ICANN71 | Virtual Policy Forum – GNSO Council Wrap-Up
Thursday, June 17, 2021 – 14:30 to 16:00 CEST

NATHALIE PEREGRINE: Hello and welcome to the GNSO Council Wrap-Up Session. Please note that this session is being recorded and follows the ICANN Expected Standards of Behavior.

At the end of this session, there will be an open mic if time permits. Questions or comments submitted in the chat will be only read aloud during the open mic if put in the proper form, as noted in the chat. Again, for the open mic, if you would like to ask your question or make your comment verbally, please raise your hand. When called upon, kindly unmute your microphone and take the floor. Please state your name for the record and speak clearly, at a reasonable pace, and mute your microphone when you are done speaking.

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PHILIPPE FOUQUART: Thank you, Nathalie and welcome to this wrap-up session of ICANN71. As I said, this is a quite informal meeting that was, as you would recall, traditionally held after the Council meeting. Hopefully we can make it as informal as we used to. So for the observers, you will have— welcome, by the way—you will have access to the chat, as you might

have noted. We will have an open mic, as Nathalie said, at the very end. If you want to type in questions that may be taken during that time as we move along, you can do so, indicating that it's a question for later on. The question time will be subject to how we make progress during this call, obviously. We've got 90 minutes.

So with this, let's go to our agenda for today. Can we have that on the screen? Thank you. As you would have noted, on the list, we've got four topics plus AOB. A quick review of that agenda. Anything in particular that you would like to add an AOB at this point? Feel free to jump in later on but I just want to make sure that if you'd like to add anything at this point, we do so. Okay.

Seeing no hands, let's move on to the first topic. That's our Board meeting and that's planned for the 24th of June. That's Thursday. With the email that was shared on the list, you would have seen that there are, I think, four potential topics on the list. We'll go through them very quickly. On SubPro, I think it's an opportunity, even if it's just a question that we ask if there's anything new on the ODP timeline on SubPro. SAC114, we'll come onto that in a moment.

The result of our discussion on the IDN Guidelines v. 4.0, I think it's right and proper that we at least inform the Board of a letter that they will be receiving soon on the topic. And if you would scroll down a bit. For the record, we have a question mark. We had abuse on the list but I think that's probably more relevant to have an update on accuracy since we will have, very shortly, the output of the small team. So that's the topics that the leadership would suggest for our meeting with the Board.

Just to come back on SAC114, you would recall that we had a review of the SSAC report. We had a couple of comments in parallel. There were other comments provided to the Board on that same report. Rather than going through a correspondence and possibly repeat the elements that were discussed by others, maybe the idea of having this discussed during our meeting with the Board would be a better idea than having correspondence.

So our suggestion would be just simply to ask the existing small team that was dormant on the topic to come up with speaking points on— that we would like to raise, possibly reiterating some of the elements— points that were made by others. That's fine. But at least we would put an end to that small team. So that would be the suggestion for point one.

Pam, Tatiana, do you want to add anything on this? I'm sorry. I've been doing the talking, probably for too long already. Or anyone? Any views on this—on the way forward here? The idea would be at least to make sure that those who were involved in reviewing the SSAC report get on board if this is put on the agenda with the Board for discussion. And as I said, even if some of the points are somewhat duplicative of what others have said already, maybe that's worthwhile repeating. Okay? Okay. Seeing no hands, it sounds like a plan, then.

Let's go to point two. That's the next steps on PPSAI and the follow-up from the agenda item that we had yesterday. So you would recall that we had a readout of the response from Org, GDS, on the question that we asked relative to the ability of the suspended IRT to be reconvened

and address and proceed with their work. We didn't go into the specifics of the response. And notably, and on the progress of the work by the IRT, I think there were a couple of figures in the response. Maybe we want to go through those before we go to our discussion. I don't know if Karen's here. I see, Caitlin, you have your hand up. So, Caitlin, would you mind helping us through this? Caitlin?

CAITLIN TUBERGEN: Thank you, Philippe. Absolutely. As Philippe noted, there's been an outstanding action item from the Council's extraordinary meeting where the Council discussed some of the upcoming efforts. And in terms of the privacy/proxy and the translation and transliteration, these are two IRTs that were paused. So the Council discussed if and when these groups should be reconvened. And before making that decision, the Council had reached out to ICANN Org to determine both the capacity of ICANN Org to take on this work and to reconvene the IRTs, and additionally, the actual IRT members—their bandwidth to resume this work.

So, on Saturday, I had forwarded a response from GDS, from Karen Lentz, that provided some information about the level of effort of restarting these. So first, with respect to PPSAI, when ICANN Org had paused that effort, ICANN was working with the IRT to develop an implementation plan that was in its final stages of preparation prior to publication for public comment.

So in terms of the remaining work for PPSAI, ICANN Org has estimated that prior level of completion to be about 60%. That's because the

implementation plan was in the process of being completed. And then the group would also have to finalize the draft accreditation agreement for privacy and proxy service providers and related materials, including the policy, for public comment. Additionally, following the public comment period, the IRT would be generating and considering responses to that public comment and determining any additional provisions that would be needed.

GDS had noted that along with EPDP work that has been done in the interim, including the implementation of Phase 1 Recommendation 27, ICANN Org would estimate that now the work overall is at approximately 15% because there's some additional steps the ICANN Org would need to take.

