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DUBLIN – Board and GAC Meeting  
Wednesday, October 21, 2015 – 08:30 to 10:00 IST  
ICANN54 | Dublin, Ireland

CHAIR SCHNEIDER: Good morning, everybody. My name is Thomas, for those who don't know me. This is our meeting with the ICANN Board as we have it every time, so I would like to give the floor to Steve to say hello to you as well.

Thank you.

STEVE CROCKER: And I, too, wish everyone a good morning.

It's now Wednesday, for people who have trouble keeping track of time who are on meetings around the clock. And we're all, I think, full of hope and anticipation because things are actually going pretty well.

So we're eager to have this interaction with the GAC. And as is our style, we like to get right into specific things and have meaningful exchange.

I would, if I might invite Tarek Kamel to join us up here. Tarek is a key guy on our staff who -- I'm sure he knows everybody and

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everybody knows him who has been active in all the interactions with governments, and here he is. Thank you, Tarek.

So the agenda is yours. The meeting is yours.

CHAIR SCHNEIDER:

Well, I suggest it's ours, although we propose the agenda.

We tried to do it slightly differently this time in the hope that we get some substantive discussion on some of the issues. We were trying to inform you on the agenda which points we think basically are for information or requests for information but not requiring a substantive discussion but on which issues GAC members wish to have a substantive exchange with you. So this is why we have like these titles on the proposed agenda. And I think there's a small mistake that the .AFRICA should actually be on the for information GAC to Board list and not on the Board to GAC list, if I get this right. Yes, I think the ball is now on our side on that one.

So let me quickly start, and I would just invite those -- in particular those who were raising the issues first in the GAC to speak up when the item comes.

So let's start with the high-level governmental meeting where we just want to give you a quick information on where we are

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and what we hope to see in terms of engagement from the Board.

So may I give the floor very quickly to our dear colleague from Morocco, Redouane, to give you a very quick update on the preparations and on where we are.

Thank you.

MOROCCO:

I will speak in French. Good morning, dear colleagues.

I'm not really ready, but I will present what I presented the other day.

After the meeting in Buenos Aires, the Moroccan delegation has prepared a work plan that started in July. We prepared the invitation to the ministers, and we have made a significant progress so far.

Then we started working on the substance of the high-level meeting as well as on the preparation of a work plan. We submitted all this information to the GAC yesterday as well as the work program.

We considered there was consensus regarding this program, and we will continue discussing the final schedule within the GAC, and in two or three weeks this program will be sent out to the

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ministers. There will be a second invitation letter for the Marrakech meeting. And as I said yesterday, the high-level meeting, it's an important stage. It is part of two recommendations made by the ATRT. This is the third high-level meeting. The first was held in Africa for the Arab world, and we hope there will be some tangible and concrete results so as to raise awareness of the role of governments within the Internet governance regarding public interest issues.

In terms of logistics and operations, Morocco has set up a national committee that includes members of the government as well as members of the private sector and the civil society to prepare the high-level meeting and ICANN 55 as well. This committee meets twice a month and discusses everything related to logistics and operations.

We continue being engaged in a dialogue with the ICANN. We have held several meetings with the ICANN staff and the GAC secretariat, and we think we have been taking the right path.

Regarding the visas, I've heard certain comments yesterday, and as I previously mentioned, Morocco will give all the possibilities possible. We will publish in the ICANN Web site all the provisions to get a visa. And of course there will be certain exceptions.

You know that Morocco is willing to grant these visas directly in the airport for those countries we do not have any consulate or

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embassy present. We hope that we will have the list of the delegations so as to make all this process easier.

I will stop my presentation, and now I am open to answer all your questions.

STEVE CROCKER:

On behalf of ICANN Board and on behalf of ICANN as a whole, we thank Morocco for all the extraordinary work going into the preparations. We're very much looking forward to coming to Morocco. We were in Morocco in 2006, I believe, and it was a fantastic visit. And we particularly appreciate your comments about the visas. This is always a point of some difficulty for some members who are coming, and the extra effort that you're offering is very much appreciated.

So thank you very much.

I apologize for overlooking this before but I would like to take this opportunity to introduce the incoming board members who are joining us. If I might ask you to stand. We have Louise Van der Laan, and Ron da Silva, and Rafael Ibarra, Lito by -- well known. And we have made a practice of letting -- "letting" is too soft a word -- strongly inviting incoming board members to participate in events even before they're officially seated, which will be tomorrow night. And they're no longer untarnished.

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They've been bathed in our processes and have jumped right in, and I'm very pleased to have them join us. So thank you.

CHAIR SCHNEIDER:

Thank you, Steve.

Just to add one piece of information on the issue of visa. It is not the first time that this occurred that people from the community, including the GAC, have missed parts of the meeting or even were not able to come because they were not able to get their visa in time and not just for the high-level governmental meeting in Morocco, but in general, the GAC feels that this is an important issue that everybody should be able to come and join an ICANN meeting. And then GAC members have some expertise to support ICANN to work together, maybe, in a more efficient way with the host country of a particular meeting in terms of what is -- we'd like to support you in terms of getting together at an early stage what is needed in terms of invitation letters by ministers, because the challenge is, of course, that ICANN is not an intergovernmental organization but a private corporation, which is one of the elements why many people in consulates and general consulates do not understand the importance of this. And with regard to the GAC, some do not understand that we're actually meeting here for a governmental meeting within a private institution. So the GAC is willing to work together with

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ICANN to maybe include in the package of the agreement with the host country some more precise elements on what needs to be done at what stage in order that the visa problem is significantly lowered in the future, just to add this.

