we want the Internet to be multilingual, it's important to us. And the nationalization of the Internet is also a critical view that we share. Then we believe in the various global Internet governance arrangements and we participate actively in these processes.

So, how can you join us? On this conversation in the chat room, you'll see a link to the brochure. You can see a link, a form to fill, and it's as simple as that. Fill the form and in a couple of days you'll be contacted. And once you are reviewed and you meet the criteria, you will be accepted into the group.

You can also participate actively with our social media, engage us on social media. I think we're a jolly, good group to meet. We don't [inaudible] think. Everyone is allowed to express their views and we encourage you to join us and contribute to shaping the future of the Internet and making it as robust as we desire to see it. So thank you and I hope to see you on board.

BRUNA MARTINS DOS SANTOS: Thank you very much, Ben. As Benjamin mentioned, if any of you wants to join and if you're not part of the NCUC or NCSG already, and willing to fight for the non-commercial interest within the GNSO, feel free to join. We posted the links for forms and part of our history in the chat. Any of us—either Ben, myself, or the NCUC Leadership team—are available for any doubts you have. So thanks again, Benjamin.

Moving on to the Leadership discussion and transition, I would just like to take this short opportunity to thank the outgoing leaders—and apologies for the background noise—but I would just take this opportunity to thank the current NCUC Leadership team and outgoing members. So thanks a lot to Louise Hurel, Franco Giandana, and Michael Karanicolas for all the help and participation within the NCUC Executive Committee. And also to wish good luck to the incoming leaders. So I wish good luck to Raphael Beauregard, and also the incoming Executive Committee, Benjamin, Mili, and Lia as well. And in case you guys want to represent North America at the NCUC, Executive Committee, we have a slot open and/or if you're willing to volunteer anyone for this slot, feel free to do so or to reach out to us. If any of the current NCUC would like to take this opportunity as well to make any appointments or points about your term, I would also be happy to hand you the floor. But if not, we can move on with the agenda. So I'll give you guys an opportunity if you want to take the mic. Well, if not, I guess we can move on with the policy updates.

We have invited Ephraim. Ephraim is one of the co-Chairs of the Cross-Community Working Party on ICANN and Human Rights, which is a forum for research and discussion on the relationship between human rights and the global DNS coordination. This is a working group that goes across the ICANN community. But nowadays it's chaired by NCSG representatives, and this is also related to policies, procedures, and operations, with a particular respect to ICANN's responsibility in attending human rights and respecting human rights.

So Ephraim, we have invited you to give a short update on what the CCWP has been doing. We have this also the joint session with ALAC yesterday. So, the floor is yours. Thank you very much.

EPHRAIM PERCY KENYANITO: Thank you, Bruna. I'm very excited to give this update. So yesterday we had a very great session. Thank you so much for everyone for attending and being very active. It was very, very, very active. So I'm going to give this a very short overview of the work that we did and we've been doing.

Basically, the CCWP, some of you are on the list. We have been trying to work on a tool. So that's the attempted tool that we have been trying to work on. Some of you have contributed on it to try and make sure that we interpret and we implement the recommendations that SO/ACs are also able to comply to human rights beyond just ICANN. So basically, the Work Stream 2 recommendations and ICANN Bylaws do not just only put an obligation only on ICANN Org but also on the entire community for them to ensure that there's human right. So,

that has been an attempt that we've been working on the last couple of months, to try and come up with a just way in which we can be assessing human rights as SO/ACs. So that was a great opportunity yesterday to belong to the work that we did during the last ICANN meeting as I updated together with my colleague, Austin—who is on another call but should be joining us shortly—as we updated the work that we did also with similar building on to this tool. Also we [inaudible] this work with the GAC and ALAC now, so this session was with ALAC and we had a good discussion about the history of CCWP and the status of the ICANN Org Human Rights Impact Assessment. So some of you might be aware that in May 2019, ICANN Org had a human rights impact assessment. So the status of implementation of those recommendations up to now. And building on to that, Org basically say that they have about 50% of the recommendations left to implement but they may not get to all of it soon because of other priorities, and also given that right now we have moved to a virtual environment. Some of those recommendations are not that urgent because ICANN Org is no longer operating fully in the physical environment as much as before. So that's an appeal that came from yesterday's call for those who listened to this call with ALAC and ICANN Org representatives.

