DUBLIN – GAC Plenary
Saturday, October 17, 2015 – 14:00 to 18:00
ICANN54 | Dublin, Ireland

TOM DALE: Hello, if I could ask people to take their seats, please. We'll be starting the meeting of the GAC very shortly.

If you could take your seats as soon as possible.

Thank you very much.

CHAIR SCHNEIDER: Hello, everybody, and thank you for showing up in time. We have a very loaded agenda already for the first half hour, so we'll start immediately. And we also intend to start in time for all the coming sessions, and after coffee breaks, resumings and so on. So thank you for helping us save time for the discussions because we may need it.

My name is Thomas. I'm your chair, as you may know. And we'll make first an introductory round, so everybody please say your name and the country that you represent. And I would also like to ask everybody just the tables are for GAC members and observers, and the chairs around are for those who are just interested in what we discuss.

Before giving you the floor, I would like to announce that we have again some new members in the GAC. We have Tokelau, and Antigua and Barbuda, as two new members. That gives us a total of 154 member states. And we have new observers. One is the Economic Community for Central African States, ECCAS, and another one is the Organization of Eastern Caribbean States, OECS. So that makes us a total of 34 observers.

So I would like to start with giving you the floor to my left, to your right in the front.

Please state your name and the country, and not too quickly because I'm trying to note where you sit since we don't have name plates. And I'm quite good at remembering faces but less good at remembering names and country names, so I will try to remember where you sit. And I would like to ask you to try and sit in more or less the same places throughout the meeting because that helps me.

Okay. Thank you very much.

UNKNOWN SPEAKER: Thank you so much, Thomas, and good afternoon, everyone. My name is (saying name) from organization of Islamic collaboration, OIC, observer. Thank you.

PEDRO DA SILVA:	Hello, everyone. Nice to be here again. My name is Pedro da Silva from the Ministry of External Relations of Brazil.
NICOLAS CABALLERO:	Good afternoon, everyone. My name is Nicolas Caballero, GAC, Paraguay, and good to see everyone again.
FERDINAND LUCETO:	Hello, Chairman. My name is Ferdinand Luceto (phonetic). I come from the Ministry of Communication, Indonesia. Thank you.
MEGAN RICHARDS:	I'm already asleep. No, no. I'm Megan Richards from the European Commission. We're a member of the GAC, and we're very happy to be here because we gained a whole hour coming here from Brussels.
MOCTAR:	My name is Moctar. I'm from the African Union Commission, and hi, everybody, and glad to see you again.
ALICE MUNYUA:	Alice Munyua, African Union Commission.

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KAYDIAN SMITH: Kaydian Smith from Jamaica.

UNKNOWN SPEAKER: (Saying name) from Kiribati Pacific Island.

RENGA TEANNAKI: I'm Renga Teannaki from Kiribati Island, GAC rep for the government.

RORY CONATY: Good afternoon. My name is Rory Conaty. I'm from the Department of Communications here in Ireland, and I hope everybody is enjoying Dublin.

JORGE CANCIO: Hello, good afternoon. Jorge Cancio, Switzerland.

CHEN CHUNG-SHU: Hello, everybody. My name is Chen Chung-Shu from Taiwan.

JULIA WOLMAN: Hello, I'm Julia Wolman from Denmark.

FINN PETERSEN: And hello. I'm Finn Petersen from Denmark.

RAFAEL PEREZ GALINDO: Good afternoon, everyone. I'm Rafael Pérez Galindo, and I represent the Spanish government.

SUZANNE RADELL: Good afternoon. Suzanne Radell, NTIA, United States.

RYAN CARROLL: Ryan Carroll, NTIA, United States.

NICOLA TRELOAR: Good afternoon, Nicola Treloar, New Zealand government.

LIM CHOON-SAI: Hello, my name is Lim Choon-Sai from Singapore.

UNKNOWN SPEAKER: Good afternoon. My name is (saying name) from Singapore.

CHARLES CHEW: Charles Chew, IDA, Singapore.

SABINE MEYER:	Hello, everyone. This is Sabine Meyer from the German Ministry for Economic Affairs and Energy.
HUBERT SCHOETTNER:	Yes, Hubert Schoettner from same ministry, same country.
MARK CARVELL:	Good afternoon, everybody. Mark Carvell from United Kingdom, Department for Culture, Media and Sport.
NICK SHOREY:	And hello, everyone. Nick Shorey also from the Department for Culture, Media and Sport from the U.K.
MAURO MILITA:	Hello, good afternoon. My name is Mauro Milita representing Vatican City State, Holy See.
ANNALIESE WILLIAMS:	Good afternoon, Annaliese Williams from the Australian government.
ANDREEA TODORAN:	Hello, everyone. Andreea Todoran from the government of Canada.

PAMELA MILLER: Hello, everyone. It's Pamela Miller, also from the government of Canada.

UNKNOWN SPEAKER: Hello, everyone. I'm (saying name) from Viet Nam.

UNKNOWN SPEAKER: Good afternoon. (Saying name) from Viet Nam.

PITINAN KOOARMORNPATANA: Good afternoon. Pitinan Kooarmornpatana from Thailand.

UNKNOWN SPEAKER: Hello, (saying name) from Thailand.

ORNULF STORM: Good afternoon, Ornulf Storm from Norway.

ELISE LINDEBERG: Good afternoon, Elise Lindeberg also from Norway.

THOMAS DE HAAN: Good afternoon, my name is Thomas de Haan from the Dutch government, The Netherlands.

YUVAL: Good afternoon, Yuval from Israel.

OLEXANDER RYZHENKO: Hello. Olexander Ryzhenko, Ukraine.

OLIVIER GIRARD: Good afternoon. My name is Olivier Girard. I'm from Switzerland.

FRANCOIS MAURER: Hello. My name is Francois Maurer from Switzerland.

JONATHAN PIZARRO: Good afternoon. Jonathan Pizarro from Organization for Economic Cooperation and Development.

UNKNOWN SPEAKER: Hello, everybody. My name is (saying name) from Poland.

UNKNOWN SPEAKER:	Good afternoon. Ricardo (saying name) from Colombia.
SAMI SALIH:	Hi, good afternoon. Sami Salih from NTC, the (indiscernible) of Sudan.
YOICHI KANDA:	Hello, my name is Yoichi Kanda from Japan.
UNKNOWN SPEAKER:	Good afternoon. I'm (saying name) from Japan.
JEAN-PHILIPPE MOINY:	Hi, everyone. I'm Jean-Philippe Moiny from Belgium.
UNKNOWN SPEAKER:	Good afternoon, everyone. I'm the general director of telecom, Turkmenistan.
UNKNOWN SPEAKER:	(Saying name) I represent Georgia.
UNKNOWN SPEAKER:	Good afternoon. I represent the economic community of central Africa.

CHRISTIAN SINGER: Good afternoon. I'm Christian Singer representing Austria.

UNKNOWN SPEAKER: Good afternoon, my name is (saying name), also representing Austria from the Ministry of Transport, Innovation and Technology.

CLAUDINE KARIGE: Good afternoon. My name is Claudine Karige, and I'm representing Grand Duchy of Luxembourg.

UNKNOWN SPEAKER: Good afternoon, (saying name) representing the Economic Community of the West African States.

PEI WEI: Good afternoon, I'm Pei Wei from China. I'm from the Ministry of Industry and Information Technology of China. I'm a newcomer. I'm the new GAC representative of China.

UNKNOWN SPEAKER: Good afternoon. I'm (saying name). I come from China, and I'm also from the same department, and I'm in the Administrative Office of Internet.

Thank you.

UNKNOWN SPEAKER: (Saying name), the same ministry, GAC advisor from China.

PAR BRUMARK: Good afternoon. My name is Par Brumark representing Niue.

MARKETA PETRUNOVA: Hello, good afternoon. My name is Marketa Petrunova, and I am from the Czech Republic.

CARMEN ELIAN: Hello. I am Carmen Elian from Romania, Ministry for Information Society.

SORINA TELEANU: Sorina Teleanu, Romania.

SASO DIMITRIJOSKI: Good afternoon, Saso Dimitrijoski, key government of Macedonia.

ANDERS HEKTOR:	Good afternoon, colleagues. My name is Anders Hektor representing Sweden.
BO MARTINSSON:	Good afternoon. My name is Bo Martinsson, also from Sweden.
JUUSO MOISANDER:	Good afternoon, Juuso Moisander representing the government of Finland, Ministry for Foreign Affairs.
UNKNOWN SPEAKER:	Good afternoon, my name is (saying name). I'm from international criminal police organization, INTERPOL.
GIACOMO MAZZONE:	Good afternoon, everybody. Giacomo Mazzone representing Broadcasting Union.
PATRICK PENNINGS:	Hello, I'm Patrick Pennings (phonetic) from the Information Society Department of the Council of Europe.
BENNETTE THOMAS:	Good afternoon. I'm Bennette Thomas, Commonwealth of Dominica.

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KATUUKU GLORIA: Good afternoon. Katuuku Gloria representing Uganda from the Ministry of Information and Communication Technology.

PIERRE OUEDRAOGO: Pierre Ouedraogo, Organisation Internationale de la Francophonie.

UNKNOWN SPEAKER: (Saying name) Organisation Internationale de la Francophonie.

CELLOU DIALLO: Cellou Diallo representing the Republic of Guinea.

CHAIR SCHNEIDER: Okay. Thank you.

We should actually have cinema type rooms where the floors go up, because it's difficult to see the ones in the back. So whenever you want to raise the floor, please make sure that I see you or that my colleagues here at the table see you.

Thank you very much.

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Maybe we should also introduce our support staff, secretariat and ICANN support staff. Maybe we start with Olof.

OLOF NORDLING: Right. Good afternoon. My name is Olof Nordling, your favorite GAC spammer.

[Laughter]

And, well, way back there, I would advise you to turn around and there you will see Julia Charvolen, also from ICANN staff. And where is Karin? Yeah. There they are. So now you know. Okay.

Over to you.

TRACEY HIND: Hi, I'm Tracey. I'm from the ACIG GAC secretariat.

TOM DALE: Good afternoon. My name is Tom Dale, I'm from the ACIG GAC secretariat. Thank you.

CHAIR SCHNEIDER: Thank you. And then we have three vice chairs present. The fourth one is to come. She just arrived at the airport. So please introduce yourselves as well.

Thank you.

OLGA CAVALLI: Thank you, Chair. My name is Olga Cavalli. I'm from the Ministry of Foreign Affairs of Argentina.

HENRI KASSEN: Thank you, Mr. Chair. My name is Henri Kassen. I'm from the Ministry of ICT in Namibia.

WANAWIT AHKUPUTRA: Good afternoon. Wanawit Ahkuputra, Electronic Transaction Development Agency, Ministry of ICT.

CHAIR SCHNEIDER: All right. Thank you all. It's quite a diverse group.

We will continue with some more unimportant items on the agenda, like elections. This time it's slightly easier than the year before, as you don't have to care about the chair, and we have the vice chairs who were up for reelection.

I would like to give the floor to our secretariat who is managing the process.

Thank you, Tracey.

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TRACEY HIND: Thank you, Thomas. Yes, it is a lot easier this year because during the Buenos Aires meeting, you endorsed the changes to the GAC operating principles to increase the number of vice chairs formally to five.

So according to the GAC principles, the election was called back in August, I think it was, and people were asked to nominate. This is for the vice chair positions.

We had four nominees for the GAC vice chair positions to take effect from 2016, and they are your incumbent GAC vice chair -- people in the present role, that is, Argentina, Namibia, Thailand, and Spain. So we don't actually need to go to an election, which I'm sure is a relief for everybody. So at this meeting, we don't need to have an election. We can simply announce that those four candidates are, therefore, under the GAC operating principles, elected by acclamation and they will finish their current term at this meeting and take up their new term at Marrakech.

CHAIR SCHNEIDER: Thank you, Tracey. So in case you would disagree with having one of the four again, this would be now the time to raise objections. That does not seem to be the case, so as proposed

by our secretariat, we can just reelect our four vice chairs by acclamation. So if you would want to clap your hands now, now would be the moment.

[Applause]

So thank you all. And congratulations and thank you for your continued very good work and good atmosphere and good spirit. It's a pleasure to continue to work with you.

So the elections are done.

Then --

OLGA CAVALLI: May I comment?

CHAIR SCHNEIDER: Yes, you may comment.

OLGA CAVALLI: Thank you, Chair. It's a pleasure working with you and with the cochairs and with the supporting staff from ACIG and from ICANN. Thank you very much. And, of course, I personally remain at your service whenever you want, consulting or asking questions. I'm there for you. Thank you.

CHAIR SCHNEIDER: Thank you, Olga.

European Commission.

EUROPEAN COMMISSION: I'm sorry to -- maybe I'm just not aware. We had a fifth vice chair as well. I just wondered is no one nominated for that position, or is it an automatically turnover? Or can you explain that to us?

TRACEY HIND: Sure. It doesn't automatically turn over, no. And the current vice chair for 2015 who is in the fifth position, which is Turkey, did not nominate for 2016. So that leaves us in a position where we had four, because you have to nominate for each year.

CHAIR SCHNEIDER: So, because we only have four candidates, we would have now five seats for vice chairs. But, since there have been only four nominations, as you have been informed after the deadline of end of August, we have only four vice chairs. But next year, there will be a new election for a chair and a new election for five vice chairs, if we have at least one nomination for a chair and five nominations for vice chairs. Hope that clarifies the situation.

Okay then. We will get a brief overview over this week or the coming days. Secretariat, Tom, please go ahead.

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TOM DALE: Thank you, Thomas.

I must firstly apologize, even though it's not our fault. But I'll apologize anyway for the significant number of versions of the agenda for this GAC meeting that have been circulated. As you may be aware that the circumstances are really beyond the control, as far as I can tell, of any one individual on the face of the planet because of the very complex issues that the ICANN community is dealing with at the moment in relation to the ICANN accountability process. So a number of quite late changes have been made across the ICANN schedule, most of them as a result of the need for further face-to-face meetings involving the Cross-Community Working Group on accountability. So that's the reason why there have been a number of adjustments and, I'm sorry, even in the last few days to the GAC agenda.

And it's for that reason that now we're up to version 7. We hope there won't be a 7.1, let alone an 8. Now that we're up to that, we have taken the unprecedented step of providing you with a hard copy of the agenda, which, as you know, is normally not allowed. And that has been distributed around the room. There are two versions -- a one-page summary in tasteful color and a black-and-white version of the more detailed one and a version

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7. If you don't have a copy, there are spares that are obtainable from Julia at the back of the room. So, again, my apologies. But the leadup to this meeting and indeed a lot of parts of this ICANN meeting have been a little unusual.

Very quickly, as regards the key issues for the week, the agenda has identified a significant number of sessions within the GAC dealing with ICANN accountability. The first one is coming up very shortly. There will be sessions, of course, running across ICANN involving the CCWG, its public meetings, and some of its working party meetings. To a large extent, they do not clash directly with the GAC plenary, although there may be some minor adjustments that have to be made.

