

MARRAKECH – GAC: Reviews Updates (ATRT3, RDS, CCT)

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MANAL ISMAIL, GAC CHAIR: Good morning again, everyone, and thank you for making it early here in the room after we worked a little bit late yesterday on the communique. So thanks to everyone. So this is our meeting with the third accountability and transparency review team. And as you may know, this is one of the reviews that are mandated by in the bylaws of ICANN. It's one of the reviews also that is of specific interest to the GAC, sort of our -- the only review that looks into how the GAC works and the GAC relationship with the board but also with other parts of the community. We have been working on the recommendations of the atrT1 and 2, used to be called BGIR, now called BGIG. Thanks to ATRT3 colleagues for reaching out and I understand they have specific questions to the GAC. Look the forward to the discussion. Should I hand over to you, Cheryl?

CHERYL LANGDON-ORR: Thank you, Manal, and you understand very well the work of an accountability and transparency review team, having served as a review team member. So we are comforted by the fact that you under the reasoning behind our questionings and the rationale

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for what we're doing today. [indiscernible] and I are co-chairs of the review team, a number of members, some of which on the dais here today and other scattered around the room. These who are around the room and indeed us on dais so we can look silly on camera. Raise your hand? Full of energy, jumping up. What that means if you recognize and see any of these people around the place, you can approach them. We're into data collection mode right now, and in our data collection mode, it means we're interested and I mean deeply and truly interested in what your opinions are, personal, individual, governmental, or GAC wide. So doesn't matter if it's not a consensus view that you have managed to wrought. It does matter if it's a view worth sharing that you share it with us. So please share your view, you know, accountability and transparency of the whole organization and of the component parts of the organization include yourselves.

You have sent to the review team as other parts of ICANN have sent to the review team, in your case one member, in other cases more than one member. So we want to recognize Liu Yue, mainstay of one much our working parties. We thank you for sending us talent, we like it very much when we have someone who hits the ground running who makes such a huge impact in our work so thank you for sending us him, we certainly appreciate your careful selection. But with Liu and Vanda, the colleagues of our four working parties. We have a working party interested

about everything to do with the board. We have a working party that is interested with everything to do with the GAC and Liu and Vanda are the leads on that work party, and they will lead us through some of these questions today.

We have a working party which is interested about everything to do with community, the ICANN community, and that includes policy development process and the effectiveness of input into it, and I would suggest that GAC advice and how GAC engages with public policy development and specific policy development in the support organizations might have some nexus to that group as well and we have, this one always cracks me up -- we have a review work party on reviews. So there are the four streams, the review of the reviews, is what we're doing. We are up to a stage now where we are seeking input to start this input off with you, we're asking you a set of questions which we know you've had. In those questions there are a number of opportunities to share, and we hope you will use today's time with us to share some of your opinions, prepared or otherwise. But this is not the last opportunity for you to share opinion and information. We will be sending out a survey, and we would encourage you all to consider filling in the survey as well. And of course we will accept an email or a personal contact. So that's the scene setting, if not the whole movie, and I'm going to ask, Liu Yue, do you want to lead off with the first questions?

LIU YUE:

Thank you, Madame Chair, and also Madame Chair of the GAC, and I was very honored to be here and nominated by GAC to join the ATRT3 review team and co-lead with the GAC working party. And also thank you for the GAC leadership and also the GAC members who give us the feedback on our questions and thank you for the GAC supporting staff to send the email and the record of ATRT3 [indiscernible] with GAC leadership of all the questions. And I think we can get your responses on email or recording meeting.

Now we have questions, so we have sent email to all GAC members about six questions, but yesterday we talked with GAC leadership so after that we think we will modify the question so we can focus on the most important things between the GAC and the board and also we can further our recommendation on the ATRT3. So the first question the process between the GAC and the board, Madame Chair mentioned that from BGRI to BGIG. Sometimes after the board accepts GAC and there is no further control on the implementation, so as you know that, GAC [indiscernible] through the GAC communique and the GAC letter maybe but sometimes the board replies in time but maybe not in time, so Maarten may not agree with me and also thank you Maarten for giving the information about the GAC and the board.

So we want to know if we can have some indicator like the pki, performance key indicators, so we can [indiscernible] or improve the relationship between GAC and the board. And also we can evaluate the advice of the GAC. So that's the question. Thank you.

CHERYL LANGDON-ORR: [indiscernible] would you manage the queue.

MANAL ISMAIL, GAC CHAIR: Sure. So any quick reactions or remarks on this.

KAVOUSS ARASTEH: Thank you, distinguished members of the ATRT3. Before starting, it was some very small editorial thing. Yesterday we had our communique and in the communique we had work party. I said that work party has no meaning, working party, they said no, it's coming from ATRT3 and coming from the sky, they can't change it. So I still have a problem to call them work party. And Cherine mentioned three times working party, so it's working party, please correct, now, relation between the board and GAC, from the time Maarten taking the action, considerable improvement in the relation, nicely properly managed the situation but still some times, some misunderstanding of the content of the GAC advice and the implementation. And the clear example of that was

[indiscernible] in the advice many times it was mentioned that it should have been treated when mutually agreeable solution, and it was treated by the board without the mutually agreeable solution. And there was a discussion yesterday and there was a ping pong between one board member and every delegate of the GAC whenever there was a question that colleague came in and replied in a ping pong manner but [indiscernible] advised to us draft a question to the board. Please provide the reasons you have treated like this and evidence that the mutually agreeable solution has been obtained. I'm sure that we will not receive any answer to that. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you, Iran. Indonesia.