ICANN Org also, per the Council's request, reached out to the PPSAI IRT to determine their bandwidth and capacity to take on this work. There were seven affirmative responses, both from the Registrars Stakeholder Group and the IPC. And ICANN Org noted that the overlap with the current EPDP Phase 1 IRT that is meeting is three people. And when reaching out to the IRT members, ICANN Org noted that the time commitment is expected to be a bi-weekly 90-minute meeting unless determined otherwise.

So quickly moving on to the translation and transliteration. Similar to the PPSAI IRT, ICANN Org worked with the IRT to prepare an implementation plan to be published for public comment. And ICANN Org estimated that the work done previously on T&T is approximately

15%. This doesn't appear to have changed significantly since the work had been paused by ICANN Org.

Similar to PPASI, ICANN Org also reached out to the IRT members for T&T. There were 15 IRT members and ICANN Org received four affirmative responses of folks that did have the bandwidth to continue this work. Those affirmative responses came from the Registries Stakeholder Group and the Registrars Stakeholder Group.

Philippe, I'll turn it back over to you unless Karen has anything to add in chat or vocally. Thank you.

PHILIPPE FOUQUART: Thank you, Caitlin. Thanks very much for helping us going through this. Karen, if you would like to add anything, feel free to raise your hand. Any questions? Thank you, Karen. Any questions to staff on those responses? Okay. So just to recap where we are and what we want to achieve. Or chime in if there's anything we need to say. As we said, those are two IRTs. I think I used the singular. We're talking over two things, including T&T and not only PPSAI.

So far, the approach that we took was to say, essentially, that the decision to move along, given that that was a Board decision, wasn't ours. The concern was essentially on the available resources, hence the questions that we asked. Given the feedback received, not only on the progress but also on the available resources, it wouldn't seem to be— and it's my word—an issue.

So in that respect, the decision to move forward … The only element that we would be conveying would be to note a warning relative to resources. But from the Council perspective, the IRTs may proceed. And as usual, if there were policy elements that would emerge moving forward, and that would be no exception, Council would be informed. And if there were things that the PDPs that have completed already and gone through Board approval would need to be revisited, then that would obviously be up to Council to do that. If there were elements relative to that emerging, moving forward, we would be not only informed but requested to take action.

That is … I'm looking for the word here but it's not even common practice. But that's just a statement of facts. I guess what saying—and I'm sorry I'm rambling—is that with this understanding, we would just note the information and, as was our approach originally, let Org proceed with the IRTs as they see fit. And obviously, ask them to come back to Council as appropriate. So that would be the normal course of things moving forward. Any comment on this or anything that you would like to correct? Pam?

PAM LITTLE: Hello, Philippe. Thank you. I will just turn the video on. I hope you can see me. Hi, everyone. I would just echo that I support the approach you suggested. I think that is also consistent with prior correspondence between the Council and ICANN Org, when ICANN Org was trying to decide or consult the Council whether some of the implementation

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work should be paused, such as the PPSAI and the Translation and Transliteration policy.

So I think our position should be consistent. Obviously, once policy recommendations have been adopted by the Council, approved by the Board, the community expectation is that they will be implemented in a timely manner. But these are extraordinary circumstances, in the event of GDPR. So we understand the reason for the pause. But now, given that EPDP is near completion, I think our position should be still that this should be determined by ICANN Org as to when and how to restart these paused implementation efforts.

And if they have policy impacts or implications, that obviously we would like Org to let the Council know so we can determine what to do, how to deal with those policy issues. So that's all I wanted to add. Thank you.

PHILIPPE FOUQUART: Thank you. Thanks, Pam. Karen, I see that you have your hand up.

KAREN LENTZ: Yes. Thank you, Philippe, and thank you, everyone. I wanted to just recall some of the context around Recommendation 27, which was to determine the intent. The Wave 1.5 report was to determine whether there are any updates or changes needed to the existing policy recommendations.

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So the answer could be yes, in which case there would be some policy process to undertake that. The answer could be no, in which case the implementation would be on the recommendations from 2015. Or there could be a mix, where some of the recommendations would be a higher priority than others.

So just wanted to clarify or make a nuance that the question wasn't about do we or do we not restart the IRT but whether there's any policy questions that were identified in the report that should be addressed before the implementation would resume. And if the answer, it sounds like, is no, having read the report, the request from Council is that there's no—or the position is that there's no reason to not continue with the IRT. But that would be helpful if that was stated and that that's confirmed, is that at the moment, there's no sense that there would be any policy-level questions about doing that. Thank you.

PHILIPPE FOUQUART: Thank you, Karen. That's, indeed, what I seem to be concluding from the discussion we had, at both our meeting yesterday and today. And that will be captured. We probably want to have that in writing, in the absence of policy implications for the IRTs to proceed. Thanks for just putting the context into that, Karen. Pam, your hand is still up. Is it a new one?

PAM LITTLE: Sorry. Old one.

PHILIPPE FOUQUART: Okay. Thank you. So with this, I think we can … Any other questions? Flip?

FLIP PETILLION: Thank you, Philippe. I'm a little bit confused regarding PPSAI. You seem to have referred to staff to take a decision on moving forward or not I think I just heard that there is actually no reason to hold it for the moment so we could actually proceed and check off that box. Is that my understanding? Is that correct? Thank you.