The handling of those sessions at the moment is dependent in some respects on your feedback. The first session coming up shortly I'll leave to the chair to introduce in a moment.

But we -- the thing to bear in mind is that the GAC, as a chartering organization of that cross-community working group, does at some point have to adopt a position. It is not clear at this time whether the GAC has to do so by the end of the Dublin meeting or not. We just don't know that yet. Nobody knows that yet. And that's not specific to the GAC.

So it is a continuing exercise. Some of you may be aware there were meetings this morning of a number of the working parties.

And things continue to change. And we'll be hearing an update on that in the next session. So that's one issue.

The second key issue for the week that the leadership group would like to draw your attention to is the question of future rounds of new gTLDs and the opportunities that GAC has and will have for input to this process from the ground up next time when there are future rounds. That will be through a couple of processes. One through the reviews that ICANN is conducting in different ways of the current round. And there is a session on that in the agenda later in the week. And the second process is a much longer term process involving policy development within the GNSO. That's the Generic Name Supporting Organization. And that policy process for future rounds or subsequent rounds, as they like to call it, is also a significant opportunity for GAC engagement. And we'll be discussing that when there is a meeting with the GNSO tomorrow and also in a separate session on future rounds.

The third issue concerns something that the GAC discussed in Buenos Aires at our previous meeting. That's the question of ICANN -- it used to be called the ICANN future meeting strategy. It is not a strategy any more. It is, in fact, happening. As you may be aware, the ICANN meeting cycle will be different from next year and from -- and starting with the first meeting of the year next year in Marrakech. There will be some discussion of

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suggested options for the GAC to make the best of that new structure later in the week.

The first meeting is the one in Marrakech. The second meeting, the so-called B meeting which will be in the most changed format will be the one held in June next year in Panama City. And there will be a presentation and discussion about that later in the agenda.

The final matter that we'd like to draw to the GAC's attention concerns preparations for the high-level governmental meeting which will be held in conjunction with the GAC and ICANN meetings in Marrakech early next year. And there will be a presentation from and discussions with colleagues from Morocco later in the week.

So those are the key issues. They're identified, I hope, clearly enough in the agenda. And we've also tried, as always, in the agenda to identify sessions outside the GAC that are of particular relevance and that you may wish to check. However, as they may change as well, please look at the full schedule on the meeting Web site for Dublin, the ICANN meeting Web site.

And also, should you be a fan of iPhones and their apps, there is a meeting app which can be downloaded from the Apple Store. I'm not sure about the Android version. But there is an app for the Dublin meeting that can be downloaded to Apple devices.

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It's in beta version, but they have to start somewhere. A number of people have indicated that it's a very helpful way to keep track of meetings.

I think that's all. Thank you, Thomas.

TRACEY HIND: One other thing just before we hand back, we have already gone around and done a round of introductions today. For the purpose of the minutes, I think I said to you last time in Buenos Aires, it's very, very challenging for us when we're taking the minutes to try to understand each day who is in the room and who isn't, for example, the people down the sides and at the back who haven't had a microphone and people who are yet to arrive and so on and so forth.

So, again, like Buenos Aires, we would like to try an alternative mechanism to the roll call as well as the sheet that's going around for you to sign on to, which you should sign on to. Starting tomorrow morning over there by the door, I'm going to have a bowl which I would like people to put their business cards into. You only have to do it the once. But it's a way for us to know that you were definitely here.

And for those who don't have business cards, there will be pieces of paper you can write your name on and put in there in lieu of a business card.

To encourage you in this process, we do have a door prize which my lovely assistant is holding up here. It's a set of four placemats, Doors of Dublin. You will have noticed all the beautiful Georgian doors around this lovely city. So there's beautiful placemats around there as an incentive to you. It is for a good cause so we know who is here, because we can't rely just on the registration data.

CHAIR SCHNEIDER: Thank you very much, Tracey, for your innovative ways to help us improve our logistics and management. This is very much appreciated. And maybe there's a very flat Irish ale hidden in that book as well somewhere. If not, we'll invite you to one.

So welcome those who have arrived in the meantime. There's one more issue before I see that the cochairs are already here. We've invited them very spontaneously yesterday realizing that, actually, that may be helpful.

I just want to spend two minutes on an issue that I think would like to propose to you that we deal with this very briefly. But it's an important issue.

You may all have noticed that, again, for this meeting, it has been challenging, if not impossible, for some GAC members but also other people to come to Dublin because of visa issues. And we have discussed this in the leadership team and with staff. And we are concerned that this is something that is not a good signal for the inclusivity of ICANN and also for the GAC. And we know that this is a challenge because, in particular, because ICANN is not an intergovernmental organization but a private organization which then makes it difficult for many people to find -- to get the right documents that allow them to get visas in time. Some people have not been able to come because of this.

And the proposal that I would like to offer to you is that we would include some language in the communique that we take note of this challenge with the visa, in particular also for GAC members which participate in a meeting of governments. And I would ask ICANN to engage with us to find solutions to optimize the procedures, whether that is through informing at an early stage hosts that they will need to contact their foreign ministries and get together with the ICANN meetings team, write letters together for people so that they can have the documentation ready early and inform their embassies and consulates and general consulates and whatever is needed, but to invite ICANN to engage with us so that we try and support them in improving the situation for people, in particular, from the GAC to obtain

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visa so that they are not prohibited from participating in ICANN meetings because of visa not coming or coming too late.

So this is a proposal. I open up for comments. If you all agree, we would then present in the first draft of the communique a short note where we invite ICANN to sit together with us and seek for ways to improve this situation. Comments, please.

Paraguay and Indonesia.

PARAGUAY: Thank you, Chair. I support the idea. There are some governments like my country that has had an agreement with the Irish government for, like, 60 years or something. You know, I, myself, had problems at the airport explaining the whole thing. So totally support.

CHAIR SCHNEIDER: Thank you. Indonesia.

INDONESIA: Tom, I understand the difficulties, too. Because, when I had to come to Argentina, for example, I also had difficulties. And to come here also experienced the same thing. Problem is we can apply using private passport or service or diplomatic passport.

Diplomatic is normally only for ministry officers, while from other government office we just use the service passport.

Now, unfortunately, in some -- for some embassies, it is easier to apply for private passport. Sometimes for other embassies it might be easier to apply for service passport. So it is really difficult for us to decide which one I have to use. Otherwise, I have to ask the embassy which one is faster. And it is not possible to do that.

So perhaps in this case ICANN has experienced this working with governments to have high-level governmental meeting in London and next time in Marrakech. Perhaps next time ICANN can work with the foreign ministry of the host country to make it easier for us to get visa.

Don't forget that there are some countries that don't have the embassy, too. To come here, for example, my colleagues from Singapore have to come to Jakarta to get visa, because there's no embassy in Singapore. Thank you.

CHAIR SCHNEIDER: Thank you. Yes, Argentina. We shouldn't spend too much time. I assume that nobody opposes that we offer our support to sit together with ICANN and try to find ways to improve the situation. Argentina, please.

ARGENTINA: Thank you, Chair. Exactly what you said. We have learned from the experience in Argentina and in other countries. So we can take that experience and enhance the process. Thank you.

CHAIR SCHNEIDER: Thank you. If that is okay, we will just include a proposal for formulation on this in the first draft of the communique.

With this, I'd like to end, if there are no further requests to take the floor in the opening. I'd like to end this first agenda item and immediately move to the next one, which is called ICANN accountability.

We have the honorable cochairs of the CCWG accountability with us who are doing a tremendous job day and night to help ICANN to enhance accountability. And we're very happy that they were so spontaneous and cancelled all their other obligations to come to us and stay with us for sometime.

We'll also have Fadi joining us at 3:00. I guess that will help us understand what the process is. And they're available afterwards to help us together with Fadi.

The floor is yours. I think we start immediately.

LEON SANCHEZ: I'll speak in Spanish, if you want to just put your headset. Let's take advantage of translation services.

First of all, I would like to thank the opportunity you're giving us to be here with you. Thank you very much, Thomas, for your invitation. As you know, the issue of accountability is something that is kind of a hot topic, has been discussed significantly in the group. And we would like to speak about the progress we have made. And we would like to ask for your help for certain outstanding issues.

I don't know if we can put on screen the slide deck that we have prepared for this presentation.

Okay. We may start anyway. As you know, this whole process has started with the announcement made by the NTIA last year that finally the separation of the IANA stewardship will be delivered to the Internet community. So we started with the process, a joint proposal should be presented so as to replace the role of the government of the United States in overseeing the IANA stewardship functions. And the situation today is that both the communities of names, protocols, and numbers have submitted their proposal for the transition. But there's one piece in this puzzle that is still missing. And that piece is us, is the accountability cross-community working group.

We are quite delayed because we started late in the process. We didn't start like the other groups at the same time, I mean. But now I think that we have made significant progress. And so we can show you some of the topics. And we would need your help for some of these topics.

Now I will give the floor to Mathieu so he may speak about the process we made this week. Mathieu.

MATTHIEU WEILL: I will speak in French.

Next slide, please.

So the CCWG Accountability has met for around 14 hours, and it's just Saturday.

So there are lots of things that we may show you as progress. The first thing that I would like to point out is the effort and the commitment and the support that we have received with a constructive view from all GAC members, even if they are members or observers, in the effort of the CCWG. This involves lots of efforts that have been recognized by all the participants.

Since yesterday morning we have met, and the progress we have made so far are related to the following: We have received more

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than 90 comments in the second round of public comments. They all have been discussed, reviewed, studied, topic by topic.

And a special consideration has been given to the fact that in this round of comments, we have received a recommendation of consensus by the GAC among meetings. And this shows the significance of our job. Of course, there is something that is well-noticed everywhere. And it's very important. So I would like to thank all GAC members because your work during the summertime -- it is not an easy time of the year. And you have contributed to us lots of elements so as to continue structuring our work. The comments that have been provided show that a significant amount of our comments -- and I would say this again -- has been considerably supported.

However, there's certain aspects that have risen some concerns and are generally important because, in an accountability or governance system -- and good luck for the interpreters -- in this system, all parties are involved. There are lots of mobile or flexible elements. So it's very difficult to reach a conclusion saying, well, this is it. Then we will move to the other block or the other piece.

All these elements that are raising concern are related to the concentration of power, are related to the rights related to the removal of the members of an organization or the risk to be

captured because of this action. And so we have structured our work -- yesterday we started tackling these issues. They are quite open right now. And you can see in the slide the progress we've made in the last two days.

So there are certain disagreements. You can say that these topics are reduced. We tried to reach a consensus for most of the topics so that most of the group would agree to what has been decided.

Anyone -- anyway, we have to keep on working in detail. But first of all, we have to be clear and in agreement among the essential topics.

So to the left you see some topics that have to be further discussed. And there is a group working on that, working in a collaborative fashion and constructive fashion. And we have gone over the stage where we couldn't listen to one another. In these last two days we have generated a very clear and collaborative working environment. And this is very good.

Before shifting to the next slide, I would like to point out a box that is over there. And there is one issue that should be -- should remain outstanding. And it's related to the change of status that is related to the stress tests.

We want to apologize to the GAC, as I said before, because of the way of how it was presented to be discussed. Certainly, the discussion was not stated that it should have been. So I'm aware of us, I think, all of us who work in this are aware of us. So we apologize for that. And, even though, you know, this is not the end of discussion, we have taken a step forward. And I think that right now we are able to settle this issue.

So we have taken into account that we need other new methods to show to introduce the subject. So we have to create links, agreements, consensus. And this is what we have said before the Friday meeting and during this meeting where many of you have participated. We realized that it was better for the group and is fitted better the group because of the discussion dynamics giving the GAC time enough to as to discuss and, if possible, reach consensus about these proposals.

So this is quite a special stage. We are on hold, so to speak, waiting for you.

Next slide, please. I'm trying to go faster now.

In this slide -- we can move forward, please. Next. Because I'm not going to get into detail.

The four building blocks that have existed since the beginning of our work. Because of its principles on the functionality that

have been requested in terms of accountability, and all of them are fully supported. So there's no questioning to them in the comments we have received.

This is important. And, of course, there will be some kind of development because of the notion of the fundamental bylaws and the independent review panel, they may become mandatory or not. There will be a community with extended powers, even though the number would be restricted. And the Board that will be liable and accountable for the current issues. And the role of the Board will be strengthened so that they have to be accountable to the community and to all the entities that are represented there. This is something quite current.

Next slide, please.

Please -- well, this is the animated slide. But, please, move on, on, and on.

Now, the last point -- and then I will give the floor to Thomas Rickert. The elements we've heard in these public comments are related to the expectations. And expectations have to be conveyed as features in our proposal and are mostly related to these four bullet points.

First, avoid capture.

Second, avoid concentration or the reallocation of power within the ICANN mechanism so as not to destabilize anything.

The third bullet point reads be inclusive. Not only in -- for the ICANN regular participants but beyond that. And, finally, to make it efficient, to make the system efficient so as to reach the results we are aiming at that we may predict in advance and without any random point. Thomas will now talk about the most important changes that have been submitted. Now, Thomas, you have the floor.

THOMAS RICKERT: Thank you very much, Chair. Hello, everyone. It's good to be back to report about our progress. And, at the risk of duplicating what has been said earlier, let me also reemphasize, how much we appreciate the close collaboration with individual GAC members as well as the feedback from the GAC. This is crucial for the legitimacy of everything that we're doing. Let's keep up the good collaboration. And I think it's really encouraging to see at the level of working groups, the interaction between individuals coming from all sorts of backgrounds and working together to find mutually acceptable solutions.

Having said that, Mathieu mentioned the main topics, the key features of what we need to embed, bake into the recommendations that we're working on. And that is, again, the

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risk of capture needs to be avoided. Concentration of power, reallocation of power. And, if you hear those terms, and you -- if you reflect what we had in our second report, which was based on voting, primarily, that rang alarm bells with some.

And, although we made a good faith attempt to enshrine in the voting regime a reflection of what is community consensus, still there was the concern that a few SOs and ACs that could vote, which would actually be the decisors on behalf of the whole community, there has been a lot of discussion, interaction with the GAC on the GAC's status, whether the GAC can vote or not, whether it's maintaining its advisory role. And we took that to heart and worked on decision making approaches that would avoid these risks.

Also, we heard that it would not be inclusive enough if voting rights are allocated to, potentially, a subset of the SOs and the ACs in the community. We also took that to heart. And what we came up with is a completely new approach to community decision making.

Let's please move to the next slide.

I guess at this stage, it's important to remember that in ICANN, when it comes to the empowered community, we have three phases, three distinct phases.

There's a phase of engagement between the community and the Board. For example, when a budget, when an operating plan or a strategic plan is set up, the ICANN community interacts with the ICANN board. And it is only then, after this interaction, that the Board makes a decision on those.

That's not what we're talking about here. We're talking here about a decision making in the community. But let's not forget that, whenever this is done, whenever we come to this, there is a preceding phase of engagement. And the better we are in interacting -- in the interaction between the ICANN board and the ICANN community, the lower the risk that we see this phase of escalation that could lead to a decision making.

And only if this phase fails to lead to a mutually acceptable solution between the Board and the community, then there might be the need to enforce the community power.