INDONESIA: Manal, just a short comment from the technical operational point of view. The way transparency, accountability sometimes does not match with some of the governments, bearing in mind [indiscernible] governments that might be different -- I all governments not the same but there are some governments where the philosophy is that you should not do what you want until you get permission. So if you would like to import a nuclear bomb to Indonesia, you must get permission from the president, and you do not say I have been waiting for 30 days, no yes or no

so I will import a bomb into Jakarta. In the way talking about accountability and transparency, if you do not say anything within 30 days, then I'm free to do what I want, that's a completely different philosophy and sometimes it doesn't match and causes some problems that well, everybody knows here. That's the comment. So perhaps these kinds of differences can be accommodated in the ATRT3 working group when you discuss something about accountability and transparency. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you, Indonesia.

MAARTEN BOTTERMAN: ATRT3 team. I would like to point out what is very important, that the process is transparent and accountable and yes, the special difficulty here was explained by Indonesia here, so it's very difficult to speak of the [indiscernible] multi-stakeholder system, there are many people who have situations. So what we try to do in the ATRT3 team is look is the process accountable, transparent, and that keeps us from going into specific cases. At the same time the cases help to us better understand how it works out. So thank you for your input.

MANAL ISMAIL, GAC CHAIR: Thank you, Maarten. Any other comments? Okay. If not, then, yeah, let's move to the following question.

LIU YUE: The first question is if we can have a closed loop so we can further the mutually accepted as [indiscernible] said between GAC and the board. And the second question, if you satisfied with the interaction with GAC and the board. And also the same situation through the GAC with other [indiscernible] we have the same question for the ATRT3 to work with other community so if this [indiscernible] interaction with the GAC. So questions, we want to know your feelings and your recommendations onboard the interaction between GAC and the board. So as you mentioned some cases between GAC and the board so we want to know if we can do some improvement to more progress to improve the process between GAC and the board on the interaction. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you, Liu. Any comments?

SWITZERLAND: Thank you. And good morning to everyone. Thank you for coming here. Jorge Cancio for the record. This is a very wide question of course, and also related to the first one and you may

understand that after yesterday's communique night, maybe it is difficult to get people interacting, but for an international [indiscernible] always good to look back to agreed language to what we have done before. And in the case of the board there's of course a long history of trying to improve the interactions. We have the BGIG which was formally BGRI, and we are continuously seeing possible improvements. So I think there's a lot of history there, a lot of documentation even. One of the last things we introduced, one occasion of these misunderstandings at least in the case of two-character codes at the second level, the post communication [indiscernible] call, probably at least that's my personal opinion, and I expressed this during this week. We may need more channels or more formats for substantive discussion whenever a substantive discussion to clarify or to further specify what is the meaning of our advice or of other parts of our communications. And I think this will hopefully be taken up in the BGIG. So that's one example.

Another, let's say place where we have a lot of work in progress is with the GNSO. Both the GNSO at the level of PDP Working Groups, and Cheryl knows this very well and she has many other hats and the hat of co-chair of course of the PDP on subsequent procedures which is a very small thing, of course, just an overview of for instance how we are trying to make this translation between a committee like ours which has people who cover

many, many, many other issues other than ICANN and very dedicated and time intensive and work intensive PDP Working Groups like the PDPr on subsequent procedures so that's also an experience.

At the more high level we have a very useful document, at least to my view, which is the joint recommendations that GNSO and the GAC developed I think two years ago more or less, or three years ago, where we as a working group between the two organizations, we developed a set of ideas on how we can even further improve our work. But that's of course also just a milestone. Then do you have fill it with substance, put flesh on the bones as we used to say, and we're seeing if you are interested in examples for instance case studies, let's say, when we had this clash of opinions on the Red Cross protections. There was a precedent being set by going both organizations to the board, the board setting up facilitation with [indiscernible] and then trying to work out a basic outline of consensus and then reverting this back [indiscernible] case to re-open a PDP process which had been closed. And now we are just at the start of experimenting with another similar let's say conflict resolution or mediation exercise amongst ourselves in the case of IGO curative protections.

So I think there's a wealth of information out there. And finally, the last point would have that we made the submission as the

GAC to the process just started by -- well not just but recently started by Brian [indiscernible] on evolving the multi-stakeholder model and I think the information we have there is very useful for you to because it goes in the direction of answering some of these questions. I will leave it by that for the moment.

MANAL ISMAIL, GAC CHAIR: Thank you, Jorge. Iran.

KAVOUSS ARASTEH: Thank you, Manal, and to distinguished colleagues, as I said in the previous intervention as a personal note I think there are issues on the GAC and board which remains almost [indiscernible] as long as I remember from Beijing and ICANN 48 [indiscernible] and next 66, we have the IGO, discussing and discussing and discussing. How long it could continue these sorts of discussions.

