

Heather Dryden:

Good morning everyone. Let's get started. This is a meeting of the Joint Working Group on the review of the role of the GAC. We've met several times now, in order to try to finalize the report containing options and recommendations for reviewing the role of the GAC. My co-chair, Ray Plzak, I'm sure you all know, from the Board. We have a few Board members with us this morning, to contribute along with the GAC, to these discussions. So what I propose to do today is to do a bit of a recap of the objectives, one, two, and three; and there may be points there that people around the table would like to make in order to refine what we have.

What we have here is fairly substantive, so I think we've really conducted good work, good effort on those points. And then following that, I'd like to move to the final objective, number six, which talks about the policy development process and how maybe GAC advice can be considered earlier in those processes, or ways to make that happen. We haven't had a great deal of discussion on that point before, so I'd to just test out today what people are thinking and whether there's more we can contribute to the report on that topic at this time.

And then next I'd like to talk about travel support, in particular, and also a proposal to hold a high level meeting for governments at the San Francisco meeting. The reason why I point to the travel support issue in particular is because I'm aware that ICANN is currently undertaking its strategic planning, and associated with that will be the operational planning, its budget. While I don't have insight into all the ins and outs of how that works, I think if

the GAC can make a request as part of that process, because we are anticipating an increase in requests for the level of funding on that program, that it actually helps here to set up a discussion or decision of the GAC would make later this week.

So without any further ado, are there any comments on that approach, before I start in?

Ray Plzak:

Before we start, let me introduce the Board members who are present. To my immediate left is Katim, and then Jean-Jacque. Jean-Jacque, this is going to be his last meeting as a Board member, and we will miss you, and miss your wisdom. Ram Mohan right now is in another meeting, and will be here – ah, he made it. Ram's over there. And we have one observer here, who I think some of you may know, and that's Bertrand. Bertrand will be seated on the Board this coming Friday, so that's the Board members that are present today.

Heather Dryden:

Okay, so objective one, really it's GAC advice to the Board. I hope you all have a hard copy. If you don't, there's some available at the front here. So objective one, GAC advice to the Board; that sets us on a path to examine the nature of GAC advice, and how to improve the processes or the communications and so on between the Board and the GAC in terms of GAC advice. So in this report, we've identified that GAC advice is written advice, in terms of our understanding, and this can include letters, communiqués, principles documents and various issues documents.

The report also notes that GAC advice is in relation to public policy issues arising from the coordination of the domain name system, but also that from time to time the GAC may comment on governance on related types of issues, and kinds of advice that it would generate. There's also a reference to the GAC Chair role, and understanding around what the Chair communicates and how it's communicated to the Board. Also formal advice versus informal.

This report finds that while the Board does have an interest in clarifying this issue, that as it's not referred to in the bylaws, then the GAC or this Working Group doesn't distinguish between formal and informal, and I think we've said in discussions before with, for example, the accountability and transparency Review Team that we don't think it's particularly useful to distinguish between formal and informal. Perhaps it's not clear to this Joint Working Group why that distinction needs to be made.

So that's what we have on that issue. Also in terms of the policy development process, the report notes that it's an iterative process, so in terms of the advice we give, it's not all final advice in the sense that we need to react to either influence or comments from the community, and respond again. So we're always needing to update or be responsive as part of that, so we need to bear that in mind when thinking about how to describe our advice. So is it useful to describe it as preliminary versus interim or final, and so on? Is that something that would be useful to the Board and other parts of the community?

You will recall that at the last meeting we had a discussion around describing advice in different ways, opinions versus recommendations and so on; and the Joint Working Group and the GAC discussion really indicated that from a GAC perspective that advice, whatever you call it, is advice. Also linking that back to the bylaws, which do not distinguish in terms of advice. Here we also have a reference to the nature of GAC consensus, and the benefits of the GAC aiming first and foremost, to develop consensus positions.

The report also talks about Board notifications to the GAC, and that typically the Board does not make use of requesting GAC advice, in particular circumstances, and also that process that is allowed for where the GAC can recommend a policy development process, and that this does not typically happen. The report offers that the GAC has not seen a need to do this, and it may have a certain (inaudible 0:13:57) associated with governments initiating such a process within this kind of model. So that also is a consideration.

But more to the particular process for the Board receiving GAC advice, there are a few examples of where the process could have been made more clear, and in particular some options are presented. So if you'll just look at the options, first of all a recommendation that the Board create a transparent register, or consistent record to make apparent whether when, how the Board

has taken into account or responded to particular advice from the GAC.

I think that remains a useful request for the Joint Working Group to consider. Also that the Board consider sending regular written requests for advice to the GAC, also that if the GAC decides to form a Working Group to review the operating principles that they take into account these discussions, and the GAC has set up a Working Group to review the operating principles. So that group will certainly take into account the Joint Working Group report, which we need now to finalize in San Francisco.

We will also have the opportunity then to take into account the finalization of the ATRT final report at the end of this year. And also, for the GAC to think about how to better notate written GAC advice, so is there benefit in labeling our communications more clearly? I think Portugal at one point had suggested that we call it GAC communiqué of recommendations, or GAC communiqué of advice, something like that. And perhaps we could distinguish that from the parts of the communiqués that are actually records of meetings that we have, and perhaps that way we could make it more clear for our Board colleagues and others in the community as well.

Objective two, actually why don't I stop there and ask whether anyone would like to comment or try to add any additional points that they think could be reflected in objective one. EU Commission, please.

William Dee: Thank you, and thank you very much for the introduction. I'm been just reading the new version and something strikes me. I thought it might be useful to share with colleagues. It's on the very first page, actually, where it says the bylaws require the Board to take due account of GAC advice, but do not provide a detailed definition of what constitutes GAC advice, or place any limitation of what forms said advice should take, or require that it be consensual.

I think here we may need to draw a link, actually, to the fact that the bylaws do require the GAC to adopt its own operating principles, and that those operating principles actually define how GAC positions shall be adopted. So I think in the logic chain, we need to put that in; for example, that does allow it. I don't know that we've ever taken advantage of it, but it does allow us to take a position on a show of hands, implied majority voting. So I think that might be a useful piece of the jigsaw puzzle to fit in there. Thank you.

Heather Dryden: If I could ask a question of clarification, there's a reference in the bylaws to the GAC creating its own operating principles? Is that right? Okay, Bill's nodding. Okay, thank you. Norway?

Ornulf Storm: Thank you, Chair, it's Ornulf Storm from Norway. Just a comment on the different – regarding the communiqués and specifically on identifying what's advice and what is sort of a summary of what's been done or acknowledgements, I think it's still possible as it is

today to identify in our communiqués what is advice. I'm not quite sure if we should structure it differently or whatever, but I think it's quite clear when we acknowledge the presentations from this to that, that is not advice. So I think it's possible to read communiqués and identify that it is advice, so I don't know that it would be advisable to change that. Also Bill commented, what he said on the consensus, as he did yesterday, all our letters, communiqués, principles has all been consensus, they have all been consensus documents. All GAC advice has in the past been consensus.

Also just a quick comment, if I may, on the second page in the report, regarding this new edited line regarding the factoring to the GAC advice goes solely to the Board, that is not entirely, it is in one respect right, but as I mentioned yesterday, in the bylaws in section 1(j) in the first sentence, it says that the advice of the government advisory committee on the public policy matters should be duly taken into account both in the formulation and adoption of policies.

So in the formulation of policies, that means that ICANN must see to that GAC advice will be factored into the policy development processes, and of course in the adoption of policies, that is at the later stage when the ICANN Board is going to make decisions, and the GAC advice will then enlighten or at least state what they think would be the best way to go forward. So that's just two comments on that. Thank you.

Heather Dryden: That's really useful clarification, I think, thank you Norway. Ray, you wish to speak?

Ray Plzak: Yes, two points; first of all a point of clarification, and this is just a mechanical clarification regarding the labeling of advice. You are advising that there should not be a separate document on advice, but perhaps somehow in the normal communiqué that the GAC makes for example, at the end of its meeting week, that they perhaps label specifically inside that communiqué what constitutes advice as opposed to reports and thank you's for presentations?

Ornulf Storm: I'm not sure – if you can repeat or make it clear –

Ray Plzak: Well, the thing is – what I heard you say is that you were interpreting that there probably should be two documents, or multiple documents, that that's what you heard, and you were advising against that?

Ornulf Storm: Yes.

Ray Plzak: Okay, my point of clarification then is that in that single document that's being prepared, would you then see a section in there where it's clearly labeled that this is advice, as opposed to those things that are noting you received for presentations and so forth?

Ornulf Storm: No, not really. It's like maybe if you refer to like what Portugal has said in the past, I don't know if maybe Portugal can clarify on that, but still we are labeling the issues in the communiqués with a



---

heading of a paragraph, and I think that is structured under that paragraph we are giving advice on that specific issue. If there's a sentence there in the beginning thanking for presentations being given, that's of course, obvious that that is not advice to the Board, and the rest of the substance material in that paragraph then is the advice.