And I think that's something that we have failed to highlight sufficiently in our second as well as in our first report, that we need to do a pretty good job in the engagement phase and in the phase prior to the community decision on community powers. And, if we do so, we will, hopefully, never see the need for enforcing any of the community powers.

So, again, I'm taking a snapshot here of the second phase after there has been engagement and after the Board has passed a solution, let's say, on a budget or a strategic plan.

So, if then somebody in the community thinks that what the Board did was not right, there could be an individual objection. So we're now talking about an escalation path on how the community can form its will whether to formally object against a board resolution. Right? And this has been -- this is brand new. This has been developed in L.A. when we met and also during this session.

So an individual says what the Board has been doing in the budget is absolutely not correct. So let's please see whether we can fix this. So they would find an SO or AC, ideally one that they're already affiliated with, to get the support of the group and start the process. So, after there -- there has been this objection and one group is actually saying okay, there might be something wrong with the Board resolution, there would be what we call a precall. So we would not take huge administrative efforts. We would not make people travel around the world to have some sort of a meeting to discuss a crisis. But we would invite the community to have a telephone conference to see whether other SOs or ACs share the objection that has been raised by an individual group. And only if a certain threshold which might depend on the community power and

concern is reached, then it would be -- we would proceed to a discussion in the community forum, an open debate, a transparent dialogue where the whole community can chime in and either support the concerns that have been raised or maybe resolve the issue and say, well, there's nothing wrong with the Board's decision.

So that's for discussing the issue out in the public in a transparent fashion for the whole community to be able to form an opinion on the subject matter.

And, after that, the different SOs and ACs would form a decision themselves based on their own procedures. And, if a certain -- and then there would be a consensus call. And what would be needed for a consensus call is, depending on the community power concerned, a certain number of SOs or ACs to support the objection. And there must not be more than one objection against the consensus.

And, if that would be present, then there would be a community decision against a board resolution. In this case, it might be a veto against a board decision that has adopted a budget proposal.

But then we would not run straight into enforcement. But we have built in an extra step that mediation would be required before a community power would be enforced.

And we think that this approach got quite some traction. Again, it's brand new. It's been in the making for a couple of weeks. But it still needs to be formally confirmed by our group. But we think that this is a way to actually change the community decision approach from voting to a consensus-based decision approach.

Let's move to the next slide, please.

And we want to make this absolutely clear. There's not going to be voting. There was the perceived risk that, if we allow only a few groups to vote, that that would lead to a reallocation of power, that that could lead to a risk of capture. So we're eliminating that. We're moving to consensus. Consensus has been one of the main themes in ICANN since its inception. And so we're taking this to the next level for the exercising of community powers. Next slide, please.

So, again, there will be no voting according to our current state of play. Also, all parts of the community would be part of the decision making. It will not be required for the components of the community to have some sort of legal personality or incorporation. So the legal status of all the components of the community of all the SOs and ACs would remain entirely unaltered to participate in this decision making scheme on a

basis of consensus. So, in essence, we are moving away from voting to consensus-based decision making.

Next slide, please.

And then the question is -- you will remember, I said we need to be good in the engagement phase between the community and the ICANN board before a board resolution is taken. Then we might need to enter into the second phase, which is the escalation phase that I described a minute ago. And only if that fails, if mediation fails, there might be the need for the community to enforce a community power. And that's the area where we still don't have consensus. That's the area that we're still discussing. But, nonetheless, there are some main themes of how the community mechanism will look that I would like to share with you on this slide.

Now, in the visualization at the lower end of the slide, you see that at the moment, if there's interaction between the community and the Board and then the Board takes a decision and the decision is not to the liking of the community, there is no possibility for the community to challenge that. So, in case of community disagreement, there's no way of recourse.

Under the new scheme, we will have recourse on the five community powers. And that's what you see on the left -- on the right-hand side, through a community mechanism.

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And let's be very clear. There is very strong community support for all the community powers on recalling the board, removing directors, changing standard bylaws, changing fundamental bylaws, as well as inferencing the budget strategic plan and operating plan. We can put those into the bylaws. So these community powers will exist, right? So there's no question about that. The only question is that, if all else fails, how the community can enforce these community powers.

And that mechanism will not be a super board or an overarching ICANN, ICANN 2 -- and then that begs the question of whether we need an ICANN 3 controlling ICANN 2 and so on and so forth. So that's not the plan.

But the idea is to have a mechanism that allows for enforceability and that avoids capture. As we said earlier, we're going to make the decision making based on consensus to eliminate the risk of capture and concentration of power. So now, let's look on the next slide what the main themes of operationalizing this for the community mechanism will be. And that is actually to pool the decision making in a single place. We do not yet know whether the legal vehicle is going to be a single member or a single designator, that's what the group is currently looking into. But we want to pool the power of the community in one place to reduce concentration of power and avoid capture.

And the community powers can only be jointly exercised so that there's no single group that can either exercise membership rights or rights of a designator or whatever other concept people might be thinking about.

So I think I should pause here, because that is pretty much everything there is to say at the moment. And I will turn to Leon for the takeaway messages.

LEON SANCHEZ: Leon Sanchez speaking. Thank you, Thomas. As you can see, we have made progress. We did have a significant active participation by several GAC members. So, once again, we want to thank you for that.

And the main takeaway messages are the following: Considering the concerns raised through different comments, we understand that the community will be making the decisions. For a power to be exercised, it would be the community who would make the decision about enforcement of that power. And the community as a unit, as a whole, there will be no segmentation or risk of capture because it will be the community as a whole that would be making that decision.

Obviously, this eliminates the risk of having a concentration of power in one specific group. This would also make all the

components of the community, all the SOs and ACs, actively involved and participating in this action mechanism. So, obviously, this would foster inclusiveness and would reduce the risk of capture.

So with this guiding principle following these drivers, our group continues to work in order to determine the model. As Thomas said, we are still considering whether this should be a membership model or a designator model. And it is here where we ask you for your help. You have made really valuable contributions, so we would like to invite you to continue helping us with this last point that is still outstanding. We understand that you are already discussing about this and that you are close to taking some stances about that. So, as soon as we have a position from your side, this will facilitate our work. So, once again, thank you, Thomas, for inviting us to speak to you. And we are available to answer any questions you may have. Thank you.

CHAIR SCHNEIDER: Thank you, Leon. I'll not ask you to raise questions now. If you have questions, please write them down because we will immediately give the floor to Olga for a few minutes to highlight what, at least she as a vice chair and a member of the GAC in that group, thinks are key elements for us to look at in this.

Because not all of the elements are equally important for governments. And then Fadi will come any minute. And then we'll make a question and answer session to the floor at the end. Because, otherwise, we have a timing problem. So, Olga, please, go ahead.

OLGA CAVALLI:
Olga Cavalli speaking. Thank you, Thomas. As Leon spoke in Spanish and all of you have your headsets now and my ear is now -- has now switched to Spanish, I will take advantage of our excellent interpretation services. Thank you, interpreters, for the great work you do.

To share with you a short presentation in my own language, I prepared a slide deck for -- with just a few slides. And this has been explained by the three cochairs. So let me take this opportunity to thank the three cochairs for the excellent work that you are doing.

Leon, Mathieu, and Thomas, I really admire you. And I understand that you are really carrying out a very difficult and significant work. And for us, as governments, this is a great job that you're doing. I'm not going to go into all the details on this slide because they have already done that. As you have seen from their explanation, many of these issues are still under discussion.

So we will have time to review the final proposal and to make comments as GAC or as a whole or as individual countries.

Can we go to the next one, please, Julia?

Let me highlight a few things that are important for governments. First, the definition in this new ICANN stage of the government's role. If we are talking about a specific role regarding coordination or critical resource coordination, the concern from some governments has been whether ICANN will be able to enforce the advice given by GAC on issues that are not strictly of a technical nature. Issues more related to public safety, the end users, safeguards, topics that maybe of interest for law enforcement agencies. And if the ICANN mission is to focus on a few specific be topics, then the GAC advice perhaps would be beyond the mission of the new ICANN.

So this is an element that we need to pay attention to.

Another element that we need to consider, and I'm sure we need to you on this light, is the definition within the ICANN core values, there is a definition of ICANN as ICANN led by the private sector, ICANN managed basically by the private sector. There are also references to this relationship with the private sector, and there is a definition about private sector that I'm going to explain to you in a few minutes.

So there are some opinions that believe that this specific be reference to the private sector in the ICANN core values section is not up-to-date with the definition of the multistakeholder model as it has been defined, both for the World Summit on the Information Society process and in the NETmundial, the Sao Paulo meeting held in 2014. So this is something that still under discussion, and in the new version submitted yesterday, there is a private sector definition that includes the following elements: business, the technical community, the academia, and the civil society. So some people believe that this private sector definition is not the appropriate one based on other definitions agreed upon on processes like the WSIS and the NETmundial processes.

So this is just some food for thought, something for you to take into consideration.

Can we move to the next slide?

The next slide is on stress test 18. I don't know really how to translate stress test.

This is a proposal for amendments in the ICANN bylaws. So what is the issue at stake here? Today, on the ICANN bylaws, there is an obligation imposed on the Board to give -- attach importance to the GAC advice. And if the Board does not accept

the GAC advice, then the Board should seek a mutually accepted solution. This is what the bylaws indicate today.

The proposed amendment says that the ICANN Board will seek a mutually acceptable solution only if that GAC advice has been reached by consensus among GAC members. So if the Board is going to reject be a GAC advice and that GAC advice was reached through a consensus process within the GAC, then the Board would seek a mutually acceptable solution. So it is here where we have different views regarding this potential amendment to the ICANN bylaws.

Those in favor of this amendment claim that it provides a strong incentive for GAC to continue seeking consensus for the advice it provides to ICANN Board. And those against this amendment claim that the Board should continue to pay attention to GAC advice no matter how that advice has been reached.

So the way the GAC reaches its own advice depends on its own internal decision. So the Board should anyway consider the GAC advice, no matter how it has been developed.

And let me move on to the next slide. That is the last one.

What are the options available to the GAC as a chartering organizations, as one of the SOs and ACs that are involved in this working group? There are some issues that are relevant to a

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future stage. We don't know whether this is going to materialize into a workstream 2 or a next ATRT. There are some issues regarding jurisdiction, what is the jurisdiction applicable to ICANN. And for some countries, there are questions about diversity. What is diversity in ICANN? Are we talking about community here and are we talking about the community involving all the world?

Thank you.

CHAIR SCHNEIDER: Thank you very much, Olga, for this outline.

Now I would like introduce to you Fadi Chehade, CEO and president of ICANN, who has also been quite actively participating in this debate. And we thought it may be useful also to have him here in this discussion, and so we accepted his kind offer to be present here for this hour. I will not lose time and give the floor directly to him.

Everybody is available for questions afterwards, so please note your questions and bring them up once Fadi has finished. Of course try to ask the question in a short way. The more -- The shorter we ask the questions, the more questions they can answer.

Thank you.

FADI CHEHADE: Thank you, Thomas, and thank you to the GAC chairs and vice chairs here who invited me to -- who accepted my offer to come and speak.

I think many of you must be, by now, tired by the number of words that we all need to sift through to figure out a way forward. I am, too. It's a lot of work for many of us to catch up with everything. And I do realize that, unlike me, most of you have other jobs to do also, and a big portfolio of activities to do, and it's very difficult to keep up with everything here.

I must say that most of you know that I will be leaving ICANN in a few months, and as a result of that, I'm -- I have, frankly, no stake here other than to continue sticking to the principles that I shared with you from my very first meeting in Prague, the principles of multistakeholder community, principles of working party together with respect to build something that the world needs: A place where all stakeholders come together and actually produce real solutions.

I think the world right now is very, very disappointed with its institutions. If you look at the Edelman Trust Index which has been coming out every year, every single type of institution on the planet is losing trust from its people. Governments, businesses, even academia is starting to drop. NGOs, way down.

This is the reality of the world we are living in now. People are empowered, the Internet informs, and trust is waning. It's a difficult place to be.

And in the middle of this environment, ICANN opened up its entire concept as a multistakeholder governance place and said let's make it better. And in the process, we have seen enormous work done by hour community, led by the three chairs sitting to my right whom you met, that have done, in my opinion, a remarkable job, because this is a difficult task. It's a very difficult task.

I was, three weeks ago, having lunch with all the professors of the Kennedy School of Government at Harvard. They were asking me how was it going, how was ICANN's accountability discussions going, and they were shocked by how far we've gotten and what we're doing because the experiment you're involved in is ground breaking. There is nothing like it. And they admitted that neither governments nor them as academic professors of governance have ever faced something like this where we're trying to create a model to share power between very diverse, very broad interests in one place without the power of a flag and without the power of a legal environment. We are doing it as a community. This is difficult stuff.

So as we face this difficulty, we need to stay calm and we need to stay composed, and we need to understand that all of us are now exposed to the sausage factory. We're watching how decisions are getting made and frameworks are being built. And that's not easy.

Some of us are saying the multistakeholder model is falling apart. If we say that, then we don't know what multistakeholder model is. This is the multistakeholder model. This is how it works.

What these three have been presiding over is precisely what they should be presiding over: dialogue; discussion; vigorous, passionate positions. This is how it works. You all know that. You've seen it in other places, and it's happening here. That's no different.

So I want us to start by being very confident that this is the right process that we started together. This is exactly how outcomes happen in a multistakeholder environment. And now governments, like you, watch this and say, "This is not how we normally work. This is not how we expect things to work."

But this is okay. This is an invitation as many of you, like Kavouss and others have participated in this process, are watching and building within that process.

I am very certain that by the end of Dublin, we will be in a better place in terms of clarity as to how this process will move forward. And we have to. We have to. If we don't, then I think the timeline that the community set for the transition, which is for the contract with the U.S. government to end on September 30th, 2016, that timeline which the community set will no longer be possible.

So this is important for you -- for us to note. The community set a timeline. The contract was extended for one year. According to that timeline, if we do not get a proposal in the hands of the U.S. government by the end of this year, that timeline is in great jeopardy. It doesn't mean we can't make the transition in 2017, '18 or '19. There's no deadline. The U.S. government has not given a deadline. We have not given a deadline. Simply it's an understanding from us that the timeline we set will be in jeopardy.

Now, how do we get to a proposal at the end of 2015? Well, let's back off the steps.

The Board is to hand the U.S. government the proposal. To do that, the Board needs to receive the proposal. Who does the Board receive the proposal from? Not them. Not the ICG; right? The proposal has to be first gone through the chartering organizations, including you, and receive approval. Once you

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approve it, we will then take it and give it to the U.S. government.

Now, you need time to review it and approve it. Let's assume that will take you a month. Is that -- probably in government terms, that's time to make a quick read, but we will not have more than a month to do that. I'm being candid with you.

So if you get this by end of November, then you have a month to look at it, and that's the only month then we have to take it and pass it on to the U.S. government.

Now, for them to finish by end of November, we need two parts. We need the ICG proposal, and we kneeled the CCWG proposal. The ICG proposal is all but done. So we have no danger of timeline there.

