

ICANN BOARD SUBMISSION No. 2021.11.04.1a

TITLE: ICANN73 In-Person Cancellation PROPOSED
ACTION: For Board Consideration and Approval

EXECUTIVE SUMMARY:

With the ongoing global pandemic, while there have been advancements that might make it feasible to plan for and convene a meeting in San Juan, Puerto Rico in March 2022, there remain far too many areas of uncertainty to proceed with ICANN73 as an in-person meeting or with an in-person element to it. The challenges include uncertainties related to the ability and willingness of international participants to travel and to be allowed to enter the U.S.; the advanced timelines for production of a successful meeting including site-visit; uncertainties of the COVID-19 risk rating of the location currently and at the time of the meeting due to the progress of the “Delta variant” of the virus; the ability to complete the necessary health and safety protocols in time; and the continuing community and org dialogue in development of a meaningful hybrid design to meet the needs of those who cannot or choose not to attend.

In following these evolving changes, the ICANN Board agreed to a risk framework for ICANN’s Public Meetings, specifically that ICANN Public Meetings should only go forward in locations where the U.S. CDC (or equivalent) COVID-19 risk rating is at Level 1 or Level 2. For locations with a Level 3: High or Level 4: Very High, the Board concurred that the risk would be too high to convene a meeting of international attendees. Puerto Rico, previously at Level 4: Very High, was recently moved to Level 3: High, which is still above the agreed-upon framework. ICANN org remains unable to conclude its necessary onsite planning efforts because of the risk rating. In adherence to the framework ICANN org recommends that the Board cancel ICANN73 as an in-person meeting and direct ICANN org to proceed to convene ICANN73 as ICANN’s virtual Community Forum. However, it is also important that ICANN return to in-person (hybrid) meetings as soon as possible, ICANN org recommends that the Board (1) affirms

its intent to hold ICANN74 as an in-person/hybrid meeting, and (2) directs the ICANN President and CEO to continue planning with the community to develop a meaningful hybrid model including all relevant safety protocols for ICANN74.

ICANN ORG RECOMMENDATION:

Aligned with the Board's agreement to not hold an ICANN Public Meeting where the COVID-19 risk rating is at Level 3: High or Level 4: Very High, ICANN org recommends that the Board cancel ICANN73 as an in-person meeting and directs ICANN org to proceed to convene ICANN73 as ICANN's virtual Community Forum. ICANN org further recommends that the Board: (1) affirms its intent to hold ICANN74 as an in-person/hybrid meeting; and (2) directs the ICANN President and CEO to continue planning with the community to develop a meaningful hybrid model including all relevant safety protocols for ICANN74.

ICANN org also recommends this action as it has been unable to perform the proper onsite planning due to inability to travel to Puerto Rico under the agreed-upon framework.

BACKGROUND:

ICANN org, through the Adaptive Crisis Management Team (A-CMT) on COVID-19, prepared background materials that are attached to this paper as Annex A. Financial considerations are in Annex B.

In addition to the A-CMT background materials and financial considerations, ICANN org has additional detail to share with the Board on community engagement. There have been substantial community conversations regarding a hybrid approach for future ICANN Meetings. During ICANN72, there were numerous discussions across all the community groups and regional representatives at the meeting. One of the repeated themes was the ability to conduct future "hybrid" meetings that are inclusive and equitable for those who would be unable to attend in person.

Other feedback heard before and during ICANN72 included overcoming time zone challenges when attending a meeting virtually; concerns of equitable participation between in-person and virtual participants in policy development work; meeting chairs participating virtually while other attendees were in person; appropriate safety measures for all participants; and managing quorum issues amongst hybrid participants. Discussions also reflected interest for ICANN to return to face-to-face meetings as soon as possible, and some suggested that ICANN should consider how to test returning to meetings and travel.

PROPOSED RESOLUTION:

Whereas, on 07 November 2019, the ICANN Board approved for the ICANN organization to proceed to contracting in support of ICANN73 in San Juan, Puerto Rico, United States of America. <https://www.icann.org/resources/board-material/resolutions-2019-11-07-en#1.b>.

Under the Meetings Strategy, and in accordance with the Bylaws, ICANN73 is scheduled as ICANN's Community Forum for 2022.

Whereas, on 15 July 2021, the ICANN Board directed the ICANN President and CEO, or his designee, to coordinate with the ICANN community on developing a meaningful and effective hybrid meeting design for ICANN73. <https://www.icann.org/resources/board-material/resolutions-2021-07-15-en>

Whereas, the ICANN Board is responsible for a decision to change an ICANN public meeting location once such a meeting location has been approved for contracting and announced.

