ICANN61 Report: Michael Karanicolas

*"Now, here, you see, it takes all the running you can do, to keep in the same place. If you want to get somewhere else, you must run at least twice as fast as that!"*

*–* Lewis Carroll, “Through the Looking-Glass, and What Alice Found There”

ICANN61 was a busy week for me. In addition to NCUC outreach activities, I participated in the ICANN leadership course as an NCSG representative, in the Workstream 2 Plenary as the Rapporteur for the Transparency Subgroup, and in the PDP Review of Rights Protection Mechanisms (RPMs) as one of a small number of non-commercial stakeholders in a group that is heavily dominated by representatives from the IPC. It was also my first meeting as Co-Chair of the Cross Community Working Party on Human Rights, which required me to help lead a session charting our path forward, as well as a presentation to the Governmental Advisory Committee on their options for carrying out human rights impact assessments. Separate from this, I led a Cross-Community Session on Open Data and Transparency at ICANN. I also represented the NCUC at a GNSO working session, and at a direct meeting (technically, it was a “[*fika*](https://en.wikipedia.org/wiki/Fika_(Sweden))*”*) with Göran Marby, the ICANN CEO.

The meeting with Göran was particularly interesting, since the informal setting allowed for a more interesting and productive back and forth than might typically be heard during public Q&A sessions. Based on consultations with the list, we focused on four major themes: GDPR, budgeting, human rights at ICANN, and transparency. On the GDPR, Göran noted that the required changes would make it more difficult to combat spam, and queried where that challenge fit into the proposed solutions. On the budgeting question, he emphasized that pushing to a two-year budgeting cycle would make things run far more efficiently, and the challenges that they faced in creating a balanced budget when a significant proportion of the spending was actually out of his hands. Göran largely stepped back from the human rights question, noting that this was an issue which the community needed to decide for itself (apart from the HRIA of ICANN as an organization, which was already underway). On the transparency question, we focused on two issues. First, we noted that responses to DIDP queries typically came in the form of custom-drafted responses, rather than a delivery of original documentation, which is both inefficient and largely out of step with common practice in governmental right to information systems. Göran responded by noting that ICANN is not a government (which is true… but sort of dodges the issue), though he also suggested that this would be a good matter to raise with the Complaints Officer. We also asked about transparency at ICANN legal. Göran responded by claiming that their transparency was already extremely strong, while acknowledging that I (and others in the ICANN community) felt otherwise and suggesting that a future *fika* between him, myself and John Jeffrey might go a long way to solving the disagreement.

In all, ICANN61 was the most hectic (and productive!) ICANN meeting I’ve had so far. But, of all of the discussions and debates that took place, the one that really stands out in my memory is a back and forth over the efficacy and utility of what we do.

In the closing moments of an NCUC outreach event, Adam Peake of ICANN staff asked us what percentage of the time we thought that we “won”. His perspective, he noted, was that non-commercial voices were victorious in nearly every debate they had engaged in since ICANN’s founding. Needless to say, this position wasn’t shared by many non-commercial veterans in the room. The prevalent opinions were far more pessimistic of our role and ability to impact change, pointing to rearguard actions to push back against policies which would undermine privacy and freedom of expression.

I didn’t say this at the time, but in retrospect, I think that Lewis Carroll’s Red Queen can sometimes be a good analogy for what we do at ICANN – running as hard as we can to prevent things from going backwards. In some ways, that’s the natural result of being in a system which, while billed as multistakeholder, too often acts like an adversarial process, where non-commercial voices are pitted against stakeholders with vastly more resources and manpower behind them. It’s also a consequence of ICANN’s continuous policy-making processes, where even a “victory” may only last until the issue is reopened.

In general, I don’t share the pessimism of some of my colleagues. In the short amount of time that I’ve been here, I’ve seen tangible progress on several important issues. Moreover, even if we don’t “win”, our presence can lead to results that are less bad than they might have been had NCUC members not provided a voice for human rights concerns. In other words, whether or not we approve of the end result, our role in the process is vital. It’s important to stay engaged with ICANN – even if too much time here can leave you mad as a hatter.