PHILIPPE FOUQUART: Yes. That's exactly … I'm sorry. Can you hear me? There's some feedback. Yes. Thanks, Flip. That's exactly the conclusion. It was put on hold because of Rec 27 and in waiting for some guidance, given the report that there might be policy implications that would require that the IRT be kept on hold. And the answer would appear to be no. I think that's the caveat or that's what we discussed and that's the caveat that Karen put in reframing this properly, in what the question was.

So we're not directly asking for the IRT to proceed. We just note that given the report that we received, that there is no, at least at this point, policy work to be undertaken. Obviously, if as the work proceeds … But that's not specific to PPSAI. If, as the work of the IRTs proceed, there were emerging policy work to be needed, then Council would be triggered, as it were. I hope that's clear now. Thanks, Philippe. Anything else?

So I think we can hopefully … I guess the next step is to capture that in a letter. Looking at staff, procedure-wise, we probably want to. Would the [minute] or a report of sorts be necessary procedure-wise? Can we convey that to staff? We may want to take that offline. Steve?

STEVE CHAN: Thanks. I cede to Merike, actually. Or I think she just ceded to me. We're happy to help provide or develop a draft letter for the Council to consider. It makes sense to formally document. Thanks.

PHILIPPE FOUQUART: Yes. I would agree with that. I think even if it's a decision or we've had some of those discussions within Council, we probably want to capture that in the letter. Thank you. Thanks, Steve. Thanks, Merike. Okay. So moving on. Thanks, Karen. Thanks, Caitlin, for those things. Thanks, everyone who chimed in.

Point three, GAC Communique review. A couple of things. As usual, we will need volunteers for this. Beyond that, we had a discussion about the response or the comments on the GAC Communique were. There's certainly going to be some change to what we do. But just to recall that to those who would come forward is that the idea is really simple at this point. It's just to restate the GAC Communique. It's quite straightforward.

I know, with the change of councilors, we've been late last time. But this is meant to be quite straightforward and get the references and resolutions of prior work within Council right as there are referred to in

further analyzing the GAC Communique. It's not meant to go into substantive discussions on the arguments put forward in that communique. Just want to make sure that we are clear on the remit of the exercise.

That being said, all volunteers for this would be welcome, either in the chat or on the list. I think it has been the custom that there are usual suspects for this. But we'll convene, potentially, a new team at every ICANN meeting. Pam, anything to add?

PAM LITTLE: I was just wondering whether Jeff would be able to tell us, at this point, what's in the GAC Communique and what items might warrant Council review and that might spur interest from councilors if they have a particular interest in a particular area or topic. Jeff, do you know that yet? Thanks, Jeff.

PHILIPPE FOUQUART: Yeah. Excellent point. Yes. Thanks, Jeff.

JEFF NEUMAN: There we go. I was just trying to turn on the video. So the first item is a bunch of areas of importance. Of course, they go through a lot of different areas there. But for the advice, there are two areas that they have been discussing and finalizing for the communique. The first one, which is reiterating their … That item may actually move to the follow-up on previous advice. But it's essentially to restate that they would like

the CCT Review Team recommendations that were high-priority or prerequisites to be addressed—or I should say adopted and implemented. So that's one of them.

I would like to actually refer to the email I sent to the Council list earlier this week on that discussion. I think I sent that. I'm so mixed up with days but I believe I sent that this week. And then the second area is with respect to intergovernmental organizations. There have been some discussions between the Board and the GAC on the current reservation of IGO acronyms at the second level and that the Board had made it clear when it initially put those acronyms on reservation for the new TLDs that it was not supposed to be a permanent thing. So there have been some discussions, apparently, between the Board Governance Committee and the GAC that it was getting close to time to lifting those reservations.

I don't exactly know what the communication says because it's not public. There was an email, apparently, sent from the Board chair to the GAC committee or to the GAC leadership. But essentially, the GAC now is going to have advice that says, "Look. Don't lift the reservation of the IGO acronyms at the second level until such time that the curative rights working group—the work track that's going on now—is complete." So they just want to ensure that that reservation doesn't get lifted by the Board prior to the work track being done, although they don't use the word "work track being done." I think it's more that they are satisfied with the outcome of the work track. We'll see what the final language is but that will definitely be the second item.

So those are the two areas of advice. The follow-up on previous advice, there is still the normal things—the things we saw the last time. And we may want to respond or not respond to that follow-up on previous advice as well.

The question I want to ask … And it relates to the next topic so I'll just ask the question and maybe we can address it in the next topic. But for the last communique, I took a step back and didn't really do any drafting other than putting in some previous Council resolutions, just because I didn't want to take an active role in the drafting. But this is something I would certainly or could certainly take a more active role in drafting, obviously, for review by the volunteers on that group.

But I just wanted to throw that out there because I was not very active on the last go-round because of some of the discussions that had taken place prior about being seen as too active. So I'm happy to help draft and to make sure and push it along more than I did the last time, to make sure that it's timely. But this relates to the next subject so I'll stop there.

PHILIPPE FOUQUART: Thanks, Jeff. Any on that last question? Any of you, at this point? Or should we defer to our fourth—I think it's number four—anyway, the next topic? Okay. So we'll come to that later on, then, Jeff. For what it's worth, I tend to think that if it's just … As I said, the exercise is essentially to refer to prior resolutions. And if you would help in gathering that corpus, I think that would certainly be helpful. That's my

sense at this point. So with this, any other comments on this? I saw that a couple of councilors came forward already for this. Thanks to them.