Whereas, in December 2019, a new strain of coronavirus, referred to as COVID-19,

emerged and on 11 March 2020 was declared a pandemic by the World Health Organization (WHO). Globally, a high number of people either have been or continue to be under some form of a “stay-at-home” or lock-down order, directed to avoid contact with others except to receive essential services such as medical care or to purchase supplies. Schools and offices are reopening in limited measures, larger gatherings are returning in very limited forms, and many international travel routes remain largely on pause. The case rate in the U.S. has steadily declined since mid-September (see below), but the mainland U.S. remains in the U.S. CDC’s highest COVID-19 risk rating (Level 4 – Very High). The Delta variant accounts for 100% of new cases in the U.S. Nearly 67% of the eligible U.S. population (age 12+) is fully vaccinated, with another 10% partially vaccinated. While vaccines are readily available in some parts of the world, other regions have very low access to vaccines, which impacts both ability and willingness for participants to safely travel. We still do not know when international travel will be more fully restored, including issues of visa accessibility. When faced with new emergences of COVID-19, many economies have re-imposed some form of “stay-at-home” orders to once again control the spread, with new recent measures imposed to combat the emerging Delta variant.

Resolution Text Superseded

Whereas, as an organization with staff and stakeholders across the globe, in January 2020 ICANN org convened an Adaptive Crisis Management Team (A-CMT) to assist ICANN org in tracking and mitigating the impact of COVID-19 on ICANN’s work.

Whereas, ICANN org, through the A-CMT, briefed the Board on the current status of COVID-19 on ICANN’s work, including the potential impacts on ICANN73. ICANN

org has also consulted with the leadership teams of the various ICANN community structures – our Advisory Committees, Supporting Organizations, Stakeholder Groups and Constituencies – regarding the planning for ICANN73 in the face of the pandemic, including a dedicated session at ICANN72 on planning for future hybrid ICANN meetings.

Whereas, the Board recognizes that the COVID-19 pandemic continues to impact other planned opportunities for the ICANN community to further their work in-person, with ICANN67, ICANN68, ICANN69, ICANN70, ICANN71, ICANN72 and all other face-to-face meetings moved to a virtual format. ICANN org has been in communication with the ICANN community on these scheduled changes.

Whereas, at this time, it does not appear possible or feasible to convene a meeting of international participants for an in-person or hybrid ICANN73 in San Juan, Puerto Rico as planned. Between the global inequity in vaccine availability across the world, continuing restrictions on persons from many countries or territories being allowed to enter the U.S., and backlogs in visa processing for those who are able to enter the U.S., ICANN cannot estimate with any confidence the ability for attendees outside of the U.S. to attend ICANN73

Whereas, ICANN org’s ability to sufficiently plan for in-person components of ICANN73 has also been greatly impacted. Because of Puerto Rico’s high-risk rating, ICANN org has not yet been able to travel onsite to the meeting venue to complete the necessary onsite planning for a successful in-person meeting. Though ICANN org could compress its normal timelines due to familiarity with the venue, ICANN org has already lost approximately 35% of the business days it would typically allot for planning for its first full hybrid meeting after an onsite visit. However, with Puerto Rico still at a Level 3: High rating, ICANN org is still not able to safely complete a site visit at this time and therefore cannot proceed with proper planning.

Whereas, ICANN org successfully moved ICANN67, ICANN68, ICANN69, ICANN70, ICANN71 and ICANN72 to virtual meetings, providing substantial experience for the

ICANN community on how to plan, schedule and execute ICANN Public Meetings in a fully virtual setting, including enhanced accessibility through the streaming delivery of high-interest sessions on YouTube, innovations in simultaneous interpretation tools, and increased networking opportunities.

Whereas, ICANN org reports to the Board that it continues both its internal operational planning as well as consultation with the community on how to best design a Community Forum that achieves the intended purpose and that supports the community's ongoing policy advice and development work. This includes working with the community to identify whether the official dates of the Community Forum require any modification.

Whereas, the Board understands the importance of returning to ICANN meetings face to face, while understanding that consultation is needed to develop a meaningful and sustainable hybrid model that maintains ICANN's long history of enabling remote participation while exploring how to provide improved meeting experiences for those participating virtually. The Board expects significant development of a hybrid model to proceed so that it can be tested for ICANN74.