Next steps from yesterday's call is that ALAC may be forming a small group to perform a human rights impact assessment on SO/ACs or to consider that topic more. So some of the volunteers so far are Jonathan Zuck, Zach, Alberto Soto. I might miss others. Some people would like to see a more formal home for the human rights impact

assessment process. So this was the question of it came up as a question of budget.

Thank you, Maryam. Sorry. Yes, I just adjusted my screen.

It came up as a question of budget. There was a question regarding how do we continue this processes? Because CCWP's a group of volunteers, but if ICANN Org, for their process, they had to get a third party to do the HRIA. How do we ensure that this process is continuous? So it was a question of whether there should be a more formal home for these processes such that there's a budget, there's dedicated resources to ensure that SO/ACs are fully supported to do human rights impact assessment. So this is the next steps, but we just shared the link to the tool here again as I shared in the last ICANN meeting. It will be very good if more people can contribute. Thanks so much for those who have given us critiques, feedback how to keep improving that tool to ensure that that tool takes care of HRIA for SO/ACs because it should be the first time HRIA is being done on SO/AC or this process in this ecosystem.

“So how do we continue building on this?” Thanks, Milton, for this question and for your feedback. “So how do we get HRIAs on ICANN policy build on to the processes?” These are some of the questions. So the tool attempts to look at building the processes at SO/AC level before building the processes for PDPs, as some of the questions around, for example, the EPDP process that happened recently, not having the human rights impact assessment. This is one of the questions which we are trying to grapple with, and it would be good to

get feedback because we've been debating these questions since May. The last ICANN meeting and this one, we've been dedicating towards trying to answer that but we don't yet have clear answers, so it would be good to also hear from others from this call, how we can build and make sure that that group is active. Beyond just having the Bylaw into effect and the Framework of Interpretation, so how do we move the work forward and ensure that we have a good Bylaw or a compromised Bylaw and human rights and Framework of Interpretation? How do we ensure that this work moves forward? These are some of the questions which we are trying to answer or to ask more, so it would be good to hear. Thanks for that. I don't know if Austin has been able to join us. If not, I will drop. If Austin has something, you can chime in. Thanks so much, Bruna.

BRUNA MARTINS DOS SANTOS: Thank you very much, Ephraim. Austin, do you have anything to add? In case you have, I can also hand you the floor. Okay. So, thank you.

Are there any further questions for the CCWP HR representatives? Please feel free to type in the chat or take the mic. This is also an opportunity for you guys to ask the questions. Okay, in case there is none, I think we can move on to the policy discussions in our meeting today. I invited and asked Rafik, our current Policy Committee Chair to give us a short overview on the PC work and also to help us bring some attention to the Policy Committee meeting that is taking place further these meetings. So, Rafik, the floor is yours.

RAFIK DAMMAK:

Okay. Thanks. Thanks, Bruna, and thanks to all who are attending today's meeting. To start quickly about the general update for the NCSG Policy Committee, what we have is more like some task that the Policy Committee need to deal with in particular after this ICANN meeting. There's, as usual, the appointment of the different representatives to GNSO Committees, like the one for the SSC, the Selection Standing Committee and the SCBO, which is about budget and operation. There are also several open public comments lately, and we still need several volunteers to join the drafting. So I sent several reminders to NCSG list if there's anyone who is interested to know those topics to reach me and join the drafting for NCSG comment.

So moving to tomorrow's Policy Committee session. So it's open to all the members. It's not just for the Policy Committee. It's similar to our usual monthly policy call. Since it's also 90 minutes, we will focus on the GNSO Council meeting agenda and we'll try also to get some update from the different sessions like some of the plenaries or the decision for PDP Working Group. So I will try to go maybe just some highlights about important topics in the GNSO Council agenda just to ask for those who will join us tomorrow, maybe also to check the documents prior to it.