Yes, Tarek.

TAREK KAMEL:

Thank you, Thomas. Good morning, and I just want to say a few words about that.

We have been notified about the issue, and, unfortunately, it's not the first time, but I talked to Sally Costerton and to the GSE team meet and to give it more attention on the leadership team as well as the staff that there is, as far as possible, a formal invitation from the host government as much as we can to the GAC members and on an appropriate level that make embassies really get convinced that it is important for those participants to be there.

So we have a promise from Redouane this will not be the case in Morocco, but after Morocco, (indiscernible) take care of it. Thank you.

CHAIR SCHNEIDER:

Thank you very much, Tarek.

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Without losing time, I would like to quickly go to the third item on that list, which is the gTLD safeguards and the Buenos Aires advice, and also previous advices.

I would like to ask one of the co-can chairs to quickly make their point.

European Union would you be ready to just quickly convey the information that we decided to convey?

EUROPEAN COMMISSION: Yes, thank you very much and thank you for the opportunity to exchange some ideas with you. Well, we had a brief discussion. We didn't go into as much detail on safeguards this time because, as you know, we've discussed it many times in the past, but we reviewed again the issues relating to verification and -- it's too early in the morning. I've forgotten the other "V" -- of participants and the other issues relating to the -- our concerns relating to consumer protection, particularly in the highly regulated strings where we think there are a number of actions which have already been identified which could be taken, and we looked at those again and there will be something in the communique.

The other thing that we're encouraged by, of course, is that the review on consumer choice, consumer trust and competition



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would also look at these aspects in the context of the review of the new gTLD program.

Thanks.

CHAIR SCHNEIDER:

Thank you. If there's no comment, we can go to the next point. Maybe I can inform you on this one, is that the GAC has started to look a little bit more closely into -- into what the actual effects of our advice are; how the procedures are working, and also looking at the implementation. And we've done a little bit of research and found out that,(a) it is not very easy to find information. Actually if you want to pull together the elements of GAC advice, it takes quite some time. Then if you want to try out -- find out whether this has been accepted or not, again is not so easy. And then if you want to find out how the advice that has been accepted has been implemented, again it's quite a challenge.

So we are working on this and may come up to you with some recommendations on how we think this can be better done.

We've also -- We're also elaborating some recommendations about what we can do to make this easier, to make the advice for clear, to give more rationale, and so on and so forth. We are

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aware that we're in the same boat in the end, but there are also things that ICANN can do.

I know or the GAC knows that you are about to develop a software tool that is meant to be used to search for pieces of advice and things like this and what happened to it. And the GAC wanted to convey to you that we're looking forward to this tool. It should be as simple as possible, as accessible as possible, and be developed rather quickly because this is also, in the view of the GAC, an accountability and transparency issue that is easier, understandable, for governments but also for others, what happened to GAC advice, where we are, and whether we are satisfied -- to allow the GAC to assess whether we are satisfied with the implementation.

Thank you.

Yes, Steve.

STEVE CROCKER:

I've spoken forcefully on the process of handling advice and what we do with it, and so forth, which I'm going to cover again here, but the way this is worded here raises a new and even more interesting point, so bear with me for just a second while I tease apart two things. And I think there is a very deep piece of insight in the way this is phrased.

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So the first part, which is, I think, the primary thing you are concerned about, is that when you deliver advice to us, what happens to it. And we have committed to making very clear, precise actions in which we first accept the -- we receive the advice and make sure that we understand what's been said, and that there's a bit of interaction in there so that there's no misunderstanding about what's intended. That's prior to making any decisions about whether we accept the advice and what we do with it. That's phase one in our process.

Phase two is an evaluation process. Is it feasible? What resources would be required? How would we implement it? All prior to whether we decide whether to go forward with it.

If we decide to go forward with it, then we move into phase three, which is implementation. If we decide we're not going to accept the advice or that we want to make some modifications, then we engage in the consultation process which is going to get a lot more attention today, I think.

In phase three, the implementation, before we go into that phase we have some idea of how long it's going to take, what the major steps are going to be so we can track it, and so forth and we're trying to put all of that in place.

And then a fourth phase, for which I credit Manal who helped put the basic plan together, is there has to be a confirmation that

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that advice, what we with say we did in implementation matches expectation, a closure.

So that is, as you suggested, is something where software is being written and procedures are being put in place, and I expect to move us into a very forceful state. We're partway there already, but we're going to be -- we're some distance to getting up to level.

That's the part one.

The way that you've got this written, ongoing review of GAC advice effectiveness, has another interpretation which I think is also extremely important and which I'd not yet focused on previously, I want to admit. And that is for any specific piece of advice, even if we implement it exactly as you have in mind and you've agreed with, has it had the effect that you had in mind. So that's a more subtle and more detailed and more in depth kind of question.