Resolved (2021.11.04.xx), aligned with the framework, the Board confirms that ICANN73 shall not proceed as an in-person meeting, and directs the ICANN President and CEO, or his designees, to take all steps necessary to cancel the facilities and arrangements made for an in-person meeting in San Juan, Puerto Rico.

Resolved (2021.11.04.xx), the Board directs the ICANN President and CEO, or his designee(s), to coordinate with the ICANN community on the best way forward for ICANN73 to meet the expected outcomes of an ICANN Community Forum, including the furthering of ICANN policy development and advice work, reporting on milestones and community-agreed priorities for the meeting. The ICANN President and CEO is also directed to continue internal operational planning in order to support the delivery of the ICANN73 Community Forum as a virtual meeting as appropriate to achieve those expected outcomes.

Resolved, (2021.11.04.xx), the Board affirms its intent to hold the ICANN74 Policy Forum in The Hague, Netherlands with a hybrid component. The Board directs the ICANN President and CEO, or his designee(s), to coordinate with the ICANN community to continue developing a meaningful and effective hybrid meeting design for ICANN74.

Resolved (2021.11.04.xx), the Board thanks ICANN org and the ICANN community for their attention to this important issue. The Board also thanks the hosts and venues planned for ICANN73 in San Juan, Puerto Rico for their understanding of the need to cancel the in-person plans for ICANN73. We hope that there is a future time that we will be able to come and visit your city to host an ICANN Public Meeting.

Resolved (2021.11.04.xx), the Board appreciates the community's continued commitment to the work and mission of ICANN, and is grateful to the Chairs of our Supporting Organizations and Advisory Committees for their collaboration and leadership.

PROPOSED RATIONALE FOR RESOLUTION:

The Board takes this action today as a result of the COVID-19 outbreak, and its previous decision to only hold ICANN Public Meetings in locations rated either Level 1: Low or Level 2: Moderate per the U.S. CDC system.

According to the U.S. CDC COVID-19 Risk Rating system, Puerto Rico is currently rated as Level 3: High.

The Board also bases this action on additional logistical factors and dependencies which pose significant risk to our planning timelines and ability to execute a successful in-person meeting. Normally a site visit would have been conducted by the Global Meeting Operations, Security Operations and Meetings Technical Services teams the first week of September. The site inspection could not be conducted at that time due to Puerto Rico's risk rating remaining at Level 4: Very High at that time. While ICANN org identified the ability to shorten the planning time frame (by two months) because ICANN previously

held a meeting at the same venue, travel to Puerto Rico is still not feasible due to the framework and Puerto Rico remaining at a risk rating above the identified threshold. At the time of this Board decision, 76 business days will remain until the start of ICANN73; typically, over 100 business days would be available from the time of a site visit, and a meeting cannot be adequately planned with any fewer days available..

The Board also bases this action out of concern for the health and safety of the ICANN community and the local community in San Juan. An in-person Meeting would require org staff, Board, contractors, funded travelers, and participants to travel to Puerto Rico from dozens of other countries, at least some of which may be Level 4: Very High or Level 3: High risk at the time of departure. The prospect of ICANN Meeting participants bringing COVID-19 to Puerto Rico represents a potentially significant risk not only to Meeting participants but also the local community and healthcare system in San Juan.

The Board also bases this action on its commitment to the multistakeholder model and the purposes of ICANN's Public Meetings. While the Board recognizes and upholds the value of face-to-face interactions at ICANN's Public Meetings, and the advancement of ICANN community work that happens at these meetings, we cannot move forward with an in-person meeting at the cost of the health of attendees and ICANN org staff members.

At the time of the Board decision, the COVID-19 outbreak is impacting regions in differing ways. While some countries and territories are showing advancement in containing the pandemic, including through widespread availability of vaccines, other countries and territories are facing rising case numbers, introduction of new variants of the virus, and low access to vaccines. Globally, there are frequent changes, including reintroduction of some form of a "stay-at-home" or lock-down order, directed to avoid contact with others except to receive essential services such as medical care or to purchase supplies. Governments across the world are continuing re-evaluating travel guidance, including imposing restrictions on who may enter the country, restrictions on requirements on leaving countries, and quarantine requirements. Even when travel is available, travel still poses a risk, particularly to unvaccinated persons, and for those who

are caring for people who are unvaccinated. Across ICANN org, all offices remain closed (except for essential items) and personnel are working from home. Those with school-aged children are expected to care for and, in many cases, take on the education of their children. Many within the ICANN community are experiencing these same impacts. Many may also be dealing with infection amongst their family and friends. The pandemic continues to impact us all.