The Consent Agenda itself for the GNSO Council meeting has several items. While Consent Agenda means that we are not going to discuss since several of those items were topic for discussion in prior Council meetings, but I would like to ask everyone to review this document, just to check if there is anything of concern.

I think the most important one is first about the next steps for WHOIS Conflicts Procedure Implementation Advisory Group. And here is we try to move forward on this issue that was put on hold for a while since we started the EPDP work. So we have just some proposal here and to approve it. It was discussed by a small team and put for a comment for a while.

The other agenda item in the Consent Agenda is about the next steps for the remaining items for Priority 2 from EPDP Phase 2. So there are some immediate action that need to be done before really starting like reconvening the EPDP team or starting to work on accuracy.

Also for the Consent Agenda, we have about Recommendation report to be sent to ICANN Board regarding EPDP Phase 2 Final Report.

Okay. So other items I think of interest is the discussion about EPDP Phase 1 Recommendation 7. And those who have attended yesterday's Board and GNSO Council meeting probably could follow the discussion and the question that was asked to Board members about the instruction they gave to the ICANN staff and the IRT, which is working on the implementation of EPDP Phase 1 recommendation. So we will go on more details tomorrow and explain about the background, the context, and what is really means here in terms of outcomes.

The other item, there's something new. You just probably saw the paper that was shared an NCSG list, and that's about the draft Operational Design Phase for gTLD Policy Implementation. This is kind of a new concept or paper/proposal by ICANN Org. It's something we

have to pay attention and to go really through what's the proposal because probably it has a lot of impact in terms of process and how policy recommendations are implemented or how maybe they can impact the consideration by the Board. And so I advise everyone to review that paper. And it will be also topic for discussion tomorrow for the meeting between the Board and the NCSG.

The next item, it will be about consultation with the Board regarding the SSAD recommendation and in particular the financial sustainability of the SSAD. That's, again, from EPDP Phase 2. And so here we'll try to clarify about the process and that was suggested by the Council in terms of having a dialogue with the Board before they consider the policy recommendation for EPDP Phase 2. So we want the Council to clarify, to answer any concern or any question coming from the Board, and avoid the situation that happened before for Phase 1 when the Board sent the recommendation to the Council and we had to go through discussion. But also just to take into account all the minority statement and concern expressed regarding the financial sustainability of the SSAD and the request from GNSO Council to have a cost benefit analysis. Anyway, the purpose really is to clarify how the GNSO Council will approach this discussion with the Board and in particular the letter to be sent to the Board on that matter.

The other item is more I think it's not a concern, which is about delayed request for Policy Status Report for the Expiration Policy. But just we'll try to introduce what it is about. I'm trying here to do a quick overview of the topics but we will go into details and explain about the

context, the background, and try to get input from our members to give guidance to our councilors.

Tomorrow’s meeting will be my last meeting as the Policy Committee Chair, and for that, I’m asking the Policy Committee to start the process for electing or appointing a new Chair after ICANN69 since there are a lot of tasks to do as I mentioned regarding appointment to different committees, but also there are some—not PDP. It’s like the [inaudible] track that will start soon and we need to appoint representative to that track. So it’s important to ensure the continuation, and so this is something for the NCSG Policy Committee to work on. I will stop here and then I will be happy to respond to any question or comment.

BRUNA MARTINS DOS SANTOS: Thank you very, very much, Rafik. If anyone has any questions, feel free to open your mic or type on the chat. And while you think about your question or not, I would also take the opportunity to thank Rafik for the very relevant work he’s been performing in the past years, both as GNSO councilor and also as our Chair for the Policy Committee. It has been a real guidance for any of us who are joining NCUC and NCSG, but also guidance for policy work. So thank you very, very much, Rafik. I see your hand up as well. So I will hand you back the mic.