So let's move on. And indeed, the number four on our agenda is the review—as we talked about yesterday, the review of how we approach the role of the liaison and, more broadly, our interactions with the GAC. So for us to do this, what we can do first … The way we can approach this is certainly, we will not have a conclusion at this point, in terms of reviewing the job description of the liaison. I think this will have to be done later on—possibly through a small team. But we need to have discussion on the general remit, both on what we have today but also on the questions and suggestions that Jeff put forward. So we'll do those two things during this session and use part of our time for discussion.

What we can do first is then have a look at the job description. And I think the pointers were circulated on the Council list. I think we can have it on the screen, if possible. I know two URLs were circulated on the Council mailing list, I think. So it would be good if we could have that on the screen, if only to know where we start from. Thank you. Thanks, Emily.

This is the current description of the draft liaison. Would anyone help us understanding … There's been some discussion about the redline— these marks that we see on the screen at the moment. What does that reflect? Could anyone help us with this? Merike?

MERIKE KAEO: Yeah. Thanks, Philippe. As I noted on the mailing list as well, the text that you seen on the screen and that has been used for the call for volunteers was originally developed by the GAC-GNSO consultation group that developed the concept and the pilot originally, and as well, other recommendations to enhance that early engagement in policy activities. That language was adopted by the GNSO Council back in 2016. So as I said, the language has been used. At least from our side, having assisted with putting out this call for volunteers, we never found that we were in a position to update or change this as this was formally adopted by the Council in consultation with the GAC.

The only changes that we made—and that is what is reflected on the screen here—is some updates in the last call that went out last year to reflect that meetings might not be in-person. When this was originally developed, that was, of course, in the environment where all ICANN meetings happened in-person and the GAC was only having its meetings, basically, at ICANN meetings. So those are the updates that were made.

And we added, as well, a requirement that the GNSO put in place to have the liaison produce an annual report that would highlight their engagement efforts, as well as possible improvements, so that could be factored in as part of the yearly review that is expected to take place on the role and that usually follows, then, the appointment or reconfirmation if the liaison that is at that moment in place is interested in continuing. So again, there were some minor changes made, of course.

There may be further updates that are helpful, beneficial. As we noted, from our perspective at least, if they go towards what the liaison is expected to do or how it's expected to engage with the GAC, it is probably something that would need to be done in consultation with the GAC. But if they're, for example, aspects that focus more on liaison's role or participation in the context of GNSO activities, that's more likely something that the Council or GNSO could take on, on itself, as that obviously doesn't involve the GAC. But that is what you see on the screen and that's where it originates from.

PHILIPPE FOUQUART: Thank you, Merike. Any questions on this? I don't think we'll go through the details of this but I think it's important that we just bear in mind where that came from. Okay. So, Emily, would you like to scroll down a bit, just so we have the responsibilities and the actual tasks that are expected? You can scroll down to the end where we talk about review and our annual. Stephanie?

STEPHANIE PERRIN: Thanks, Philippe. I'm just wondering how the GAC envisages managing after—what are we now?—a year and a bit of virtual meetings and, quite frankly, no end in sight. I realize that GAC members are traveling on government passports and may be able to beg essential travel but that's still not going to solve all of their visa issues, and vaccination certificates, and all the rest of this. Are they not thinking of possibly meeting virtually and changing the way they operate? Just an update on that would be useful. Thanks.

PHILIPPE FOUQUART: Thank you. Thanks, Stephanie. It's a good question. It's a double negative but I have no indication that it might. I'm not sure that would be any difference from our GAC colleagues and from what we experience. I'll turn to those who are probably more familiar with the GAC than I am. But I know they have regional meetings sometimes and that in some regions, there might be more flexibility in having those face-to-face meetings. But there we are. So I see, Olga, you have your hand up.

OLGA CAVALLI: Thank you, Philippe. Good morning from Argentina. From my experience of the GAC, the GAC has remote participation for several years. Some delegates were on-site in some meetings and many others could participate remotely. But this has been happening for a long time. So I think if the COVID restrictions still persist in the next meetings, that the majority of work of the GAC could continue. So that highly-specialized been happening for a long time.

PHILIPPE FOUQUART: Thanks, Olga. Maybe—there's a maybe—we need to review, adapt part of the remit of this, at the margin, I guess, in that respect because we're pretty much in the same boat on this. Stephanie, your hand is still up. Is it a new one?

STEPHANIE PERRIN: Sorry. Old hand.

PHILIPPE FOUQUART: That's all right. Thank you, Stephanie. Any other questions on this? Okay. So why don't we suggest, then, having talked about that with the leadership, maybe we could have a look at the questions and suggestions that you put forward, Jeff, to review the remit of this or on potential changes or ideas that you might have in that respect. That would be a good basis for discussion moving forward. Yes, exactly. The recommendations part.

We didn't have quite the time—we went through this. I know, Jeff, you introduced those—didn't quite have the time yesterday to have a discussion about those. But maybe that's a good opportunity for us to do this now. So I'm wondering whether maybe, quickly, if you would elaborate on those suggestions, Jeff. Would you mind doing that?