After the Board's February 2020 decision to cancel the in-person component of ICANN67 and direct ICANN org to proceed with a virtual meeting, a virtual ICANN67 was convened. Many valuable lessons were learned from that experience, and ICANN org then proceeded to consult with ICANN's Community Leaders about how to use the lessons from ICANN67 to design future virtual meetings as the pandemic might necessitate, taking into consideration the purpose of each Public Meeting. ICANN68, ICANN69, ICANN70, ICANN71 and ICANN72 were successful ICANN Public Meetings, planned and executed in a virtual format. ICANN73 will also be conducted as a virtual meeting.

Prior to taking this decision, the Board received briefings from ICANN org on areas including the impact of COVID-19, conversations with the ICANN community, and operational planning for a distributed meeting. During ICANN72, there were numerous discussions across all the community groups and regional representatives, including a community plenary about how to enhance the effectiveness of future ICANN Public Meetings. The community shared ideas on how the virtual experience can be on par with in-person participation, what opportunities the hybrid format can provide to bolster inclusivity, and how to ensure diversity through active participation across regions and stakeholder groups.

Other feedback heard during and after ICANN72 included overcoming time zone challenges when attending a meeting virtually; concerns of equitable participation between in-person and virtual participants in policy development work; meeting chairs participating virtually while other attendees were in person; and managing quorum issues

amongst hybrid participants. Discussions also reflected interest for ICANN to return to face-to-face meetings as soon as possible, and some suggested that ICANN should consider how to test returning to meetings and travel.

The Board understands that for ICANN73, as of the date of this decision there are still many countries from which direct travel is not allowed, and due to the rise of the “Delta variant” of the virus, anticipated border openings are not happening as rapidly as earlier anticipated. While there remains the possibility for the United States to allow travel from more countries in advance of March 2022, even for those that are technically allowed to enter the country, there is a very long backlog for processing visa applications, which poses a different barrier to entry and may frustrate willing travelers. Due to vaccine unavailability, many potential participants will not have the ability to be vaccinated in time for travel to ICANN73 if it were in person. Taking these issues into account, it is likely that ICANN73 could be a meeting of in-person attendees from just a couple of regions, which does not serve global participants in ICANN’s multistakeholder model. The ICANN Board cannot delay a decision on ICANN73 to see if these issues resolve, in order to preserve ICANN resources to be used for serving ICANN’s mission.

The Board also understands that uncertainty and inequity in travel will continue for the foreseeable future as the COVID-19 pandemic continues, and that it is important for the ICANN community to come back together in person as quickly as possible. As there are continued positive indicators on the global fight against COVID-19, the Board believes it is appropriate to affirm its intention that ICANN74, a policy forum scheduled for June 2022 in The Hague, Netherlands, will proceed with an in-person component. It is our hope that over the next eight months, we will not be facing the same regional exclusions that drive our decision today. While there are many participants who will still want or need to attend ICANN74 remotely, the Board understands that more work is needed to make sure that ICANN74 is produced with an effective and meaningful hybrid approach. The Board therefore directs the ICANN President and CEO to coordinate with the ICANN community in designing ICANN74 as a hybrid meeting.

We thank the ICANN community for its commitment to concluding six successful ICANN Public Meetings in virtual formats. The ICANN community has shown great leadership already in a global move toward virtual collaboration.

The ICANN Board thanks the hosts of ICANN73 in San Juan for their understanding and look forward to conducting a future ICANN meeting in San Juan.

This action is within ICANN's mission and the public interest, as it is the only path to assure that the work of the ICANN community continues as planned. It is the proper decision on many levels, from not putting ICANN org staff at risk, or risking the need to divert the resources and attention of ICANN org to a response to a COVID-19 outbreak amongst ICANN org or the community; to taking a responsible and proper measure to protect against contributing to the global pandemic; and in upholding the value of meaningful and equitable global participation in ICANN Public Meetings. Given the potential inequities in participants' access to international travel and visas across regions, this decision also ensures the broadest participation of attendees by virtual means without the potential distraction of uncertainties posed by hosting an in-person meeting at this time.

This decision has resource implications that are being quantified. However, the resources needed to support an ICANN73 Community Forum as can be appropriately designed are expected to be within or below the resources that have already been allocated for ICANN73 within ICANN's budget. This decision has no impact on the security, stability, or resiliency of the Internet's DNS.

This is an organizational administrative decision that does not require public comment.

Submitted by: Göran Marby

Position: ICANN President and CEO

Pages 12-24 Removed - Privileged & Confidential Information