Ray Plzak:

Okay, so my question really was more of a mechanical one regarding clarification; you're still then inside that – you're recommending now that inside that one large paragraph, there's still an interpretation to discern, by the reader, what is intended to be advice and what is not?

Ornulf Storm:

Well, yeah, I think it might be a responsibility to the reader to interpret this as well, but of course it's also the intent from the GAC to make it as clear as possible, but of course the reader must interpret what's written there, and then try to then how will that affect this issue based on our sort of standpoint. So I think –

Ray Plzak:

So you're leaning to the reader – I'm just trying to clarify. So you're leaving it to the reader to discern or interpret what portions of that paragraph are advice and what portions of the paragraph are merely reporting something? That's what you're trying to say?

Ornulf Storm:

Well, kind of. But still I think we try to make it as clear as possible.

Ray Plzak: Okay, I'm just trying to get as clear as possible. Did you want to add something, Portugal?

Luís Magalhães: Yes, certainly. Luís Magalhães from Portugal. First, what we actually think is that the role of the GAC is to provide advice. So it's not worthwhile to classify different sorts of advice that could be provided, like formal or informal or whatever. What is important, actually I like your word, the mechanics of the process, because that's what I think is missing.

We should devise a process where it is clear what is being considered by the Board to be answered in the form of advice, and for the relationship between the two instances to be clear, the best is after a communiqué, a letter, or whatever that is provided by the GAC to the community or to the Board, then there should be a log of each one of the advice pieces read from that part. This should be published and open, if the GAC thinks that is not a clear interpretation of the message that is conveyed, it can correct that, and then on the right of each one of these entries in the table, there should be the answer of the Board to these questions. If we do that, I don't think we have any problem.

Also, regarding this issue of consensual positions, of course the GAC works on the basis of consensus, it is true; but if we think that the role of GAC is to provide advice and not to make decisions, to narrow the possibilities of advice that the GAC provides, just to those that are consensual, by matter, rule say, is not a good idea. It's best to let the GAC operate according to its

operating principles and decide how to express the advice, because in certain instances, for instance say most of the the GAC members advise on this direction, but there is this and that positions, which were taken by this and this member states, and that can be something that the GAC finds useful to convey to the decision.

Ray Plzak:

Thank you for that clarification. One other comment I had was with reference to the added line. Clearly in the current circumstance, policy advice is being received by the Board from the GAC at a much later period of time than the policy being developed. So in our minds, and in the minds of many people – and I think Heather wants to go into policy development process discussions, is trying to decide how that GAC input can get into the policy process earlier. In other words, get to the bottom, as opposed to coming at the top. I think that’s something we need to explore a little bit later.

Heather Dryden:

Ray, if I may, one example that the GAC is very mindful of is the 2007 principles for the introduction of new gTLDs actually proceeded the decision taken by the Board regarding the policy for new gTLDs, and so the GAC was actually early, we were ahead of other parts of the community. So I think my GAC colleagues would agree that while it may be tempting to point to the problem of the GAC taking too long, I’m not sure that the evidence supports that conclusion.

Ray Plzak:

I’m not saying too long, I’m just saying that getting into the policy process at an earlier time is what’s desirable. So it’s a matter of

the entry, it's not a matter of how long it takes you to make the decision, that's your business, the way you do it. What's more important is at what point that you enter into the process with your opinions, because you have a greater influence in the policy development process at the bottom, and understanding clearly what is being said by getting into the process at an earlier point. That's all I'm saying.

Heather Dryden:

I think we would agree with that. I'm thinking Portugal wanted to quickly respond on that point, in which case I will give him the floor. Then we have the EU Commission, and then Switzerland, and Norway.

Luís Magalhães:

Well, as a matter of fact I was going – and then I saw that you were raising the same sort of issue, but I would like to emphasize it. It's interesting that from the Board point of view that is the perception, it's about the GAC lags on considering the issues, we have the completely opposite perception. For instance, --

Ray Plzak:

If I may –

Luís Magalhães:

--on generic names, and also on trademark protection, the GAC raised these issues much earlier than they were considered by the Board. The same happens on the economic (inaudible 0:30:07) of gTLDs, which is a standing issue so far, and the GAC has been pointing it out quite frequently. From our point of view, there is a lack of (inaudible 0:30:17) of the Board to the GAC concerns, many of the gTLDs process, the fact that we use the reason is

because we don't have a clear procedure for everybody see what is written and what is advised, and then how this is being handled by the Board. If that happened, I think we would not have the difference of view from this point because I think it would be very clear.

Ray Plzak:

If I may respond real quick, I'm aware of what you're saying, and that is different, I think, from what I am trying to say. What I'm trying to say is that the ability of the GAC to offer advice earlier in the policy development process, in the GNSO for example, is an important thing. That's the issue I'm describing, and I fully am cognizant and aware of the problem which you are addressing, which I think is a separate issue.

So my comments were directed at the former, which is ways for the GAC advice to be injected into the policy process inside the supporting organizations at an earlier point in time. That's where my comment was directed, it wasn't directed at anything else. It wasn't directed in any way, shape, or form considering that the GAC was lagging in providing advice, it's just a matter of mechanics of how we could get the GAC advice into the policy process at an earlier time, and if I was misunderstood then it's my fault for not speaking clearly.

Heather Dryden:

Thank you, Ray. EU Commission?

William Dee:

Yes, I also wanted to react on that point, but I'm pleased with your reassurance, Ray. This is a rather persistent myth that comes up all

the time, that the GAC is late with everything, and it's a myth actually. It's a myth for several reasons, and one has been mentioned by my colleague. When we have done work on a very substantive issue, like new gTLDs, we were the first when we came in, that doesn't seem to have helped the process at all. So the idea that the GAC coming in early in going to help the process, I think, is a convenient myth because sometimes there are real problems, actually. There are real differences between stakeholders.

One other point that I would make that needs to be taken into account, and that is the enormous amount of work in the GAC. If you're a member of the ASO, for example, you only deal with addressing issues generally. If you're a member of the GNSO, you deal with gTLDs. If you're a member of the ccNSO, you deal with ccTLDs. We deal with everything. We have a huge workload of issues to deal with, and I think it's remarkable, in the six or seven years I've been coming, the amount of effort made by GAC members to engage early with other members of the community, informally, in Joint Working Groups.

We've devoted a huge amount of our agenda time to having bilateral meetings with other ICANN stakeholders, so it's really a persistent myth that needs to be challenged on a number of levels. So I understand the issue that you've given us here, but I think we need to be careful on this document to try and kill this myth once and for all, actually, that there's a problem due to GAC lateness. That certainly isn't my perception, and I'm happy to talk about it.

The other issue, just very quickly, that I want to mention is this issue of – I think there’s a danger of trying to introduce the concept of informal and formal advice for the reasons that have been very well explained by my colleagues. Also, I don’t think the bylaws give us that right, actually. The bylaws do not make such a differentiation, it’s a legal documents, the legal basis for ICANN as an organization; therefore the bylaws would have to be changed I think, to introduce this kind of concept. I mean, I do understand that we have an issue to clarify here, because some members of the Board, I think for good reasons, sometimes need to know whether we’re giving advice or making observations in our communiqués and our letters, I think that point’s well taken. But I think there’s an easy solution, is that we adopt a discipline to avoid any misunderstanding, we preface the comments with “the GAC would therefore advise the Board that..” and that should solve the problem.

As my colleague from Portugal mentioned, we need to have this register actually, of when we’ve given advice and when there’s a response. I think that the logging would be much easier if we preface it. I don’t think we should make too much of a fuss, a lot of the content of GAC communiqués that probably we would not argue are advice, the things like we thank the hosts, there were so many members at the meeting; I don’t think anybody would ever confuse that and have an issue of deciding whether that was advice or was it information.

But the bylaws are worth reading, I think; they simply say “the government advisory committee should consider and provide advice on the activities of ICANN, as they relate to the concerns of governments”. So the emphasis there was on the activities, it’s not about the policies, it’s not about this or that, it’s the activities is everything. I presume none of us in this room were probably here and responsible for drafting these bylaws, that was a long time ago. But we are subject to them, so I think if we feel that they are not precise enough then we may want to change the bylaws, but as they stand I don’t think we should be looking to introduce interpretations which differ from the provisions, the clear provisions I think, of the bylaws. Thank you.

Heather Dryden:

Thank you for that. Next we have Switzerland, then Norway and Italy.

Thomas Schneider:

Thank you, maybe it’s because it’s quite early on a Sunday morning, but I have a little problem in seeing the value added in discussing which pieces of a communiqué are advice or not. Even if you take the last one for instance, and point for a new gTLD, the first one is an introductory sentence, then we say that we discussed it, and then the advice is there. So if you read it, somebody who understands the text should be able to distinguish which pieces are introduction or what is the substance. But if it helps to avoid confusion, I think we could go along with lines with what EU and others have said, we could reformulate it that we start – after an introduction we start with a phrase like “the GAC gives the following advice” and then make some bullet points. But I don’t



think that this really changes anything in the substance and in the readability. Thank you.