And second, when we ask the distinguished board to act as mediator, facilitator, we need that the language they use would be mediator and facilitator, but not [non-English word or phrase] in French. We talk about use or release of the country code for use of the second level and received an answer from the board there is no internationally agreed context that geographic names belong to a country. We don't expect this sort of discussion. We want to to have solutions. Rather than taking procedures, we

want to have a good equal footing dialogue in a friendly manner but not in a manner of I would say superiority of one inferiority of the others. [indiscernible] this is the or the of one side, the argument of the other side, sometimes the geographic names of identity of a country or people of a country, there is a need to be a workable solutions but that answer does not come. When we come on that, then we're criticized on the back side by some people, x and y was so and so, I think we need good interpretations that we need to have solutions and a practical example. Since previous Marrakech meeting, same country and room, we have asked the distinguished board to get into discussions or engage in discussions with those concerned countries, I repeat, only concerned countries, that have a problem with the two character release the never such engagement has happened. Never. I have received a letter from akram [indiscernible] giving the list but this is not not engagement.

And then the tools, tools is not engagement of discussion, tools is facility, thank you very much for the tools but tools is to track what is going on but the main issue remains unresolved, so we request that this relation be improved. When GAC advice we said board requested kindly to facilitate and engage in discussion, we expect they will be engaged in discussions. We have received for telephone call no, discussions no, contact from any board

member. I personally received something that one of the board members said we need to have a coffee. This is not engagement of discussions. Thank you very much for the coffee offer, but that was the only thing I heard, three meetings ago. So we need action so when the board needs to engage in discussions, they need to engage in discussions either country by country or group of countries together. Please ask the people how many countries in this room have been contacted in engagement of the one to one discussion by the board member with respect to two character letters. Who has been contacted? I could imagine no one. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you, Kavouss. I think so first of all, regarding the material that Jorge mentioned, this is definitely something I can share with the group, the final report of the GNSO GAC consultation group which has a set of recommendations which is a good starting point to build on but also they are not fully implemented. We discussed during this time of the work group how the GAC advice is being considered by the GNSO and the PDP which we lack to understand how it's being considered, and as you can hear we are hearing the same almost case studies again coming up, so this is where issues emerge.

CHERYL LANGDON-ORR: We are very aware of your time and certainly don't want your agenda compressed. We know you have the extra questions. So if you would be so kind as to contemplate them jointly or separately and get feedback for us, I just want to recognize again and thank you for sending us Liu and for the input and work you are going to be doing giving us material to work with and thank everybody who has contributed right now but I want to give the mic briefly for a little bit of a wrap-up and then leave you to your busy day.

PAT KANE: Thank you, Cheryl, and this is Pat Kane. So one of the unique features of the accountable and transparency review, we have a one-year limit in terms of our process to file a completed report. So we've had our first meeting the first week of April and final with respect to delivered and wrapped up in March of 2020, completed terms of reference, goals identified, waiting for feedback from the board but as we collect data and do analysis, we intend to have our internal version complete in September to can publish initially draft just prior to the Montreal meeting in November and at that point would do our final wrap up, we have a lot of work to do within that time period, biggest challenge will be scoping, a lot of great information this week, thank you for your input today, as well as hopefully you can send us once we get the survey out. As Cheryl pointed out, feel free to reach out to the team, grab any of

the individuals who have identified themselves in the room as members of the ATRT3 and on behalf of the team, thank you for your time today, commentary and we look forward to working with you in the future. Thank you.

MANAL ISMAIL, GAC CHAIR: Thanks to everyone, and we will stay in touch and share with you the necessary information and please let us know if you need any questions. And Liu Yue is doing an excellent job in keeping us in sync. Thank you.

So to GAC colleagues, as we wait to be briefed on other reviews as well, I don't see them here in the room. I had two quick issues to discuss with GAC colleagues which I was not sure where to put them exactly within the schedule. So one is how do you want to structure our process to decide on whether or not we want to provide comments on certain public comment periods. We try to quickly go through the list of open public comment periods within the GAC leadership. We decide roughly whether we would see potential collective GAC input, and then we send this compiled list to the GAC mailing list, hoping that we hear back from you whether this matches your expectations, whether you have different views so that ultimately we can be able to coordinate our efforts and submit comments in a timely fashion.

So I ask you to keep an eye on emails from Benedetta listing all open opportunities for public comments. And maybe while we are here -- I'm trying to see if I have this somewhere. We had the list compiled -- Cathrin, you are ready to go? So I will just finish up this and we can start immediately. Okay.

So this is just quickly to seek your feedback. I thought it might be useful to grasp the face-to-face opportunity to see how you would like to to see whether we would submit GAC input collectively on PDP [indiscernible] for public comments and whether the approach for the leadership is convenient, whether you would like to suggest something different. Any views on this? Let me provide some concrete examples. So there is the study on technical use of root zone label generation rules. And this is public comment period that closes on the 30th of June. And the purpose is the third version of the root zone label generation rules that were released for public comments, integrating 16 script proposals out of 28 scripts identified. So frankly speaking the GAC leadership felt it may be interesting to individual GAC members to submit comments on this but maybe not collectively as GAC input. And I'm not sure whether you agree or disagree.

