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BARCELONA – GAC Board GAC Recommendation Implementation Meeting  
Sunday, October 21, 2018 – 13:30 to 14:00 CEST  
ICANN63 | Barcelona, Spain

MANAL ISMAIL (GAC CHAIR): So can you please take your seats? We're going to start immediately. Thank you. So welcome everyone to the BGRI meeting. This is scheduled for 30 minutes. We are 8 minutes behind time and we haven't started yet and the session is 30 minutes, so if you can please take your seats. So we have a few issues on our agenda including the name of the working group itself. Before I start, let me first of all introduce my co-chair here, Maarten Botterman from the Board side. And Maarten, if you have opening remarks as well.

MAARTEN BOTTERMAN: Thank you very much, Manal, for this. Welcome, everybody. As always this is the Board GAC meeting where we try to increase our collaboration together and make the best possible way forward in interaction and communication. What we'll do here is we'll talk about basically the purpose of the working group, and maybe that it's time to change the name to something that better reflects what's here. We also want to present to you the timeline to responses to the outcome of this meeting, and take you through the current status of affairs. We have a presentation; I don't know, can we get that on one of the screens? That's not -- oh, yeah, it's there.

So these are the opening remarks from Manal and me. The purpose of this dialogue is truly to improve the mutual understanding of the

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Board and GAC and ensure we get the best possible communication between us, so it's very clearly understood what GAC advises, what the Board's intent is, and all that. In that, we have -- if you can see the next slide; the next slide, please? Slide 3? The idea that we came up with in discussing this was to for instance change the name towards the Board GAC relations group. So on this, Manal, your opinions? And the floor I guess.

MANAL ISMAIL (GAC CHAIR): Yes, I think we have already discussed and I'm okay, it's a matter of seeking approval from GAC colleagues as well because the reason it was called BGRI because it was the Board GAC recommendation implementation working group; so the working group was looking strictly at implementing recommendations from ATRT 1 and 2. Now that the working group is working more into the Board GAC relations, so the scope is a little bit broader than just implementing recommendations from ATRT 1 and 2. So, any objections to changing the name? Kavouss, please.

KAVOUSS ARASTEH: No objections, but has it been approved by GAC already or are you just presenting that? Thank you.

MANAL ISMAIL (GAC CHAIR): No, we are proposing this to the GAC right now. It's a proposal.

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KAVOUSS ARASTEH: Is it not better instead of relations saying interaction group? We have a good relation, very good relation; positive, friendly, fantastic and so on and so forth. But interactive group, so interact with each other. Just a suggestion. Thank you.

MAARTEN BOTTERMAN: If you make it Board GAC relations interaction, you can keep it to BGRI. As such, I'm open to that. I don't see a problem with that. Olga.

OLGA CAVALLI: Thank you. Can you repeat the new name proposed? Which is the new name that you're changing to?

MANAL ISMAIL (GAC CHAIR): It's on the screen. It's Board GAC Relations Group, or working group, whatever. Board GAC Relations.

MAARTEN BOTTERMAN: And the proposal from Kavouss was to make it Board GAC Interactions Group instead. I'm open to that. [Inaudible] raise hands or whatever? I don't care.

MANAL ISMAIL (GAC CHAIR): So yes, Kavouss.

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KAVOUSS ARASTEH: Yes, the logic behind that, I never propose something just out of the sky. The reason for that, relation doesn't need any group, we have a relation, we come to the meetings, always we have meetings with the Board. I think we talk of interaction. Before it was limited to ATRT recommendations 1 and 2, and now it's much broader, so interactions group. So that is something that is more broader so not relations. We have a very good relation. We don't need a working group for relations. Thank you.

MAARTEN BOTTERMAN: If there is no objection, I think that unless my colleagues from the Board heavily disagree, that we are very open to make it the Board GAC Interaction Group. The intent is to very well express this is not about the content. This is about how we work together as good as possible, so we provide an excellent basis for talking about the content.

MANAL ISMAIL (GAC CHAIR): Yes, I fully agree, and let's not waste much time on the naming thing. So we're good to go, I think. Thank you.

MAARTEN BOTTERMAN: Board GAC Interaction Group it will be. Thank you. Good. Next point on the agenda is the scheduling for the addressing the advice for the communique that we expect to come out of Barcelona. We make this a fixed point just to enhance clarity, and it has helped us to make sure that we are on track and deliver the fastest possible reaction to your

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advice in a predictable way so you know when to expect it. And we also know that it's prepared by staff that we can make a good reaction on that. Christine, can you present that?