Heather Dryden: Thank you. Norway?

Ornulf Storm: Yes, thank you, I just also wanted to – as Bill eloquently put it, that we should not make too much fuss about this, we can just restructure it and we should just proceed like that, so I think that’s well sent. And also on this informal advice or not, we also don’t think that’s a good idea. We should just keep it as advice as it has been, so it just makes it too complicated if you have to have different kinds of advice. So that also very important. Also, Heather, thank you for mentioning this principles that GAC made in 2007; I was going to mention that as well, and of course that’s a really good example of how the GAC has been active and responded, and which then has not been factored into the process in ICANN. So thank you.

Heather Dryden: Okay, thank you. Italy?

Stefano Trumpy: Yes, thank you Chair. So it is very important, this discussion clarifying what is GAC advice, and this is also contained in the Review Team on accountability and transparency, as a basic point, a starting point of relation for the GAC and the Board. It is also true that since the GAC is working for consensus, sometimes the advice may be not so detailed, let’s say. The real point is that perhaps the Board should make an evaluation of all the

implementation issues, so when some of the advice is regarding gTLDs or the final dag document, etc.

So we find occasions like yesterday's discussion where the staff of ICANN talked to us that the advice of the GAC were taken to account and were being considered in a perhaps satisfactory sort. Of course, this is not something that we should know from the staff, because our relation is directly with the Board, and what I find is that sometimes the Board should consider the difficulties in implementing, and so having a continuous relation with the GAC in order to really understand what is the meaning of the advice, and the potential implications in the decision making process that is the responsibility of the Board.

Maybe this is in a way not well exercised in the present times, and we are very aware that new gTLDs is very difficult and challenging exercise for ICANN. So in order to avoid being too formal, then delay the understanding of the advice and also the implementation issue, this relation of the Board with ICANN should be more about really understanding what is the implication of the advice and trying to solve this. Otherwise the time is going on, and then the community could say that the GAC is delaying the decision making of ICANN. So this is a very crucial point.

Heather Dryden:

Thank you for that, Italy. Would anyone else like to comment on this particular part of the report? If not, I will move on to GAC liaisons. Brazil, please.

Jose Carvalho:

Thank you, still with objective one, I'd like to note that maybe we need further discussions on this particular paragraph, and initially I'd like to ask for initial clarification that I'm referring to page 2, last paragraph, when we talk about GAC consensus. The first part is okay for me. I will read this whole paragraph. "An appropriate balance and approach therefore, would be for the GAC to identify consensus where it exists; report where it doesn't exist, and describe the various positions, and provide advice to the Board in a timely manner."

This is okay for me, my doubt remains in the last sentence, the last part of the paragraph. That is "If the GAC emphasizes consensus too much in its efforts to provide advice, it could be at the expense of both providing a full account of the variety of views and being able to provide advice in a timely manner." I'd like to ask clarification for that.

Heather Dryden:

I will attempt to clarify, and if other colleagues can assist with that; actually, why don't I ask New Zealand? Please.

Frank March:

Thank you, Chair. That's a fair point raised by Brazil, but there's been a – the GAC has always attempted to reach a consensus position, obviously, and puts a great deal of effort into trying to achieve consensus. I think what the sentence is simply pointing out is that occasionally consensus is not going to be reached, and under those circumstances, it is still necessary for the GAC to provide advice to the Board. Rather than continuing on with a discussion which is never going to reach some form of consensus,

---

under those circumstances it is necessary to provide advice along the lines suggested it.

It's not suggested, for a moment, that this is something that would normally be engaged in, but we have had an occasion recently where we've had to convey advice that the GAC has reached a consensus on this, there are dissenting views. I suspect that there will be such occasions in the future, and I think the purpose in the sentence is to recognize that reality. Thank you.

Heather Dryden:

Brazil?

Jose Carvalho:

Thank you for the clarification, very good words. So maybe what bring my concern was the unclear words, that "if the GAC emphasized consensus too much" and if I understood correctly, maybe the crucial points here are the situations where the GAC has to respect a deadline. So maybe we could emphasize that if the GAC needs to meet a specific deadline, and in these cases, a new emphasizes consensus should be an appropriate approach, a specific approach only these cases. Maybe linking the idea of deadlines; I think in this way it would be much clearer. Thank you.

Heather Dryden:

Thank you. I also recall discussions last time related to the issue of a growing GAC, and that as the GAC grows we can expect formal consensus to take longer, and there is a relationship between those two things. Just to note that, so okay; what I propose then is in this section we rework that text in light of Brazil's comments, and that

we also clarify the section where Norway commented regarding the bylaw provisions, and what really they mean for the treatment of GAC advice, not just with the Board but with the rest of the community, and I think they're both useful clarifications. So let's move on, to discuss GAC liaisons.

The first liaison role that is examined here is the GAC liaison to the Board. And here in the report we outline the understanding that exists currently, with the GAC at least, regarding how the GAC liaison communicates with the Board, on what basis and what the expectations are. Also noted here is the fact that it's not entirely clear how, in practice, in a more detailed sense, that actually works. So there's really a request here to look more closely at that, recognizing that there is a need for confidentiality when participating in a Board meeting, because of the kinds of information that is provided for Board discussion and consideration.

Also here the point is made that there are some challenges when it comes to governments representing each other, and that governments really don't tend to defer their representational rights, capacities, to other governments, and so this means there needs to be some flexibility on both sides when interacting with other parts of the community, and we can't entirely get around this fact. The text that's being added is following the UK proposal, which I believe was accepted in Brussels, where they wish to emphasize the need for governments to have a clear and comprehensive understanding of ICANN's strategic thinking, focus areas, business

planning and key operational decisions in order to make the point. In order to communicate with the respective administrations, in order to come to meetings and participate fully and have that understanding and awareness within their government.

So this point was added in relation to the suggestion to have an additional liaison to the GAC. I think anticipated that there would be a senior level liaison, and that is reflected in the list of options as number four. So the other options that are identified here are around determining the necessarily or appropriateness of the GAC liaison participating in all the Board meetings, or I suppose in participating in all parts of a Board meeting, as some do not follow the GAC face to face meetings where there's a particular communiqué to reference.

Option number two clarifying the non-disclosure constraints imposed on all Board members, and three clarifying that the GAC liaison to the Board is not considered the sole mechanism by which the GAC would be made aware of the Board's interest in seeking GAC's views. Also useful to clarify that, and number five is complement the GAC liaison to the Board with a senior ICANN staff member assigned to monitor and provide updates to the Board and other relevant ICANN staff functions.

So I think I was confusing the two, one is a proposal for a Board liaison to the GAC, and the other proposal is for a senior ICANN staff member. So are there any comments or suggestions for improving or refining? New Zealand, please.

Frank March:

It's a general comment, it's not specifically on the difficulties that the GAC Chair has in working with a group of people who have at times developed a cohesion and common culture among themselves, which I'm sure is very difficult. These options I think, then to clarify that. I just wanted to make a comment; I know that Suzanne, in her role as liaison with the GNSO in the past has made several comments, and my experience in working with the cross-constituency Working Group, in trying to make it clear to other members of the ICANN constituencies that a member of the GAC cannot represent the GAC as a whole, unless there's a pre-discussed consensus position. Can only speak, in fact, as a representative of their government, and in fact, what I personally found was there were three levels or cases where I could put forward, with confidence, the consensus view of the GAC on an issue.

The situations where I could put forward the position of New Zealand as an individual member of the GAC, and there were times when I offered my own personal opinion as a member of the ICANN community. Those are three quite distinct positions, and it is sometimes very difficult for other members of ICANN, who frequently represent themselves and their own expertise and point of view, rather than attempting to represent something like a government or a consensus view of another organization. Very difficult, and I just wanted to acknowledge the fact that these points are well made, and this is a difficult issue for the Chair of

the GAC or anyone else who is acting in a liaison position. Thank you.

Heather Dryden:

Thank you for that, New Zealand. Any other comments? Wow, okay, alright, is that a request for the floor? No, okay, I wasn't sure. Alright so let's move on to GAC liaisons to the ICANN supporting organizations and advisory committees. Yes, I am skipping the Nominating Committee. I don't think we need to dwell on that today.

Alright, so GAC liaisons to the ICANN supporting organizations and advisory committees, we have touched upon this, and Frank has given us a current example of some of the issues that come up when trying to interact with other parts of the community in relation to, in this case, a cross-constituency Working Group. So I will move to the options in this section. So options that have been presented here are to develop a common understanding regarding the scope and function of liaisons between and among the GAC and the SOs and ACs, to ensure that we have shared expectations; develop agreed procedures for communications between GAC liaisons and the SOs and ACs, and between the GAC liaison and the GAC, to ensure more consistency in the reporting and coordination roles of the GAC's liaisons. So this is in recognition of the important role that's played in communicating, sharing information with other parts of the community.