The CCWG proposal is not done. Therefore, the focus right now is to figure out how to get that done by the end of November so it can come to you and, hopefully, with your help -- not you, just the GAC; all the chartering organizations -- we can review it and hopefully support it, and then the Board can hand it to the U.S. government by end of this year.

This gives NTIA the time it needs to review it, to hopefully give us the go ahead, and then allow my team to implement the proposal. And people tell us, "Why aren't you start starting to

implement today?"   Well, because we don't have a proposal. What do you want us to implement? Well, there are some parts of the proposal that can be implemented. Fine. So we'll start moving with these. And we have. And Monday morning, Akram, our president will describe some of the activities we're doing to implement.

So I'm just giving you this picture so you appreciate kind of how these dominoes will fit so that the U.S. government has its time in January, February to review the proposal. Remember, there is a bill in Congress called the DOTCOM Act that has passed the house but has not passed the Senate. If it passes the Senate or if it's included in some kind of package at the end of this year in the government omnibus proposal, then it will become law. And if it becomes law, then that bill alone will pad more months on Larry's work, because that bill says that Larry will need to certify that our proposal meets the U.S. NTIA requirements. And once he certifies, he starts a clock of a couple of months or so for Congress to enter into dialogue with him.

So these are the facts that we all need to appreciate, all of which point to the work upon us right now, which is how do we get through this very important phase of getting the work of the CCWG completed by end of November.   How far is end of November, Leon? That's like five weeks? Six weeks?

LEON SANCHEZ: Not enough.

FADI CHEHADE: Not enough. So we're five, six weeks away from those folks who have dedicated incredible, incredible hours of their time. They all have day jobs, by the way, in case you didn't know. Mathieu runs, you know, one of the largest ccTLDs in the world in France. Thomas has a family and a business to support, because this doesn't pay the bills, but he has given a lot of his time. And Leon also the same as an attorney in Mexico City. But they are leading a massive effort with the rapporteurs, and we thank them again and again and again for what they do.

However, to all of us, for their sake and our sake, we need to get this to a closure. Why Dublin then becomes important. Dublin becomes the moment when we can have a thoughtful assessment of what's left on the table, what needs to be decided, and to hopefully come to a collective, I would say, broad agreement on what in business we would call the term sheet or the framework of an agreement. We won't be able to write down every final word on this, but we should be able to agree on the broad framework on accountability. And if we can do that by end of Dublin and we're all here by the thousands to

do that, then I think we have between end of Dublin and end of November in good faith to work together to wrap this up.

That's the plan. That's the best case plan. And I hope it is the plan because we don't have any other plans right now. We don't have any room anymore for other plans.

So -- which brings me to what is left to be decided. What is there?

Now, in my personal capacity as someone who is an individual very involved and engaged in this process, but also recognizing the fact that I am leaving, and, therefore, I have no particular power point here. I am here simply to share my understanding and my knowledge of what I'm watching and to help us all continue with our common principles to solve this issue. So I built this deck. It took me about 52 personal hours, which I don't typically have so this was my evenings and microprocessor nights to build this deck in order to help us just understand where we are. This is not necessarily a viewpoint. This is a deck. And where I felt there are different viewpoints, I put multiple approaches. But I urge you to read it and understand it because it might give us a way out this week to finish our work.

The only thing I'd like to say is to emphasize the key points that are left for decision-making. The first point is how do we reach --

how do we create at ICANN a believable, trusted appeal mechanism for the community? How do we do that?

So when the community is in disagreement with a Board decision, how does the community effectively appeal that decision? Okay? That needs to be done.

Today the community has no binding mechanism over the Board. And so if you look at my deck in Section 9, Section 9 clearly shows -- whoever is managing the slides, if you could go to Section 9.

Section 9, and I think it's easier to read the other way if you can, but in Section 9, there is a description of a binding arbitration mechanism that is essentially taken from the CCWG Accountability proposal Section 5.1, which is make an IRP for the community that is binding. Make sure ICANN pays for the party bringing the IRP in the community, so there's no question of, you know, we can't afford it. Make sure that this IRP has a standing panel of judges that is expert and available so we don't spend six months looking for them every time. Make sure that this IRP is efficient. We don't want to wait six years for a decision. We want to be able to get to this decision quickly.

So this is what this decision proposes. I think the board of directors of ICANN -- and I'm not speaking for them here. I'm

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speaking in my personal capacity -- has accepted this model. And that's a good thing.

And I'll be candid with you. Until now -- and, if it wasn't thanks to the effort of the people here to my right and their -- not just them, but, of course, the CCWG with their leadership, the Board of ICANN had not ever accepted a binding arbitration. Let's be super clear on that. This is a binding arbitration mechanism. And its details come from the proposal of the community, not from the board. This is a very powerful new progress. And that means, if the community is in disagreement with the Board, it has a reliable mechanism to go to an arbitration court -- excuse me -- to go to a panel which is standing and get a judgment, an award, judgment against a board decision.

Now, of course, the community is worried what happens when we get this? What if the ICANN board flaunts it? Or what if the ICANN board doesn't show up to the binding arbitration?

Well, first they say here very clearly, if ICANN chooses not to participate in the community IRP decisions, the decision is still binding. And we will put that in the bylaws. We will make sure it is enforced so that the community always gets a binding judgment there. Then the next thing becomes, well, what if we have the binding judgment and ICANN does not abide by it, which could happen. I think it's remote. It's never happened.

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We've never had a judgment against ICANN that was not abided by. But it could happen. And, if I were in your seats or in the community seats, I'd say, look, I want belts and suspenders. If you tell me that's a binding award, I need it to be enforceable.

The way to enforce a binding award on a California corporation is to go to a California court and enforce it. That's the only way to do it.

Now, I think the chances of this are 0.00001%. But it's an enforcement. It's necessary. We need to have it, because some people in the community have already said we need enforceability. So the enforceability is described in section 15, approach A.

There are many ways to reach enforceability. The community is discussing a model called "the designator," which is a model to enforce, to go to court and say, "I'm a designator, and I want to enforce a binding award." That's possible. That's one way to do it.

There are other ways to do it. I'll give you a way that has not even been discussed in my paper. We could in our bylaws say that our ombudsman is an enforcer. And our ombudsman becomes the single designator that could show up and enforce any decision. We could do that, too. There are many possibilities. It is not for me to decide what is the right way to

go. I think we need to rely on the CCWG and the people who are working hard to find a good way to enforce.

The last thing I want to bring up to your attention is board removal. For those of you who understand the corporate world, which I come from, in the corporate world, when the shareholders of a corporation are upset with the actions of a board, what do they do? They remove the Board. They have a shareholders meeting and remove the Board or remove board members.

So, if you look at my section 4, there are many ways to remove board members. Let's agree on a principle. Is it important that the community be able to remove board members? Do we believe that? I'll speak for myself. I think yes. I think it is important for the community to be able to remove board members.

The question is: How and what are the rules around that? So, for example, if I'm sitting at an ICANN board meeting -- and I'm one of the board members now. I just happen to have the easy seat because I'm the CEO, so I get a board seat. Everybody else has to go through many, many community processes to get there. But my fellow 15 board members, they sit at the Board meeting.

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What is our ultimate role? Our ultimate role is to act as the protector of the mission and the public interest in ICANN. That is our ultimate role. In fact, the board of directors of ICANN is the only place, ultimately, where, after things go through you -- and, clearly, governments have a big role in ensuring the public interest. But, once it gets to a decision point, the Board, which includes people from the business and from different parts of ICANN, must uphold the public interest. If they don't, we lost that opportunity.

Now, if I'm sitting at the Board seat and I know that if I don't do what my community tells me, my neck will be cut tomorrow morning, how will I really pay attention to the public interest? Therefore, if we want to remove board members, we should remove them because they did not adhere to the bylaws, the mission of ICANN.

An SO or AC can remove their board member, but there has to be a process. It cannot be that we just remove them because they didn't vote our way. Then suddenly, we have a beholden, captive board. That's not how we will preserve the public interest in ICANN.

So yes, let's have board removal. Here we proposed several ideas. Every board member could sign a contract before they become a board member. And the contract includes conditions

that the community could set. For example, remember the binding arbitration I just discussed? If a binding arbitration award says ICANN should do X and the Board member votes against it, you could put in their contract that, if they do that, they must resign. Instantly. They're off the Board. So we could put conditions to hold board members to the things we care about. We could also make sure that the binding arbitration can remove a board member. We can make sure that that binding arbitration, as I just described before, of course, is enforceable. So then you get the ultimate control of that board member.

I think the CCWG is moving, right now, as we speak, in the right direction of bringing our community together around common solutions. I am confident that within a few days we will all be clear on what the community wants. I think we are in sync.

In closing, I just would like to say this: As I leave ICANN and prepare to go, what am I most worried about in this process? What is the thing that keeps me up at night? When I meet many of your governments -- and I was just at the ITU meeting in Budapest and met many, many ministers and governmental officials -- what they asked me, what are you worried about now that you're leaving? What is top of your mind? I'll be candid with you. I am very worried that we, at the end of this accountability reform, end up damaging the multistakeholder model. If we damage the multistakeholder model, which had

stood -- has stood the test of time, and create any structures that actually make us capturable -- and, by the way, we all think of capture wrongly as something governments could do. Frankly, governments at ICANN have been probably the most cooperative to make this process conclude properly.

I am most worried, also, of shifting capture to special interests. We must make sure -- and you governments, must help us make sure that ICANN's strength is its independence. Its independence. If we lose that independence, we lose the multistakeholder model. We lose everything we have. We must remain independent. Independent of capture, independent of special interests, and instead serving the public interest. That is my biggest worry.

And our chance and your chance, ladies and gentlemen, this week is to help us make sure we stick to these principles and we keep ICANN diverse, inclusive, open, and multistakeholder. Thank you.

CHAIR SCHNEIDER: Thank you very much, Fadi. I note that Kavouss, our colleague from Iran, had to leave the meeting but will come back. So he announced that he will want to take the floor. So, in case I would forget it, please remind me.

And I note also that Mathieu wanted to say something. And then I give the floor to all of you. Thank you.

MATTHIEU WEILL:
one.

Thank you very much, Chair. No, I'll speak in English for this one.

As you will have all noted, there was a little bit of duplication between Fadi's speech and the previous presentations. I would like to correct a few points about the way Fadi has characterized and presented the work of our group, which I think is important for this room to be aware of.

Number one, the slide deck that Fadi has introduced, given that we've had more than 14 hours of meeting already, is outdated. I strongly encourage that you refer in priority to Olga's presentation as well as the one we've just provided. Because, yes, things are moving fast. So focusing on the most recent material can be very important to ensure you have efficient debates and discussions.

Secondly, Fadi referred to our group as investigating a designator model. That is not adequately capturing where we are now. Where we are now is that our second report is focused on a sole membership model. And there has been work on the way to investigate how a sole designator model would look like.

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But in no way is our group at a point where it has been shifting its focus on something else.

There is -- it's also useful to report that the arbitration model that has been part of the board comment in the public comment has been assessed. There is -- there has been legal reviews, work in the work parties on this. And I think a summary could be there are serious legal uncertainties about its efficiency. There's even debate among lawyers. That's why I'm mentioning uncertainties about legal efficiency.

And, finally, I think the discussion on the Board member removal was interesting. And we got Fadi's personal view on this. But it's worth noting that this very morning we've made tremendous progress with a lot of board members being personally involved in expressing their support for the way forward that we have found. So I think this is a good example of the progress we're making.

So I will join Fadi in saying that we have little time. So this is really the moment to engage, discuss, and discuss on the basis of facts that are accurate and avoid spreading any uncertainties that might make the decision harder to make. And this is our collective responsibility. Thank you very much.

CHAIR SCHNEIDER: Thank you. Very small. I think a little bit of overlap is probably not that bad. We may hear a few things and need to hear a few things a little bit more in order to fully understand. And also the fact that this shows how quickly things are progressing. And I don't have to tell you that for governments who are supposed to consult, even if you are out for a day, you already are outdated. So this shows how lively and challenging the whole debate is. So quickly over to you, and then we give the floor to the room. Thank you.

THOMAS RICKERT: Yes. I don't want to add in terms of substance but just to remind everyone that we are having two engagement sessions through the week. One is happening on Monday morning after the opening ceremony and the other on Wednesday. And, during both sessions, we're going to give you -- or give the audience, the community, an in-depth overview of where we are. Certainly, we could only be very brief. We needed to leave out detail in order to leave time for discussion with you.

But, during these two engagement sessions, we will report about where we are. On Wednesday, we will even be able to report about progress that has been made between Monday and Wednesday. So that's the pace at which we're going.

CHAIR SCHNEIDER: Thank you. So now the floor is up to GAC members. Please don't make lengthy statements. Make short statements. Ask short and precise questions.

I have Paraguay and African Union Commission first.

PARAGUAY: Thank you, Chair. I have a very simple question for my good friend Leon Felipe Sanchez. And I'll ask it in Spanish, given the fact that we're both native Spanish speakers.

Leon, I just want to confirm whether I understood you correctly. Can we go back to the slide that you presented? I think it was the fifth slide.

When we go back to our capitols -- in my case, I will go back to my capitol and I'll have to explain to my minister how this structure works.

So, assuming that this entire mechanism is accepted by all of us, that we are talking about putting an end to poverty and we are setting here world peace. So all these things will be dependent on the courts of the state of California? Yes or no?

LEON SANCHEZ: Thank you for your question. Yes, we will have to resort to the courts in California.

AFRICAN UNION COMMISSION: Thank you. Hello, everybody again. I won't make a long speech, although my fellow Africans have prepared for me a long statement. So I won't go through it now. I'll just do two or three points that are very important.

Number one: The African side and all of us in the AUC are supporting the work, and we hope that will be coming out with something positive for the entire community.

Number 2: I think the whole process itself hasn't understood the governments and how they function and how they contribute to this process. And I think it is something that is very important to do.

The government should understand the process. But also the process itself, the need to understand properly what kind of role the government now should play in the entire process. I'm not trying to capture it as a tease described by Fadi. But we also are very afraid to be captured for specific interests as already described.   It's very important.   Because we think that the .AFRICA -- and I'm sorry to make you tired of that. I want to be like Anders said about the emails. But I hope I'll get 1.5 million when I say that I am -- if I repeat that .AFRICA many times.

But will continue to put the pressure on .AFRICA case, because it's the learning process. The IRP for .AFRICA was actually -- and I believe a very learning process. What we will recommend is to look at it again that process and see what are the goods and the bads about it. Specifically, the panel has to be composed with people who really understand the process. And yet all affected parties need to be present. That's very important. Because sometimes you consider the applicants or you consider somebody else, et cetera. But those who are really affected such as the entire community, for instance, that has been sometimes represented through those IRP processes.

Last one, we think that the governments being in charge of the entire cyber security problems need again to be involved in the process. The African Union member states have met recently. And we follow your advice in terms of being patient, being composed, being calm, not to be fed up by the issue of .AFRICA. And, specifically, not to put our interests in front or in conflict with the process of the ICANN. I hope that will be taken into consideration in the spirit of this matter. Because it may affect the process in the future. Thank you very much.