CHRISTINE WILLETT:

Thank you, Maarten. Christine Willett from ICANN org. The next slide, please. As we have done in the last several meetings, we've prepared a timeline for consideration of the GAC's Barcelona communiqué, and I would direct your attention to the second item, the Board GAC meeting in which the Board and GAC members discuss the communiqué and the advice items. We are targeting that for the end of November, to have hold that call by the end of November. That allows the Board enough time to consider the advice, develop their consideration and with the intent to take action and adopt a score card at their workshop in January of 2019. This would be 5 to 6 weeks in advance of ICANN 64.

MAARTEN BOTTERMAN:

Okay. Manal, this is in line with what we've done before. Is this okay for the GAC?

MANAL ISMAIL (GAC CHAIR):

I would say yes, but I will pose to see if there are any reactions from the floor. Yes, Iran.

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IRAN: Yes, it's okay for me, but you have to slightly modify the approach. Either at the meeting you just want to listen to the GAC to understand the content of the advice, or you have some preliminary questions relating to the way you understand, and you want to raise it with the GAC. The process is different.

If it is the second one, the member attending that group, that interactive active group like myself usually will be prepared to understand your question and properly reply within context of the advice. We don't change the advice because we cannot do it personally or individually, but it's better.

I suggest that if you distinguished Board members agree, before this meeting you look at the advice of the GAC and identify any potential questions, clarifications with respect to the text and wording of the advice; then we will be prepared to provide some comment on that and then continue that. This is a suggestion. Thank you.

MAARTEN BOTTERMAN: Just checking. I know we prepared questions. Do we send them out beforehand so far?

CHRISTINE WILLETT: Yes, we do prepare a score card with questions, clarifying questions of advice items. We can endeavor to get that prepared further in advance of the call so that GAC members have more time to see those questions.

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MAARTEN BOTTERMAN: So we've done that already, right?

UNIDENTIFIED SPEAKER: Yes.

MAARTEN BOTTERMAN: We will continue to do that, Kavouss, and yes, it's only shortly before the call often but that's because we want to make it clear on the questions. So we will continue to keep sending the questions beforehand. Having said that, yeah, this is mainly also for information items. I must say I think the practice has led to a better understanding in general, and yes, we are here because there's always further improvement possible. One of the examples is the session we agreed to have after this session to really face to face discuss some of the issues that have not progressed as much as both would want.

Next agenda item, that's a review of the open GAC advice items, and as discussed last time, GAC advice principles. David?

MANAL ISMAIL (GAC CHAIR): Just if I may quickly summarize for colleagues who were not here last time. There was a request from the GAC on how can we log or archive in the same place of where we put our GAC advice, the GAC standing advice, and this is the GAC principles on certain issues like delegation and dedelegation of ccTLDs, WHOIS, and on so on, so those are

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ongoing standing GAC advice and we were wondering where to put this within the presented system. So with this, over to you, Christine.

CHRISTINE WILLETT:

Thank you, Manal. Christine Willett. If we could move to the next slide. I have a few slides that go over the historical GAC advice and then a slide after these about 5 slides in I have the links to the GAC principles posted for everyone. Shall I continue on the historical advice?

So this is an update as we've provided for the last three meetings. Since Abu Dhabi, the Board has shared the status of previous GAC advice and asked the GAC to review that status and inform the Board if GAC members do not agree to that documented status. This has been ongoing since ICANN 60. We are now looking to move forward, the Board wishes to move forward to affirm and agree to implementing the statuses as have been shared and documented for since ICANN 60.

At a high level, I'll go through the statuses. There were 181 items total issued since ICANN 46. 175 of those have been considered by the Board. Over the past two communiqués, there were six items in particular that were deferred from Board consideration, specifically four items from the Puerto Rico communique regarding GDPR awaiting further input from the GAC, and two items from the Panama communique relating to two-character country codes pending further discussion between the Board and the GAC.



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However, I will note that the Board did consider six other items related to GDPR, WHOIS and IGO protections, which were accepted and adopted. So that is the high level status.

Next slide. This slide depicts the phases. This is the phases we have been using not just for GAC advice, but for all AC advice. It aligns with our action request register, so you will see how those 185 advice items align to these categories. The six deferred items are in Phase 2 understanding. The 16 items that were previously considered by the Board but are awaiting further input from the community or community action are in Phase 3. There are 10 items that are in implementation by ICANN org and the remaining 149 items we will now consider closed. Next slide. Oh, Manal.