Number three, considering creating teams of GAC volunteers to serve as liaisons to all of the SOs and ACs on a rotating basis. In



the event that normal work priorities of an individual GAC member prevent full time liaison functions, another member of the GAC team would step in. So that's proposed in the interest of long term success in interacting with other parts of the community. And next, review the roles of ICANN staff assigned to support the work of the SOs and ACs to determine whether there are additional opportunities for information sharing on issues of interest to a cross section of SOs and ACs.

Next, number five, consider extending the model represented by the joint GAC/ccNSO Working Group for the IDN ccTLD fast track process to other issues. It is interesting, because you can look at the cross-community Working Group on recommendation six as being an experiment in that regard, and there were challenges for the GAC to participate in that.

Number six, encourage the ICANN Board to explore the merits of amending the current policy development processes to introduce more flexibility for purposes of facilitating inputs from the entire ICANN community, including GAC at earliest stages in the process. So there's clearly overlap here, to where we talked about policy development processes elsewhere in this report.

And then lastly, explore whether the ICANN bylaws need to be amended to more affirmatively provide for GAC input to ICANNs policy development processes, vice the current provisions which call for the provision of GAC advice directly to the Board. Okay, so in terms of liaisons generally, if anyone around the table would

like to further comment, and I think we can also look more at the policy development process, and if there are thoughts there, they would be very welcome as well.

We're all agreed? Excellent, ah – EU Commission, saving the day.

William Dee:

Thank you, just a general observation actually, from my recollection. Given perhaps that I have been coming here for a longer time than some of my colleagues. My recollection is that liaisons were originally considered useful at a time when the GAC used to meet and discuss the same business, and it was good to have some conduit for communication with other supporting organizations. But then about five or six years ago I think we changed our working methods quite dramatically, and we started having a lot more face to face meetings with other supporting organizations and advisory committees. That really negated a lot of the added value, actually, of having liaisons; a lot of the function of having liaisons because we could have our own face to face exchanges, as we've done since and we're doing at this meeting.

I think that needs to be taken into account when we reflect on what we expect liaisons to do now. I think we have to, to be blunt, I think we have to be clear that they have some added value, if we're going to have direct face to face meetings with the other ICANN constituencies when we need to have them. I don't mean that to sound negative in terms of the contributions that colleagues have made in the past, it's just that it's a significant burden for a

colleague who volunteers to be a liaison actually, and I wouldn't like to think they were making a large commitment which is then being minimized in terms of added value because we then have face to face meetings. So just a general observation I think, and to add a little historical perspective about why we had more active liaisons in the past, but recently I think they've had less to do, and I think that's a good thing. I think that's because of the positive development in our own working methods. Thank you.

Heather Dryden:

Thank you for that. United States, and then Ray.

Suzanne Sene:

Thank you, Heather, and thank you, Bill and Frank, for your comments earlier. I think you're quite correct. We were motivated many years ago to do this just to improve the channels of communication, because at one point in time it was truly, I think, a siloed arrangement. I'm looking at Bertrand, he's nodding his head; that's one of his favorite words. I couldn't agree with you more, a bit like ships passing in the night; we all travel all over the world three times a year, and then never speak to one another. So we have certainly overcome that particular barrier in terms of having more face to face exchanges. But it goes beyond just the face to face. I think we need to – this may not be the right place in the document to flesh it out, but clearly in terms of the policy development process, there needs to be, I think, a better understanding of how government public policy advice concerns experiences, perspectives, vis a vis national laws, policies, and regulations that have a bearing can be taken into account.

I know, Ray, you mentioned that earlier. The challenge for the GAC has been that the bylaws are structured in such a way that our advice goes up to you. So it is either up – and this is something we would welcome your views on, these Board members of this current Working Group; is it your understanding that you would then direct staff to review? And I think Lu s had a really good suggestion of after each communiqué perhaps, this is where an analysis can be made. What is the GAC commenting on, and how can we take it into account? What is the next step on ICANN’s side? So that would be something interesting for us to get some feedback on.

I think these two points about, and there’s a great deal of overlap with the ATRT recommendations, which is extremely helpful I think, to us. The issue of staff support, some of it could be purely administrative support, to ensure that if you do have joint meetings it doesn’t fall to a full GAC member or the GAC Chair, who is already quite preoccupied in the role of being liaison to the Board, to do the scheduling. Some of these issues are purely administrative, and yet right now, other than a little bit of Max’s time, there is no such administrative support similar to what the GNSO receives and the ccNSO receives. I’m talking just basic stuff.

This is just scheduling phone calls, scheduling meetings, so just basic admin. We don’t have that. Nor do we have, or at least that is visible to the GAC, any staff members on the policy side of the house who understand governments, who spend time in the GAC

room, who if they have a question as to ‘help me understand your position on intellectual property protection, or geographic names’ or the big one, objections. Help me understand that. We haven’t had that kind of exchange at staff level, so that then when the Board is being briefed, and of course we don’t see those briefings, either; that we could then make sure that when you are being briefed on those views, it is crystal clear and we are confident that in addition to our GAC Chair, in her capacity as liaison, and of course we have complete confidence in her; but that there is a record and we have confidence that you all, if you have any questions, we can answer them. That you understand why the GAC is asking for x, y, or z. So there are quite a few of those outstanding issues that I think is useful for us as GAC and Board to better understand.

I think Frank made a very good point about the rest of the community as well, just as my own – I’ll chime in to explain why I found I was unable to participate actively in the recommendation six Working Group, Joint Working Group. The number of emails per day, I lost count frankly, of how many there were. The number of Doodle polls and conference calls per week was actually too hard to keep up with, and my objective was to make sure that I could effectively represent the U.S. government’s views. I don’t participate in these discussions on a personal basis, so it has to be in my capacity as the U.S. representative to the GAC. I found it was just a very well intentioned and I think a very useful exercise; I guess we would call it, we would use an informal sort of phraseology sort of like a brainstorming session that produces

---

results, really good suggestions, very, very strong constructive ideas; that probably then need another platform.

Some other way to be further vetted and discussed, so I do think we need to look at those kinds of mechanisms and how to improve them and work with the rest of the community as to what works best for the different constituencies. And just, I'm mindful that some of my private sector counterparts in the U. S. commented to me after that particular exercise, and said "You know, the GAC probably needs to do GAC 101 in every meeting, so that you all can explain to the community again, who you are and how you do what you do." So maybe that is something that would be worthwhile. I don't know how we want to tackle that, but there does seem to be a persistent sort of lack of understanding, and I think we, the GAC, can assume responsibility for that, and apologize that we haven't been more clear. But that does need to be, the misperceptions as to who we are and how we contribute probably needs to be laid to rest. Maybe it's just a fact based GAC 101. Thank you.

Heather Dryden:

Thank you for that, United States. The Netherlands?

Thomas de Mann:

Yes, thank you. The question about the volunteers; I think Bill referred to the fact that the volunteer mechanism doesn't work so well. I think concurring with Suzanne, the liaisons and the volunteers we need really to be coming out of the GAC, and the reason that it's – let's say – not working well, is more a question of time constraints and having all these extra tasks on top of this. So

what I want to suggest is what also Suzanne said, many of these tasks of administrative support of arranging phone calls and meetings can be handled by the secretariat, and so we will have probably sufficient resources to do this, so let's really use this when we have the new format of the new secretariat. I think this kind of suggestion, what Suzanne said, we should take them onboard in modeling the new secretariat. Thank you.

Heather Dryden:

Thank you, Netherlands. Next on the list I have Ray. I actually gave away his speaking slot, so my apologies, and then New Zealand.

Ray Plzak:

Thank you, Heather. First of all, responding to the EU, I also believe that there's a lot of value that occurs in the face to face meetings that the GAC conducts with various SOs and ACs, there's a lot gained there and a lot that obviates the need for a liaison, in some discussions. I would also note, and in particular looking at the regional inter-registries, that most of them in their policy forms generally have present, at those meetings, members of the national governments of their region. I know, for example, the (inaudible 1:07:17) conducts a round table meeting on a periodic basis with members of the governments of its region. So while these people aren't necessarily the representatives to the GAC from that particular government, in a lot of cases they are.

But the point I'm trying to make here is that there are some other relationships that exist between various national governments and various aspects of the policy process. So there are other

mechanisms that are working there, and actually in some cases work very, very well. So I think that needs to be taken into consideration as well, when we're looking at the notion of what the value added is, and what the role of this liaison would be to these various supporting organization.

Suzanne, you laid out a big long ponderous list of things there, many of which I think would belong in the discussion when we talk about support for the GAC, and the secretariat and so forth. I would say at this point that yes, there's a lot of things that need to be looked at, and you've made some very, very good points. I won't say any more on that right now. I would ask if my colleagues who are here want to say anything, please do so now. I'll give you the opportunity in my time. Jean-Jacque?

Jean-Jacque Subrenat:

Well, actually I'm afraid I can't contribute very usefully to this or that specific item. If you want, perhaps, later on toward the close of the meeting if you want a parting shot from a departing member of the Board I would be glad to do that in two minutes or a bit more.

Ray Plzak:

Okay, Katim, anything?