CHAIR SCHNEIDER: Thank you. You want to give a quick reply to this, Thomas?

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THOMAS RICKERT: Yeah. Let me briefly state, in response to your question on the IRP, that the .AFRICA case certainly has been part of our deliberations in our group. And many in our group have called the IRP the crown jewel of the accountability architecture. And we're making substantial enhancements to the IRP. And they have received huge support from the community. So you can rest assured that this is a key point on our agenda.

CHAIR SCHNEIDER: Thank you. I have U.K. and then Brazil on my list.

UNITED KINGDOM: Thank you, Chair. And good afternoon, everybody. And thank you, Fadi, and the cochairs for presenting and updating us on, indeed, a very fast moving area.

I just wanted to raise a question about the timeline. I'm sure your words today have all reaffirmed to us in the GAC and fired us up to engage and react and fulfill our responsibilities as members of a charging organization that ultimately is going to sign off the proposal.

What is not clear to me is what might happen if there is, as a result of the outcome of this meeting -- and we would all, I'm sure, apply ourselves to ensure that there is an outcome that's positive, constructive, and forward-looking -- what will happen if

the outcome requires another proposal to issue, which is then subject to the process of public comment. And then, of course, government reps will need to consult with their administrations on that, consult with ministers in many cases on how to respond to that public comment.

And then, of course, there will be the assimilation of the comments and then another sort of step in the usual process. What happens with the public comment period?

So what is the likely timetable if that step of a third proposal needing to issue in view of the fact it may well be a substantial change incorporated in that in discussions this week. So it's a pretty factual question.

But I'm highlighting that, as GAC reps, we'll need to constitute consultations back in capitol and governments and ministers in many cases. And we need to prepare for that in order to fulfill our role as part of this community.

Thank you.

THOMAS RICKERT: Thanks very much for the question. The need for a third public comment period depends on the level of change that we make to what's in the second report. And I think in this very hour, it is premature to guess whether another public comment period

will be required. So I would like you to ask you for patience for a few days.

I guess by the end of this week or this meeting we will know what changes will be made. And we will discuss with the group whether these changes require an additional public comment period. So that is possible. But it's premature to speculate about that. But we will publish a revised time line for our work when this meeting ends.

FADI CHEHADE: So, to finish the correct answer that my colleague Thomas said, they need to make that determination. Hypothetically, though, if they did make the determination that they do need a third comment period I think is your question, should they make that decision, which is completely in the community's hands, we would be adding at least two, possibly three months to the schedule by the time we open the comment period. You hear back. People analyze. We analyze the comments.

From our experience in this process, this is a two to three month's addition. If we add two to three months to the calendar I explained to you, it means that Larry will not get a proposal from us -- Larry Strickling, that is, pardon me, NTIA -- until the end of March, early April.

My assessment, as the implementer of these proposals, based on extensive analysis our team has done, is that, if Larry receives things at the end of March, early April and then he needs his time -- he told us already in Buenos Aires that he needs four to five months for this. Now, he may need less if the Dotcom Act doesn't pass. But even under the best circumstance, by the time the U.S. government completes its proper and necessary -- and necessary approval and review of the process, you're now leaving me days, weeks to implement all that is in this proposal.

And let's be clear. The implementation of this proposal is not just legal bylaws. We are switching how the Internet root zone gets updated. We're building new companies. We're building all kinds of things. Now, you tell me why don't you start all of this now? I cannot start all of this politically or contractually until the U.S. government allows me to. Otherwise, I'll be telling the U.S. government while you're still evaluating if this proposal is good, I'm going ahead anyway. I can't do that.

So, in practice, if we push these things by two or three months, it's not the end of the world. It simply means that we will renew the U.S. contract probably for another period of time. The risk of that becomes very high.

Currently, the way the U.S. contract is structured, it still has three years in it past this year. Then you ask me, finally, will the

U.S. government renew it by three years? Will they renew it by a year? Will they renew it by two years? I don't know. To be decided. We'll probably have to sit down with NTIA and figure that out. But that is a risk that we would then need to be discussing. Not to mention the fact that, at some point, we don't know who we will be discussing things with. But that's another discussion.

I hope I answered you fully, Mark. I just wanted to make sure.

CHAIR SCHNEIDER: Thank you, Fadi. Brazil.

BRAZIL: Yes. Thank you, Thomas. I'd like to commend the cochairs of the CCWG for the impressive work so far. I've personally been participating in the work of this group. And I've seen how complex it is to bring together diverging views and different interests and trying to come up with a single result out of it.

I would also like to commend our GAC colleagues that have been participating in the group. I think we have achieved a remarkable result in coming up with a consensus document during the second public consultation period. And I think, if we keep that spirit, we will certainly resolve differences that we have at the moment.

I'd like also to thank Fadi for sharing his personal views on the accountability process. I think it is one contribution among others to help clarify or help us to seek clarity on the process.

And I would like to express Brazil's support for this process, for the transition process, for the requirements that have been set on the March 14th, 2014, announcement. And especially Brazil's commitment to the requirements that the role of the U.S. government should be replaced or should not be replaced by a government-led or intergovernmental organization. So Brazil is firmly committed to that requirement as well.

Some issues in this process are of central concern to us. We have repeatedly said that the issue of jurisdiction is a core issue for us. And we are happy to see that this issue will be dealt with within the workstream 2 process. We have in good faith accepted that this should not be part of the discussions at this stage but something that should be discussed in depth once the transition is over.

Another issue is that, as Fadi said, the affirmation of the multistakeholder model, I think -- and this, I think leads up to the discussion that Olga mentioned about mentioning in the commitments in the private sector led concept. I think Brazil also shares the understanding that this is an outdated concept that we, through the WSIS process, through net NETmundial, I

think we have progressed. We have had evolution on that. And I think we should stick to those concepts that have been agreed within those forum and events and spaces.

Finally, stress test 18, of course, Brazil still fails to see a plausible reason for this, for the recommended bylaw change. I think it's up to the GAC to decide how it's decision-making process, about its methods of working. And so far, I think the reasons that have been presented are really not convincing. And we really stick to the position that that bylaw change is not required and also not a -- we fail to see a connection to the requirements of the transition, the connection to -- from the bylaw change to the requirements of the -- to the transition.

So I just wanted to express Brazil's position and view on that process and our commitment during these days to work together with the GAC to try to come up with important decisions we need to make here.

Thank you.

FADI CHEHADE: Thank you, Brazil, for very clear and lucid comment about the positions and the support you have for this process. And thank you in particular to you for the incredible amount of time you invested in the CCWG process. Thank you for that.

I just want to be candid with you that this body, the GAC, is probably one of the most diverse bodies at ICANN. You in many ways really embody the diversity and the inclusiveness that ICANN is. And you have a key role in helping us manage that and maintain that. And I hope that the consensus you build amongst you, which is in many ways the secret sauce of this body, that you come together and give us consensus, it is an embodiment of the inclusiveness of this body, to ensure that smaller minority groups participants here are all heard and are part of a consensus. This is the powerful contribution you make to our accountability. And I urge you, I urge you in looking at this proposal that you continue focusing on that as how the GAC keeps ICANN diverse, how the GAC keeps ICANN inclusive, how we ensure that through consensus, all voices are at the table.

Thank you.

CHAIR SCHNEIDER: Thank you, Fadi.

We have time for one more question. France. And if you're short France, and Indonesia.

FRANCE: Thank you, Mr. Chairman.

I would like to ask for some clarification, because I'm listening to all the comments that have been made by my predecessors, talking about the timeline, talking about the deadlines, talking about the requirements of the U.S. governments. They're legitimate, of course, but I want to remember -- and I think, Fadi, you have seen that it's not this the place where comments should be made.

What we are discussing today at the GAC has already been discussed. These are things that have been discussed for three months, and there has been no change in the proposal.

I think Mathieu, because he had mentioned this some moments ago, saw the observations of the Board, the comments of the Board. When were they made? By late August. So I think we have lost some time, but we didn't lose it.

INDONESIA: Thank you, Tom. Related to the multistakeholders, we discussed (indiscernible) country, in Indonesia, and we believe that the government itself has obligations to integrate or coordinate the multistakeholders in country. So it -- it will also help the multistakeholders' organizations when we are talking about multistakeholders from so many countries as which are the multistakeholders of this Internet. Bearing in mind that so many people are, what you call it, involved in the Internet

management, Internet organization, Internet business in country, so we have to know compactedly which multistakeholders represent come -- or coming from particular countries.

Secondly, as our colleagues are asking that the multistakeholder organization will use the Californian court, you mentioned that, as the place where we have to solve the problems if there is problem. We believe that it has to be -- made in some sort of perhaps not only bylaws but perhaps some sort of conventions among all multistakeholder members of the organizations.

Thank you.

CHAIR SCHNEIDER: Thank you, Indonesia.

I have Iran who asked for the floor some time ago. Thank you, Kavouss.

IRAN: Thank you very much. I am back and forth between ICG and the
GAC.

Let me just talk about the last point, that ICANN made its proposal late. In my personal view, following the CCWG

activities, no time is late for ICANN. They could comment at any time because it should implement that.

CCWG was back and forth for many, many things: more than three model, single designator, multiple membership, single membership. Back and forth, and so on, so forth, until the last time in Paris that we decided to have sole membership or single membership. Then ICANN have a more clearer view. Then they took into account the implementation. They did their comments. It is up to the CCWG to see to what extent the comment could be implemented. And I think CCWG has already recognized there are valid points on those. So we could not say they wasted the time or our time were wasted. All comments were welcome.

The sooner is better. If they don't comment at this stage, they could put the comment when the proposal of CCWG going to NTIA. Then NTIA would have two proposals, one from CCWG and one from ICANN, and they will not consider that. So I think I must welcome the proposal of ICANN. Not all of them are valid, but most of them to be considered.

That is one point that I have to make.

Now, before I left the meeting, Olga was presenting something. We have serious difficulty that in 2015 that we are planning for the next 10 or 15 years. We are still talking that private sector is

leading the organizations. It is common works, collective works, team works. No one leading anyone else. All of us should put hand in hand and push this thing forward.

It would not help the government if we try to put the government as subordinate of private sector. It would be better if we should work together.

You know that still there are some government, even they are not in favorite of multistakeholder. We try to convince more and more the people to join the group of multistakeholder, like India that did it. One year ago was totally against, and few months after, they said, "Yes, we agree with that."

So let us no the discourage the government by saying that you are led by something. No one is leading something else.

So we should seriously take this into serious consideration and try to not have any discrimination between any group. Bottom-up, multistakeholder, inclusive, democratic, everyone.

I have no problem to put end users as an addition. No difficulty, although end user is part of it. That's one point.

The second point, Olga mentioned this famous stress test 18. We have not come to any conclusion in the GAC, but if we do not agree of a consensus basis, we would like to have status quo, no change to this bylaw.

This is very, very important for us, because it may be interpreted. I have not heard any difficulty from the ICANN dealing with our advice. Sometimes maybe the text of the advice, but not advice itself, was not clear. They come and ask questions. But I don't think they have any difficulty. So I don't understand the origin of this stress test 18.

If we are not happy, we have to status quo. That is the thing.

The third point is that GAC has not yet been decided whether they participate in any voting procedure. I'm very happy that now CCWG perhaps -- I was among those people to push to take out this voting to come to the consensus. Consensus is something the whole world working on that. It is not only for United Nation but the rest of the world. So let us have this consensus. And I'm happy that, also, one of the advice or proposal of the ICANN was consensus unless receiving an advice against that. But they want that the advisory committee, like GAC, continue to have advice, but they could comment on anything but in the channel of advice but not in the channel of decision-making in order to remove the anxiety of some government that GAC has changed their status from advice to the decision-making; therefore, the balance between various sectors or various community has changed.

Perhaps GAC would decide, perhaps continue to be advising capacity, but they don't want to be overridden by the others if there are something in the interest of GAC. So we have to continue this situation.

Fourthly, currently we do not have any clear decisions with respect to any model. We are making a positive progress during this two days' meeting in Dublin. But still we are at the middle of the road. We don't know.

The single designator or sole designator cannot satisfy some of the requirements and they still need to be supplemented by some other procedure that we do. One of the issue that will not be satisfied is an IANA transition, that we are much concerned about that. So we should not decide on this now, and perhaps maybe by the end of this meeting, maybe we have more clear position.

My suggestion would be that let's us continue work together. All GAC member are encouraged and, in fact, urged to actively participate.

We have put a lot of time. I have participated in one single day five meetings. Ten hours, one single day; putting more than ten hours per day, and so on, so forth.

So we need to comment on this, put hand in hand. Some of our colleagues need to be more involved in the situation and help this process as Fadi mentioned that. Without our intervention, we should not expect anything. We should say what are our problems, what are our difficulties, and then that difficulty will be addressed and will be resolved into something (indiscernible). I encourage that, but currently there are some unclear point, and these unclear point yet to be resolved.

Thank you.

CHAIR SCHNEIDER: Thank you. We have to go to coffee break. Okay. One sentence from African Union Commission, and then --

AFRICAN UNION COMMISSION: Just we need to reiterate our support for the Cross-Community Working Group, and specifically stress test 18. Anything to be proposed needs to be tested. Thank you.

CHAIR SCHNEIDER: Thank you. Thomas and Fadi, whoever, last words.

THOMAS RICKERT: Thanks so much. And before we leave, we wanted to thank you again for your interest in this important initiative and for having

another opportunity to present to you where the community process stands.

At the same time, I'd like to echo what Kavouss said. We would really like to extend the invitation to work with us to everyone in this room and to those who are not able to be here with us here today.

It's important work. It's good work. It's astounding to see the collaborative spirit of everyone in the room, to come to a conclusion. And although this is very challenging, we're even having fun at times. So, come join the team.

FADI CHEHADE: Thank you for allowing me and all of us to come and take some time with you. I want to leave you with three substantive points.

The first one, whatever we do, make your key principle the avoidance of capture. It is critical. It is how we hold to the multistakeholder model. If we are captured or if we create a model that allows for capture by special interests or special agendas, in my opinion, the ICANN we were all handed would have been ruined.

Two, watch carefully for accountability measures that refocus and anchor ICANN in the California courts as opposed to continuing the project of globalization we all started. Watch for

that. If all roads end there, that's one thing. But if all roads start at the courts, we have a problem. So this is the distinction.

Are the courts the final point of enforcement or are they the first point of enforcement? Ask yourself this question as you watch the various models. And this is critical. The good news is our community understands that, and I think many of you governments who have talked to me have voiced your concern with the California system or court system becoming our first recourse.

And the third point I want to share with you before I leave is not to forget why we're doing all of this. I think it was very clear when all these groups were created that we're trying to make a transition work. The question was asked when the U.S. government is no longer in its stewardship role as the backstop of the community, what do we need to do to replace that? That was the question that was asked. And, therefore, as things get piled on, the test you should use is is this necessary to replace the backstop role of the U.S. government? If we don't do that, then we will watch our transition slip away, something that I think would be a shame.

We would like ICANN to become an independent multistakeholder organization. This is the moment.