RAFIK DAMMAK:

Okay. Being the Chair, they want maybe to give some clarification about particular works to it too, and so the human rights impact assessment. In fact, for NCSG, we brought the topic before and we get it to the GNSO Council agenda. So we have now even a small team with I think enough representation from NCSG to try to clarify what are the party they need to work in the different Work Stream 2 recommendation. It's not just wait for ICANN Org to share their implementation plan. So it's in the pipeline for the GNSO Council, but the most important to clarify what needs to be done because it's not just about the human rights impact assessment. I think there are several recommendations and to get them prioritized. So this is maybe for the new Council and our representative there to follow up. So, in fact, it's in the ADR, the Action Decision Rate there, which is the new tool for managing, to some extent, the priority and to indicate to the Council which would be the next decision or action. So it's important to follow up there.

It still needs to be clarified how to deal with that or what needs to be done. I understand, like the Cross-Community Working Party, they have something they worked on but still also it's needed for the GNSO Council and the councilor to get familiar with the Work Stream 2 recommendation that should be implemented by GNSO Council and to decide how to do the work, and maybe they can use all kinds of input, including the one from the Cross-Community Working Party. I know that doesn't look like a swift process but we need to acknowledge that for the Council, we receive so much, so many requests, and there are so many things that people think are the high

priority. So it's kind of to create balance, but at least for NCSG, we push to have that in the agenda and so it's in the radar. I should stop here. Thanks.

BRUNA MARTINS DOS SANTOS: Thank you very much, Rafik. Anyone else who would like to—I see some discussions on the applications of the Human Rights Impact Assessment to SOs and ACs, and I see that this is bringing a lot of debate on the chat. But if anyone else would like to ask any questions or make a comment on this, feel free to do so. Just raise your hand.

Okay. Then I think we can move on with the agenda. I'm taking that Rafik's hand is an old hand. Yeah. We can move on with it. And thank you very much. I do see I do see some space and definitely a need for a better coordination with the CCWP and especially in terms of the recommendation and how they plan to implement their discussions or even further present them to this community. So, definitely, Austin and Ephraim, I see a need for a further discussion with the NCSG and any other of our constituencies in the future. So that will be really interesting to have.

Moving on with our agenda, we added upon membership request a discussion about what we're calling a constituency strategic review. This is a debate that was kicked off in our list a little bit earlier this year about some duplications in between NCSG's constituencies and general needs to streamline and improve our work and use of resources.

I would like to give the floor to Raphael, our incoming Chair of NCUC. He's also somebody who's being a huge help in coordinating this process. So, Raphael, you have the floor and feel free to explain it to everyone else.

RAPHAEL BEAUREGARD-LACROIX: Thank you, Bruna. Hi, everyone. Raphael Beauregard-Lacroix for the record. As Bruna mentioned, the purpose of this point on the agenda is to inform you the membership in general of where we are with this. And if we have any newcomers in the room right now, well, now you have the opportunity to get straight into the kitchen, so to say.

So how does this start? It started, as Bruna mentioned, as a discussion on the list the summer. So one of our members, NCSG member in this case, some floated the idea of merging the two constituencies into the stakeholder group, in a way. I'm probably not saying this accurately, but also again for the benefit of the newcomers, if you had to imagine how the stakeholder group is structured, you can think of, let's say, the NCSG as an umbrella kind of stakeholder group for the two constituencies, which are NCUC, this one currently which we're having a meeting, and also NPOC, the Not-for-Profit Operational Concerns Constituency. So, some floated this idea. So in order to get some efficiency, we have limited resources and so on, there was a very hefty debate on the list about that. And we also had in August, if I'm not mistaken, two calls with the whole leadership of the NCSG, meaning the three ECs or as many people from the three ECs as we could. The

result of these discussions was that we decided to set up a working group that would have a very specific mandate. What is this mandate? Well, it's really to focus on figuring out accurately and precisely the problems that we're facing as a stakeholder group in general, but also as constituencies within the stakeholder group.

So I think this is the core. The core matter here is that this working group that we decided to set up is meant as a fact-finding operation, first and foremost, and it's meant to be open-ended as to the solution. So of course, the discussion was kind of started with the idea of merging everything together, which generated most of the discussions, I would say. But we thought that it would be worthwhile to maybe take a step back and really make sure we have something written down that really pinpoints the different types of problems we're facing because we realized that there are several of those problems, not only one. And obviously, it might be that the best thing to do would be to merge everything or to do partial merger or whatever. But the point is that we need to have this document, this outcome, for everyone to be able to have, let's say, an informed opinion about what is the best course of action to follow. So yes, fact-finding, first and foremost.