Katim Touray:

You know, I'll be very brief because I'm really enjoying the discussion, just getting the feedback that we're getting from you. It's very good progress I think we're making, at least beginning to understand from your perspective what the issues are. I think in that regard, the remarks that we just heard from Suzanne are really



most welcome and something that we're going to be bearing in mind and taking to the Board; especially with reference to providing in level playing field of support to GAC. I think it's really – if we're going to have a multi-stake-holder driven process, in my mind it's not going to be helpful to treat our stake-holders in a different manner.

So I think we should ensure that we give especially constituency as important as the GAC in my mind, as we go forward, give them all the adequate support that they need to get. I've always told people the GAC is one of the most important constituencies, because as we all know, I always keep telling people stake-holders all created equal, but some are more equal than others, and I think that is certainly one of the more equal partners here. I think with regards especially to the GAC's outreach efforts, I think this might be something that could be considered by the public participation committee for which Jean-Jacque chairs, especially with particular regard to providing you slots in the schedules to have precise outreach efforts. Outreach efforts like that I think are most welcome, and I think most productive. Again, thanks for the suggestions and ideas.

Heather Dryden:

Thank you, Katim. We have New Zealand next. If others are interested in speaking, let me know now, because we're going to move to a break in the next few minutes. So I see EU Commission, after that. You would like to respond first, Ray? Okay, Ray will respond, New Zealand, EU Commission.

Ray Plzak:

Well, just the last thing I wanted to touch on was Suzanne's mention of the GAC 101. Certainly to me that is very, very important. I know that I have spent time in meetings and sessions with folks trying to get them to understand what the GAC is, and actually trying to explain to people when a person from the government is there what they can and cannot say, and getting them to understand that the restrictions, if you will, that are placed sometimes on members of national government as far as how they can participate and what they can do. I certainly think that a GAC 101 type of material is called for; I would highly advise that this be done in some sort of interactive media such that the soundtrack could be presented in many different languages and so forth.

That's something that certainly could be part of a support package that the GAC could request from ICANN and so forth. So I'm very, very open to those kinds of things, as far as education and outreach. So I think that a lot of these things probably need to be taken into discussion at some point of the support to the GAC. I certainly think the production of education materials is a part of that support, and I'll give back.

Heather Dryden:

Thank you. New Zealand?

Frank March:

Thanks, I just wanted to make a comment. I think Suzanne's point of GAC 101 is essential. The GAC means and methods of operation do need to be made clear to a wide constituency, and I wanted though to note that the cross-constituency Working Group method, the brainstorm as somebody referred to it, I think is a

powerful tool that can be used perhaps more deliberately and creatively within the ICANN working methods, in the broader sense. That does pose an enormous challenge, if the GAC is going to contribute, but I do think it's a challenge that we need to face up to. Something perhaps that does need to be looked at is if this whole brainstorming is to become common where a particular issue needs to be nailed down in a relatively short space of time, governments do have a challenge, but the GAC has even more of a challenge.

But it's one I think that we need to face up to and find some method of dealing with. I think we have to accept that sometimes it necessary to have governmental point of view put on the record without necessarily GAC consensus being reached or even consulted with. And a note in that context, actually, that there have been a number of individual governments sending letters to the ICANN Board, for example, on matters that are of concern to those particular governments. This is not bypassing the GAC so much as additional communication, including the GAC. So I think we need to recognize these alternative approaches as well. Thank you.

Heather Dryden:

Thank you. EU Commission.

William Dee:

Thank you, and I'll be very short. I don't like to be between people and their coffee break. I think one of the things that I find very interesting, re-reading the bylaws actually, I think it's an interesting mind game we can play here to try and understand

some of the problems faced by the GAC with liaisons, and that is the bylaws only provide for the GAC to have liaisons to other supporting organizations, and the Board and advisory committees, but not in the other direction, actually. So the mind game I think is interesting to play is imagine if we reverse that, and we ask the GNSO and the ASO and the Board, for example, to have a liaison to the GAC instead of the other way round.

Now, I'm not going to go so far as to propose that, but I think it highlights – I think you'd find that very difficult, as Board members, to select one of you to come here to our meetings, and miss out on your meetings, and follow our activities and our emails lists, and then be compromised in public by us asking what the position of the Board is on x, y, and zed. But that's the liaison problem that we have, actually, and it's a unique problem that we have. Well, not unique, I think there are other liaisons to the Board actually, but the other supporting organizations aren't required to have liaisons to the GAC, so I think it's interesting. The original architects of ICANN and the bylaws decided that we would have liaisons to other supporting organizations generally, but not the other way round.

So I think that's partly why we have a problem. It looks easy from the outside, why can't you pick somebody to come and tell us what you're worried about and what you'd like to talk about, etc., etc. But it's actually much more difficult in practice, and I think if you imagined the Board or one of the other supporting organizations

having to do that in reverse then the problems become much easier to understand. Thank you.

Heather Dryden: Thank you for that, and Ray would like to raise a point. Real quickly, the ASO MOU, which is basically what is the bylaws with regards to the ASO, if you read the bylaws in that section, it says there is a provision in that MOU for the ASO to establish liaisons with anyone, it's just that it's never been exercised. So it does, I know it does exist there. But the point is well taken, and perhaps that should be more clearly stated here and perhaps there should be some consideration. While I'm at it, and real quickly, we should not be afraid to recommend changes to the bylaws.

Heather Dryden: Thank you for that. So let's take a break for 30 minutes, reconvene here at 11:00.

Heather Dryden: Okay, let's start again, after our extended break. So we left off I think, talking a little bit about the policy development process, and noting some of the aspects contained in this report that relate to improving the ability of the GAC to provide advice early on. Some of the points that I heard was in relation to liaisons and the role that they play in facilitating policy development across the community. Also, the increase in face to face meetings with other parts of the community and the GAC, and that also is an avenue for building into the policy development process, and also examples of cross-community efforts such as the IDN fast track led by the ccNSO with the GAC and other participants in that, and the success of that Working Group.

We also noted what the bylaws do and do not provide for in terms of for example, GAC advice going to the Board and so on. Before we leave the issue of the policy development process, does anyone have any suggestions to the Joint Working Group on mechanisms or how we might actually make additional concrete suggestions or options for improving the policy development process? If there aren't we can move on, but I wanted to – ah, EU Commission.

William Dee:

Thank you, I wasn't expecting that question, so this is a not thought through response, but it seems to me that one of the problems we have in terms of resource management is that we're dealing with so many different issues at the same time, that require attention. That, by implication, probably limits the amount of time we have available to get involved in additional activities, upstream if you like, early on. So I think prioritization of areas where the Board are looking for advice from the GAC on specific issues, and a proper plan and expectation on an annual basis for where we're expected to give advice and when, so we can have a holistic view of our commitments in any period.

That may well increase efficiency by us, and allow us more time and resource to prioritize other areas of work as well. At the moment we're really chasing our tails, most of the time, with an almost endless list of activities going on, and we're tending to deal with them in real time. So I think perhaps some prioritization on the Board's part in areas where they would like to have GAC advice within a given period, I think that might alleviate some of

the pressure on us in terms of our resource commitments at the moment. Thank you.

Heather Dryden:

Thank you, I know that it is going to be really useful for the GAC certainly, to be able to prioritize its work, and we can't do that without the rest of the community doing the same thing and coming up with clear common areas of prioritization. United States, please.

Suzanne Sene:

Thank you, Heather. Actually it's more of a question, and I have to apologize; I'm showing my ignorance a little bit here, but it's been my understanding, at a remove, that the other SOs, the GNSO and the ccNSO, have quite specific rules as to how policy should be developed. Would anybody on the Board be able to clarify that? Because if that is the case, would an appropriate next step be for us to get a briefing as to what those rules are? How their processes are structured, as a very first step?

Kind of a fundamental threshold step, before we can then determine how we and the Board might jointly see whether those rules might need to be amended or whether there's sufficient flexibility in those rules so that GAC advice could be taken into account at an earlier time in their respective policy development processes? Because I think that's all embedded in the bylaws and in their own rules of operating procedures, if you will. So maybe that is a first step, and I just throw that out there; I may be the only one who doesn't know these rules, but it strikes me that it might be useful to have that information. Thank you.

Heather Dryden: Thank you, Suzanne. I believe Ray would like to try to respond to your question, and then we have the EU Commission.

Ray Plzak: The short answer, Suzanne, is that all three supporting organizations have policy development processes, and in addition to that for example, in the ASO the region registries each have their own policy development process. Inside the GNSO's various stake-holder groups they've got ways that they participate in the policy process, so these things are all there. I will caution you that they are not easily amendable, as they are developed through a community process, so it's not like you can go to somebody and say I need you to switch this rule.

You actually have to make a proposal and let the community agree to it. So it's not as simple to amend it as you might think, because in some cases those communities consider their policy development process to be a policy that they adopted, with the way they do business. But it's certainly well worth while, and I know that a lot of these organizations have got documentation, first of all the processes are all documented, so you could read the documents themselves, but I do know that some organizations actually have literature that explains how their process works. I know in the case of Aaron, where I was the CEO, that there was a movie produced about it, it was interactive portrayal, I know the (inaudible 0:07:45) got material that explains the policy process as do some of the other regional registries.