So all the best to all of you. We are here to help. Our staff is here to help. The CCWG has important meetings today, tomorrow. I think we have a meeting on Monday afternoon. Please attend them. It's very important. Wednesday also, Thomas mentioned. Please be there. And all the best to you in this important juncture, this historic juncture.

Thank you, Thomas. Thank you, Olga. Thanks.

CHAIR SCHNEIDER: Thank you, Fadi. And thanks also to the co-chairs, of course, for joining us.

We're slightly over time. We'll begin slightly later at 20 to 5:00. So we make a 22 minutes break. Please be here at 20 to, because we need the time.

Thank you very much.

[Coffee break]

CHAIR SCHNEIDER: Please take your seats. We are resuming.

Thank you. We are resuming. Please take your seats.

Okay. Thank you for taking your seats now.

On our agenda, we have another half hour on accountability, but before that I just would like to add to the two new members that I've announced in the beginning that actually we have a third new member which is here Sierra Leone, so now we are now up to 155 members in the GAC, just for the record. This is, of course, a positive development.

Then we've had some discussions about how to move on. One point that was raised during the coffee break, that the leads, the co-leads on the safeguard issue, which is agenda item 4, were thinking that they may -- that we may postpone the discussion on the safeguards to tomorrow because that would give us one hour now to continue with the accountability discussion, which I think is a useful thing and because we will probably not take too much time on the safeguards because not that much has happened in between, and we think that we can discuss the safeguards in something like 15 minutes tomorrow at 2:00 where we have a 75 slot on accountability. So we would use the first around 15 minutes for the safeguards discussion in slot 12, and would free the slot today at slot 4 for continuing the accountability issue, because I agree that this may be useful for us.

With regard to the way forward, if we have one hour now today, one element that came up also during the coffee break is that it may be useful to GAC members -- in particular, to those who have not been able to follow this very closely -- to look at what Olga had on her slide about the role of the GAC as a chartering organization. What is expected from us in this meeting? If there's an agreement on everything in this meeting; if not, then maybe at a later stage. But I think we should still depart from

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the idea that we will have to give a signal to the CCWG this meeting.

So I think it may be useful to start with a quick discussion about -- that would help us get a clear understanding of what is expected of the GAC as a chartering organization of the CCWG.

And then I think I would like to go over to frying to identify which points we should focus our time, our remaining time that we have for the accountability discussion, which points we should focus our deliberations on. Obviously stress test 18, given the numerous expressed diverging views will be in the core of this, but the other elements that Olga raised in her presentation where we may have -- where we may need to focus on for further debate.

But I would like to start, if that's okay for you, would like to start now with a quick information discussion on the role of the GAC as a chartering organization and what that means.

So as you know, the GAC is a chartering organization, and be in the charter, there is a provision about how chartering organizations should react to -- to the proposal. These provisions are not as strict as they have been be for the CCWG. If you remember there, it was quite clear that you either object or support as a chartering organization the proposal.

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Let's -- I will ask Tom, without having informed him in advance, I'm sorry trying to give him a few seconds, to -- because we discussed this, and also with the participants and members of the CCWG, that we can maybe put up the respective part of the charter on the screen, and that we can build our discussion based on what we have in the charter.

TOM DALE: Thank you, Thomas. I always find that presentations are much more fun when given about 60 seconds' notice. It really focuses the mind. So thank you again. Let's do it again tomorrow.

In the briefing material that was sent to you for the meeting, all of which I assume you have read thoroughly, the GAC options as a chartering organization of the CCWG Accountability be were covered as follows.

The charter for the CCWG does provide for decision-making within the group either by full consensus, which they term as no objections, or by consensus; that is, a small minority disagrees. They can use a poll of members -- not voting, just a poll -- in a rare case.

Each chartering organization, including the GAC, decides, using its own procedures, whether to adopt draft proposals, recommendations. If a participating S.O. or A.C. does not adopt

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one or more recommendations in a draft proposal, the co-chairs of the CCWG should be advised of the reasons and a suggested alternative.

The CCWG can reconsider the recommendation, can post for public comments, so public views and/or submit to the chartering organizations a supplemental draft proposal that takes into account the concerns raised.

Now, of course these procedures appear to be based on a chartering organization, including the GAC, having a single agreed view of what they are objecting to. In the case of some of the issues where the GAC -- where some GAC members still have concerns with the draft recommendations, of course there is not an agreed GAC -- whole-of-GAC position as yet. So please bear that in mind.

However, having tried to find, if you like, a mutually acceptable GAC solution, a bit like the Board advice to the GAC, then the charter says that in the event that no consensus is reached by the CCWG, the co-chairs will submit a report to the chartering organizations, and they will document those issues that are considered contentious, the process that was followed to try to resolve those contentious issues and include some suggestions to mitigate prevention of consensus.

If those mitigating measures -- and this is now the escalation. If those mitigating measures are not acceptable, the co-chairs will prepare a final report from the CCWG documenting all of the processes followed to try to get agreement, and the final report will then be submitted to the ICANN Board and the chartering organizations requesting closure of the accountability, of the CCWG Accountability.

So there are a number of steps outlined there focusing firstly on an attempt to resolve or mitigate any dispute or lack of support from an organization, including the GAC, and then providing for a minority position, effectively. But the intention is to provide a process of escalation before anything is submitted by the CCWG to the ICANN Board.

What does all that mean in practice? Well, of course it hasn't been tried in practice because these conditions are a little different to those in the CWG Stewardship that you dealt with in Buenos Aires. And, really, I think the key to it is that the GAC's own procedures are to be followed initially in determining a position of, if you like, dispute or lack of agreement with draft recommendations from the CCWG.

After that, it's a question of trying to negotiate a way forward, to put it very simply.

That's a very quick overview, Thomas. I think, as you said, there are a number of escalation procedures there to try to find a mutually acceptable solution before a chartering organization gets to the position of -- of not being part of the final report. I'm not aware at the moment there are particular timelines attached to any of those. Obviously depending on the timing that's adopted, some of that can be rather challenging, to use a favorite term. But at the moment, as I say, none of that's been tested, of course. None of those procedures have yet been invoked in the CCWG.

 Thank you.

CHAIR SCHNEIDER: Thank you, Tom.

So as I said before, it is not as clear as what happens when a chartering organization is not able to fully agree or fully support a proposal but has minority views or has objections to it or to parts of it. So how should we -- how should we read that for -- be what does this mean for the GAC? Does this mean if we don't have consensus on all -- in the GAC on all aspects of the proposal that the proposal will go on nevertheless? Including a mitigation phase that we don't really know how that would fit into the timeline that will be defined later today.

So let -- I just would like to ask you, how do you see this? How are we supposed to read this? Because it's not really clear to us. This is maybe something that we may have to go back and ask the CCWG co-chairs on what that actually means. But I'd just like to give the floor to you on whether you think this is clear or not or what that means, if you have a view on this or just questions.

Yes, Iran.

IRAN: I have one question, but maybe a -- slightly in a different direction.

In the CCWG they have a timeline, and in that timeline is mentioned that between end of November they want to have the views of chartering organizations, or the approval.

I raise the question whether for us not being in physical session, would be possible to have a -- an agreed view, in one way or other? Because I found it might be difficult for GAC to the correspondence or to the virtual meeting to have a stat approval.

I remember for CWG, you establish a little group, had three sessions, and finally we have agreed. But the CCWG is much more complex, which may require a face-to-face meeting.

And before the ICANN 55, we don't have any face-to-face meeting. So perhaps we should have some clearance that we will discuss that CCWG, that their expectation to have a reply from one of the chartering organizations, that mean GAC, may, may not be possible before we have a physical meeting.

But if you have any other view, the GAC could have some view on that to the virtual meeting or any other way. It would be much appreciated if sometimes, either now or any other time, you discuss that.

Thank you.

CHAIR SCHNEIDER: Thank you, Kavouss.

So the situation is quite complex, and I see people frowning. I would not exclude myself from this.

It may actually be good to go to the CCWG rather quickly and ask them what would happen if case that we would not have full consensus on supporting all elements of the proposal and how they would fit this procedure as it is outlined in the charter, how this should fit into their timeline, because there is a procedure described here, but we don't really see how this is supposed to work given the timeline.

I wouldn't -- Whether or not we need to have another physical meeting is something that I'm trying to avoid thinking of at this stage, knowing what that would mean. So we should try and depart from the idea that we -- we should try and achieve consensus on whatever we can here during this meeting because Marrakech will definitely be too late. I think that is clear. But I think it's good to seek for clarification on how this procedure would look like in terms of time and other issues. Just get clarification from the CCWG.

Yes, Kavouss.

IRAN: One complementary. I don't think that CCWG necessarily reject if we reply that we have no consensus. The problem is whether we would have a possibility to say yes, with consensus we agree, and no, we don't reach or have not reached consensus.

The problem is reply. Would it be possible for us to reply in one way or other? That is the question, but not consensus, necessarily. We may not have consensus. Preferably yes, it is better we have. But would be in a position, GAC, to have a reply in one way or other?

TOM DALE: Thank you, Thomas.

Yeah, I take the point made by Mr. Arasteh, but my understanding from some very brief discussions that the CCWG had at the meeting in -- at their meeting three weeks ago in Los Angeles was that they hadn't really considered in any detail the possibility of these procedures being invoked. And when it was indicated that there may be some issues from some groups. So there did not seem to be a lot of discussion. So I guess we were just thinking here that they may not really be quite prepared for such a question, as Thomas had suggested.

But it -- it may be worth flagging, just as a matter of procedure, if nobody else has raised it with the co-chairs. I think that was the point that Thomas was making.

Thank you.

CHAIR SCHNEIDER: Thank you. I think since this procedure is in the charter, we need to seek clarity from them on how, in case that would be invoked, would be -- would be organized. I think we -- for the time being. So we are -- we agree that we do not fully see, I guess, how this is supposed to work, and then we'll get back -- we'll contact the co-chairs and get back to you as soon as we have an answer, which may not be very clear either.

So the consequence that I take is that we should try and achieve it, consensus, because otherwise it gets complicated. Let's put it that way, I think. That's a simple conclusion of this. But we still need to be prepared for the case that this may be difficult for us.

Yes, Argentina, Olga.

ARGENTINA: Thank you, Chair. In relation with all this process, from our perspective, many of the comments that have been done in the first round of comment and in the second one are not reflected in the new versions of the document. So it is a little bit discouraging seeing that again and again. So we don't see changes in the text that really address the concerns made by some of the participants in the process.

It's not that we are not towards consensus or making consensus, but we -- it is difficult when sometimes we don't see a lot of flexibility from -- from those preparing the text. And I can give several examples I think that were given today.

So in this sense, for us it has been difficult. We did comment the same thing two times, and we didn't see any changes. So how can we move towards a consensus if we don't see progress? And why are the comments seeking -- why they seek comments, then are not considered?

CHAIR SCHNEIDER: Thank you.

Iran.

IRAN: Perhaps Tom's view is a little bit outdated. CCWG, two days ago, they had three scenarios -- scenario one, scenario two, and scenario three -- one of them dealing with a third public comment. But in all of them, by January they would have the final report, hopefully, to be sent out. And before sending that final report, they would like to have the possibility to having chartering organization view or something like that.

So in any case, there would be something. Olga is right. Currently there is no report because they are discussing. But in no case the report will not be in -- at ICANN 55. It would be before that. At the email reflect one GAC member mentioned that, yes, GAC could have a reply to the mailing list. And I was one of the people mentioned that it is unlikely that we could have anything in particular reaching consensus to the mailing list. So that is the question.

But don't worry, Olga, there would be some output from the CCWG. The issue is that whether we can comment on that by

virtual meeting or email exchange or we need a physical meeting. That is the question.

Thank you.

CHAIR SCHNEIDER: Yes, thank you, Kavouss. I think we will definitely have to rediscuss this at the end of this meeting to see where we are with consensus and divergence and where the rest of the CCWG is, what their timeline is, and then discuss how we try and fit our -- adapt our working methods with the options that we may have, or not, to that timeline.

So -- But we note that life is not easy, and we are not there yet, but we try to find out more in the coming days. And that in the end, the easiest would be if everybody reached consensus with everybody on everything. If that is not the case, of course things get more complicated.

I think this is as far as we can go for the time being with discussing our role, in case somebody fundamentally disagrees or thinks -- or has seen something that makes it absolutely clear that we have overlooked, then please -- Yes, Indonesia.

INDONESIA: Sorry, Tom. Thomas. Tom and Thomas. Always mix. Okay.

Just want to get your timeline, because CCWG is meeting now and tomorrow and so on and so on.

So we will have the meeting on GAC by Thursday; right? If I'm not mistaken. Rest of the afternoon. Then you still put here if we like, we can go to the ICG, CCWG meeting, whatever, on the Thursday afternoon, and so on.

So it means that we have no possibility to have physical meeting to get consensus because of the -- because we will stop our meeting on Thursday afternoon. And at that time, the CCWG still have their meeting.

So before Marrakech, the only way, the only possible way is either to have an extra -- be what you call it? GAC meeting or by email, or by whatever. Virtual. Virtual or email. That's what I understand.

CHAIR SCHNEIDER: Yes. Thank you.

First of all, maybe something that would need to be clarified. Like with the CWG, we will not have to give our feedback or opinion through the communique, because this is not an advice to the Board. I think this is the first thing that we should remember; that we will need to give the answer to the co-chairs of the CCWG. So we are not, in that sense, bound by the

deadline of Wednesday that we try to finalize our communique. So that gives us more freedom.

You are right that it's difficult, as the CCWG is continuing to meet and some of the meetings, as I have highlighted also vis-a-vis to the others, overlapping with our schedule, like the Wednesday evening meeting. I'm not sure whether we will be done with our communique at 5:00 or at 6:00 because they took note that we have our communique drafting and they signaled that they would discuss stress test 18 not before 6:00. Let's see where we are at 6:00 with our communique. Hopefully we are done, but you never know. We have had other examples in the past that we don't want to repeat, but you never know.

So -- And on Thursday morning, there's a -- by the way, have we announced that change in -- It's in the latest version of the agenda. There's a meeting of the CCWG on Thursday morning from 8:00 to 10:30, if I'm not mistaken. So we have adapted our agenda accordingly, that we would allow all of us to participate there.

But, despite the fact that the CCWG is continuing to work, we may identify or assume, to some extent, extrapolate what may be the outcome and see whether we have problems with the potential final draft. For instance, if we may decide that it is not that fundamental -- don't quote me on this, but just as an

example -- it's not as fundamental whether the model for the community powers is called a single designator or whether the model itself may not be of fundamental importance for us with regard at least to some powers. So we may decide that this is something that we agree that we would accept it; whereas, in another case, we have a stronger message to -- so I think what we should try and do now is get a feeling of where do we have problems with the proposal as it is developing, given the fact that this is fluid. But to signal that -- signal to us -- to each other that you would have a problem here or you would support this. And then I think we should try and assess that we can already, basically, hook off some elements ideally or with the IRP -- the way the IRPs are handled, whether this is something that the GAC thinks is fine for us or whether there are problems. So we should try and get a sense of where are the key issues for us that we would want to have an impact in the CCWG's further work that would be red flags for the whole GAC or for some GAC members.