Another open public comment opportunity is the process for proposal for streamlining organizational reviews. And this one closes on the 15th of July. And the community is asked to provide feedback on four questions related to a specific document with a

proposal for streamlining organizational reviews. So again the GAC leadership discussed this and we felt if it is strictly organizational reviews then maybe the GAC might not be interested in providing collective input on this. Again, I appreciate your feedback, whether this is right or wrong.

The third one on fundamental bylaws amendment proposal regarding the IANA naming proposal review. And per the bylaws they were supposed to have two c [indiscernible], cGNSO. -- this is delaying the process. They are requesting minor changes in the fundamental bylaws so to allow, if they cannot find a non-c GNSO members, they can go with three cGNSO members, we are not sure whether GAC would be interested in submitting comments on this public comment period. The importance is coming from being a change in the fundamental bylaws which will obviously again come to the empowered community in the post IANA transition but again, it's a straightforward thing so this is also one of the things we shared in our email to the GAC mailing list.

One more public comment opportunity on revisions to the ICANN bylaws regarding SSAC and RSAC leadership. And again, this is change in the structure of the leadership moving to co-chairs and vice chair -- again, we thought this is something related to individual SO/AC so we thought it might not be of high interest of GAC to comment on this. There's also proposed IANA for publishing generational rule sets and this closes on the 26th of

July. Again, a bit technical and maybe of interest to individual GAC members but not necessarily something that we can submit collective GAC input on. There is also final report of the second cc sno organization. So again, this was a question posed to the GAC whether GAC would be interested to comment on draft financial assumptions and projections and operating initiatives for the development of fiscal year 2021-2025 operating and financial plan. This one closes on August 5th.

And financial -- I think this is the last one -- evolving the governance of the root server system. And this is one topic that we felt might be of interest to the GAC to submit collective GAC input on. This one closes on the 9th of August so we still have time. And it's a proposal on how to have multi-stakeholder model to govern the root server system and when we say root server system here, we're talking about all the root servers collectively. Currently they are operated of course by individual entities. They meet, coordinate but there is no model, per se. So we thought this might be of interest, but again, it is subject to your input and feedback. So please, if not now then please refer to your emails and let us know online. But I can see India and Iran.

RAHUL GOSAIN:

Thank you, Chair. Rahul Gosain from the government of India. Yes, I fully support the chair's view that it may be useful for the

GAC to consider offering collective GAC comments on the last item. And for that I would also request our honorable chair if possible to range with either the [indiscernible] for some kind of common briefing to be able to organize and document the thoughts on this meaningfully well before the deadline so that when we go about formulating or comments on this then we are doing so in an informed manner and have adequate time to discuss within the GAC about the final shape and structure of the comments. Thank you.

KAVOUSS ARASTEH:

Thank you, I think we have to first of all separate public comments relating to the changes to the bylaws which has a different procedures and involved empower community and so on, so forth, and we have a course of actions for that. And then those does not have any relation with the bylaws but the normal procedures. We have also to see the public comments which are very urgent for at least most of us, public comments on the Work Track 5, on the subsequent procedures, and many other things that were not in your list. Now, the first reaction on my personal note, there are too many public comments and we can't cope with that. We can't cope with that for several reasons. First of all, resources. Resources are limited at the level of some governments, if not all.

Second, you talk about collective answer. I have some doubt about collective answer by GAC for the following reasons: You put someone to be responsible for that, issue a paper, put consultations, and there is no answer. You send a reminder, no answer. Then you have two options, either you say their silence means agreement or disagreement. None is correct. So perhaps the most appropriate way is to leave it to the individual GAC member to act as they want. Because very difficult that some people use a text and because of lack of reply put the stamp of the GAC on that saying this is the GAC view. This is misconception of the situation, so leave it to the individual.

In addition to that, some of the subjects are so complex and critical that maybe even the people in the GAC, some government, they have a staff, they may not totally covering the entire subject to give a pertinent comment. So that is important. If you want to talk about root zone and so on, so forth, this is very, very complex, requires a lot of background and knowledge and so on, so forth that may not exist everywhere. So in summary, leave the public comments to the individual GAC member to react, leave the bylaw changes to the empower community, we have some procedures, and also put emphasis on the important issues like geographic names, like the subsequent procedures for the second round and many other things that were GNSO.

Another point, and that's point of instruction. For some constituencies it's quite easy to act collectively, after each meeting the GNSO has a council and they put a paper two or three pages reaction to GAC advice. We don't have that mechanism, they meet physically, 24 members and they have prepared something and we don't have that facilities. Never we acted on the recommendations of the GNSO between the two meetings because we don't have the means. So that is a -- I wouldn't say disability that we are facing, very difficult circumstances. I leave it at that and advise whether you have any other solution.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Kavouss. And first of all, India, I noted your sensible request. We will work on something with the RSAC to accommodate for the deadline for comments. Kavouss, you raise several excellent points, and I really would like to hear what other GAC members this of this, because I mean sometimes collective GAC views is also -- I mean individual GAC members are of course welcome to send their individual comments any time on any of the public comment periods. But sometimes the collective GAC view is also of importance and has its weight. So again, but workload has been mentioned not only by the GAC will you also by all other SO/AC's and as you rightly mention, what is on the screen is not even everything we are working on. In fact those are the things we are not working on. We're working on Work Track 5

and subsequent procedures and other things and that's why I'm bringing those public comment periods today your attention. And we haven't chosen those for any reason but because they are open for public comments. Other substantial work like Work Track 5 is not up for public comments yet so that's why the selection.