So there's a large variety of things out there, but I think in the interest of going back to what EU was saying, before you had these face to face interfaces, it might be worthwhile when you have one of these face to face interfaces with these different organizations, have them take some time and give you a short 101, if you will, on their policy process, and maybe have a discussion about how that interface can work.

Heather Dryden:

Thank you, EU Commission please.

William Dee:

Thank you, maybe Suzanne wanted to react first? Yes? Please.

Suzanne Sene:

Thank you, very gracious of you. Thank you Ray, I think it's not just being informed, it's the triangular situation we find ourselves in, right? So under the bylaws, GAC advice goes to the Board, now in this Joint Working Group, and in our discussions, there is a clear interest on both parties parts to get GAC input into these processes. If it is the fact that at the end of the day we have no authority over those processes and we cannot influence any change in their rules, then would this question not go to the Board? I guess that's what I'm trying to ascertain. Where is the action point?

So is it up until when GAC advice goes to the Board, then would you be the ones – my guess would be most likely, yes – to turn around and push that advice down to the respective bodies on the relevant issues. So that's what I'm actually trying to tease out, is actual action points, next steps. I don't believe we could do this on our own. We have very collegial relations with our counterparts in

---

the ICANN community, I don't think there's any doubt about that, but if we can't penetrate the rule system, and it's appropriate that everybody has their own rules, then would it not be up to the Board to figure out how to make that happen? Thank you.

Ray Plzak:

Well, without wanting to get into a large debate on this, to me the simple answer is to look at the bylaws, and change the bylaws, first of all. And allow the GAC to somehow or another provide advice other than strictly to the Board, and that's something that should definitely be put on the table and discussed. The bylaws were created a long time ago, as has been noted earlier. Well, the internet moves at a very fast pace, and we can't talk about our grandfather's internet.

We can talk about our older brother's or older sister's internet, and that's about how fast these things move. To me, it's certainly reasonable for a discussion about a change in the bylaws to allow GAC advice to become participatory in these policy forums. To me it's a perfectly reasonable expectation. The fact that the desire is for the participation to get in at a lower level, to have a different type of influence in the policy process is what you're talking about, is actually a very desirable goal. So I would say that from my perspective, speaking personally, this is something that I would welcome, and I would help you work on it.

Heather Dryden:

Thank you, Ray. EU Commission and then Denmark, then Norway.

William Dee:

Thank you, yeah I think we may have touched on quite an important issue here, and I appreciate very much the comments from the U. S. and from Ray as well. It leads me to wonder, actually, if there's a certain rigidity in the rules actually, of the supporting organizations for example, that maybe that's where the problem is, and not with the GAC, actually. Maybe we've been looking in the wrong place, thinking that we can solve it at this end. I think it is necessary to have a look at that, and we need to avoid a situation where the supporting organizations are complaining that the GAC is coming in too late, when in fact it's their own rules that prevent us actually from interacting more effectively.

To be blunt, they can't have their cake and eat it, as we say in English. I note that the bylaws provide for regular reviews of ICANN supporting organizations and advisory committees, with I think the notable exception of the GAC. I wonder, do those reviews actually take into account or look at the way those supporting organizations interact with other bodies such as the GAC? I don't know if there's been a recent review of the ASO, for example, and was that an issue that was looked at? Maybe it should be.

Reviewing the functioning of the supporting organizations and advisory committees on their own may not give that overview; that picture, actually, of quite an important issue amongst the stakeholder organizations, and that's how each of these organs of ICANN interact with each other. But that's just a question. I don't

know if anybody in the room who's not in the GAC is aware of the reviews of the other supporting organizations, whether they look at this issue. Thank you.

Heather Dryden: Thank you. Denmark?

Julia Kahan: Thank you, I think it's very important that the GAC is able to act in the beginning of the process. It's important to find mechanisms to do so, and I think changing the bylaws could be a way of doing this. But not only, I think maybe also we could start a little bit looking at the other organizations pdp's, and maybe retract or find – identify the areas where there is actually possibilities for us to interact as well as a first step. I think maybe changing the bylaws is a long process, so it would be very useful I think, at least for me, to have an overview of where there are possibilities for us to interact there now. Thank you.

Heather Dryden: Thank you, Denmark. Norway please?

Ornulf Storm: Thank you, certainly the bylaws could be looked at, but I think we also have to be mindful that we shouldn't place too much workload or responsibilities for the GAC to then accommodate all the requests and requirements from the supporting organizations. And also what the European Commission mentioned about the prioritization of issues to comment on from the Board to the GAC.

So I think we shouldn't move the responsibility to the GAC to sort of follow the pdp's, and then from the ICANN Board to the GAC,

---

so I think the responsibility should still be with the ICANN Board, but of course mechanisms on how the GAC advice can be inputted into the procedures, of course that could be looked at. Also as the Commission said, that we have quite a heavy workload. So I think if we shoot for comprehensive of all the other supporting organizations agendas and inputs, then I think that would be not sustainable. So I think we have to find mechanisms to sort of have this input of the GAC advice into the processes, but not to move the responsibility of doing that from the ICANN Board to the GAC. Thank you.

Heather Dryden:

Thank you Norway. EU Commission.

William Dee:

I'm sorry, I keep taking the microphone. Just an idea actually, and it's not an idea I've shared with anyone, so I don't expect a response today. I wonder though whether it might be interesting if we did look at the bylaws and the applicable rules to consider the Board requiring a supporting organization to consult with the GAC before they come to the Board with a proposed policy. As a requirement for them to consult us and to identify concerns that we've had and how they've taken those into account or not been taken into account, before they go to the Board.

Maybe that's an idea that would make life easier for the Board, and I think would create the solution we're all looking for. Apparently the supporting organizations would like earlier involvement of the GAC, well this would achieve it. We'd like earlier involvement. I don't know what the resource implications are, as a committee

actually, if we do that, but it's an idea that seems to me would possibly meet all of the requirements. Thank you.

Heather Dryden:

I think that's an interesting suggestion, and we can reflect on that further inter-sessionally, before we go to San Francisco. So thank you. Okay, I don't see any additional requests to speak on this issue. Oh, Ray, I've done this to you already at this meeting, so please.

Ray Plzak:

Let me speak to the issue of participation. From the perspective of the supporting organizations, they all have a participatory policy processes, and they will all tell you that they are open to participation by anyone. I think what's really the issue here is the manner in which the participation takes place. I don't think that the rules are inflexible or rigid, what I'm saying is that the process by which those things are modified is they actually go through some kind of a process in each one of those organizations to occur, is all I was saying.

Certainly the aspect that you mentioned of a consultation occurring at a lower level is interesting way to explore it. The other way is looking at what are other ways that the participation could take place, short of a formal consultation between the bodies and so forth. But I think everything has to be put on the table and looked at, and in the end I think this is one of those areas where we're going to have to go down and really pull out the big 'c' word, compromise, and find out the best way to get things done. We don't want to overload the work of the GAC, and at the same time

we don't want to inject into the policy processes something that forces the bottom up process to stall at a point, so it's really a matter of having a very, very meaningful interchange of ideas.

Putting it on the table, and working our way through it, and it's probably not the purview of this group to have that conversation as much as it is for this group to cause that conversation to occur. To come up with a recommendation for how we can expand the participation.

Heather Dryden:

Thank you, Ray. Alright, what I propose to do with our remaining time is quickly just go over two parts of the report; first of all travel support, and then the idea of the meeting for high level governments. The main idea of going over those is to get GAC colleagues thinking about these, because we're going to be discussing these two issues this week, as a GAC, and also to give our Board colleagues a sense of what the GAC is already doing in order to meet objectives that we have in the Joint Working Group report, and there'll be an opportunity, if you have a particular comment that you'd like to make on either on those initiatives to do that. Then following that, I'll try to sum up where we're at, and what we can expect to be working on between now and San Francisco.

So the idea behind GAC travel support, Board colleagues might not know, but currently we have funding to support up to six participants to a GAC meeting, and what we're aiming to do in the text that's proposed in this report is to elaborate the rationale

behind why we think this is important and why it meets the relevant objective in the Joint Working Group report. We think it's useful to expound the work of the GAC and ensure that we have representation that's broad and diverse and includes developing countries. Also we elaborate here, a basis on which we could pursue that fund, so in other words, identifying the ability to give priority consideration to those who take leadership roles within the GAC, for example, so there aren't barriers to increased participation of that kind.

As you know, we do rely on volunteers like the other communities in order to develop our inputs and our thinking as a committee. Also a key point is that we're looking to increase the amount of funding that is available to the GAC for each meeting. We've looked at some of the numbers from the other communities, and they receive substantially more, and we believe there is sufficient interest from governments from developing countries to participate, that those funds should be there, they should be available. However, we should still look to the ICANN travel – I don't know its official name, but the capable travel staff within ICANN to actually manage the actual administration of those funds.