We published a call a few weeks back. We have a few people who volunteered and I would say the number of volunteers that we get does not quite reflect the enthusiasm around this issue that we could see on the list this summer. And if you are also a newcomer, again, our mailing list, all of them are all publicly archived and so you can go online and find the mailing archive if that's something you would want

to dive into a little bit more. But despite the fact that it did not generate—so now this working group or this call for members for this working group that generate the same amount of enthusiasm as the discussion on the list this summer, let’s say, we still plan to kind of move forward with that. And obviously, if there’s anyone here on the call or if you are listening to this in the future as a recording and you would like to join this effort, you are free to do so. You can do so by e-mailing chair@ncsg.is.

As the Leadership, we’re very much aware that a lot of the discussions first focus on the idea of a merger and it’s not the point of this working group is not to stifle that specific solution, but really to take a step back and make sure we have all our problems lined up before we move in towards a more permanent solution. I would also add as a general reminder that the NCSG Charter allows for amendments to the Charter, and that might also be the case of constituency Charters, although I’m not entirely sure of that. So I wouldn’t pronounce myself just now on that. The NCSG Charter definitely does to a referendum like mechanism, and whatever process we have now set up, anyone is free to use that mechanism to propose a Charter amendment. And that’s definitely still open and it’s not because we’ve decided to set up this working group that it prevents anyone from having a course to that.

So what we want to do now in the 19 minutes we have left, if I’m not mistaken, is just to gather your thoughts. So we wanted to inform everyone but also use this time if you have anything you want to say about that, what I just said or about whatever else related to this

constituency review, you're free to do so. I guess that's all for me for now. The floor is open.

BRUNA MARTINS DOS SANTOS: Thank you very much, Raphael. Just pointing out some other things that as Raphael has mentioned. We did two long calls on this strategic review/merger proposal. Our main consensus that we had is that we needed to use whatever would be the results of this process to improve our participation in policy-making processes and also to improve our participation at ICANN in general. So to be able to maybe free up some positions or even have our volunteers focusing with a little more time in some processes is an interesting outcome that we could get from this process. That's a really relevant thing.

This is also a space, I guess, for some validation for this. So if any of you is not necessarily comfortable or is not really keen on these approach and would like to suggest or even propose an input on this, feel free to do so. Again, thanks a lot for the input we have had so far. I guess I'm opening the floor as well. Then I guess you can definitely ask your question on the microphone.

BENJAMIN AKINMOYEJE: There was a typo in my question, actually. So my question to Raphael's speech was irrespective of the number of volunteers willing to join the work, I mean, the strategic review, would the review still continue or will this go ahead or would that look like a sign of no interest in carrying out the review? That was my question.

RAPHAEL BEAUREGARD-LACROIX: Thanks, Ben. As I can see in the chat, it's a good question. Is it a sign of low interest? Yes and no. I mean, of course, most of us at least, a large majority have other professional commitments and so on, and we also realize that things are not necessarily moving as fast as they could just because we are having these calls, and then trying to come up with the documents and the call for members, and then putting it on the list. Maybe just the time passing has made certain people lose interest in that.

I think that even if it's a small amount of volunteers, I'm personally and I don't want to speak for anyone else in any other leadership position right now or incoming on that, but I would be in favor of moving forward with that. At the same time, we've never envisioned of having the whole membership on board with that process. Again, it's really a fact-finding mission and I would say if you want to talk kind of concretely in terms of outcomes, I think what we're envisioning is precisely to have the problems outlined and then maybe a few paths for solutions. But definitely, it's not this working group which will have the power or the authority to, let's say, you need not to really do anything but we just hope that this written output would provide a little more clarity with regard to the problems, and then by implication more clarity as to which solutions we should move forward with. So short answer to this question is, I guess, at least for me, yes.

I see that Milton has his hand up, so I guess, Milton?

MILTON MUELLER: Okay, great. Can you hear me?