And I think the way to get at that, and I'm speaking extemporaneously here without having thought it through before in consultation, so -- but I think the way to get at that is as the advice is crafted, not only do we want to be clear about what is to be said -- to be done, but -- and this goes a step further, I think, than has ever been done before, build in the metrics or methods of measuring what changes are taking place

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compared to what was there. In some cases it will be obvious, but in other cases it may be that you want to say, "And here's how we have in mind to see the impact."

And I just leave that hanging there as a point of discussion. This will play itself out over a period of time. It's not for today. I'm sure that what you have in mind for the communique coming out of this meeting is essentially is mostly done and so forth so I'm not suggesting anything urgent. But I think it's an extremely interesting idea that not only do we want to be clear about what the advice is and how to do it, but how to put in place the feedback and measurement mechanism so that it becomes clear whether or not it did or did not change the things that you had in mind to change.

Thank you.

Sorry for the long speech, but it's an intriguing thought and it catches my attention.

BRUCE TONKIN:

Thank you. This is Bruce Tonkin from the ICANN board. I think we hear this quite commonly from every part of ICANN, whether it's the supporting organization or the different advisory committees. As Steve said, he's elaborated on a process we use for approving recommendations.

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I think the next step is where we struggle a little bit, because we approve the recommendations and we direct staff to implement them.

One suggestion I've made a few times is the group that's actually initiated that recommending that's been approved by the Board, if it could actually identify perhaps two or three members of that group, in this case the GAC, that could act as a bit of a sounding board for the staff that implement it.

So, basically, two or three people at the staff could go through and just confirming this is what you mean, I think would be helpful.

CHAIR SCHNEIDER:

Thank you, Bruce. I think the GAC receives this -- your replies with great attention and interest. And we'll take that proposal back to the GAC and, as I said, we have started to look into this a little bit more systematically than before. And we'll come back to you with some feedback on this as well. So thank you very much.

I don't want to be speaking alone. So, if anybody else has something to add to this point, of course, you're welcome. If not, I'm just trying to go through the information items rather

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quickly so that we have time for a substantive exchange on the last two items.

So the next one is .AFRICA. I would like to give the floor to the African Union Commission. Thank you

AFRICAN UNION COMMISSION: Thank you, Chair.

The GAC received a letter (waiting for translation) -- regarding the issues raised by the final IRP determination. Just to let you know, we will respond to the letter and will also have a reference to you in our communique.

But it's also important to share with you during this public meeting that the process of GAC advice is actually very well documented in the Applicant Guidebook. And the African Union Commission and its member states provided GAC members attending the Beijing meeting an overview of the various national and regional processes, which resulted in the appointment and support of only one of the two applications that had been submitted to ICANN. Subsequently, the African Union Commission sought GAC consensus to object to the application filed by DotConnectAfrica Trust. And, in addition, African governments provided detailed early warning notices, 17 of them, provided background information for the early warning

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deliberations during the Beijing meeting. And the early warnings are not only circulated to the entire GAC membership list but also to the DCA and all other applicants. All applicants who received the early warnings were provided an opportunity to address the concerns raised. GAC members were also notified in advance of the Beijing meeting of the intentions by individual GAC members to seek consensus, GAC objection to specific new gTLD strings, so in this case not just .AFRICA. So there was a shared GAC-wide understanding that the .AFRICA application presented as a geographic name was subject to the terms established in the Applicant Guidebook, which included geographic name evaluation requirements.

So, subsequently, as a result, GAC members in Beijing acknowledged what the African Union Commission had presented, acknowledged what African Union member states had presented, and accepted that rationale provided by African members and, by extension, resulted in Beijing consensus advice.

Now, it's very important to note that the Beijing consensus advice was the pinnacle of a very long process of providing rationale for advice on new gTLDs, even before the application process was opened. And I'll refer very briefly to some of them. For example, the GAC on principles of new gTLDs of March 28th, 2007; the GAC comments on geographic names in a letter dated



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April 25th, 2009; the various GAC early warnings and GAC objections and also additional early warnings.

So I just wanted to share this with you and to note that we take a note of the letter, and we're going to be responding to that by the end of the meeting. Thank you very much.

CHAIR SCHNEIDER:

Thank you, Alice.

I don't know whether the Board wants to reply. We don't have to.

(Waiting for translation) -- to developing countries in general. I don't know whether maybe, Tarek, you can give us some information about how this works with ICANN. Thank you.

TAREK KAMEL:

Thank you very much, Thomas. And, indeed, which has been brought up by the distinguished members at GAC and as well as has been included in the ATRT 6.8 and 6.9. We have been building together a workgroup. From our side Anne-Rachel was in the workgroup. And from the GAC side a man from Lebanon came up with the guidelines that have been presented in the meeting in L.A. as well as in Buenos Aires. They have been discussed in the GAC, and we have got a clearance to move

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forward with implementing the guidelines together with the regional vice president from the GSE team in the different regions. And we have been very focused on webinars for the areas of transition, but for other areas as well, very specifically in Latin America as well as in Africa as well as in other parts of the world.