JEFF NEUMAN: Sure. Yeah. No problem. It would actually be great if you could put the role responsibilities side-by-side next to each other—the document you just had up. But don't worry about that if you can't do it. The first item was that the GAC briefing materials from ICANN staff, prior to ICANN meetings, should be reviewed by GNSO for accuracy and to avoid misunderstandings. If you were able to pull up that responsibilities chart, you'd see the bullet that talks about this being part of the GAC liaison role from the bullet point. But this just hasn't been done to date.

I have requested from ICANN staff the briefing materials, just to review them but never have I gotten them. That's number one. And the rationale, pretty simple, right. If the GAC is deliberating on GNSO matters, it really helps to have the same information that the GAC is given, especially when we have our bilateral meetings. If we have different information, that just doesn't help us in our discussions together.

Then the next … Should I stop after each one? Okay. I do want to address Merike's comment because I think … Okay. Yeah. Sorry. Merike does have the … What it says is, "Liaise with ICANN policy staff who may assist as needed in the preparation of briefing materials and/or responses to questions. So that's where the briefing materials comes in. I've never seen the briefing materials. Oh. Merike's got her hand raised. Sorry. Let me stop.

PHILIPPE FOUQUART: Thanks, Jeff. Merike, before you go on, I have one question on this. But I'm sure it would also apply to other suggestions you might have on the slide. There are things that are, let's say, under our remit in terms of making the decisions. And there are things that would certainly require approval from the GAC. So maybe you could help us making that distinction from this bullet but also—although for this one, I guess it's pretty obvious that this would need GAC's input. So just a thought on this one but also on the others. Apologies for cutting in. Merike?

MERIKE KAEO: Yeah. Thanks, Philippe. I just wanted to, from a staff perspective, how we've always seen this bullet—and I know we've interpreted and worked with the previous liaisons on this—is that the liaison would liaise with ICANN policy staff who may assist the liaison, as needed, in the preparation of briefing materials and/or responses to questions from the GAC.

By my understanding or recollection from when this was originally drafted, this was never envisioned as reviewing or overseeing any and all materials that would go to the GAC on GNSO-related topics. This was really intended to allow the liaison to develop, as needed, either at the request of the GAC or in response to questions they may have, materials with which the GNSO staff could help with in preparing that. So that's always how we've read, and understood, and also worked with previous liaisons on this bullet.

As you may recall, we used to have, as well, the one-pagers that we prepared for the GAC on the status of PDPs. That was one of the examples of the materials that, at the time, we specifically prepared for the GAC to help inform them and enhance their understanding of the PDP and their opportunities to participate in that.

So again, that I think was, at least from our understanding and experience to date, how that bullet has been interpreted. I think Jeff is talking about a separate issue, which may still be completely valid and something the Council may want to pursue or may need to be clarified if that was, indeed, the intent of that bullet. I just wanted to share how

this has been interpreted to date and work with the previous liaisons on that specific item.

PHILIPPE FOUQUART: Thanks, Merike. That's useful clarification. So if I understand correctly, while he acts a go-between, that the liaison doesn't have direct access to those elements, if I'm correct. So, Jeff, I suppose that's a follow-up before we precede with questions on this particular point. Jeff?

JEFF NEUMAN: Yeah. I do have a … I'm just reading what the language says, not the interpretation. That's fine. If the Council want to read it as staff has been reading it, that's fine. When I agreed to take this position, I read the language as it was and that's plain language, is how I interpreted it. But let me just ask the question, more of why shouldn't the GNSO … Forget the liaison but why shouldn't the GNSO see what materials the GAC is getting about GNSO activities prior to an ICANN meeting? Let me just ask that question. Forget on my behalf but just from the GNSO perspective.

PHILIPPE FOUQUART: Thanks, Jeff. I guess that's a question to staff or to others, for that matter. Should the GNSO receive …? I don't know. It seems to me that the material is provided to those who ask for it, even if there's a reference to others. Mary, would you like to help us through this?

MARY WONG: Hi, Philippe and everybody. I don't know how much help I can provide but perhaps I can provide some clarification. As I mentioned in the chat … I want to provide this perspective, not as a member of the GNSO, the policy staff, but as someone in Org who works with multiple community groups.

As I said in chat, it seems like we are talking about two types of briefings—the ones produced by the GNSO policy staff, which as Merike explained, used to be provided to the GAC and now, more or less, it's not a public document that is published as the policy briefing before every ICANN meeting, amongst other preparatory materials. Then there is the set of materials that was always provided to the GAC by its secretariat. And I do note that it is true that the GAC secretariat has now been brought in-house and so those materials are now prepared by the GAC staff. This was a relatively recent development.

What Steve will speak to if he wishes is that as a result, we have started speaking with one another to see how we can improve not just the content. I shouldn't say improve the content but how do we ensure that the content is not just what it should be that people are not repeating efforts. So, for example, one staff team knows what materials are available and where the information lies.

To Jeff's question about why shouldn't the GNSO see it, my understanding is in the distant past, those GAC briefing materials were not even published. And as part of the GAC's evolution, it has opened its meetings, as we know, opened its communique drafting sessions, as we also know, and as also taken to publishing those briefing materials.

It may be something for the Council to consider requesting that those materials be published earlier rather than later. I don't, offhand, recall exactly when they're published but that could certainly be a request that you, as the Council, make to the GAC, separate from the coordination that the staff team are beginning to do.