BRUNA MARTINS DOS SANTOS: Yes.

MILTON MUELLER: Okay. This is Milton Mueller at Georgia Tech in Atlanta. I think this subgroup should go ahead and do what it's supposed to do regardless of how many people actually participate in the work. It's an unfortunate fact of a longstanding tradition in virtually all of these working groups, regardless of which constituency or stakeholder group you're talking about that a very small number of people do most of the work and it's hard to get people mobilized for a long period of time. In fact, more participation might just make the process harder in some ways.

I think that the problem for me was that when I read the Charter of the working group, it was not really framed as a, "Let's work out the details of what a merger would imply." It was more, "Let's talk about why people aren't more active in NCSG." And I think that latter question, again, coming at this from many years of experience is pretty obvious why there aren't more. It's hard work, it requires expertise and not many people have time to do that. And we waste a lot of our activists' time on too many administrative things. So a constituency merger would help that by not having people wrapped up in lots of bureaucratic work and in lots of coordination activity that really is not necessary. So I would be willing to volunteer for this group

if it were more focused on, “Let’s evaluate the feasibility of a merger and let’s see if we can get it implemented in a way that makes everybody happy.”

I think the real problem you have is—and maybe we should be having this discussion more in the NCSG meeting later—but the real problem is that there are people within NPOC who are very strongly opposed to this and don’t want it to happen. So they are proposing, essentially, to divert the agenda of this merger process into a discussion of participation with the intention that we will not really ever get around to merging. I think we have to face that squarely. I think that the people who want there to be a merger should go ahead and propose how it would happen and evaluate the impact on the ICANN Org support for travel and things like that. Would it mean fewer positions supported and so on? We just need to work out the details of that. But I don’t think that if we don’t have a clear objective for this working group, it’s really not going to get anywhere.

I think just to put this in a more action oriented way, if you’re against a merger then don’t participate in this working group. Let that working group come up with a proposal for a merger and then you can vote against it or argue against it. But what I would hate to see happen is that because we haven’t agreed, everybody’s not in agreement about the need for a merger or their desire for a merger that we can never actually come up with a proposal to do it. I think what we need to do is come up with a concrete proposal and then let the stakeholder group as a whole vote on it. And that’s where I would like to see things go.

RAPHAEL BEAUREGARD-LACROIX: Thanks a lot, Milton. You certainly made very good and valid points.

Again, I'm not speaking on behalf of anyone else here but just myself. I'm not fundamentally against any possible solution for that. And it's true that the process that we set up now, because it's a bit more convoluted in a way or a bit more long could be used by people who want—or who don't want maybe, since they started with a merger by people who don't want—this specific outcome to happen. It's my hope that it will not and I would want to ensure that it does not get diverted. Maybe that's naive of me. I recognize that. I don't have your experience in that matter. I think the point that you made about kind of people coming up with a concrete proposal is good in the sense that it may actually show that this is the better way to go as well. Thanks.

Now I see that Stephanie has her hand up. Stephanie?

STEPHANIE PERRIN:

Hi. I'm going to be fairly direct here. I would draw everybody's attention as I have over the past quite a long time, probably a year, to the fact that there's a GNSO review coming up. In my opinion, NPOC has not made sufficient progress in putting its members on PDPs and in managing its publicly archive list, and in basically effectively contributing to the work. One of the reasons is, as Milton has said, they're tied up in doing administrative work. Joan's been working on their Charter for the past, I think, it's three years. But I'm not an NPOC member so I may be misspeaking there, but it's been a long time. I'm not sure that it's done yet. That wouldn't be necessary if they were not

attempting to duplicate basic NCSG structures. We barely get enough participation at Rafik’s excellently run Policy Committee, we don’t need a double Policy Committee, we only need one, regardless of whether two constituencies remain. So there’s a lot of unnecessary work.

