
SAN JUAN – GAC Preparation for Joint Meeting with ICANN Board
Sunday, March 11, 2018 – 18:00 to 18:30 AST
ICANN61 | San Juan, Puerto Rico

TOM DALE:

Thank you, Manal. Again, I just like to bring newcomers to the GAC up to date with what we are doing here. At every ICANN meeting there is a face to face meeting. These are meetings that attract a great deal of attention and preparation. If you follow football we are the El Clasico of the ICANN meeting if you no he about Barcelona and Real Madrid. It is an important meeting, and gets a lot of focus from the rest of the community, so what has happened in recent times is that the Board has requested in advance of the meeting an indication from the GAC, and indeed from other groups who they are meeting with here at the ICANN meeting, they have requested an indication of issues that the GAC wishes to raise, and also asked some questions of their own in this in leading up to this meeting some weeks ago. Some 3 P weeks ago now. I think you will have seen on the GAC mailing list. You may not have read it but you should have seen at least the response that was agreed by the GAC to the request from the Board and that was in 2 parts. Firstly the GAC responded to the questions about potential likely GAC priorities for 2018, and I think 2019. It's possible the GAC could get asked about that by the Board. We don't have a way of knowing, but I think mostly

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GAC members tend to focus on issues they wish to raise and in the last 3 weeks and indeed of the last 24 hours some of them have changed and in this session you may wish to look at resisting some of those as Manal said. Perhaps removing some or perhaps add being more issues. It's good that it's possible for the GAC to degree this afternoon so we can advise the Board support staff so the Board has some heads up of what is coming. So the issues that the GAC agreed to, to flag some weeks as now are on the screen much the first one concerns, a comment which essentially says that the GAC would really appreciate quicker responses from the Board to the GAC communiques. You recall that was discussed at the meeting with some Board members late yesterday at the GRI session here in this room and that Board members who were there indicated that the Board would be trialing a quicker turn around, so presumably that's what they would say when you still wish today raise that the at the meeting on Tuesday with the Board. I'm just reminding you that the Board has effectively given us a respond to at the discussion here yesterday. The second one concerns GDPR and who is the GAC indicated that yes they would wish to raise it with the Board but it wasn't clear specifically what would need to be covered and I this highway as of right now that's probably still the case. You a GAC members or the PSWG members may be able to make some suggestions. With regard to the Amazon.com issue. The update has been provided by GAC members of course, you'll

remember that a draft letter to the Board has been circulated and we are waiting for your comments on that. It may be that that letter is sufficient to address the issue with the Board, but that that's up to the GAC to decide, and whether or not you want to flag anything specific protection of acronyms was flagged and it was a specific issue. It was just that the Board had had continued to refer in public to a process of facilitated discussions with, on IGO acronyms facilitated by a former Board member Dr. Bruce Tonkin so it was a point of clarification but you agreed to include it at this stage just to ask the Board their understanding of next steps if any. With regard to that ICANN draft budget, you will recall that again about a month ago or so there was some discussion on the GAC list concerning the budget, particularly with regard to travel support, but some clarification was sought on that by staff, and advice was provided to the GAC that the actual level of support for GAC travel, separate from the higher level governmental meeting, which is a separate issue, but for standard GAC travel to meetings that the support had not the draft budget which is out there at the moment, did not propose to reduce the amount of current GAC supported which is at 40. So you may or may not wish to pursue that point. And finally with regard to 2 character country and, country and territory codes, the GAC did have a discussion about that yesterday. The question for the Board was to get a response to the comments not advice, but the

comments in the Abu Dhabi communique. Since that topic was flagged and, in fact, the Board did receive a response sorry the GAC did receive a response from the Board and you would have seen that some weeks ago so that was just a timing thing. So the last one may well be redundant in terms of asking for a response to the communique but of course the issue is still there for a number of GAC members and you may wish to raise it or rephrase it what exactly you wish to raise with the Board so those are the ones that are on the table at the moment, and on the table and with the Board so to speak. And the matter is the purpose of the session is to open it up for discussion. See what it is you want to change, if anything.