I think we should maybe go through the issues now. And that may help us see that, if it goes in this direction, it will be fine. We can actually almost ex-ante sign off a few things that we wouldn't need to meet physically for because we know this is not a problem. There may be other issues where we may not have consensus in the GAC or we may as a GAC agree with the

rest of the CCWG. So we should try and find out where we stand and also what questions are.

So, if you agree, then I think the slides presented to Olga contained a number of elements. This is a proposal where we think that the key focus for us would be -- I'll just quickly repeat them and ask you for your views on one or all of these so that we can start engaging in discussion where we think things are problematic or that we have concerns or we have strong views.

One of these issues is, for instance, the proposal for the mission, which is reformulated in the new -- in the new proposed bylaw changes, which is very narrow. And the question has been raised in the CCWG whether this would be problematic, for instance, enforcing GAC advice which would be on the safeguards like public safety or consumer protection or other issues. Because the mandate of ICANN is really focused on managing the DNS and the address space and nothing else.

And the CCWG is still working on a concrete text on this. But I just would like to ask you whether -- on how you so far see this. Is this something we would need to flag something to the CCWG, or do you think this is going to work out fine? This is one element. So the mission of ICANN.

Another issue is the one that has also been mentioned, the notion of private sector leadership in the organization, whether

this should be replaced by the term "multistakeholder." Is this something that is important? Is this something that we have an agreement in the GAC? What should we do with this?

Then, of course, stress test 18. I think this is fairly clear.

Am I missing something? And then, of course, the key thing that we should also look at is with the unclarity about the model but what about these community powers and what about the GAC's role in this community structure that would exercise these powers? Do we have a clear view among us where we see the GAC in the future in such an empowered community structure?

First of all, do we have agreement in the GAC? And does this agreement correspond with what is probable to come out of the CCWG? I think this is an important area where I would like to get your views so that we can try and get a feeling of which are the key issues that we would need to discuss. So I hope that has been more or less clear. I would just like you to start giving your views on these things.

If you think that we're missing something in this list, that should also be discussed because there are concerns in the GAC, then please add to it. This is what we came up following the CCWG discussion and also taking into account the contributions by governments.

The floor is yours. Yes, Paraguay

PARAGUAY: Thank you, Tom. I think there's a little mistake. It says the charter for the CCWG provides for the decision making within the group by either full consensus, no objections, or consensus as minority agrees. Polls of members not voting may be used in a rare case.

Maybe that's -- maybe we should correct that. And -- but I don't understand exactly the meaning of that part of the sentence. Polls of members not voting may be used in a rare case. Could you explain a little bit more? Thank you.

CHAIR SCHNEIDER: Thank you. This refers to the procedural elements of how the GAC will have to act as a chartering organization. I think we should -- we take note that this is not clear. And, as I said before, we will go back to the CCWG and ask for clarification.

What I would like to get from you now is not on the procedure on how the GAC is supposed to react, but on the substance of the CCWG proposal based on what we got for public comment in August, but also taking into account the way it has developed until actually this morning. So, with regard to the substance of the proposal, what are the elements that you think are not

problematic, are welcome. In your view, what are the elements that you have problems with that you would raise concerns?

Yes, Netherlands, thank you. And then I have Germany.

NETHERLANDS: Yes. Thank you, Chair. Just a couple remarks. I think you mentioned four or five things. It would be good to have them as bullet points on the screen.

Secondly, I think we -- concerning the working out the methodology or let's say the mechanisms for the community, empowering mechanisms, I think that we as GAC should not act, let's say, in operational way. Judging the mechanisms. I think it's -- the only thing we can do is give some points of concern. For example, is it -- will it be effective? Is it workable? Can it be tested, et cetera? Is there no capture?

I think we should stick to more principle points of view. I think we should not give in any way a judgment of whatever of the two or even the third model which the Board introduced would, let's say, would have the impact which the community wants. So, in that way, I think we could, at least from the Netherlands point of view, I think that many of these elements could be, not agreed upon, but giving a positive signal like we did in the last meeting about the CWG proposals. Thanks.

CHAIR SCHNEIDER: Thank you. Germany.

GERMANY: Thank you, Chair.

I think, to my understanding, the first paragraph given under GAC options as a charting organization, actually quotes part of the CCWG charter that refers to how that group, the CCWG comes to its decisions, for example, what to put in a proposal and what not to put in. So I do not think that that pertains to how the chartering organizations would then decide on the proposal but how the proposal actually comes to pass.

Maybe that might help in placing the suggestion. Because I feel like that would, for example, explain the full consensus or consensus notion and the polls as well. Because it does not refer to the chartering organizations but how the CCWG decides when it decides. Thank you.

CHAIR SCHNEIDER: Thank you. I think you're right. As I said, let's try and focus now on the substance. We will put up the four bullets as proposed elements. But you can already -- those who see what they are or make comments on any of these or other things.

Iran.

IRAN: Yes. The point raised by Germany was exactly what I wanted to say. This is the charter of the CCWG. We are not allowed to make any changes to the charter. This is the community that already approved the charter. They have indicated how they reach the decisions and consensus, which is not up to us to say do it in this way or do it in that way. So Germany is absolutely right that that is their way of view and properly they mentioned. If they don't reach consensus, they put the report and indicate the area that they have not consensus and the reason why consensus has not been reached. And send it that final report to us. They are not talking about how we decide. They are talking about how they decide. So we are not up to us, and we are not allowed to make any changes whatsoever to that charter. Thank you.

CHAIR SCHNEIDER: Thank you. Yes, that's true.

                         Yes, European Commission.

EUROPEAN COMMISSION: Yes. Thanks, Thomas.

I'm just wondering if there's a way to advance in this. Because, from the previous discussions in the GAC on these issues and some of the GAC members are participating in the CCWG, there have been some areas which are clearly acceptable. And from what I've seen from the GAC discussions, there are only a couple of areas that seem to create particular concerns. And I'm just wondering if we should concentrate rather on those areas that are particularly concerning.

And, unless someone raises another area where there's concern, we can assume that areas that have not been identified are acceptable more or less -- that would allow us to concentrate a bit more on those areas of misunderstanding or concern, et cetera. And I think we would advance faster that way. Thanks.

CHAIR SCHNEIDER: Thank you. This is what I'm trying to aim at, actually. So maybe we just begin with stress test 18. We know that we have diverging views. We don't have to look for clarifying the issue that we don't agree. So maybe we'll start with this and wait until we have the other elements up and give it a few statements so that we see the range of views that we are still having on stress test 18 and the proposed bylaw change on which it's based, if that helps to start the discussion.

So maybe those who already expressed their views in the CCWG or in the public comment start, please. Thank you.

Argentina.

ARGENTINA: Thank you, Chair. As we have expressed, Argentina doesn't see a reason for this bylaw change. We have been working under consensus. This is the way that the GAC is working for many, many years. It may change in the future. There doesn't seem to be a reason for that to change.

Argentina believes it's up to the group of governments that participate in the GAC to decide the way of building the consensus and building the advice. And then the Board should take note of the advice. And if there is -- they cannot follow, they should consider it the same whether it is by consensus or voting or whatever the GAC decides the methodology for agreeing in an advice.

So we would suggest not to make the change in the bylaws. So we, as our colleague from Iran said earlier today, it's status quo. We just remain with the same text in the bylaw as it is now. The rationale given yesterday -- yesterday or this morning? I'm confused now. So many meetings.

Honestly, for us, it's not enough. It says more or less the same in a different way. We don't see a major change or a major explanation in that rationale.

So, for that reason, we don't see it as a -- as an important change in the bylaw for the transition.

At the same time, it was said before the Los Angeles meeting and during the Los Angeles meeting that this change was a must for the transition. We were not informed that it was a must for the transition at the beginning of this process. And we engaged in this transition. We supported the transition. And we didn't know that this was a must have for the transition. So we are confused with that.

We should have seen that must from the beginning as a mandate for the transition. And we should have considered that from the beginning. So I will stop here, but these are the reasons that we support to stay the bylaws with the text as it is now. Thank you.

CHAIR SCHNEIDER: Thank you. Other views on stress test 18? I see Denmark.

DENMARK: Thank you, Mr. Chairman.

I think, of course, we know that there's different views on that. But there's also other views than those who have been held in GAC. During those meetings, I have participated in is that I have heard no support from other part of the community to stay as the bylaws are today. So the issue is not necessary only to find a limited kind of consensus within GAC but try to get consensus which will also be supported by other part of the community.

What I've heard is that other part of the community are okay with the amending to the bylaws, so -- and I also think I heard during the presentation that there's no chance to get rid of stress test 18. So we actually got to see whether the rationale behind stress test 18 is good enough.

And I will propose -- and from Danish point of view, we are glad to cooperate with other parties to see whether we can find a solution to that.

For Danish point of view, we actually think that stress test 18 and the way the bylaws have been worded are not interfering with how GAC are deciding. This have only to do with what the Board have to do. And we, from Danish point of view, support the way the change to the bylaw are formulated. We will think that it will be odd if the Board should try to -- in good faith to find a mutual acceptable solution to GAC if it was only by a simple majority. So board should try to get an agreement with,

let's say half of the countries. And the other half of the countries would not be in that kind of agreement. That will really put the Board in a very, very special situation. And I don't think we as government ever should try to put the Board in that situation. But we will be glad to discuss with other colleagues whether we can find our other wordings in the explanation why we made this change to the bylaws. Thank you.

CHAIR SCHNEIDER: Thank you, Denmark.

I have the Organization Internationale de la Francophonie and then the African --

REPUBLIC OF GUINEA: Thanks, Chairman. It's actually Republic of Guinea. I'm sitting in --

CHAIR SCHNEIDER: Sorry. My -- I switched one to the left. Thank you. Sorry. Republic of Guinea.

REPUBLIC OF GUINEA: We think that the adoption of this type of test has an influence on the way the Board is created and influences on the ICANN's governance.

This will notify the balance of the multistakeholders at ICANN.

We think that this analysis of the GAC's role will also have an influence on the multistakeholder model as we know it today. So the community elements will present this as an argument for those countries that are willing to explore new inclusive models or to enforce the national bodies that are not harmonized with international practices.

So, to conclude, we all want here within the ICANN community to avoid and prevent this balkanization of the Internet. Because this will certainly damage and be harmful to the freedom of expression.

CHAIR SCHNEIDER: Thank you very much, Republic of Guinea. Now the African Union.

AFRICAN UNION COMMISSION: In my previous intervention, I think I was misunderstood or I misunderstood myself in what I wanted to say. I just want to say that we would like to, again, maintain and support the role of the GAC advisory role. Actually it's very important on that.

Number 2: We wanted to stress our support on test 18, to stress on that. It is very important. Because we consider that it is

appropriate. And it is very important to make sure that the GAC role is maintained.

Is that -- no, you don't seem to be clear to you. No.

Kavouss, it's not clear to you? Okay. Good. Let's make it clear to you. I will read it clearly, and I hope that it will be very important.

We support and maintain the GAC advisory role. And we support stress on test 18. Is that clear?

CHAIR SCHNEIDER: That means you support the bylaw change proposed as a consequence of stress test 18. Right?

AFRICAN UNION COMMISSION: Is that clear? Yes, I think that is clear. Yes. Thank you.

CHAIR SCHNEIDER: I have U.K. Then I have hands -- CTU and France and Brazil. Okay. U.K. first.

UNITED KINGDOM: Yes, thank you, chair. And I just wanted to express support for the position of Denmark, which is consistent with our response

on this, that we communicate it in our comments on the second proposal.

First of all, I think it's important for the GAC to work with the community, and in particular, the working group which has advanced this position for our consideration. So I agree with the intent that Denmark advocated, that we try to work with this proposal rather than seek to obstruct it or have it taken out against the wishes of a wide range of community stakeholders, and, indeed, governments who have said they support, and observers on the GAC who have said they support the retention of this text, which we see as not changing, actually, the status quo. It reflects the broad practice of the GAC as captured under the bylaws as they stand now and also the operating principles.

I noted the desirability of the Cross-Community Working Group to assure that there is transparency about the situation where GAC advice has been submitted to the Board and the Board has decided that they cannot implement it. That the situation that would apply requiring the Board to negotiate in good faith with regard to identifying a solution, that situation is only really practicable, as I think Denmark highlighted, when the advice is based on consensus.

And the further point that we noted throughout the CCWG discussions of this is that this was in no way -- this proposal was

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in no way intended to direct the GAC as to how it defined consensus. That is entirely for the GAC to decide.

So our view is we should work with the community, the working group, to find a solution to this proposal which they want to keep, the proposal to change the bylaws, and let's work on that basis in good faith in the kind of constructive and positive way forward that everybody now is advocating and committing to in order to finalize the proposal.

Thank you.

CHAIR SCHNEIDER: Thank you, U.K.

CTU.

CTU: Thank you very much, Mr. Chair. The challenge for me is that I do not understand how this issue arises in the first place, because we're talking about advice from the GAC to the Board. And it had me running to the GAC Web site to understand -- to understand what advice was, what constitutes advice.

And in both cases, on the Web site it -- and, in fact, I'll quote. "Advice from the GAC to ICANN is determined on the basis of consensus."

So I'm not -- In the stress test thing, it seems to be trying to categorize the advice that goes to the Board as consensus advice or some other type of advice, and I don't understand how that arises at all on the basis of the GAC operating principles.

So from that point of view, I don't understand the need for the bylaw change. And I've heard Denmark and others mention it, and I think it's really still not clear how does it arise? How does this issue arise? And do we find ourselves in a position where we need to categorize and grade the level of advice that the GAC gives to the Board?

Thank you.

CHAIR SCHNEIDER: Thank you.

Looking at the time, I will give the floor to France, and I have noted the others will continue the discussion tomorrow. We will spend some time in the slot at 2:00, and then we will move to the three-letter issue that we still have on our plate with a slight delay.

We will continue the discussion tomorrow because we have a number of people. So France, please, and then we continue with Brazil, Japan and Iran tomorrow at 2:15 after we dealt with the -- with the safeguards issue.

France, please.

FRANCE: France speaking. I would like to make a comment about two things that were mentioned by my colleague from the U.K., and perhaps I misunderstood them. But when Mark says that it captures the status quo, capture the status quo means that you will leave it aside. And I think that in this case, contrary to what Mark has pointed out, it is not foreseen that the GAC advice would be reached through consensus.

So I think that this should be taken out from our mode, because we are not talking about that. We are talking about the operating principles of GAC as well as any other supporting organizations. Each committee, each organization makes its own decision and organizes itself based on the rules that have already been set out.

Secondly, when you said that at no point in time this will interfere in the GAC rules, it is interfering with the GAC rules because from the very moment that one is saying that the Board may not consider the GAC advice that are made through a unanimous consensus, it means that if the GAC is willing to be heard, the consensus or the advice -- the advice should only be reached by consensus. So this would be an immediate consequence.