I know that there is an internal working group here within the GAC that has been built as well to see what else can be done in terms of outreach for the developing countries. And we'll be more than happy to receive any proposals about what we can do further, what we can improve concerning our outreach in the developing countries in light of the guidelines that we have agreed upon together.

We have also a monthly call with the GAC leadership, with the GAC chair and his deputies. And we make sure that we exchange daily views about the work that needs to be done. And we send a monthly report that is being distributed to the GAC list about our regional outreach and reach to the IGOs in New York and Geneva with some details. And, whenever we receive questions about further clarification, we answer about those details. Thank you.

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CHAIR SCHNEIDER: Thank you, Tarek. And, just to confirm that we are working very closely together with Tarek and his team. And in that monthly report that has been issued for quite some time now, it's actually quite -- based on our suggestions, it's quite easily listed, which are bilateral outreach activities when ICANN talks to a government. But also there are, let's say, multilateral -- but not in the U.N. sense -- activities when they participate in a conference or have discussions with several parties. So this is all transparency listed.

And they are very open also to -- whenever somebody has an idea on where outreach should be reinforced, Tarek and his team are very open to follow up on that. Just to add.

So there is a last issue that I would like -- where I would like to give the floor to the delegation of China because that delegation was in particularly asking for information on the question on the next steps of the root zone administrator proposal. So, China, please, if you could bring that up. Thank you very much.

CHINA: Thank you, Mr. Chairman.

Good morning. First of all, I'd like to introduce myself. My name is (saying name). I'm with MIIT, the Administration for

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Information and Communication. And I'm the leader of the Chinese delegation.

I would like to thank Mr. Fadi and the Board to communicate with the GAC. I have a question about the root zone administrator proposal. .

We've noticed that in mid-August, root zone administrator proposal was issued. With the progress for IANA stewardship transition, Internet communities and a lot of countries have great concerns and attentions paid to the root zone administration. We believe such proposal is a manifestation of the concerns of communities and countries.

We would like to learn what progress have made since the issue of this proposal and what is the plan for promotion and progress of the work? Is there a timeline? And what process of decision making are needed to finalize the proposal? And I'd like to share with you my thoughts on this issue.

We think that, during the transition of IANA stewardship and the enhancement of ICANN accountability, the adjustment of root zone management, without doubt, is very important.

Root zone administration is closely related to the stability and security of the Internet. It is one important public policy sector of the Internet.

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And the governments have a major role to play in this process. We hope that the Board members could tell us what mechanisms are designed to ensure that all governments have equal footing in participating the root zone administration. And what is done to ensure the accountability and transparency of this administration? I'd like to have response from the Board members and Mr. Fadi Chehade. Thank you.

FADI CHEHADE:

Thank you, China.

It is clear that, as part of the transition, the administration of the root zone will change.

The role of the U.S. government will be extracted from the equation today; whereby today, when the community makes a policy and advises us to make changes, we submit those changes to the U.S. government. And the U.S. government reviews our work. And, if we have completed our work appropriately, they would inform VeriSign to make -- to propagate this change.

Once the ICG proposal of the community is implemented and the U.S. government contract with ICANN is sunsetted, there will be no role for the U.S. government in either reviewing our work or in informing VeriSign what to do.

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So this triangular relationship will become a single relationship between ICANN and the root zone administrator, which will be initially, by plan, VeriSign.

So that's in the works. We are working -- the three parties together are developing the mechanisms to do that. There are operational issues. There are contractual issues. All of these are being studied carefully and calmly to ensure, more than anything else, the stability of the system so that, as we remove a very key player from this equation that has played a very faithful role in ensuring the stability of this system for many years, that that change maintains the stability of the system.

I can give you today assurance that the cooperation is going very well. We are going to be showing the community with full transparency exactly how this testing of the new setup is working. There will be a period, for example, where, when we get a change through the community, that change to the root zone will be communicated through the existing system, which is from us to the U.S. government and then from the U.S. government to VeriSign. And then we will have parallel systems that are doing this straight to VeriSign. But these are not real systems. They are pilot systems. And we will compare the results for a period of time, just to ensure that all the mechanisms are working.

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So I want to give you the assurance that all this work will be done with great care, with stability and security as our number one goal, with the resetting of the contractual relationships. Because the U.S. government will be very careful in handing this responsibility to the community to all of us.

And that's already in the works. And I want to also emphasize that the transition is not done. We do not have yet the transition. Therefore, nothing we do should presume or be presumptive about the change of that system.

Because, if the contract with the U.S. government stands, then the system must continue to work. So anything we're doing is simply what I would call administrative, preparatory, testing piloting. But it does not affect the system as it stands today and should not until we have permission to do so under the current contracts we hold. I hope this is helpful. And, if -- I will assure you that, as we progress with this work after Dublin, we will be very transparent with what we're doing and publish results of what we're doing so everyone is aware of the progress.

CHAIR SCHNEIDER:

Thank you very much, Fadi. I have the delegate from India who wants to address us.

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INDIA: Thank you, Chair. Good morning.

Just a clarification on your answer. It would be useful to understand the internal processes ICANN will be following with respect to the appointment of the root zone administrator, the maintainer, and the details of the contractual relationship between ICANN and the root zone maintainer. Will the community be involved in this decision-making process?