CHAIR ISMAIL:

Thank you, Tom. If we can go back up to the first point we can take them point by point and see who would like to speak to certain points and whether we still need the question or need to rephrase it or simply we've got an answer. So I think regarding the overarching commitment and the timing of the receiving the score card, I have raised this with the Board at the Los Angeles workshop, and again yesterday with the BGRI working group they have provided a detailed a detailed time line for how this is being handled. Promised to do their best to have this shortened but they are also provided us can a challenges that sometimes mandates this time frame. It was understood that whenever we

receive it a little bit late our questions will be subject to further modification as soon as we receive the communique. The response to the communique, so having not said that I'm just asking whether we still need this, or we can simply put it as an acknowledgment at the beginning that we have we understood that you would be doing your best to respond to this, which is appreciated, and so I'm just flagging this, and I don't think we need to re ask the question again, if I see nodding, so, we will rephrase it and acknowledge the Board response to our request. So the second point is on GDPR and who is and this is this is obviously a priority to the GAC. I mean, at the time things are developing very quickly and at the time we couldn't phrase an exact question because again, this would have been changed by the time of the meeting, so now that we are at the meeting maybe we can try to formulate our question to the Board regarding, if any. No questions on GDPR. Australia, please.

AUSTRALIA: Harry Chapman, New Zealand.

CHAIR ISMAIL: I'm sorry, New Zealand.

NEW ZEALAND: It might be thoughtful ask the Board how they see the role of governments in terms ever accrediting non law enforcement bodies. That seems to be an issue of contention at the moment.

CHAIR ISMAIL: Yeah, I think this is a very good and relevant question. Thank you.

FRANCE: France, yeah thank you, Manal. Actually I'm not sure whether this list of issues was drafted, but in the beginning of the week or sorry in the end of this week we send a GAC response to ICANN ORG about the proposed model following a call we organized last week so it's detailed response and goes you know really deep into the model but I think what we could do is to try to maybe tack some high level principles or high level questions or clarification that we ask in the response, and maybe you know synthesize it in a few points and ask the Board, and one of them is the role of the GAC, you know in operational role or an advisory role? Another big question is what's going to happen in the interim, interim period? So on 25th of may when the interim model is going to be implemented, basically you have a gap between this moment, and the moment when their accreditation programs will be up and running so anyway there is a few points I think that are you know high level that we

couldn't include, and maybe that would also help the Board to prepare and to come with some precise answers?

CHAIR ISMAIL:

Thank you, France. Yeah, we plan to share those, as early as possible for the Board to be prepared. I doubt there will be very precise answers because, it's a very vague period, but at least we get the answers we are expecting. So anything else on GDPR? Okay then let's proceed with the other issues and if anything else pops up we can still put it. So the do the Amazon we have received an update from the relevant governments, and we are preparing the draft response to the Board request, which we hope to receive your comments on, so do we still need this issue on our discussion with the Board? And if yes, what exactly is the question that we need to ask the Board about? So Brazil please.

BRAZIL:

Thank you, Manal. Actually it's not anything related directly to what you have asked because I think in the light of the discussions we've had, I would at least assume there is no particular issue to raise with the Board. It's more a matter of keeping the Board informed, of what has taken place. However, one point I would like to make, and to request a clarification, is whether I understand we are preparing this letter, with the intent to send it before. The question is do we need to send it

before, or should we even wait until the end of the meeting because I think the end of the meeting is the let's say the kind of deadline we have, so just maybe to take into account any developments that may take place, including in the context of the meeting itself of the Board? So just a matter of the timing for to send this letter but my understanding is that in the light of the discussions there will be no particular issue of interest to raise with the Board.