But again, I feel terrible when we conclude simply because no one else responded. And even though sometimes we're able to submit comments, it's not really rewarding to know that no one commented on what has been submitted. So I take your point and I encourage GAC members, if they don't have immediate reactions now to please think things over and feel free to email me or mail to the list and let's take it from there. Any final comments on this before I move to one other topic and then invite Cathrin to the panel.

KAVOUSS ARASTEH:

Additional point I need to act good about you have public comment collectively or individually, but when the public comments come to be treated, there is a need to participate in that treatment, we are not a member of that. There was the public comments of the human rights from three governments, I was a member of that group. Those three governments were not a member of that group and their comments not properly treated

and finally [indiscernible] acted as intermediaries between many countries and try to find solutions, otherwise even public comments made on the public comments, if there is no participation to discussions, that will be prevailed by those attending the meeting and rejecting that comment. That's another problem I face. I had to act pushing for the views of those three governments, I don't want to name for international human rights but they were not there, and the others were not in favor to put anything from the UN [indiscernible] so on, so forth, and the views of those present prevailed, so that is another problem. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you, Kavouss. So please take this as food for thought. I felt we need to discuss this once in awhile. I'm in your hands to facilitate our discussions and engagement. So please let me know what you would like to do. And again, we need to work our priorities, we need to prioritize at the GAC level, at the cross community level as well. Sorry, Nigel.

NIGEL CASSMIRE: Thank you, CTU. This list on the screen is a list like this circulated like this on a monthly basis on the mailing list.

MANAL ISMAIL, GAC CHAIR: Yeah, a different format but it's almost the same thing. It's all open public comments along with a small synopsis on what is really intended, and the output of the GAC leadership discussions. So the GAC leadership discussed this, they don't see a need for collect -- or they expect no collect GAC interest on this topic. But again, everything that is shared is subject to final confirmation by the whole GAC membership of course.

NIGEL CASSMIRE: From a procedural point of view, once presented to GAC members, they have the opportunity to say, I have an opinion on whether we should should or shouldn't do a collective comment on something, if we are kept apprised of the opportunities and what the GAC leadership thinks in terms of whether it should [indiscernible] collective or not, I will be quite satisfied with that. Because we have the GAC leadership and we should trust the GAC leadership enough to give an opinion. And once we have the opportunity to give a dissenting view. There are other opportunities of things that come for public comment that the GAC would have had the opportunity to submit collective comments on before the public comment period. So those to my mind it might be kind of redundant asking again for another GAC collective response during the public comment period. So maybe that is a way to limit the amount of demands for collective GAC responses to public comment items. So maybe once we get the

opportunity before public comment period we don't necessarily need to go collective again during public comment and once we have this direction from the leadership, would also be in a position to make a reasonable decision.

MANAL ISMAIL, GAC CHAIR: To the last point, sometimes it's good to go on record when there is a public comment period that we already have a view and stance on this, but -- and it would be easy when we already have discussed and provided input. So we simply can compile this input again and submit it, and it would be even easier because it would have been agreed already by the whole GAC. So we won't burden you by asking the same question twice, once we know it's a topic of interest to the GAC, definitely if there is previous input this would be our starting point whether we would like to add on it remains to be seen.

NIGEL CASSMIRE: Understood.

MANAL ISMAIL, GAC CHAIR: Thank you, Nigel. One quick thing, don't know if quick but one more thing -- and Cathrin, sorry to keep you waiting, the IGO INGO list. So as you may know we have we have reserved list of IGO INGO acronyms and we're working on completing the

information of those IGO's along with ICANN org, it's a project for three months. A question to the GAC is how can we add [indiscernible] all the leads to the list. We had a couple of requests for addition to this list. We started discussing who should be approving those to be added to the list, and I mean it's difficult to decide. I mean ICANN said it's a GAC issue, you tell us you want this on the list, we will put it. And then I cannot really tell who in the GAC do we need a committee of experts? How could this be done? So this is just to share with you some of the things we're discussing within the GAC leadership, and we are not able to conclude without your direction. So again, please, if you don't have immediate answers right now, please try to think it over and engage with us over the mailing list.

So I will stop here. Anything from anyone before we move back to the reviews? Okay. If not, then Cathrin, just let me know -- are you ready to go? Okay. Over to you.

CATHRIN BAUER-BULST: All right. Good morning, everyone. Back to the exciting subject of reviews. As no doubt you already discussed this morning, this is a fundamental mechanism for us to ensure the policy we have agreed to put in place and implemented properly, doing what it should be doing and perform a gap analysis of what else might be needed. And I will give you a brief update on two who's, one on

which has completed already. The competition, consumer choice and consumer trust review and the second about to be completed, the review of the registration directory services.