FADI CHEHADE: So my assurance to you, India, that we will publish all these materials as they become available. We have not yet arrived. We're kind of very early in the process. We're just making sure we're getting ready and we're thinking through the steps we have to get through. But, as we get there, we will be transparent.

However, I also want to be clear that there are some matters that are purely of implementation nature rather than of contractual nature. So some of this, you know, we will -- we need the community to be aware of what we're doing and to be transparent in what we're doing. Some of this we will rely on the community and the ICG proposal to do. The ICG proposal is very specific about how all of this will work. So we need to follow the community's direction on that perfectly so that we deliver what



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the community asks us to do. But, yes, we will be very transparent in that.

CHAIR SCHNEIDER: Thank you very much, Fadi.

With this, we can move over to the two items that the GAC proposed to discuss.

One is related to a piece of the accountability work, which is stress test 18, where, as you know, as several GAC members have expressed already previously, it is still difficult to understand for many GAC members to understand the rationale, the intention, and the framing and the setting of stress test 18 and the logic with its outcome. So I would like to give the floor to France to -- who was among those who raised this, to introduce what we would like to hear from the Board and discuss and exchange with the Board. France, please.

FRANCE: Thank you very much, Mr. Chair.

If you allow me, I will read the metrics from page 79. We have understood that the Board supports stress test 18. But, certainly, we do not have any explanation for this support.

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So I would like to know the rationale that had led the Board to support or to be in favor of stress test 18.

CHAIR SCHNEIDER: Gonzalo will answer. So Gonzalo.

GONZALO NAVARRO: I will answer in Spanish.

I think that this topic is important for everybody. But I think that my region -- and I heard that my region has been quite active in this respect. So I think that my answer should be given in Spanish because of that.

Thank you very much to the French delegate for your question and for the clarity in which you word it.

When you take a look at the last communique of the GAC, the Board and the GAC have been working regarding the advice received when it is a consensus-based advice. So you know that this certainly makes the work of the Board easier because the Board may take what you are saying and the Board may implement it, as Steve Crocker was already mentioning at the beginning of this session regarding the effectiveness when we receive the comments from the GAC.

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So in that respect, I think that the rationale is to make the Board work easier, because it's easier to understand what you are saying.

This has been a topic that you have raised, that you have put on the table during the whole process of the CCWG.

It's important for you to keep on doing so so that the opinion of the various governments represented at the GAC should be effectively heard in that respect, because at the end of the day, the GAC as a whole, taking all these positions, may express -- may clearly express its opinion on the final report to be presented by the CCWG, because you have a right to that and it's one of the GAC's duties.

So I think this -- this is the rationale behind this, the grounds behind our support and what we express during the public period comment.

CHAIR SCHNEIDER: Thank you very much, Gonzalo.

Brazil.

BRAZIL: We are very pleased again to have this opportunity to meet with the Board and engage in a fruitful exchange of views.

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As you know, stress test 18 is a key issue for us that really concerns us.

Let me also say that as you know, Brazil has joined the -- has welcomed the transition since its inception, and we have joined in good faith both in the ICG and the CCWG. And we agreed to take part in this effort mainly because we agree with the requirements established for the transition and because we firmly support the multistakeholder bottom-up process, as you know.

We decided to engage in these efforts also because we understood that the proposed collaboration will be guided by the essential principle of trust, trust among the individuals involved, trust between the community and the ICANN Board, trust among the constituencies themselves. In our view, trust is the essential element that can make the various interests of the community coalesce.

However, throughout these nearly 18 months since the announcement of the transition, we have been encountering situations in which precisely this very principle of trust has not been fully respected. Unfortunately, we have been finding ourselves in situations in which mistrust has underlied some of the suggestions made. And in particular, we have been experience mistrust towards governments. In our view, this is

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the case in the proposed bylaw amendment resulting from stress test 18.

We believe suggesting ICANN bylaws to be amended in order to prevent governments from deciding how they reach decisions on the advice of the Board in our view conveys a very negative sign of mistrust towards GAC members. For us, this is an (indiscernible) expression of disbelief with respect to the ability of governments to make deliberations.

Similarly, during these past few days here in Dublin we have been hearing terms such as, and I quote, government capture, government embroiling ICANN, turning ICANN into a mini U.N., and so on and so forth.

In our view, besides the inherent absurdity of these statements, we feel that they disrespectfully portray governments as a threat to the ICANN model, whereas we should be recognized as a stakeholder which is willing to collaborate together with the other constituencies to the success of ICANN's multistakeholder model.

Moving forward, we honestly expect that the sentiment of trust, as I said, prevails in the upcoming discussions and decisions concerning the IANA transition, and particularly we hope that this collaborative spirit between governmental and nongovernmental actors can be preserved.

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And I conclude by saying that many have said that governments need to understand ICANN, and we agree, but we also firmly believe that ICANN needs to understand governments. We believe this mutual understanding will be the key to the success of our endeavor. And then again, I think the stress test 18 discussion is at the core of this point, the core of this discussion on trust.

I just would like to reiterate this as a concern to the Brazilian government that is shared by other colleagues here in the GAC, and I would just like to state this to the ICANN Board.