So that is the essence, the idea, and what we're aiming to do with it. If anyone has any points they'd like to make, then they would be quite welcome. Sri Lanka?



Jayantha Fernando:

Thank you, Chairman. On this subject we have reached a very high level of understanding and consensus I would say, to make it easy for us to discuss this with some amount of agreement and I'm very happy to note that finally we have come up with a clear number and I'm very grateful for the support we received in the formulation stages of this documenting, getting inputs from everybody across the table who have proposed number of funded fellows, being increased from six to 30. In that context, the addition to the procedures, the information, one point I wanted to flag is that we consider at some future point, if this works out, to work out a regime as to how we are going to administer this.

Is it going to be done by the GAC secretariat? Is the ICANN going to outsource this to the secretariat to manager or the logistical details of administering this 30 something that we might consider inputting at some stage, if we work out the details, if we are successful in getting 30 or some number close to it accommodated by ICANN, so issue would be able to include the administration aspects and detail that is recorded down by the secretariat or by ICANN itself. Just a point I wanted to flag. Thank you.

Heather Dryden:

Thank you; these are numbers that I had just taken a stab at before we had information from some of the other communities. So if we have six currently, per meeting, that's 18 per year, so this is an increase from 18 to 30, that I'm proposing, and I guessed at the amount of money. So for the purposes of our discussion today I wouldn't focus too much on the number and the amount of money, what we will do is confirm some data. I know Maximiliano has

---

gathered some information, so when the GAC actually addresses this issue, in the request we would like to formulate this week we'll actually refine the number per year and the dollar amount. As I say, this is me just taking a guess for the purposes of at least getting a draft started. So we'll discuss that further in the GAC. Did anyone else want to comment on the travel fund? Ray?

Ray Plzak:

Like everything, when you start talking about money, the obvious thing here and I can see the discussion is there, is the control, and the way that the fund is administered, because in the end these monies, like all other monies would be audited and so forth; so it's probably more important to have in place the control mechanism and the selection criteria and so forth that would be used. Particularly if you're going to have a third party, whether it's the secretariat or the ICANN staff or whoever administer it, then it becomes even more important that the criteria that's being used to administer this be clear and explicit, because the person that's administering it won't necessarily have the insight that the person that was writing the rules had in the first place.

So I think in your deliberations and considerations in this area, just pay particular attention to it. One thing that I used to do, when I was writing papers from time to time that I wanted to go to the general public, is I would give it the grandmother test. I would go find someone's mother, and say "would you please read this for me, and tell me what it says?" So this is one case where I think you need to be clear on what's being said. In the end, I think that whatever amount of money that can be sustained, on an annual

basis or in an annual budget perspective is probably the more important thing to pay attention to.

Certainly you can look at the way you divide that money up; whether or not you're going to fully fund so many people or partially fund so many people, or some combination of fully funding and partially funding; so attention to the criteria that's going to be used by the administer, controls that need to be put in place, and then being able to substantiate whatever dollar amount you think is possible, I think is probably the more important things to take a look at.

Heather Dryden:

Thank you Ray. United States?

Suzanne Sene:

Thank you Heather. I am reminded of a comment that Katim made earlier, that certainly you would support creating a level playing field for the GAC, the kind of support that is currently provided to other SOs and ACs, and I do recall, and maybe my memory is a bit flawed, but in Brussels I think we had a briefing from Doug Brent. He gave us an overview of the levels of support provided for travel to the ALAC and the GNSO, if I recall. The numbers were somewhere in the range of 21, to 23, to 25, something along those lines. So obviously there's some experience inside ICANN's house as to managing travel for those numbers.

So would it make sense for the GAC to ask for parity, as you have suggested, Katim, and then simply sit down and work with the CFO and the COO as to how to make that happen? And do we

need to make the request in writing, separate from the Joint Working Group report? And at what time? And would that get the blessing then from the GAC and the Board and this Joint Working Group, that we are seeking parity, these are the numbers, and they certainly know – I’m guessing they have quite a lot of experience in the last several years in managing those amounts. Maybe that’s the way to go; just a suggestion. Thank you.

Heather Dryden:

Ray?

Ray Plzak:

That’s a very good point, and actually I support what Katim said as far as parity goes, so yes certainly. I think the real issue would then come down to perspective, if you’d be willing to accept per year the number that they would be willing to support. For example, they would be making budget adjustments per year, that may cause that number to decrease or increase. So parity says that you would have to live with what everybody else has; so the GAC would have to be willing to accept that.

Also then, what really becomes important from your perspective is the selection criteria; who you select and how you go about that, and that is something to pay attention to. I assume you would want control at least in that area, and that you would be presenting to the staff in this case, if that’s where the administration was, a list of names of people that would be traveling. So I think it’s not unreasonable to ask for parity, but you have to decide if parity is what you really want.

Heather Dryden: Fair enough. In terms of the process, what you've described is what happens now? The fund and so I don't anticipate that changing. So I don't see any – Norway, please.

Ornulf Storm: Yes, thank you Heather. I think it's already there in the report but since you remind ourselves about that, of course the rationale for doing this is to have a greater participation from developing countries, so that's what we've said in the past as well, it's important. So thank you.

Heather Dryden: Thank you. So in the time remaining, I will just quickly go over the high level meeting idea, and a quick opportunity for comments, and then we'll need to wind up. We're very close to the end of our time slot. So just to say that the idea of having a high level meeting for governments really came out of an idea that it would be useful to have a meeting dedicated specifically for high level officials, some of whom already come to GAC meeting. In order to raise awareness of this organization, ICANN and the GAC, the kinds of issues we work on, the significance of that, how to participate and that kind of thing. That's again, the overall aim of increasing the strength of the GAC, and its ability to provide advice on matters with public policy aspects to them.

So we had looked at holding a meeting earlier this year; however the timing did not work out. So we're wondering whether San Francisco would be another good opportunity to put together a program specifically with this in mind, just before or as the GAC meetings begin. And the idea I don't think is any more further

developed than that, but if you have a reaction or thoughts on that, please take this opportunity. Malta?

Joseph Tabone:

When you talk about high level officials, are you aiming this at the most senior policy people in government, or elected officials? Have you thought that, and I think that's a very important distinction, if you're aiming a program say for Ministers. I would like to know.

Heather Dryden:

In the informal discussions that have taken place so far, I think it demonstrates that you would get a mixture. In some cases you would have Ministers, and in the event that a vice-minister is a political appointee, there's interest at that level. If I look at my own department, you would get an assistant deputy minister attending, in all likelihood. So I think we can expect it to vary, from one GAC member to the next, if that gives you an idea of the level of discussion that's taken place. Brazil, please.

Luís Magalhães:

Thank you, just another clarification. I don't know when does this idea come up, I don't know if this idea come up during inter-sessional discussions. I would like just clarification on that, and secondly, what would be the exactly proposal of this meeting? What would be the outcome or output of this meeting? High level meeting?

Heather Dryden:

It came up very briefly in the meeting before the last, so it would have been for Nairobi, and there was a limited amount of discussion at that point, but that's when, I believe, the idea was

first proposed. In terms of the outputs, it's really no more than what I indicated, and as we have a slot as the GAC in our GAC schedule this afternoon to discuss this concept, I think we can get it a bit more into what GAC members would see as beneficial to come out of that meeting, to be more specific. So let's use that time to develop the thought. Yeah, Jean-Jacque?

Jean-Jacque Subrenat:

Thank you, Heather. If I may interject here, in answer to the question from the representative from Brazil, what would be the purpose I don't know, because I was obviously not a part of the initial thought about this, but I'd imagine that the purpose would be twofold. On one hand, take stock not so much of the way you are organized today. First, you have to start with the challenges. What are the challenges to the GAC, and more widely, to ICANN and the GAC in the years to come? And the second part would be how do we adapt to that?

So working less on past, although of course, obviously you must address the question of past and present practices, but have a more forward looking attitude and try to adapt from that. I know the analogy is far-fetched, but maybe you'd accept that when those in charge of the At-Large structures decided that they wanted a summit, they had to put the same question. We want a summit, but what for?

I think the way it worked out was very beautifully done, with a very effective result, and it enhanced the visibility of At-Large to a large extent. And it gave them a sense of renewed purpose, and I

---

think it also helped them having a much clearer, high level view of how they want to restructure, if that's the case, but also improve their working methods. As a Board member, as one among many Board members, I found that a very good result. So you may be wishing to have a look at that, and other examples as well. Thanks.

Heather Dryden:

Thank you, Jean-Jacque. Next I have Portugal, and then Sri Lanka.

Luís Magalhães:

I remember this is an issue that has been discussed in several of the GAC meetings before, so for several sessions we visit this issue every now and then. It's not a brand new idea. Concerning the level, it's very clear that either it attracts Ministers, or vice-Ministers, according to the country, or else it is not worth doing. As a matter of fact, some of us are director generals for these areas and other people around the table may be representing director generals themselves, so only this level would justify.