CHAIR ISMAIL:

Thank you, Brazil, and, yeah, nothing mandates a response tomorrow in specific, so as you rightly mention, the Board requested a response by the end of ICANN61 so if we would rather keep this until the very end we can do so. Again, on the topic itself, if I understand correctly, we don't have a direct question to the Board on this, but would you like to do the same briefing, or update to the Board? Or it's not necessarily I mean, shall we remove the topic from our list? Or keep it as a for the info, but not necessarily a question?

UNIDENTIFIED SPEAKER:

Yeah I'm not sure myself but maybe if it's the Board's requesting whether after this meeting you establish some coordination with the Board refine the agenda, I would say on our side we would be happy to make such an update if necessary, we do not want

to take time from the meeting for other issues that may be more burning at this stage, but we would be happy to do it particularly if it maybe it's in the Board's interest to hear from us. So maybe there would be a point in keeping it on the agenda. Thank you.

CHAIR ISMAIL:

Thank you. I also think it's important topic, and we can keep it, not necessarily in the form of a question, but and thank you for your willingness to give the update again. Thank you. So any further comments on this topic? If not, then protect, protection of IGO acronyms and so, any fine tuning to the question? Do we need to change anything in this question? Would we like to keep it, or not? So shall I take silence as consent we would like to keep the question? And keep it as it is phrased right now? Okay, then on the budget so here again at the time of submitting those points, we have sought clarification regarding the exact number of of travel support seats that the GAC is provided because I mean, there was some confusion on this, and we received the concrete number, which is 40, so we now receive the response to this clarification, so do we have something on that topic to raise with the Board? Or because again we said depending on the response that we will receive the GAC may wish to pursue the issue at its meeting with the Board, so I'm asking whether we still need it? So if nothing to be raised with the Board, then

maybe we can delete this question? Okay. And finally on the 2 character code, again as Tom mentioned we had had a whole session on this, we went through a long discussion, so I'm not sure I'm not sure the question holds as it stands so we can either agree that we have agreed on a way forward and we are going to work on this, or at least rephrase our question to the Board, so any suggestions? Should we keep it or delete it? So yeah, Brazil, please.

BRAZIL:

Yeah, I think here again it's kind of treaty issue because this is a matter which we have been discussing for many meetings, around which there was no satisfy response on the Board... in regard to the procedural aspect and by some members in regard to substance but we understand that things have moved on and they are you know trying to address it's true mitigation measures and so so on and so forth so I just ask myself what would be the concrete expectation around this issue. I think the issue is important maybe, but I would not seem or perceive how we could or take late it in a way that would go beyond just making again the same points we have been making. I look for your guidance here and the comments of any other colleague in regard to that.

CHAIR ISMAIL: Yeah, I'm also thinking out loud, and again so maybe we can keep it because it is important to GAC colleagues but not necessarily in the form of a question, but rather summarizing again that there was a disconnect in the process much there was disappointment by GAC members. We have had this discussion and we agreed on corrective measures, and to work collectively on avoiding this to happen again. Regarding the process, and I mean, and on the substance side, the suggestion by Franz. So if this is okay we can keep it rather and update more rather than a question, so is this okay Brazil? So yeah, I'm sorry France please.

FRANCE: Yeah, and I absolutely agree with Brazil on that you know. I think we sounds like there's party outside. I don't know what's happening. Yeah, I think we really went through this in a previous meeting with Akram and you know the in the previous meeting was a Board that we have in the previous ICANN meetings I think we shared the concerns we had on the procedural aspects as Brazil said, and you know that some countries had on the substance as well so I think we've basically with the Board we've said everything we had to say so I don't see the added value of having this item as a question. My understanding is from our point of contact we would rather be the ICANN ORG and Akram Abdulla and not the Board so I think

maybe not keep the question. Ma maybe mention it in our GAC advice but you don't see the value of asking of talking about the issue with the Board since we don't have any question actually.

CHAIR ISMAIL: Yes. This could be a way forward so that reflect this in the communique and don't have it in if our discussion about the Board. Is this okay?