Thank you.

CHAIR SCHNEIDER: Thank you, Brazil.

Yes, Argentina. Sorry. You're too close to me. Sorry.

ARGENTINA: Thank you, Chair. I will speak in Spanish.

Gonzalo, my friend, it was very good hearing it from you. Thank you very much, and thank you to the Board for if being here with us today and this morning. Thank you very much for having led the answer.

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Somehow I think it's very interesting that you are putting the focus on Latin America because this means that we are working or that we have increased our participation both at the GAC and ICANN. We're putting more in the emphasis in our engagement, but I guess that you have seen the transcript or that you have been present in the meetings this week. It's not just a concern of Latin American countries. I can give you a long list of countries that have a concern in this respect. I'm not going to mention them all but I'm going to say that there is a significant number of countries that certainly share the views expressed by our colleague from Brazil. That is exactly the feeling we have in Argentina. There's a kind of mistrust in the role of governments within the multistakeholder model of ICANN.

As it was mentioned by my colleague from Brazil -- sorry, my phone is ringing. Sorry. I'm ashamed. This shouldn't be happening, but it happens.

This is the difference in the time zones.

Argentina has been engaged in this whole process in the spirit of strengthening the multistakeholder model, but certainly we have found some texts, and I want to point out this text has not the support of the whole community of ICANN because this text has been prepared by some members of some working or a subset of the working group. As you have seen the list of who

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are participating in the CCWG Accountability, there has been a subset that has been working and proposing a text. So it's not just the Latin American governments but governments from many other parts of the world. So many members of the community as well. So I ask you to please bear this in mind.

Additionally, Argentina is very concerned because this is like a must for the transition. This was never said to us from the very beginning. This was not explicit in the rules that we were given from the very beginning in year 2014, and we understood those requirements were reasonable.

If this was a requirement that was there to stay and never to be changed, this should have been mentioned from the very beginning, and it was not so. So we think that there is a contradiction here.

So this is what we wanted to say.

Thank you very much, Gonzalo, that you have made this statement in Spanish.

CHAIR SCHNEIDER: Russia.

RUSSIA: Thank you.



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We would like to agree with Argentina that it's not just Latin American that does not support the presence of stress test 18. Russia also supports this view.

We believe that from the very beginning, our prerequisite, our requirement for the transition was not to diminish the role of governments.

We believe the conditions under which accountability is enhanced but the role of governments is diminished, that condition is not acceptable. We had been talking about it from the very beginning. And so we can't support stress test 18 and we don't think that it has a place here.

Thank you.

CHAIR SCHNEIDER: Thank you, Russia. I see China.

CHINA: Thank you, Chair. I just want to make a very quick point on this issue.

It's a very important issue which is stress test 18, and we share at this moment, we do share the same viewpoint made by Argentina, Brazil, Russia, and many other countries, Latin American countries.

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Thank you.

CHAIR SCHNEIDER: Thank you.

France.

FRANCE: Thank you very much, Mr. Chair.

Yesterday when we were preparing this meeting, the Chinese delegate asked for a question that our Iranian colleague, Kavouss Arasteh, said that it was worthless because the response will not be an answer at all.

I said that we have to make that question because I'm waiting for a substance answer, because the answer we have been given is that this stress test is necessary because consensus is okay. This is not an answer to our question.

The question is a question to the GAC. We are here in a situation based on consensus, so this stress test has nothing to do with that.

This stress test -- I mean the people promoting this stress test, the people willing to impose this stress test is saying that this should go beyond GAC, and that the GAC should have a special treatment so that the GAC rules will be set within the bylaws.

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This is not an answer.

I'm so sorry, but we are really disappointed.

CHAIR SCHNEIDER: United Kingdom.

UNITED KINGDOM: Yes, thank you, Chair, and welcome to the Board. And appreciate the opportunity.

Well, we've heard several voices on behalf of governments that are expressing serious concerns about stress test 18 and what they understand to be the rationale for it.

U.K. is one of the governments who have followed this process of the CCWG at close quarters throughout its work, and we with noted what the premise and rationale behind stress test 18 was. And it did evolve, in a way. That's true. There were different expectations of the rationale.

But we recognized that stress test 18 was focusing on the importance of consensus amongst the GAC and our efforts always to strive for consensus because that does, indeed, help the community. It helps the Board. If the GAC prepares an advice and there was a difficulty on the Board side to implement

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that advice, then there is a trigger for a process to try and find a way forward. That's well-known, well recognized in the bylaws.

But that, in reality, in practical terms, can only effectively happen if that advice is based on consensus. And we've well recognized that.

If the GAC were to provide advice where there were differences of positions amongst the GAC, and then the Board had to respond to that, it would be quite difficult, in practical terms, because what the Board may want to propose in resolving that situation may have different effects amongst those governments, whether they're on one side of the position or on the other.

So there is this practicality aspect of it. But also, I think there was the sense that it's important for clarity and transparency about what exactly the advice is and the degree of support for it. And I think stress test 18 was aimed at achieving that as well.

We don't agree that it was intended to diminish the role of governments, and we also don't agree with the view of some that it was an attempt to interfere with the ability of governments to take decisions and arrive at advice.