I really think that if NPOC wishes to continue to exist, then it can prove itself by doing what it does best. It does outreach, it does various other things. The division of the work need not necessarily result in fewer resources but we have to get our act together collectively in the face of an upcoming GNSO review. And people will say, “Well, why is she putting that on the public record?” Because any idiot knows who is watching what we’re doing. This is not a deep, dark military secret. You can count the people who show up at meetings, you can count the contributions on the drafting of documents, on comments, on participation in PDPs, you name it. So come on, folks, we need to fix this and have a real hard look at reality.

The tasks of the non-commercial world are more difficult because we’re not funded, because we’re striving to do global outreach like nobody else is, because we are performing an education function. There are many, many reasons why resources should not be cut but we haven’t made the argument other than that we’ve got two constituencies and therefore we need this. I tried to make that argument when I was fighting for the additional NomCom seat. It’s hard to get good non-commercial folks to sit on volunteer organizations because they’re torn in a million other directions. It’s not so hard to get commercial folks because they have a vested

interest in participating. So come on, folks, let's wrap our heads around how this can be a constructive, strategic review and not just focus on at so-and-so attacking NPOC. It's not, that's not what it's about. It's about making effective use of our resources. And acknowledging the fact that many members have opted out of both NPOC and NCUC and our NCSG members at large and as long as we focus on the two constituencies, they're not well represented. I'm sorry to be so long-winded but that's all I got to say. Thanks.

RAPHAEL BEAUREGARD-LACROIX: Thank you, Steph. I'm just looking at the time right now. We have five minutes before a new set of AOB. I don't know if anyone else has any—I see Rafik has his hand up. So go ahead, Rafik.

RAFIK DAMMAK: Don't worry, Raphael, I will be brief here. Okay. I think several points were made and this discussion was going on now for a while. I mean, it won't be an easy task for the working group. We have a few people. But I think the most important is we have this kind of strict timeframe. The working group is not supposed to go forever. It's clear we have that objective to come up with a proposal to the membership, like review the Charter and so on, we can also help for discussion at the end when we come the proposal because it will be more concrete, it will clarify the different aspects and different points, and we can steer the discussion maybe in more effective way. I hear all the concerns and also the suggestions. It won't be an easy task but I think it's doable if we focus on that and if we commit to do the work.

RAPHAEL BEAUREGARD-LACROIX: Thank you, Rafik. Now I see we have other hands. I don't know, Steph, is that an old hand? Just as a side comment on what you said, Rafik, we do intend to keep the deadlines and the dates kind of structure precisely where we have an outcome in time.

I see that we have A.M. Sudhakara in queue, please. You are in mute if you're trying to speak.

A M SUDHAKARA: Hello. Can you hear me now?

RAPHAEL BEAUREGARD-LACROIX: Yes, we can hear you now. Thanks. Go ahead.

A M SUDHAKARA: I'm Sudhakara from India. As Stephanie Perrin was stating regarding the commercial people having the upper hand and doing everything, we have to frame certain things that's very much needed, even in last meeting also arising in the Morocco. Still, it's not happening but we have to do something regarding that. Unless we stop all those people doing unfair things, I think the NCUC group is going to be good. Thank you.

RAPHAEL BEAUREGARD-LACROIX: Thank you, Sudhakara, for that. I'm presuming that, Steph, this is an old hand from you. I will hand back the floor to Bruna for the closing.

BRUNA MARTINS DOS SANTOS: Thank you very much, Raphael. Thank you all for these discussions. Just to point out that a lot of your comments on this issue were really relevant, we do have the general issue with volunteers and the lack of them right now. But we also need to be wary of the very specific moment in time in which we find ourselves in, and then look out for ways to improve our work. I guess that's one of the main concerns of this group.

I definitely agree with Milton's position on having this group being more focused this and focus on what could be a merger or a strategic review. So thank you all for this.

Do we have any AOBs? If not, I can give you back your days and we can go back to ICANN69. And just to thank everyone for attending this meeting and also for the very fruitful discussions. In case there isn't any AOB, I guess we can adjourn this call, Maryam and Brenda.

MARYAM BAKOSHI: Thank you very much, Bruna. Thanks, everyone, for attending the NCUC Open Meeting at ICANN69. Have a good morning, good afternoon, and good evening, wherever you may be. The meeting is now adjourned.

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