# NCSG Topics for Discussion with the Board, ICANN 64

Thank you for this opportunity to provide material for our discussion with the Board in Kobe, ICANN 64. We look forward to a fruitful discussion with you. It is our observation that our most successful conversations have occurred when we have been able to have a free and open dialogue, rather than a question and answer type of event, so please feel free to follow up on any of these topics during our hour with you on March 12. We promise to come caffeinated and eager to talk.

**Topic 1: The Public Interest and the Balancing of Security and Privacy**

We understand from the planning documents that we have seen, that there may be an appetite to define the public interest. We also have noted historically the tendency to consider the publication of personal and confidential business information to be both necessary for security and vital to the public interest. This is a position that we have historically fought, because of our commitment to protecting personal privacy and free speech, including political and religious speech. We do however feel that the struggle to control cybercrime, and to educate individuals to avoid being victims, is becoming ever more important for the public interest. We have submitted an additional budget request to do education on that front, and hope to reach out to some of our members in underserved regions on this initiative. With the success of the EPDP phase 1, we hope for a more balanced and enlightened discussion on this topic, but we would like to hear more about your thoughts on defining the public interest.

**Topic 2 EPDP and the Multistakeholder Process**

The NCSG is pleased that the EPDP has managed to achieve consensus on many of the questions outlined in our Charter. We are relieved that Phase I of this grueling activity is over, and hope that we have an opportunity to rest prior to Phase II commencing. We would urge the GNSO Council to conduct a lessons learned activity, once the dust has settled somewhat, to see if we can improve on future processes. While we agree that this has been a historic struggle, and one must mitigate one’s expectations somewhat in terms of ideal outcomes, we do predict that there may still be legal issues awaiting the ICANN community. We would like to discuss with you our views on procedural issues such as:

* Independent legal counsel was most welcome, and appreciated. We needed it earlier. Similarly, the facilitators were extremely helpful, and necessary in face to face meetings where much of the progress took place. We will need both in phase 2.
* When stakeholders are being paid to advance a particular view, it is almost impossible to achieve compromise. What are your views on how to break that logjam in our pdp processes?
* There was hardly a stampede of candidates to take on the role of Chair for this EPDP in Phase I. There are many difficult issues which have been punted to Phase II, and the excellent and extremely patient Kurt Pritz has resigned, thus we may face a problem in assembling a leadership team. What are your thoughts on this?

**Topic 3 The Role of Civil Society at ICANN: Outreach and Education Challenges**

As the representatives of non-commercial users, and having many academics among our midst, in particular a large number who actually teach Internet governance in one discipline or another, we are acutely aware of the challenges we face in bringing non-participants in the actual domain name industry up to speed on the arcana of ICANN. We discussed this briefly in the one on one call between the NCSG Chair and the CEO in January, and the response to questions about this issue was that we were going to simplify the process. Can we hear more on this? We still want our members to gain a deeper understanding of the technical, economic and legal issues surrounding the domain name industry. How are we going to achieve this?

Inclusion of civil society as regular participants is what marks the multi-stakeholder process as different, more open, and more participatory than the usual regulatory environment in nation states. We need to foster it.

**Topic 4: Anti-harassment Project**

We are really pleased to hear that the Board is acting on the anti-harassment challenges we face here at ICANN. As you know, the NCSG has been active on this file. Can you please tell us more about the plans? We look forward to further discussions on this.

**Solutions**

You have asked us to bring solutions to our planning challenges for ICANN, in an environment of flat or falling revenues and increasing demands on our resources.

Here are four ideas, but be assured that we will be using this week to brainstorm on how we can constructively contribute to this discussion. We also look forward to hearing more about the next phase of the five year plan.

1. What the Board, ICANN org, and the Community should be doing now to prepare for the successful implementation of these plans?  Please make three suggestions as concrete as possible, providing one each for the Board, ICANN org, and the Community.
   1. Nothing incentivizes economical thinking on travel costs more than being responsible for the budget. It is an unfortunate fact that in this MS environment, none of the travel covered by ICANN, be it the Board’s, the Org’s, or the Community, appears to be under the direct control of the individuals who are travelling. There appear to be few disincentives to travelling at the last minute, hiring cars to the airport when a taxi would be fine, etc. We appreciate the need for the Board to travel in business class, and we also appreciate the need for community members and staff to have flexibility in accommodating health needs, visa requirements, and personal business demands, but there should be more incentives for economy in travel choices. With the recent decision to stop publishing travel costs of members of the community, we are actually removing these incentives. Can we, collectively as ICANN tripartite, commit to economizing on travel and figure out some incentives to do so?

1. While the success of these plans lies primarily within ICANN, we all know that ICANN does not operate in a vacuum, and alliances and partnerships are important to our success.  How can we increase the likelihood that important allies and partners in the space are on the same page and working together to achieve common/agreed upon goals?  Please provide one suggestion of something that could be done externally to improve trust and collaboration.
   1. What is “the space”? Internet governance? The DNS industry? Who are those important allies….mostly governments and industry associations and chambers of commerce, or would it include civil society and academia? We do our best to contribute through research and scholarly activity in the Internet governance space, dispelling much disinformation about what is actually happening in the ICANN arena. Through our civil society members and associations, we strive to get the facts out and promote a free and open Internet. Nothing contributes more to both of these activities than transparency and clear and honest communications about what is going on. In this respect, we can usually see room for improvement. Why not invite the various stakeholders to join the CEO in his blogs, instead of leaving us to comment separately in our own blogs? We don’t expect to agree (and even if we manage to find partners out there externally who support ICANN and the MS model, we do not expect to find universal agreement). This is a contentious space, lets confront that reality with more free and open communications.