We simply do not agree with that interpretation of the intention behind the rationale.

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So the U.K. still sees value in the stress test 18, and we're willing to work with colleagues to find a way forward that will help the process, that will help with the transition, and help deliver a successful evolution of the ICANN multistakeholder model.

So I just wanted to go on record with that as you've heard views which don't accord with that view of the current situation.

I hope that's helpful.

Thank you.

CHAIR SCHNEIDER:

Thank you, U.K.

Looking at the time, I think we should give a quick opportunity to the Board to react to this, because otherwise it will only be the GAC that speaks, and then spend two, three minutes on the status of ATRT2 recommendation 5.

GONZALO NAVARRO:

I will give an answer to see if we can come to a closure.

Thank you, Thomas, and thank you to all GAC members for their comments.

First of all, I would like to say that the reference to Latin American was just a reference. Please take it as it is, as Olga has

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said. You know that it's very difficult for Latin America to intervene in this type of forum.

So I wanted to say that I was really very glad that Latin America is now joining the rest of the countries within the GAC in sharing their views, in leading a topic that is very important for the GAC, because as far as I have heard this morning, it's very important for several countries within the GAC.

There are diverse opinions, and I think that this is part of the richness of the GAC.

So that was my comment. So forgive me if I misunderstood me.

With respect to what I've heard or the comments that I've heard, there are certain topics that are really very important to be heard, and I hope that these topics may be heard within the process of CCWG.

I think that the governments should express their opinion within the CCWG. Brazil spoke about trust, and this is certainly core to the discussion. And I hope that that element, that concept may be conveyed and, within the same process this, may lead to a change in the positions.

You know that the CCWG process is a dynamic one and of course the positions are changing, and it's good to have all these elements on the table.

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So thank you very much to the comments made by the France delegation because these elements will be considered.

Thank you very much.

FADI CHEHADE:

Thank you, Mr. President. Thank you for all the comments that we heard.

I would like to just emphasize some points.

I think that this stress test, to be frank, has been misunderstood. And I think we have heard people in the community make statements which, frankly, were not appropriate. Not appropriate.

And they're not appropriate because, as Brazil said, they seem to divide us. They seem to provide mistrust between us. And they are wrong.

Now, the good news is some of them apologized for this, and I hope we can accept their apology and move forward beyond that. But I think we have recognized that there were misstatements and misrepresentations that broke or attempted to break the trust between us.

And frankly, if we don't have trust within this community, then we can't advance.

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In the morning I said, on Monday, that the multistakeholder model is right now being tested to its limits at ICANN. And there are those who are trying to get into the middle of this model and weaken it. And it is upon us not to fall into the trap of the dividers.

This body represents the diversity at ICANN. You are the world here at ICANN as well, just like everybody else. And without the GAC, we are missing a very important part of what ICANN is. We need you on board with us. We need to all be together to get this done.

So I hope this apology is recorded and accepted.

I also want to say that nowhere in this board is there anyone who thinks for one second that we should be telling this great body how to make decisions. Let me be superbly clear about this. You decide how you make decisions. No one should make that call for you.

The mention of capture is offensive. So those who mention that the reason for all of this is to avoid capture is offensive because there should be no discussion about any family that one member will capture another member. We are all one body here at ICANN. Your advice, what you do is central to what ICANN is today. And, therefore, capture, which if we want to really discuss, could happen also from other parts of this body. And,



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therefore, what we should do is, again, avoid the powers of divisiveness between the GAC and the rest of ICANN. And within the GAC, let's look for those who bring us together, who unite us. And I hear in many of your voices, and I know many of you, the sincerity of the trust issue not being jeopardized by this transition.

We have got to keep the trust between us. I agree with you. And if we lose it, we've lost everything.

Stress test 18 and the reason the Board supported it is simply to keep the current practice. It's that simple.

Even before ATRT1, if you look at our methods of working, it says that we will give special attention to your consensus advice. That's all it is. You can provide us other advice. You can decide to change the way you give us any input. That's up to you. That's not up to us. It's not our work. But we have enshrined from the beginning of ICANN that when the GAC gives us consensus advice, we have to be careful, and we give you special attention.

All we're doing is taking that special treatment and making it part of how we work, as we have done from the very beginning of ICANN.

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So this is not a diminishing much your role. If anything, this is to take the sacred relationship we've had with you on how to deal with your special consensus advice and how we treat it with the greatest respect. That's all it is.

It doesn't mean the future can't change. It doesn't mean you can't decide how to do things in the future at all. There is no presumption of that.

So I will finish simply by saying -- and you've heard enough of me. The good news you won't hear long from me. I'm also leaving. But I will tell you this is a moment where we need you to work with us on the forces of coming together, not the forces of separation. Without the GAC, this transition will not stand. Without any part of ICANN, the transition will not stand.

If we don't get all on this train together and move ICANN to its new state, and you're with us, every one of you, every member of this great body is with us, I think it's not worth the transition.

So let's do it together. And let's find a way today to calmly and without forces of divisiveness come together and solve this issue that all we're doing, and the board supported it for one and only one reason, to answer my friend from France, to basically enshrine this very important and existing special consideration by the Board to your consensus advice. Again, not precluding how else you wish to work.