As a quick reminder why this is important to the GAC and why we should care, the CCT review conducted for the first time this is a fundamental step in the assessment of the 2012 rounds of new gTLD, and to the GAC, important that the [indiscernible] be considered through the reviews and its results considered and implemented through policy design before any subsequent rounds were launched. So in essence we need to see that the work of the ccTLD review team adequately reflected. So the work done there feeds directly into you're consideration on subsequent rounds. When you look at the CCT review, you will see where why the CCT review in particular of such fundamental performance, it was charged with examining the extent to which the expansion of gTLD [reading] now I'm presenting this update on the CCT review not as your GAC representative to that review but because the two representatives who very ably represented the GAC on this review team were unavailable to present themselves, and those were Lauren Kapin and [indiscernible] Richards. So the credit goes to them and not to us, to be clear on that.

So where do we stand today? The CCT review team completed its report already in September of last year. They adopted 35

specific recommendations and sent those to the board for consideration as is the process for review teams. The board has six months to consider the recommendations from specific reviews for implementation and came back with a resolution in March of 2019 just before our Kobe meeting where they adopted only six out of the 35 recommendations and deferred the rest for further consideration. CCT review team and am to the community at large and several parts of the community expressed grave concerns over this approach and the GAC in fact adapted consensus advice advising the board to reconsider its decision in approach Lee as with the CCT team. The board came back [indiscernible] does not see a way to proceed with the adoption of the remaining recommendations because those would require further policy development or because those would require consensus among the community on some of the terms used in the recommendations. We will get to that detail now.

So what the GAC support team had prepared for us to review was a specific scorecard that basically sets out the different parts of the review and of the recommendations and basically provides a format for us to follow up on the implementation. And I just want to highlight some of the reviews recommendations that are in of particular interest for the GAC, so the first topic area that the review team identified was that there is as need for better data.

It is extremely difficult to assess how effective policies are if there is absolutely no or very little feedback on how the policies work in practice and while tedious, that feedback requires data collection. So what the review team proposed is to conduct periodic is your registrants, of end user consumers who use the Web for their purchases, social interactions, whatever else they might be using it for, to create greater transparency around the chain of parties, responsible for the gTLD domain registration, there is often a chain of [indiscernible] but are not accredited with ICANN and not necessarily bound by the same restrictions are rules that the parties accredited by ICANN are bound by and made a recommendation for greater accuracy of the WHOIS, a central tool for preventing and combating abuse. When you know your customer, it's harder for them to abuse the domain you license to them.

They made a number of recommendations for sensitive and highly regulated [indiscernible] pharmacy sector, [indiscernible] control to prevent consumer harm. They adopted a number of recommendations on combating and preventing abuse. One of their main thrusts was to create better incentives for the contracted parties to the proactive was not abuse measures so to ensure that abuse is not just accepted as endemic part of the system, but [indiscernible] the GAC commented on the review twice during the process of development of the

recommendations and the GAC actually paid particular attention to the recommendations on abuse highlighting that one of the aims of the gTLDg program was to create a good and space safe and required proactive anti abuse measures.

And then on the measures to combat abuse, a number of recommendations around how ICANN compliance could possibly have a more proactive approach to monitoring abuse and taking measures again particularly bad actors. Then a number of recommendations on improving privacy so to ensure a consistent privacy baseline across the measures and improve community members from underserved regions, because there still is somewhat of an under representation of participants from the community of underserved regions, this is something the GAC is very actively and successfully worked on but a number of community parts that have not yet managed to increase their representation in a similar fashion and of course a challenge for the multi-stakeholder model which seeks to be representative.

And then there was one specific CCT review recommendation that was passed on from the ICANN board to us for further consideration, just I want to highlight for your consideration, give me one second while I pull it up. So what the review team suggested is that there might be room for improvement of how we adopt GAC advice. In particular [reading] that might permit the board to determine how to apply that advice. Part of that we

have already implemented, I'm sure we could always be more clear in our enunciation but we do provide a rationale and the review suggested a template to the GAC to provide advice related to specific TLD's so there's a structure that basically helps GAC check all of the boxes, more of a formal recommendation or recommendation on a formality, but of course one that should be easy for the GAC to implement, one we could probably welcome. Now if we go to the next slide -- yes, of course, Manal.

MANAL ISMAIL, GAC CHAIR: Just a quick comment, because I'm in this weird position of also attending board members so I feel obliged to say that regarding the reaching out or liaising with the CCT rt team, this has taken place and I understand there was a call already between the board and the review team members, and there was some acknowledgment that it was more of a miscommunication thing because in fact none of the recommendations was rejected per se, but rather pending certain actions or certain steps to be taken. And I think this was a bit relieving or provided more clarity and shed more light over the call. So I think there's a lesson to be learned here but the fact is the remaining recommendations are not rejected, per se, but pending certain actions or steps to be taken. Thank you.