UNIDENTIFIED SPEAKER: But on the other hand if it is not on the agenda or not mentioned in any way.

CHAIR ISMAIL: I'm sorry, just for the transcript. No no no for the transcript, so Brazil please.

BRAZIL: Yes, from Brazil for the record. Just yeah, I think in practical terms I agree with France. I think that's the most practical way to record, to document, but my concern is if we do not address in some way with the Board, it will seem that the is not there any more in a way that's should still deserve let's say some kind of attention on their part. I the I think the basic difficulty in

dealing with these is to try to visualize what would be any kind of remedy, or way forward different from the one we are having now. I recall that there was some expectation at the at some point that even if you with regard to the rules for the next round this could be you know it could revert to the previous system, by I'm not too sure so I agree with France. Let's certainly address it in our communique. In regard to the Board maybe we could have some various light reference and maybe you could or someone just document the issue. Just not to let it go completely in our discussions with the Board.

CHAIR ISMAIL:

Yeah, just a quick response, and I give you the floor, France. I don't think it will ever go it has already gone to the Board by the way. So they already have the list, and probably we will need to tell them that we have already discussed this, and so it will be brought up I think in the discussion, so France please.

FRANCE:

Thank you Manal I think a good way to move forward would be to maybe in this paper for the Board we can make a distinction between items for nothing and items for discussion. So maybe in the beginning we can note what you said about the overarching issue and note that the discussion we had with ICANN ORG about twitter codes to reiterate what we know about

it and move onto the questions because that's where we want to focus you know.

CHAIR ISMAIL: Okay. Great. I see nodding. So, anything else on our joint session with the Board? Okay. I have U.S. I have Portugal and I'm sorry I can't see? Rawanda. Is it Rawanda? Okay. So U.S. please.

UNITED STATES: Thank you, and I beg for your indulgence since we are ahead of schedule I was not in the room when inquiry discussed the issue of GDPR. Is there any way to get a recap and a little more at least from our perspective if it hasn't already been covered?

CHAIR ISMAIL: Sure. Can we just take the rest of the responses and then go back to the.

UNITED STATES: Sure if I could also get back in the queue once we are at that stage.

CHAIR ISMAIL: Sure, so Portugal.

PORTUGAL: Thank you very much. Of on the proposal of France to have this division between points to be discussed and points to be noted, this leads to... or it will be only for the Board? I'm asking that because I think that these points are important for all the world community because when you have this kind of discussions with the Board, we have other people here, and I think that this is a concern for some GAC members, and I think it should be mentioned at least. Thank you.

CHAIR ISMAIL: Thank you. Yeah, I think there will be for noted during the session so it's public session. If I understand your question correctly. I mean both will be brought up during the session. Those in the form after question, and those in the form of an update to the Board or for the Board's information. Does this.

PORTUGAL: So the points that are to be noted, they will be shown, so not for discussion but they will be mentioned?

CHAIR ISMAIL: Yeah, and by noted you mean displayed on the screen or...

PORTUGAL: Because I didn't understand exactly what the difficulty from France was because he proposed a distinction between points to be discussed and points to be noted, so I'm just asking how we are going to handle them.

CHAIR ISMAIL: Yeah, I mean, they will be all conveyed to the Board, those I mean those for noting were just be noting this to the Board, they will not be put in the form of a question to the Board, but we would not we are not expecting answers on those points. But the rest needs to be answered. So it's just whether we expect an answer or not, so I have Rawanda and then France and then we need to go back to the GDPR quickly for the sake of time so Rawanda.

RWANDA: My concern is that the way we are now looking at this question is like it is GAC who is looking to close it because if just we do fought, what will be in the next GAC? The next ICANN meeting? It is like the question will not come again so this is my concern, and the... is an important question thank you.

CHAIR ISMAIL: I'm sorry which question exactly?

RWANDA: This is 2 character. The one we are discussing.

CHAIR ISMAIL: Okay.