Finally—and I don't want to comment on any of these recommendations or your discussion because it's not really my place. I just hope that these clarifications make clear the role of the different staff teams. We acknowledge that there's certainly ways we can improve efficiency as well as accuracy. So hopefully this is helpful for you in resolving this question. Thank you, Philippe.

PHILIPPE FOUQUART: Thanks, Mary. I think that's really useful, as well and the historical perspective. And if councilors would weigh in on the need or the point of going back to GAC on whether that publication could be timely for us to have access to those briefing, given that as I understand it, the opposite is true and that briefings from the GNSO policy staff are indeed public, that is something that we can certainly bring forward to the GAC. There's a queue building. So first is Stephanie.

STEPHANIE PERRIN: Thanks very much, Philippe. I've spent a long time working in freedom of information, as well as privacy, so I'm well aware that governments are in the habit, when they have freedom of information laws, of claiming protection for damage to international relations for any kind

of a briefing in a multilateral form. So I get that. However, I think we've got a widening credibility gap here in terms of how the GAC operates within the ICANN context.

I think it's regrettable that the focus has been on poor Jeff and how he's managing because it's really … There are structural issues. And quite frankly, if ICANN is offering secretarial services to the GAC, I can understand that the impulse on the part of governments would be, "Well, that's our confidential briefing on matters that are going on at a multilateral forum so we're not likely to release it." However, ICANN needs to be a fully-open multistakeholder operation and its relationship with governments, I would think, has to be rather clean and transparent.

Now, if these are factual briefings, what is the problem? I'm well aware that factual briefings get protected under freedom of information laws on a routine basis. But surely here in ICANN staff are not making policy recommendations as analysts to the GAC. They should be transparent. It would do much, I think, to clarify the role of governments in their interventions and in their activities. Okay, Jeff. I take your point that is in the chat, that I think we should expressly ask for them to be released in the interest of transparency.

PHILIPPE FOUQUART: Thank you, Stephanie. Indeed, maybe there's … Coming back to the historical elements that Mary provided, maybe there was a structural, organizational element to that previously. Maybe that was not even intentional. But as Jeff indicated, moving forward with this new

approach and the need for transparency, adding our voice to the interest in having those briefings being published and the information being available maybe could help. But, Stephanie, your point is well taken on the need for this. So next is Jeff.

JEFF NEUMAN: Thanks. I don't want to be unfair to the GAC or anyone else. The GAC has not weighed in on this issue. I think the decision not to show the documents is not something that I believe the GAC has made. Let me also point out what I'm asking for and what I'm not asking for. There are a couple components to the briefing documents that the GAC gets. One is the factual situation, the background—actually, three—the factual situation and background, a scorecard, and then recommendations to what the GAC does in response or as part of its advice.

I'm not asking and I don't think we should see the third element. Recommendations of what the GAC should do, that's not our business until after they do it. So I'm not asking for that. The parts that I've seen are the background, the factual statements, and then a scorecard that compares previous GAC advice to what's been done. Those are the components I'm asking for because those are where ICANN staff is presenting the GNSO point of view. So it's there that I think we should have insight into, not the negotiations and that stuff. So I want to put that off the table because I don't want to make it sound like I want to see anything confidential or that the GNSO should see it.

The reason, again, is because, one, we should be seeing the same information that they see, especially when we meet together

bilaterally. But second is I have found inaccuracies in that when I saw it as one of the co-chairs of SubPro. That inaccuracy in the scorecard caused a debate and almost a much larger issue because it swelled up inside of people for weeks before the ICANN meeting started. And then, by the time we got to the ICANN meeting, Cheryl and I were being hammered for something that was inaccurate in the staff document, that we had to then act all defensive on when we never had access to that document to see what they were responding to.

So yes. I understand and I appreciate the fact that it's gotten better, I guess. We do see the briefings after the ICANN meeting, so they are published afterwards. But the only part I'm asking for, again, is the factual background, the statements, and any scorecards that are from the GNSO perspective of what the GNSO has done that either meets or doesn't meet previous GAC advice. That's it. Thanks.

PHILIPPE FOUQUART: Thank you. Thanks, Jeff. That is indeed potentially something that would be limited to … I think there are probably two questions. Something that might be—if it's agreeable, obviously. But I would understand it might be limited to the role of the liaison. I don't even think that you're asking for that to be made public long before the actual publication or the various situations of those documents are provided as they are being developed.

So I'm not saying they should be available to the liaison but I guess what he's saying is that they … He said they should be but it's the discussion

for the group. But it could be limited to the liaison. That's what I'm saying. I assume, Jeff, that was your old hand. Maxim, you're next.

MAXIM ALZOBA: I have two items. First is most probably, GAC is not going to share things which are not ready, or half-baked, or when they haven't reached an agreement to include something or basically to exclude something. So we might ask for some short set of clauses saying what are they ready to share with us? And as justification, to tell that it's solely for the sake of GNSO Council being prepared for the interaction with GAC members and GAC. So just to have at least a couple of days for preparing our side of conversation and to say that if GAC is not ready to share something, maybe they will be ready to share it later. That's it.

So we do not push on them. We just ask for their view—just short version of what they are ready to share this time. That's it. I think it will be easier to ask and maybe they will have less, I'd say, reluctance.