In general terms, I should say that I don't feel quite comfortable, so to speak, based on the rationale for this amendment to the bylaws. And I would quote the report, and I will shift to English now.

Steve DelBianco, that the threat of government capture of ICANN was never a realistic scenario and that the example in the stress test of GAC recommending restrictions on freedom of expression was poorly chosen and never going to happen in practice.

As it was remembered by our colleague from the African Union, in the GAC advice, if there's no decision, it's not captured there. So the reasons claimed are quite can mysteriously, either one and the other. So this is not about that. It's about transparency. But it talks about the GAC transparency, but the GAC has to receive lessons on transparency. I think that it's much more mysterious. And when some mysterious reasons are involved, they make me feel uncomfortable. And this is all I have to say right now.

CHAIR SCHNEIDER: ...Their voices. Let me make a proposal. We could start tomorrow at 8:30 and deal with the last agenda item on the three letters tomorrow at 8:30 and we would have something

like 20 minutes or so to continue this discussion. Could you live with this?

So we would give more time to this discussion now, and then we would start 30 minutes earlier tomorrow for -- for looking at the three-letter discussion? Thank you.

Iran.

IRAN: Thank you, Thomas. I think we discussing something on abstract. We should have a copy of the principle 47. We should have a copy of the current advice of the GAC as in Article XI of the bylaw, and we should have a copy of stress test 18 that people understand what we are talking about.

It's not talking about status of the GAC, whether advisory or non-advisory. Our distinguished colleagues from African community says that GAC remain advisory. We are not talking of that. We are talking how the Board treat advice of the GAC.

Currently, there is something a little bit more general in the bylaw, and stress test 18 wants to make it clear that only the obligation of the of ICANN Board to engage discussion with the GAC is on those advice we have consensus. On other advice, there is nothing at all.

Currently, the existing bylaw is silent on that. That means there is a little bit of room that ICANN Board could be engaged in some discussions. They want to totally exclude that.

So let us have a copy of that and people see what you are talking about. We are mixing the situation, unfortunately.

So before discussing, distinguished chairman, let us have a copy to see what is on the table and what is on the proposals. Otherwise, we mixing the situation.

Thank you.

CHAIR SCHNEIDER: Thank you, Iran. We take note of this and we will look after this by tomorrow.

But my question was would you be fine with seeing us, each other, at 8:30 tomorrow and free that space? I see people nodding.

Any objections?

No. Okay. Then we continue with Brazil, and I have Japan and probably be a few more after.

BRAZIL: Thank you, Thomas, and thank you for giving us the floor to one more time repeat and reiterate our position on this well-known stress test.

Let me say that Brazil welcomed the transition since its inception last March 2014. We have joined this process in good faith, both myself and the ICG and my colleague in the CCWG. And let me state it very clearly, we do not -- we fail to see a clear link between the stress test 18 and the original criteria established by NTIA for the transition to happen. We do not see this link. And if there's something -- We cannot accept this new criteria at this point in time because this would be changing the rules of the game while you're playing.

So -- And that's why on this specific point I agree with our CTU colleague who said he doesn't understand the reason of this discussion. And we tend to agree with him because, for us, this is an artificial discussion. This is a hypothetical scenario. And we have spent quite some time discussing a hypothetical scenario.

And one point that really strikes me is the fact that all the rationale presented on stress test 18, and there were different rationales because they change it all the time, they fail to recognize the fact that in the very end, all GAC advice can be rejected by the Board with a single majority. This is something

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that I really don't understand why our colleagues do not see that this in any way will represent a risk of capture by governments and us, as they say.

So let me once again repeat what my colleague said in the CCWG, when we -- what we have said in the GAC mailing list that we are not in a position to accept this -- this bylaw change the way it is. We can continue discussing. We're most welcome to do it tomorrow morning at 8:30 and during the week, but at this point in time, we will fail to see the link of this stress test 18 with the inception of our work with the criteria established by NTIA for the transition to happen.

Thank you.

CHAIR SCHNEIDER: Thank you, Brazil.

Next I have Japan, and then Norway. And....

JAPAN: Thank you, Thomas. We are of the views that mechanisms is work around to maintain stable operation of Internet and to secure (indiscernible) and accountability of IANA function.

So for GAC, with regard to make headway for to address consensus building and to engage such situation and to suspend a process of transition.

So it's necessary for us to reach a conclusion. And finally, the U.S. could approve doing the transition in time. So we support the vital change.

Thank you.

CHAIR SCHNEIDER: Thank you. So there was a little bit of problems in capturing what you said.

So you say you support the bylaw change. Is that right? Japan, please just for clarification. You say you support the bylaw change. Is that what you are saying?

JAPAN: Yes, that is our view.

CHAIR SCHNEIDER: Thank you very much.

Next I have Norway, then Canada, then Spain.

Norway, please.

NORWAY: Thank you, Chair.

I will not repeat what colleagues have said. As you all know, also we have flagged nonsupport of -- well, support of taking the stress test 18 away. And the reason for that is also that we feel this -- we, as others have said, we are not agreeing in the rationale for it. We also think that right now it signals a mistrust for the GAC not to be able to have a responsible way of making advice to the ICANN Board, and also, it, in principle, in making interference with our own operating principles and how we provide advice.

Of course, I could agree with U.K. in respect that it doesn't necessarily change our way how we operate today, because we normally work on consensus. We normally get agreement and consensus on our advice. But it is this prerequisite, the basis for making the change we don't agree with.

And also, then, as also Brazil said, there is in the current bylaws, in the letter K, there is -- address this provision if no such solution can be found, the ICANN Board will state its final decision reasons why they didn't follow the Governmental Advisory Committee advice. So it is already there.

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So we would like to have a more rationale for making the change, because the principle.

Thank you.

CHAIR SCHNEIDER: Thank you, Norway.

Canada.

CANADA: Thank you, Chair.

Actually, my comments do very much speak to the last intervention as to the rationale for stress test 18, which Canada does support.

The rationale for this is about stability. As we look at this important transition, I think looking forward, it behooves all of us to look at the most robust and stable type of construct for the future.

As we all have acknowledged, this is how GAC works today. That is what we're all doing right now in this room. We're trying to come to consensus. What it is, what drives us to work together very successfully and to come up with very meaningful, robust, powerful advice which then the Board can act upon.

I do have some concerns, the rationale for wanting to change this. What would be the outcome of this? If we did go to some kind of majority voting scenario, that could only lead to divisiveness and instability, and then the Board would be left to try to broker agreements between governments. That really does not seem to be a very good outcome. Do we want to have ourselves not brokering our own differences? Instead, we put it in the hands of the Board to try to come up with making agreements between things we can't agree on ourself. That actually gives more power to the Board, not less.

So I think for all these reasons, we really think this has been the power of the GAC, and the way it has worked very successfully to this date. And in the interest of stability and seeing the long-term future, that's what the test is putting into place with the bylaw change, simply putting into place the way we work so very well together now.

Thank you.

CHAIR SCHNEIDER: Thank you, Canada.

Next I have Spain, and then the United States.

SPAIN: Good afternoon. I'm going to speak in Spanish.

Regarding the previous comments made on the greater effectiveness of the GAC advice when this advice is developed by consensus, although I do not disagree with the statement, I would like to point out that if we go back and review the effectiveness or the effects produced by the GAC advice in the past, in the last few years on the Board, and we have an excellent working document prepared by our secretariat on this point, we see that the fact that the advice has been developed by consensus has not added more impact to our recommendations. Either the Board did not fully accept our advice or the implementation of the advice was not consistent with the goals established by or pursued by GAC. So I believe that stress test 18 doesn't add any value in that regard.

As to placing the Board in a difficult situation in the GAC advice were adopted by a majority, I also see in that working document that was prepared by ACIG and in the section on bylaws, this is related to the GNSO policy development process. I see that these organizations can raise proposals to the Board with a supermajority.

We are being asked to reach consensus for providing our advice that is not binding. In the attachments or in the annexes to the bylaws, there is also statement saying that if the Board does not

accept the proposals by the GNSO, then there should be a two-third majority vote. And in our case, it can reject our recommendations just by a simple majority.

So there was a change of bylaws outstanding from the ATRT2 work to realign this rule for GAC, but that proposal has been left on hold there.

I believe that the true origin of the stress test -- I don't know what the word is in Spanish, so I use the English term -- is not a condition established by the Department of Commerce of the United States. And I don't think that this has -- I believe that the true origin of this proposal lies in principle 53 of the GAC operating principles that set forth the possibility that the working methods of the GAC may be changed by a simple majority. I believe that that is the origin.

I don't think that this has to do with the role of governments as a controlling entity. We just perform an advisory role, and it is not binding.

Thank you.

CHAIR SCHNEIDER: U.S.

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UNITED STATES: Thank you, Chair.   And thank you to colleagues who have already spoken and shared their views.

Obviously a good number of us have expressed our views multiple times, so this is not technically a new issue for all of us. I think we're pretty familiar with one another's positions on this. And I'm happy to pick up on a comment I think made by my Canadian colleague, that if you look at the criteria, one of which was very definitely to maintain -- enhance the stability of the current multistakeholder model.   So we feel very strongly that maintaining and, in fact, ensuring that the unique role played by the GAC in the current model needs to be preserved, needs to be strengthened and reinforced, and we believe that the bylaw amendment proposed by stress test 18 can, in fact, help achieve that goal.

So as we listen to some of our colleagues to have questioned this, I think I would have to agree with Mr. Arasteh and perhaps reexamining the text is not a bad idea, the various bits and pieces of text we are talking about, because they do fit together in an overall pattern.   And there's history in the GAC, actually. ATRT1 and 2.   So the GAC, in fact, amended its operating principle 47.   I believe it was 2011, to make it clear, to reinforce with clear language that it actually operated on the basis of the U.N. definition of consensus.   We did that quite deliberately because we realized that was de facto the primary working

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methodology of the GAC. So saying so was extremely helpful and fed directly into the new gTLD Applicant Guidebook. It was very clearly stated in chapter 3 on objections, and it created the very strong premise that consensus GAC advice on new gTLDs -- on objections to new gTLDs would be presumed to be accepted by the Board.

So that has created the strength for the GAC. We have long felt that the GAC was -- actually, I believe many parts of the community do as well, we are first among equals. The GAC's advice has always been taken very, very seriously and certainly consensus advice is what gives the GAC its credibility and its strength.

So we have no problem memorializing this particular approach, the fact that this is a longstanding tradition, and wonder if people have misunderstood that the GAC can continue to provide any form of advice it chooses. It can continue to share the views of a range of its members' policies, laws, regulations. We have done so using various formats. In some cases, we have said some governments think this while other governments think that. It is a prime example of where we have been able to inform the Board that there are diverse views.

But as several of my colleagues have already noted, to suggest to the Board that they could act on, say, a 51 or 55 or 60%

majority is to put the Board in a position of basically telling the so-called minority that their positions, their views don't count and will not be taken into account in whatever decision the Board takes. So that to us also creates a risk of instability. And I believe that Denmark and U.K. drawing attention to colleagues in the CCWG clearly have some hesitation about the risk of instability of less than consensus GAC advice being acted upon by the ICANN Board.

So from our perspective, this is simply a way of reinforcing what currently happens today with no constraint on the ability of the GAC to share a wide range of views with the ICANN Board. It simply changes the expectation that the Board should not be expected to act upon less than consensus advice, because it puts them at risk. And the rest of the community is also, I think, very mindful of that risk.

So I guess in part I'd also like to perhaps flag a question, that certainly we don't have to answer today, but I would very much welcome sort of feedback and assistance from colleagues who are opposing stress test 18. It's kind of hard not to take that, the opposition, as suggesting the GAC should somehow be different than what it is today; that our working methods should somehow change. So we do have a real question about that.

If the current consensus methodology is not being endorsed and supported, then what methodology are my colleagues proposing that the GAC adopt?

So I would like to leave it at that.

Thank you.

CHAIR SCHNEIDER: Thank you, U.S. Looking at the clock, I think we've heard a range of views on this, be and I give the last word for today -- it will not be the last word on this issue this week, you can be assured -- to Iran and then we end for today.

Thank you.

So, please, Iran, the floor is yours.

IRAN: Thank you, Thomas.

For those distinguished colleagues that argued that stress test 18 is required to deal with the contingencies for stability, security, and robustness of the DNS as well as capture of the system by an entity like government, they would like to have the reasons. Did the current situation cause any instability in the management and coordination of DNS? If yes, give an example.

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Two, the point raised by Brazil. What is the relation between stress test 18 and condition 5 of the NTIA? Does stress test 18 resolve the issue that system will be captured by government? I don't think that any argument has been given to that respect.

If there's valid argument provided, we reconsider the position to accept stress test 18 with the proper wording. But for the time being, no reason has been given for the first nor for the second. Stability has nothing to do with stress test 18, and capture by government has nothing to do with stress test 18. We did not have any feedback from the Board that the current bylaw caused or will cause any difficulty for these two areas.

So still the word or term "stability" or "capture" has been hijacked and put it here as a pretext.

Thank you.

CHAIR SCHNEIDER: Thank you, Iran. And thank you all for sharing your views. I think, as I said before, we are not yet in agreement on this particular point of the proposal as it stands now.

I think we can end today's session, and just to be clear, tomorrow morning at 8:30 we won't start with discussing this. We will start with the agenda item number 5, which is the use of three-letter codes, at 8:30. And then we would follow the

agenda as we have. We would at 2:00 try to solve or try to agree on what to do with the safeguards in a rather quick time at 2:00, and then spend the rest of that slot, 12, which I assume will be an hour or so, on continuing this discussion on stress test 18 and on other issues.

You have it on the screen. This is nothing binding. It's just a guidance, because we will also have to look at other issues than stress test 18, of course. And please be prepared to give us -- I think we will continue the discussion on stress test 18 for some time, but not for the whole hour because we will probably not reach an agreement tomorrow. So I would really like to spend at least half of the hour of tomorrow on other issues so that we see what else will there be for us that we should try and get consensus on.

I hope that has been more or less clear what I say. So see you all here at 8:30 tomorrow. I see that Olof is approaching me, which is normally a good sign.

OLOF NORDLING: We may have a difficulty.

CHAIR SCHNEIDER: We may have a difficulty. It can also be a bad sign.

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OLOF NORDLING: Apparently we do have the fellowship guys being here in this room at 8:30.

CHAIR SCHNEIDER: All right. Is it the GAC room or not?

OLOF NORDLING: I got that from Julia.

CHAIR SCHNEIDER: Can we spend one minute trying to clarify this? Because on what I see on Tom's computer, this is not the case, but maybe this has been moved. So please wait for one second or two and whether we can clarify whether we can meet at 8:30 or whether we'll have to meet at 9:00 and then find another slot for the three-character code issue.

And Tom will circulate the documents that have be requested by Iran and others that are the basis for this discussion.

Yes, Julia says it's okay, we can meet at 8:30. So sorry for this. We can and we will meet at 8:30. Enjoy your evening. Enjoy the weekend, the Saturday night in Dublin. Don't go out too far. It's going to get dark very soon out there. And see you tomorrow at 8:30.

Thank you very much.

[END OF TRANSCRIPTION]