MANAL ISMAIL (GAC CHAIR): Yes, just on this slide before we move on. The entry is or the GAC advice is flagged closed after full implementation or after being accepted, or when exactly?

CHRISTINE WILLETT: Only after the advice is fully implemented do we move it to the phase 5 closed status. If it is still in implementation in progress, then it is still in phase 4.

MANAL ISMAIL (GAC CHAIR): So I'm asking this question specifically because it was brought up during our discussions on the two-character code, and just thinking

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out loud we saw that maybe we need a step also for the GAC to acknowledge the implementation before we flag it closed? And I'm looking to colleagues if they want to chime in, please. Yes, Kavouss.

KAVOUSS ARASTEH:

Yes, Manal, I fully agree with you. It is not one sided decision that it has been implemented. The other side, which is the source or origin, should acknowledge or confirm that that is considered to be closed, so I agree with you that there would be some room that when it is declared as completed by ICANN Board, we also have the opportunity. I am sure that most likely we are in line with the Board decision, nevertheless, nevertheless from the agreement point of view, legal point of view, the other party should say yes, and so and so forth. So I suggest this one, and while I have the floor, there was given the number of the GAC advice but when I review that I see many of GAC advice, they are relating to specific a subject.

So we are not only dealing the number, perhaps we should add another column and subject of that. IGO, how many advice you had? So should that be considered as a number which is important? Considered as a topic of subject which is important? That gives some ideas to the government to know how long any advice is being considered by the Board. As far as I know from ICANN 643 from now the subject is still continuing, so now we are 63, 20 sessions are further, so we should have another column saying that this 181 or 117 or whatever have another column indicating that they're relating to which subject: IGO, two-characters, WHOIS and so on and so forth. It's

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a better understanding of us to improve our interactions or relations.  
Thank you.

MAARTEN BOTTERMAN: Thank you, Kavouss. This has been developed at the request of the GAC, and to mainly keep track on the numbers. Make sure that nothing slips off the list. So on the following slides, Christine will also highlight which those projects are that are still not in phase 5. We had an earlier discussion about phase 5 and projects closed, and at that moment I think it was here in the room that it was said like, no, we don't want it review the full set that is already there.

But if there's any on the 149 that you think are not closed, please alert us. We are not saying you should never talk about those 149 again. It's just that we consider them closed and we want to be transparent in that. So if you want to move, have a new request like moving towards subject by subject reporting, I think we can consider to see what we can do on main subjects, but this would be something for the GAC to manage, I would say. Manal.

MANAL ISMAIL (GAC CHAIR): Thank you, Maarten, and if you would just allow me. We are not flagging this because of dissatisfaction with how things were working before, but it was triggered by the instance of the two-character code, so we are proposing this to avoid the situation where everyone sees that this is closed and the GAC is still dissatisfied by where we stand. Chris, please.

CHRIS DISSPAIN:

There's a danger here. There is not a process now by which the GAC has a sign off on whether the Board has implemented its advice. The process is that assuming we accept the advice, we accept the advice and implement it and then we tell you that that's what we've done. If you don't approve of what we've done, or if you don't think we have actually done it, then the process is that you need to provide us with additional advice.

We can't create a process where there's a joint sign off because that won't work, and in the case of the two-characters, you have provided us with advice that there's no more advice in the sense that please talk to the people who are complaining, so I acknowledge the issue in the sense that us saying we've dealt with it etcetera, but I just want to be very careful that we don't step into the territory of setting up joint sign off because that steps right into the Board's territory on how it decides how to deal with advice and implementation.

You have a process which is you could provide us with subsequent advice that says, "You haven't done what we asked you to do," and I think once maybe you've actually done that if I recall. Thanks.

MANAL ISMAIL (GAC CHAIR):

Thank you, Chris. Okay. I take your point. So the proposal now is back to maybe what Maarten has been saying earlier, which is revising the closed issues, and if we are dissatisfied by whatever is being

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flagged as closed, then maybe we can get back to the Board through GAC advice. Kavouss.

KAVOUSS ARASTEH: Yes, madam. I'm sorry I come in again; the situation's as follows. The Board accepted the advice, but may not have yet implemented it. So the closure will be whether we take it and associate it with the acceptance of the advice or with the implementation of advice. We believe that we need to distinguish between the two; thank you very much, you have accepted, no problem, but implementation may not take place for I don't know how many time. So whether we put this closure on the acceptance of the advice, or closure on the implementation. I am of the view that it should be on the implementation, but not the acceptance. Thank you.