CATHRIN BAUER-BULST: Yes, indeed. Thank you, Manal. That's a really important point. And the board also took another action to initiate a general conversation with all the review team relationships to basically see how we can do better on providing recommendations that are actionable by the board. Nonetheless, of course there's always the option for the board to adopt a recommendation and pass it on for policy consideration by the GNSO and it is interesting that the board did not choose to do so for the 29 recommendations now sort of in the limbo state and to the GAC it's interesting because if we want to move on subsequent TLD's we need to have this one completed and clarity on where we go on each recommendation before we can launch any subsequent round.

So if we go to the next slide the leadership has set out a number of points for potential GAC action. And the basic gist is that we should as we already discussed during the abuse mitigation session, [indiscernible] recommendations and to make surely appropriate follow-up is given to them because a large number of them concerns key issues of public policy that require follow up and resolution before we can think about going into the round of subsequent gTLDs. So that was the suggestion you also found in your briefing on possible next steps for the GAC and before turning to the RDS review, I would stop and invite you for possible

comments or questions on this particular review. And I see Luisa, Canada.

LUISA PAEZ:

First of all, thank you for the great update and we thank as well those GAC members and participants, have really put a lot of time and effort into the deliberations of the CCT review. So I just wanted to flag that within the GAC focal group for new round, of gTLD, [indiscernible] would be considering them, as well as the [indiscernible] underserved regions, wanted to flag and bring to the attention of all GAC members, will bring it back to the GAC focal group to consider those recommendations.

CATHRIN BAUER-BULST:

Any other comments or questions on this one?

INDONESIA:

If we look at the final report, you mention that the conventional gTLD is somehow more trusted compared to the new gTLD, something like that, the conventional might be .net or whatever. Now my question is maybe similar to the one I put in the security discussion two days ago. Is there any operational recommendations in the final recommendation that the CCT made to increase [indiscernible] trust to the gTLD for example how can I know that this gTLD from a security point of view this

one is low, high, medium, for example if I make a personal [indiscernible] in Indonesia, I put a PIN. If I put one, one, two, three, four, five, your PIN is extremely weak. If I put 413 blah, blah, blah, not good and so on. If I put difficult words, all commas, and so on, it's strong. Is there any, in your final report, will it be possible to put some sort of operational recommendation like that, that might have security index trust -- when I apply for dot something, I know [indiscernible] from the ICANN point of view, from a trusted [indiscernible] rather than from the gTLD [indiscernible] themselves.

CATHRIN BAUER-BULST: Thank you very much for that question. I have two points on that. I see David Taylor might want to speak as to whether there's a specific recommendation on fostering consumer trust by means of a transparency index. The first category to basically try and decrease abuse across the gTLDs, more pervasively, that does not speak with the possibility to compare one with another and whether one score is another and that's where the transparency measures come in where the team has invited the community to consider creating greater transparency around abuse and making sure there is granular data available on which gTLD are to more abuse than others. I will see whether David wants to complement.

DAVID TAYLOR:

You think you have covered in essence but what we found and concerning to us in the gTLD, we found specific when we commissioned the DNS abuse report, high concentrations of abuse, 20, 30, 40 percent of the entire zone being involved in phishing, and that was what we found completely unacceptable, looking at that level of abuse in a specific registry and registrar and through various -- sorry, specific registry and through various registry and registrars that something needed to be done and the difficulty we had was watching that during the three years of the CCT review team. It was identified and two years later still there. And today and our DNS, it is incumbent upon us we do something to stop that before any next round.

CATHRIN BAUER-BULST:

Thank you, David, and there was a study commissioned by the CCT review team which I find really excellent on trying to monitor abuse in new gTLD and compare to legacy and they found there were five with the highest concentration of domains used in phishing attacks contained 257 percent -- almost 60 percent was concentrated on five new gTLD, and the study found much higher rate of abuse in new gTLDs but that's the study found as many linked to the pricing policy. So bad actors look for the best deal, will only use for a short time, and the new gTLD try to attract

customers through promotions to ensure they have an attractive offer, low prices and sometimes giveaway days and created a lot of opportunities for people who want to create a personal web page or business but also criminal actors who exploit that to create crimes for free or almost free. It could be they have the same possibly weak measures in place from legacy to new but because of the price low, people went for the new and that's something to consider as a follow-up if there were greater transparency around levels of abuse, could be translated into some sort of trust mark for the gTLD, and we see similar in the [indiscernible] UK or EU, very high trust marks [indiscernible] around the sites that operate under their TLD. Other questions or comments? If not, I will give you a brief update on the RDS review team.

I think I have three minutes; is that correct? In any case, I will just take three minutes. If we go to the next slide, please. So a bit of color to revive everyone after this very technical interlude. I might take five minutes. Apologies. So the RDS review team had the enviable task of assessing how WHOIS was working as taken offline and the policy revised. Any recommendation, feel free to come talk to me the other two members of the GAC represented on this group have since left and that's a challenge with the higher GAC turnover that we see out of the five review team members, four are no longer part of the this community. And that

of course is a bit of a pity, especially in terms of long term follow up those recommendations, and something we should consider mechanisms that allow to us track what the reviews have brought about and not look at the next team.