The second item is relevant to the document of GAC liaison, GNSO [comparison chart]. The responsibilities, it has, "Provide regular updates to the GNSO Council." I think there should be some clarity— something similar to relevant to GAC or GAC liaison role—just from the point of view of point of order, let's say, to exclude a situation were all the GNSO councilors, basically elected by their constituencies and most of them are directed of what they do, what they say. And it will make quite limited amount of time we have each meeting better-managed. Thank you.

PHILIPPE FOUQUART: Thanks, Maxim. I think I get your first point. I'm not sure I did get the second point you made but maybe you could come onto that later on or in the chat. Maxim, do you want to do it now since we're at it? Yes, please.

MAXIM ALZOBA: Yeah. I mean the interactions of all the GNSO Council members here have to be more or less in the agenda. And interactions not relevant with the GAC liaison role, basically might done in offline email conversations. Thanks.

PHILIPPE FOUQUART: I see. Thanks. I think that's clear, at least to me. Thanks, Maxim. Tom, you're next.

TOM DALE: Thank you, Philippe. Just a couple of points, if I may. Firstly, it's now two and a half years since the GAC secretary and briefing arrangements were changed. And for the last two and a half years, it has been fully the responsibility of ICANN staff, in the same way that staff support is provided to other SOs and ACs. But before that, there was a hybrid arrangement and the majority of the briefings were prepared by the independent secretariat, of which I was a part.

                       Quite frankly, one of the reasons the GAC was reluctant at that time to share all of the briefing materials on a fully open basis was because they

were actually paying for independent advice and analysis, which was not being provided by staff because that was the agreement between the GAC and ICANN at the time. That, I imagine, has changed somewhat but I don't know because I haven't been involved with GAC work for the last two and a half years. But it was quite a different arrangement, not one that—

PHILIPPE FOUQUART: Is it just me or Tom dropped off? Sorry, Tom. Can you hear us? We lost you for a moment. I lost you, for that matter. No. I'm not alone here.

TOM DALE: Still coming through or not? Is that good?

PHILIPPE FOUQUART: I think you're back. Yes.

TOM DALE: Yes. I'm back. Sorry. Just to quickly make another point, the GAC leadership group always had concerns about fully releasing some of the analytical material in the briefings because they related to strategic and other discussions that happen between GAC members in between meetings, apart from the factual material. There were issues concerning matters debated on the mailing list which, as you know, is not made public, and issues like that.

Again, that's just a little bit of an explanation and that was some years ago now. I would think that, certainly, the factual materials that are prepared by ICANN staff at the present time should be able to be the subject of some agreement for at least factual sharing with the GNSO or through the liaison. Thank you.

PHILIPPE FOUQUART: Thanks, Tom. Thanks, also, for the historical background. The more we talk about it, the more it seems that there were reasons, including potentially financial reasons, why those elements—including the background and factual elements were not shared in the past. Maybe there's ground for us to have that now, at least through the liaison and possible available to the role only. Steve?

STEVE CHAN: Thanks, Philippe. I just wanted to provide a little bit of additional background—I guess some status as well about where everything is sitting now. Based on the one example that Jeff referenced, we're looking to evolve that relationship and level of collaboration with our GAC colleagues. That's already in place. They know that your GNSO support staff, that we're available as references for any of the materials that they develop.

So we're seeking to better formalize how that actually works and it's on the basis of seeing to ensure that the background the current status elements are as accurate as possible. To avoid the error, or the misunderstanding, I guess, is maybe a better way to present it that Jeff

referenced. So this is probably a good position for your support staff because we're used to trying to play that neutral position and operating on a fact-based perspective to be able to make sure that those documents are accurate.

So as Mary noted, I think maybe a separate line of how this could be pursued is making a formal request from the Council to have those materials. And as Jeff noted, maybe it's just the background and current status, not the strategic positioning, of course—to formally ask the GAC if those materials can be shared in advance because I think, as Jeff noted, that formal request hasn't been made. So to say that they're not willing to share is probably inaccurate. So if it's formally asked, that's one thing. They may so no. But I don't think they've been formally asked.

Just wanted to make clear what we're already doing to ensure that those briefing materials that the GAC support team develops are accurate and then also to point out that if those materials are to be shared, that's probably a separate thing to pursue. Thanks.

PHILIPPE FOUQUART: Thank you. Thanks, Steve. Jeff, you're next.

JEFF NEUMAN: Yeah. Thanks. This is a last point. Somewhere in this description—and I think it might be higher up in the description or maybe it's down below. I'm sorry. There's language in there about ascertaining that GAC has all relevant information. It's probably below, then. Yeah. The other thing

that's occurred to me is that it's the role of the Council liaison. It's probably down below, where it says that the role of the liaison is to make sure that the GAC has been given all of the relevant information. I don't know how I can do that without seeing the factual background or the material that's provided to the GAC—again, not about the strategy, not about the discussions that the GAC has had, not about any of that.

But if the role has, in its description—and it's probably down below. I'm not sure. Is this only part of it? This the Word document. You might have to go to the actual webpage, then. Anyway, it does say that the responsibility is to ascertain whether all information has been given to the GAC. The only way to do so is to actually … At least my view is the only way to ascertain whether the GAC has all the information is to actually see the factual information that goes to the GAC.

I don't know why it's not this page. It's on the webpage—the one that I responded to, that was given for the 2020. I apologize it's not up there. Maybe if someone could go to the link. But it is there. Let me know if you want me to go on to the other [bullets].