But let me tell you, just awareness or sensibility, or raising the level of consideration of GAC in the Capitals is not enough reason to bring these people. They will come if the agenda is challenging, if there are new points to be considered, and only if that happens. So instead of discussing if we are going to organize high level meeting next time or six months from now, I think what we should be discussing is what is the agenda that requires the presence of these people. Thank you.

Heather Dryden:

Thank you, Portugal. Sri Lanka?



Jayantha Fernando: Yes, my point was also going from what Portugal just mentioned. It all depends on whether the agenda itself is very attractive to compel such a high level meeting of officials. And just a point I wanted to flag from a developing country perspective, it is the fact that – I’m saying such a meeting will in fact be useful, but might be worth considering with the affordability coming to San Francisco will make it for a representative from a developing country perspective, because unless otherwise we can get some officials also funded through the travel support system which is a little bit unlikely under the current context. This issue of having a fully representative gathering might be a factor that might be taken into consideration, and maybe in which some can join by video conferencing from the working countries, and if that can be facilitated, then we can have a worldwide exchange. Thank you.

Heather Dryden: Thank you, Sri Lanka. I have EU Commission, then Italy, the Netherlands, the United States. Are these comments that need to be made in this particular Working Group? Or can they be made in our dedicated session this afternoon? I do need to tie up, we’re already over time. Alright, EU Commission wants to make a remark of this size. Okay. EU Commission.

William Dee: Thank you, maybe even smaller. I had a list of points, there’s only I think that’s useful to make now, while we have our colleagues from the Board here. That is that when we’re organizing or planning this meeting, and I agree with everything that’s been said so far, I think we need to decide what expectations we have for

Board involvement, for this senior super GAC meeting that we might organize, just so we can inform the Board at this meeting I think. I think we need to notify the Board here in Columbia so that the Board knows that if we have expectations that there be a joint session or some kind of agreement with the Board that people might want, because there will be implications on the Board side. So that was my only observation I think it would be useful to share at this point. Thank you.

Heather Dryden:

Thank you very much. I think that's a great point to make to our Board colleagues, and I think we will also need support from the organization in order to organize such a meeting, so that's as well something that we can flag to our colleagues here. Okay, so Netherlands, you have a comment?

Thomas de Mann:

One question, you said we're going to discuss this in the Joint Working Group this afternoon, again?

Heather Dryden:

It's in the GAC's schedule this afternoon. We will have 30 minutes. Okay, alright. Italy, please.

Stefano Trumpy:

Yeah, just for the presence of the Board, I would like to mention that on the Review Team on accountability and transparency there is a statement and the Board should endeavor to increase the level of support and commitments of governments to the GAC process. So this certainly an important asset, because to attract high level people we have to also to let understand that this is a high level ICANN priority and then discuss this strategic elements, and then

another thing is that San Francisco is certainly a good choice, because it might be that the high level people wants to be there, but we cannot think to invite the high level for a half a day meeting or so. So this thing should be prepared with some also external other initiatives that might give an agenda that has a real appeal. So it's something that has to be prepared to an adequate level, a high level. Thank you.

Heather Dryden:

Thank you, Italy. Alright, I'm determined to sum up the meeting. So what I propose is that we make the refinements to the language based on the comments from Brazil and Norway to GAC advice to the Board, and circulate that to the list for quick approval, agreement, so that we can post that version of the Joint Working Group report. That will enable the accountability and transparency Review Team or the Berkman Center to refer to it, and to make it public, and I think that would be a useful document to have in wider circulation than currently exists. And then following that, I would like to ask whether we can convert the options that are identified in the paper into recommendations, so think on that a moment, while I make my final point, and that is that we work on the policy development process aspects of this report inter-sessionally based on the idea floated by Bill Dee, the need to find the right mechanism or mechanisms in order to improve that process, identify where the action points actually exist, or should exist, and taking into account the existing rules of the supporting organizations and the bylaws in order to refine those.

---

So coming back to converting the options to recommendations, I have one GAC member nodding. Are we able to do that – it's still a draft report, even if we convert the word option to recommendation. Yes? Nodding...okay, let's do that and see how we go from here over the next few months. Alright, any final comments? Alright, I have Ray, Kenya, and United States.

Ray Plzak: Just a clarification, so the list that you're referring to is the joint list? You're talking about some language being put out to the list for finalization?

Heather Dryden: Yes, it would go to the Joint Working Group list, yes.

Ray Plzak: And the inter-sessional work, are you maybe talking about having an inter-sessional call, other than the Joint Working Group?

Heather Dryden: I think we should try to do it online.

Ray Plzak: Okay.

Heather Dryden: Kenya

Alice Munyua: Thank you, chair. A quick question regarding the secretariat here. I think we requested information about how other supporting organizations are provided for in terms of secretariat support, because then that will inform our discussions, I think on Tuesday, regarding the GAC secretariat. I don't know whether we received that information yet.

Heather Dryden: I don't believe we have, but I can add that to my list of follow up items.

Alice Munyua: Yes, because it will inform our discussions. Thank you.

Heather Dryden: Okay, fine. United States?

Suzanne Sene: Kenya has already covered my point, thank you so much.

Heather Dryden: Great, okay. Thank you very much everyone, for coming this morning. Jean-Jacque, yes, please.

Jean-Jacque Subrenat: Actually I was looking at this because I wanted to stand up to show my respect for the GAC, but I can't do that, so please consider that intention is there. I take this opportunity with the permission of the co-chairs to say a few words, mainly on two things.

One, what are the global challenges that will impact ICANN and the GAC in the coming years? And my second point will be so what? Where do we go from there? So thanks to tech, I can show my respect for public authority. By the way, my voice is not due to excessive emotion, simply that I have a bad cold. So there are a few challenges that I think we must not neglect, because they will impact us whether we like it or not.

The impact will be not only on GAC or on Board separately, or on the community, but connectively on all of us. Amongst the various

things I see is the reality of the internet today. It is the first time in human history that there is a common infrastructure of that magnitude. I think that sets the stage for the dimension and the importance of the challenges we face.

Just a few things among the challenges I would mention, is that the internet reference time is not normal time. Things go much faster. The greatest companies in the world, the most developed, the most successful, the most benefit accruing companies in the world today, for most of them, didn't exist 10 or 20 years ago, so that's just to give an indication of the pace at which things are moving. Innovation, if anything, is more than ever a driving force, as we see in this particular area of electronic communication.

Also, the needs, the basic needs are evolving. Access to water, etc., but as far as the internet is concerned, I think that I identify mainly three things. One is the shift from formality to informality, two is the shift from consumerism, about the consumer attitude toward information and entertainment and culture, to a participative approach, in other words, co-production. And my third point about the evolving needs is that development country needs will have to be taken care of more seriously.

So what are the consequences of some of these global challenges for us at ICANN, and on the internet in general? For the Board, I think that this comes at the time, the review, the Joint review comes at a time when fortunately we have a redefinition, a much more specific, precise definition of the roles of ICANN and the

obligations of ICANN, thanks to the affirmation of commitments on accountability and transparency for instance. So I think that we must avoid the mechanism of these reviews, which is very time consuming, but also very worthwhile, takes on in the long run, too many of the available resources of the organization and the community.

The second challenge I think is that we are headed toward greater than ever diversity and internationalization of ourselves, of our structures, of our concerns. For the GAC, what do these overall challenges mean? For instance, I would say that the structure, the way that GAC has been developed reflects a past paradigm, which was the UN model. The UN is still valid, that's not what I mean, but it came out of period of the history of multi-national organizations which was very much determined by the cold war. And therefore, there is a degree of carefulness and attention to detail, the placing of a comma, instead of a semi-colon, which is completely understandable. But I'd like to contrast this with the challenge of the internet time today.

I think that one of the problems for all of us in GAC, and certainly for the Board and GAC is that we have to compact that time, and get the message through more quickly. Then I think that to pick up on one of the conclusions from this morning's meeting, the high level meeting project; I think that's a very worthy project, and if I may be so forward to suggest that the main theme could be for instance, the internet and the renewed interest of public authority for the internet.

And finally, a few words about the inter-relations between the Board, the GAC, and the other elements of this community. I think that what we require is a better balance between formality, respect for the bylaws, your own operating rules, etc., and the fast pace I just mentioned. As Ray said earlier, if you feel that bylaws do not reflect the cultural reality, change the bylaws, or just make a proposal to change them. I notice that you have project for more operational secretariat, and I think that's a very important element.

My final remark is the role of the Chair and the liaison. I think that there again, the formality that is imposed on your representative to the Board is completely understandable, it's a very big constraint, but perhaps you would gain more from it if there was a certain greater degree of informality and flexibility in the toing and froing, at least that's what I felt as one of the Board members. Thank you so much, and I'd like to in conclusion, thank you for the opportunities you gave me to listen in on your debates and just occasionally to contribute. Thank you so much.

Heather Dryden:

Thank you, Jean-Jacque, and the GAC appreciates the willingness of our Board colleagues to participate in the Joint Working Group, and to contribute to these discussions which for us, are of great importance, so thank you. Alright, so GAC members, we meet in this room at 1:30 with the accountability and transparency Review Team, so see you then. Thank you everyone.