MANAL ISMAIL (GAC CHAIR): Thank you, Kavouss. The closure now is on the implementation but the point was what if the GAC is not satisfied by the implementation that was done? And the point now is that if there is any problem, we can provide a new advice which also makes sense. Your point is taken. The closure is after full implementation, if this is what you're asking.

KAVOUSS ARASTEH: Yes. But I'm lost, Manal. You said that the Board has implemented and it is not happy for the way it was implemented; it's not our problem.

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MANAL ISMAIL (GAC CHAIR): No, no. I'm saying --

KAVOUSS ARASTEH: Who implements that?

MANAL ISMAIL (GAC CHAIR): I'm saying if the GAC -- so forget about what I said. You want the closure after implementation? Exactly. This has been confirmed that it's going to be after full implementation. Thank you, Kavouss. So yes, can we move on?

CHRISTINE WILLETT: Next slide then. So I have just a few more slides that review those items that are in each of those phases. So this slide, GAC members are certainly welcome to review this in detail after the meeting. But this is the detail of the six items which have been deferred since the San Juan communiqué, as well as from the Panama communiqué.

Next slide. This slide speaks to the 16 items which we have identified as Phase 3 pending ongoing community action, so these are in three categories, IGO's, the Red Cross, Red Crescent items and pertaining to the string.gram. So pending the outcome of that ongoing community work, the Board may wish to consider these items further.

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Next slide. This speaks to the ten items which are still in phase 4 implementation. ICANN org is actively working to implement these individual advice items.

And next slide. And this is the slide I was mentioning that refers to where the GAC advice principles have been posted.

MAARTEN BOTTERMAN:

Just to take you back to the GAC advice overview issue, you've seen those that are not in the category 5, which we think is fully implemented by org and there is no further action taken at the moment. All these are quite overseeable and presented in this way you can even see in one glance which belong to which key subject, so I hope this overview is useful and if there's anything that was missing there, this is an excellent time to raise that.

The next one is related to the GAC advice principles, and as said, some of your advice has become a principle for the GAC of operation and the request last time was how can we reflect that? Or how can this be best reflected in the archive, in the website I would say. Christine, can you explain the proposal?

CHRISTINE WILLETT:

So the ICANN org has posted the GAC advice principles. Two sections. Two different sets of principles. One relating to gTLD WHOIS services, and one relating to new gTLDs. They're posted separately at the links bookmarked here.

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MANAL ISMAIL (GAC CHAIR): Thank you, Christine, and if there are no other issues for discussion -- I mean we have one more thing regarding the webinars, because we are running out of time.

MAARTEN BOTTERMAN: I think if there's clarity here and there's no more questions about the process, then we can move towards the second session, which is on two-character codes. Kavouss.

KAVOUSS ARASTEH: Yes, Maarten. Before you're going, I have a simple question because I am a simple person. Simple question. Immediately after any GAC advice, our very distinguished friendly people, GNSO, sit down and prepare 1, 2, 3, 4, 5 pages of comments and send it to you. We would request you kindly to carefully consider that and not decide unilaterally based on what you received because everyone has their own views.

Unfortunately, we in the GAC do not have such a mechanism so immediately and so efficiently and effectively have these sort of arrangement. We don't have much time but the others, they have. They have many people. They have six. Two big houses plus communities, constituencies and stakeholders and very good typing and arrangement and legal. We don't have that. We are simple people. So please kindly consider that. You may receive, very good. Someone here, to understand that and to act is different. So should



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not be acted upon what you have received. It is carefully considered that, and if there is anything that you need to act on that, please come back to us. Otherwise, do not kindly take whatever you receive. Thank you.

MANAL ISMAIL (GAC CHAIR): Thank you very much, Kavouss, and this is exactly the place where we need to have this discussion, the BGRI working group, so thank you for bringing this up. So moving on to the -- any final comments from your side, Maarten, or should we proceed?

MAARTEN BOTTERMAN: Thank you, and yes, in BGRI it's to improve as much as possible the process between GAC and Board. That's what we continue to be committed to to improve. Including when wished also for instance for the webinars to inform newcomers on the GAC as turnover is still high, and people function best when they're well informed, so we're also very supportive towards that. And with that, I think we can close the BGRI part session, or in the future, the Board GAC Interaction Group.

MANAL ISMAIL (GAC CHAIR): Thank you very much, Maarten, and many thanks as always to Christine and David. So thank you. We have a slide for the informal dialogue with the Board; if we can have it on the screen it would be great. And meanwhile, allow me to welcome again Maarten and also welcome and recognize other Board members here on the panel.

**[END OF TRANSCRIPTION]**