PHILIPPE FOUQUART: Sure. Just on this one, we'll close that first item. We probably want to, at some point, conclude on this particular point as to whether we should request that. But on substance, it is quite consistent with the idea of getting those … Even if you think about the GAC communique and getting the things straight in terms of the background, and the references, and the resolutions from Council, etc., it's quite consistent

with the spirit of that. But if we could have that reference to the webpage, that would be good, too.

JEFF NEUMAN: Merike just posted it and it is in the objectives description, which is not in this Word document but it's in the webpage. I knew I wasn't just making that up. Maybe we'll just show it, if you can highlight.

PHILIPPE FOUQUART: Yeah. Just make sure that it's in there.

JEFF NEUMAN: Yeah. It's the last three lines of … Yeah. Right, "to ascertain that all of the relevant information has been received by the GAC," and the progress made, etc. But again, I don't know. This is me personally. I know I'm very different than other liaisons that you've had, and I appreciate it, and I know that's my style. But what I take responsibility or job, I like to fulfill the objectives if I can.

The next couple are pretty easy. They're not as controversial, I don't think, which is bringing back Council prep sessions or bilaterals. It's two parts. One is brining back the prep session. And it's harder in the virtual meetings. But certainly, when we're more prepared for the GAC meetings, we can also pick different leads to discuss the subjects. I think the discussions will be more fruitful.

Like the GAC did with us, that you've noticed before the last two meetings, we've worked out the GAC points that they are comfortable

with me forwarding to the Council. I would love to be able to forward points from the GNSO to the GAC prior to our bilaterals, again just to help us, number one, advocate for our positions if we have them. And number two is just to have everything out on the table before we get to these meetings and not be surprised.

PHILIPPE FOUQUART: Thanks, Jeff. And mindful of time, I don't want to cut in or interrupt this discussion. At least on the first point, which is an important one, it seems that there's pretty much concurrence within the group that we should investigate access and possibly lead to us asking formally access to these elements, at least for the liaison.

We have a bit less than 10 minutes. So our intent was to further review this in a small team, for those interested. I think we need to continue this discussion on the review of the role and go through—among other things, through the suggestions that you put forward, Jeff. But mindful of time, I'll go to Pam first. Then we'll need to close the discussion for the moment and then go to our open mic. Pam?

PAM LITTLE: Thank you, Philippe. I just want to thank Jeff and everyone who chimed in on the discussion of this topic since last night or yesterday. As Philippe said, the conversation will continue. I would just like to propose … We've obviously been listening intently to all the discussions, comments made. And the leadership will take them on board. We will consider them and then come back to the Council with

concrete proposals about next steps, including review the job description or the role description, and the suggestion Jeff has made, and also the annual review of the liaison role. We need to do those as part of our job.

So we'll come back to the Council on concrete proposed next steps and continue the conversation with Jeff as well. Thanks, Jeff. Really appreciate it.

PHILIPPE FOUQUART: Thanks, Pam.

JEFF NEUMAN: Can I just offer one closing quick thing?

PHILIPPE FOUQUART: Quickly.

JEFF NEUMAN: In closing, the other recommendations—because I saw a comment from Rafik on the chat, which is these are all the briefing materials but let's talk about the interaction. I think the other recommendations go more towards being more proactive and having the liaison, if the Council wants, to be more bidirectional, meaning that … I know you don't see this because it's not … But if you did attend the GAC meetings, you will notice that I do actively participate in the GAC meetings. If I request the mic, I get it. And I do, where there is a GNSO position or

where there are resolutions, or articles, or briefing docs or whatever, I am very active on that list in posting those and making sure that the GAC is aware of what the GNSO is working on.

Manal is incredible about it. She always reads it into the record. I've made suggestions, including the one that I sent to the Council list yesterday on a potential meeting to discuss the CCT Review Team. So I completely agree that we really need to have a bidirectional kind of relationship and not have it seem so one-way. So thank you. That's it. Thanks.

PHILIPPE FOUQUART: Thank you, Jeff. And indeed, just because we [don't] attend GAC meetings, not as regularly as you do, misconstrue this as the voice of GAC at Council, but indeed, our voice to the GAC. So with this, we'll just close the discussion for a moment. Thanks, everyone who chimed in. And thanks, Jeff, for putting this forward and these suggestions that were the basis of this discussion.

So we are now just five minutes to 4:00 CET. We'll go to open mic for a few minutes, if there are any questions that our observers would like to ask. As I said, there was an opportunity to put questions in the chat as we moved along with our agenda. I have to say that I'm not aware of any. But maybe Nathalie could help me with this. Otherwise, people are certainly welcome to raise their hands and ask any questions they might have. And if there's no question, we'll just finish. But that's not unusual, even during face-to-face meetings, we would four minutes early. Okay.

Seeing no hand, I'll just thank you again for your participation to this wrap-up and to the other Council session yesterday. Hope you have a pleasant, effective, and efficient rest of ICANN71. It's getting close to the end, for those of you who are on a very uncomfortable time zone. We feel for you. It's going to be our turn next time. So all the best to you all. Hope you are all well. Speak to you soon. Bye, all. Thanks.

NATHALIE PEREGRINE: Thank you all for joining the GNSO Council Wrap-Up session. This concludes the call. You may not disconnect your lines. Please stop the recording. Thank you, all.

[END OF TRANSCRIPTION]