RWANDA: Yeah it is like how we are now doing this tomorrow discussions ICANN, if we do not, it means that it is like us who really close the question, and it is like in the next.

CHAIR ISMAIL: No I.

RWANDA: ICANN meetings will not even mention the question so this is my concern.

CHAIR ISMAIL: So we have France very quickly and then back to the GDPR and I will respond if.

FRANCE: I was going to respond so you no he for noting and for discussion is just something that came up where we are thinking out loud

but doesn't make anything form A so if we put something for noting it doesn't mean that the discussion is closed at all. We can discuss is in the next meeting. What we are saying is since we discussed it before, and we discussed it you know yesterday I think, maybe there's no added value to rediscuss it until we have a more implementation of what was announced by Akram Abdullah yesterday so I think for the follow up for the next meeting we note ICANN ORG committed to put in place its website and the ability for concerned GAC members to monitor for instance the use of twitter codes in the second level, and we will follow up on the next meeting so it doesn't mean the issue is closed at all. But it just mean that we don't see a point of discussing it extensively during this meeting with the Board.

CHAIR ISMAIL:

Thank you France. Exactly. So it's just we are telling the Board where we stand on this right now which is we are working on this with ICANN ORG and if anything develops we can still bring it back. So quickly on the GDPR, so I'll come back to you if time allows, but I mean the U.S. has been patient waiting for the GDPR. I think we agreed on asking the Board on their expectation regarding the role of the GAC in the accreditation model. We have also agreed to France please, yeah.

FRANCE:

Yeah, so on the GDPR where you know the GACs and the respond to the ICANN ORG response to the proposed model a few days ago and it's very detailed response with. What we are saying during the session was that maybe we can take out of this response a few high level questions or a few high level clarification that we might ask from the Board based on the GAC response we sent a few days ago. And so we're going to draft something and maybe share it with the GAC and as Manal mentioned one of the issue I think was New Zealand pointed it out was you know the role of the GAC is it operational or just advisory? For putting in place interim model? Another question was about the period between the interim model. The implementation of the interim model and the implementation over the accreditation models which might be a bit of a blackout so the idea is to make point out 4 or 5 primary question that we have or clarification we might want the Board to answer so of course if you have any ideas of this specific questions, we would be welcome to share it with the GAC.

CHAIR ISMAIL:

U.S. place.

UNITED STATES:

And I'm glad that hear this covers everything the U.S. would like to see the discussed with the addition of one other point which

is the impression at least based on how the GAC articulated in its comments the model is over complying with GDPR. And there might be opportunities to have access to more information. Thank you.

CHAIR ISMAIL: Thank you U.S. So is it Rawanda also? Rawanda? No? You're good? Okay. So any other comments? So, yes Norway please.

NORWAY: Thank you. I also missed the discussion and the GDPR but the so by what you mentioned you also saying that we can have opinions about the role of the GAC, not only a question, but also we can express opinions right? So it's because the question is there of course but the question we already ask in the letter and response and if you're playing back and forth it doesn't help so express our opinions. Thank you.

CHAIR ISMAIL: Definitely. I mean we can start by the question. What does the Board see the role of the GAC? And when they respond we can this other opinions made clear also in the discussion? I mean it's the same way we run our joint session with the Board, so the question will be there, and then individual GAC colleagues are most well could many to chime in on the topics of their interest

of course, so, we need to share this as soon as possible with the Board, so Tom yeah I'm just trying to see if we're on the same page and we can just compile the whole thing and proceed by sending it, or do we need to circulate it again to the whole GAC, and expect quick responses so that we can share it with the Board? So okay, so let me put it this way, can we proceed directly with sending the revised list of questions to the Board as soon as we have them compiled? So, I'll take this as yes, and we will definitely keep the GAC of course posted on the final list, so any other questions or comments? If not, then this concludes our discussion on preparations for meeting with the Board, thank you for the interactive discussion, we will be proceeding with the following session immediately, but until we receive the technical signal. Thank you so the session is concluded, thank you.

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