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Thank you.

CHAIR SCHNEIDER:

Thank you, Fadi.

Looking at the time, I think we have to stop here. I just wanted to give two minutes to the last agenda item.

So, please, Spain, thank you for bringing it up very quickly, and I hope that we get a quick answer from the Board.

Thank you.

SPAIN:

Yes, thank you. Good morning and welcome. I will try to be brief.

One of the recommendations has been from the ATRT2 report concern the bylaw consultation procedure and the threshold majority that the Board should achieve if they wish to depart from that advice.

Well, that's what the recommendation the BGRI working group arrived at, presented to the GAC, and the GAC agreed with that recommendation.

Later on, the transition process started, and that was put on hold.

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We see this somehow related to the discussions we are having here around consideration of GAC advice. And we think it's only fair that if we have to arrive at decisions by consensus, the Board should also reach a very high threshold to reach advice, that it's based on public policy, that brings ICANN the public-policy perspective that it needs in order to serve the public good in the whole world.

So we would like to know what is the current status of this recommendation, and whether it could move forward sometime.

Thank you.

STEVE CROCKER:

Thank you very much for that. We're quite empathetic with this concern.

As you said, we did, in fact, draft a bylaw change to attempt to implement that. Put it out for public comment. Everyone has seen what the public comments are. And we've placed this matter on hold.

We're now, as we're all deeply familiar with, engaged in a very extensive discussion about what the process ought to be for determining our bylaws and determining changes to our bylaws. And I think the best thing that can be said is that this matter is

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going to be sort of drawn into this larger collection of issues about -- that the CCWG is wrestling with.

As a practical matter, the Board has always taken GAC advice very seriously; does not lightly engage in even consideration of not accepting any piece of GAC advice. And on those relatively rare occasions where we have some concern, either on specific details that need to be discussed or even the rarer concerns where we actually disagree and don't want to accept a particular piece of advice, we go through a very extensive process. And it's not -- it's not a comfortable situation in general for the Board to be in, and definitely would not be a comfortable situation for us to be narrowly divided.

So there is no danger in the immediate sense of doing anything different from what we have done. And as I said, we're empathetic with what the request was and what the advice was, but it's on hold at the present, which is unfortunate. But we will deal with it as we get through the entire CCWG process, and then come back and include this as one of the several items that needs to be addressed to bring closure to the entire collection of issues that are involved here.

CHAIR SCHNEIDER:

Thank you. Any comments on this? Actually, I'm just realizing, I thought the meeting would have to end at 9:30, and we have it

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scheduled until 10:00. So if somebody insists on taking the floor, you're free to do so, but I think we all may need a little bit of a break.

So sorry for misreading time.

I see Iran, just a quick intervention.

Thank you.

IRAN:

Yes, thank you, Thomas. In fact, I raised my hand for the previous topic. Thank you very much, Board, distinguished Board. Thank you, Fadi, for your reconciliatory statement, which helps to understand and remove the degree of perhaps some sort of misunderstanding.

We feel the sense of success in Dublin. Last week we were in the middle of nowhere. This week we are somewhere. We are not at the end of the road, but we are somewhere.

Situation is promising. There is a -- there is a green light at the end of the tunnel. We will see this green light more and more in order to find our way.

ICG has understanding, very, very promising report which is almost finished, and we are happy to have that. You will see that.

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CCWG has done a lot of work, hundreds of thousands of pieces of work putting together hundreds of experts, months of work, millions of dollars, and so on and so forth. Yes. We are reaching almost to the end of the activity of the CCWG to provide the final. Last part is always the most difficult.

However, we should move from emotion to pragmatism, and from political to reality. We have said what we have to say. Now we need to seek for solution.

Procedural problems require procedural solutions but not political nor emotional.

I'm confident that we can find solutions. There are ways and means for that.

The only thing, we have to put our effort together, our thought together, and walk toward each other. Standing on our own positions doesn't help. That's all. So we have to work toward each other.

This is a sense of the governments. I'm sitting at the Government Advisory Committee, not in ICANN. In the government, always it is sense of moving toward each other. I have never had any governmental meeting that did not have a consensus at the end of the meeting. They have differences, divisions, diversions, but at the end they come to some sort of

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understanding. People giving pieces of information to each other. Some sacrifice one to the other.

So I think there is a way. There is a way to find a solution and remove this, perhaps, misunderstanding of how to treat the advice of the GAC which fortunately or unfortunately come at the same time of the transition. Let us not to kill the transition because of stress test 18. We will be responsible for the future generations or for the future of the ICANN. If we try to not allow the things going forward, we have to do our utmost effort to find the solutions. This is something that I want to share with the committee. I'm confident that there are ways and means to do that. Let's put our hand in hand of each other and to work toward a solution, and we can find that.

Thank you.

CHAIR SCHNEIDER:

Thank you. I think with this statement, that's a good point to move forward in closing this session.

So I thank you all for joining us and wish you a successful day, and also a successful period after that.

Thank you.



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STEVE CROCKER: Thank you, everyone.

**[END OF TRANSCRIPTION]**