The task of the RDS review team was assess the implementation of WHOIS recommendations of 2012 and review the changes [reading] the main task was assess the extent to which the implementation of WHOIS meets the legitimate needs of law enforcement, promotes consumer trust and safeguards registrant data and looked at ICANN compliance, enforcement of the policy and a small piece of bylaws [reading].

I will show you the breakdown of the work we did and highlight a couple of recommendations for your consideration. The final report back to come out so you will see all of these in writing, the draft final report is available and linked in your paper. We had one recommendation on the strategic priority to be given to WHOIS or RDS, basically refers to the fact that in ICANN policy making there should be sort of an advance planning, there are impacts on the availability of [indiscernible] such as privacy legislation, not sufficiently anticipated by ICANN as a community, one first recommendation was invite the board to constitute a foresight function where they monitor policy functions that might affect the RDS around the globe and have advance planning as to

how the policy changes can be appropriately reflected in ICANN policy.

We had a number of recommendations around compliance which really dovetailed with with what the CCT review team found. Difficult sometimes for ICANN compliance to enforcement existing policy, sometimes link today lack of clarity in the policy but sometimes a lack of resources or impetus in the ICANN compliance work and that is something that we also found as a review team and made a couple of suggestions to improve we had a number of recommendations around the improvement of data accuracy in the RDS data accuracy of key concern, both from abuse mitigation perspective and as a basic principle of data protection legislation. So to cite EU in article 5 a specific requirement for data harass see as a part of ensure data quality in relation to the purposes pursued and it seems obvious if you collect data on individuals if the data inaccurate, does not serve purpose and be be harmful, that is one aspect that we highlighted in four recommendations.

We also assessed the progress on notably international domain names an issue of concern to the GAC because that is where other characters, characters not part of the ASCII character set can be reflected such as accents or different, alphabets [indiscernible] law enforcement, you may remember I gave you an update on what impact the absence of availability of data has had already

on the work of law enforcement, and I'm just -- just want to highlight a couple of key figures. The central point really that before May 2018 law enforcement felt that WHOIS met investigative needs partially or completely 97 percent of law enforcement said at least partially the WHOIS met their needs. 53 percent said completely and when you look at the WHOIS today, 60 percent of law enforcement said it no longer meets their needs and unable to pursue investigations and in a full 26 percent of cases that means the investigations dropped and 52 percent of investigations are delayed. And if you look at [indiscernible] investigations or fast moving cyber crimes means further needs lost and that the investigation cannot result in the same outcomes as if they were swift progress.

So those were matters of concern and that is also included in both the draft and final report got your review with lots of colorful pie charts to peruse at your leisure. And now coming to the last slide, this is the overview of our conclusions. And this comes back to the accountability point that was part of your previous discussions, also something I highlighted at the beginning. So when we looked at the implementation of the WHOIS one report which had 16 recommendations, we had a report from ICANN org which basically listed all of them as fully implemented but when we took a closer look, came to the conclusion there were only 8 that were fully implemented, seven partially and one not at all so

a bit of an issue. And we also adopted a number of new recommendations that are about to be finalized with publication of the report partially take up some of the left over from the first review team where things not implemented properly and partially concerning new points. And worthwhile mentioning there was a cross community effort and all of the recommendations adopted with full consensus since, a lot of work and deliberations, and particularly different because we were walking a little bit on eggshells with the development process and want to thank the other members of the review team and the report about to be published in the coming weeks so stay tuned for some really exciting reading materials that will hit your desk soon. I will stop for questions and comments on this review before we close. If not, thank you very much for your attention.

MANAL ISMAIL, GAC CHAIR: Cathrin, if I may, we have India.

RAHUL GOSAIN: Thank you, Chair. Government of India, for the transcript. I think it would be in order to thank all the members of the review teams who have devoted so much time and effort, especially in view of the fact many not present in person today in this gathering, so perhaps could be an honor to express the appreciation towards the great work being done by them, and we look forward to the

WHOIS 2 report, especially some parts which hold a lot of interest to me, and I hope that the full GAC also is able to go through those recommendations and then comment about them. Thank you.

CATHRIN BAUER-BULST: Thank you so much, very much appreciated. Just to conclude, what we agreed on those two reviews is that basically, as Luisa stated, the recommendations would feed into the GAC focus group on gTLD subsequent rounds before subsequent rounds launched and for the RDS you have not had a chance review the finalized recommendations, so the future GAC plenaries and for the CCT as far as abuse mitigation concerned, we had a discussion on this in the abuse mitigation session where we proposed to the GAC that the GAC public safety working group in relaunching the debate on how better to mitigate and prevent DNS abuse [indiscernible] board felt not yet sufficiently match for consideration. We believe in interest before moving on to possible subsequent rounds because before [indiscernible] go ahead with that. So I would stop here and again, thank you very much and I wish you a very nice rest of the day.

MANAL ISMAIL, GAC CHAIR: Thank you, Cathrin for the informative presentations and for reporting on the RDS WHOIS review team but also filling in for other colleagues for the CCT rt review team. Thank you all.

Please be back in the room at 10:30 to continue our discussion on the GAC operating principles. Thank you.

[END OF TRANSCRIPTION]